MANITOWOC PUBLIC SCHOOL DISTRICT

Policy Manual

396 policies

July 9, 2026

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po0100

DEFINITIONS

0100- **DEFINITIONS**

The bylaws of the Board of this District incorporate quotations from the laws and administrative code of the State of Wisconsin. Such quotations may be substantively altered only by appropriate legislative, judicial, or administrative action.

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

Administrative Guideline

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

Administrator

An employee who holds a position of leadership over a defined function or department of the District, is employed with an administrative contract, and/or who reports directly to the District Administrator.

In policy and administrative guidelines, capitalization of the term Administrator may imply delegation of responsibilities, as appropriate, to staff members.

Apps and Services

Apps and services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100, above) over a network or client-server applications in which the user interface runs in a web browser. Apps and services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their student's progress, and allow staff to perform other tasks related to their employment. Apps and services also are used to facilitate communication to, from, and among, and between, staff, students, parents, Board members and/or other stakeholders, and members of the community.

Board

The School Board, also commonly referred to as the Board of Education, shall take action that is within the comprehensive meaning of the terms "duties and powers" provided that such action is not prohibited by State or Federal law. (Chapter 118, Wis. Stats. and Chapter 120, Wis. Stats.)

Within these bylaws and policies, the terms Board and District may be used interchangeably, depending on the context of the policy.

Bylaw

Rule of the Board for its own governance.

Clerk

The chief clerk of the Board. (See Bylaw 0171.3 - Clerk)

District

The School District is the territorial unit for school administration. Districts are classified as common, union high, unified, and 1st class city school districts. A joint school district is one the territory of which is not wholly in one municipality. (Chapter 115, Wis. Stats.)

Within these bylaws and policies, the terms Board and District may be used interchangeably, depending on the context of the policy.

District Administrator

The administrative head of the School District is sometimes locally referred to as Superintendent.

In policy and administrative guidelines, capitalization of the term District Administrator may imply delegation of responsibilities, as appropriate, to staff members.

District Records Custodian

The School District will designate one (1) District Records Custodian (DRC) to be the legal custodian of records for the District. The DRC shall keep and preserve the public records of the District and is granted authority to render a decision and carry out duties related to those public records. The DRC is designated in Policy 8310 - Public Records.

Due Process

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond. Specific due process requirements are dependent upon the circumstances and may vary depending on such circumstances.

Full Board

Authorized number of voting members entitled by law to govern the District. The full Board is the total number of Board members authorized by law regardless of the number of current sitting members.

Information Resources

The Board defines information resources to include any data/information in electronic, audio-visual, or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, websites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting, or retrieving electronic communications.

Law Enforcement Officer(s) or Agency(ies)

These terms include any local, State, or Federal law enforcement agency of competent jurisdiction and its officers acting within their legal authority.

Legal Custodian of Records

See "District Records Custodian".

Legal Notice

Legal notice means every notice required by law to be published in a newspaper or other publication. There are three (3) classes of notices: class 1 (requiring one (1) insertion); class 2 (requiring two (2) insertions); and class 3 (requiring three (3) insertions). When more than one (1) insertion is required, the notice must be published once each week for consecutive weeks, with the last notice published at least one (1) week before the act or event, unless otherwise specified by law. Sunday publication is permitted.

Local Public Office Holder or Official

Individuals holding those positions designated by the Board as local public offices in compliance with 19.32 (1 dm), 19.42 (7w)(a)(f) and (g), Wis. Stats.

May

This word is used when an action by the Board or its designee is permitted but not required.

Medical Advisor

The School District is required to appoint a medical advisor. The medical advisor shall be a licensed physician and will participate in the annual review of the District emergency nursing services plan. The School District may also have the medical advisor fulfill other roles. PI 8.01(2, g)3

Meeting

Any gathering which is attended by, or open to, all of the members of the Board held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body. 19.82(2), Wis. Stats.

Official Newspaper

A newspaper may be designated by the Board under 985.05, Wis. Stats. Other publication options are available to the Board pursuant to 120.11(4), Wis. Stats.

Parent

The natural or adoptive parents or the party designated by the courts as the legal guardian, custodian, or surrogate of a student including a foreign exchange

student. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

Personal Communication Devices

Personal communication devices ("PCDs"), also referred to as "wireless communication devices," means a portable wireless device that has the capability to provide voice, messaging, or other data communication between two (2) or more parties and includes all of the following: computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, smartwatches, wearable technology, gaming devices, and/or other web-enabled devices of any type.

Policy

A general, written statement by the governing Board that defines its expectations or position on a particular matter and authorizes appropriate action that must, or may, be taken to establish and/or maintains those expectations.

President

The chief executive officer of the Board. (See Bylaw 0171.1 - President)

Principal

The educational leader and head administrator of one (1) or more District schools.

In policy and administrative guidelines, capitalization of the term Principal may imply delegation of responsibilities, as appropriate, to staff members.

Professional Staff Member

District employees who are either certified teachers employed in a position for which certification is a requirement of employment or administrative employees who are responsible for oversight or supervision of a component or components of the District's operation, or serve as assistants to such persons, regardless of whether they hold an administrative contract or are required to have administrator certification, but excluding the District Administrator.

Relative

The mother, father, sister, brother, spouse, domestic partner, parent, child, step-child, grandparents, grandchild, dependent, or member of the immediate household.

School/District Classification

Per 115.01, Wis. Stats., Wisconsin school districts are classified as follows:

Common School Districts:

These districts are responsible for K-12 education, and are the most common type of district in Wisconsin, and operate pursuant to Subchapter I of Chapter 120, Wis. Stats.

Unified School Districts:

These districts serve all grade levels, from kindergarten through high school, and operate pursuant to Subchapter II of Chapter 120, Wis. Stats.

Union High Schools:

These districts focus on high school education and are often formed by a group of smaller common school districts. They operate pursuant to Subchapter I of Chapter 120, Wis. Stats.

School Nurse

A school nurse is a registered nurse who meets the requirements of 115.001(11), Wis. Stats. A school nurse has the authority to exclude students for signs of illness.

School Official

Except if otherwise defined in policy, a school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes),

support staff member (including health or medical staff and law enforcement unit personnel), or a person serving on the Board.

The term school official is inclusive of other parties, such as an attorney, contractor, consultant, volunteer, or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g., a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks (including volunteers) pursuant to the Family Educational Rights and Privacy (FERPA) definition - See Policy 8330 - Student Records.

School Support Organizations (SSO)

Any other nongovernmental organization or group of persons whose primary purpose is to support a District, school, school club, or academic, arts, athletic, or social activities related to a school, that collects or receives money, materials, property, or securities from students, parents, or members of the general public. (Examples: Booster Club, Foundation, Parent-Teacher Association (PTA), Parent-Teacher Organization (PTO), Parent-Teacher Support Association)

Shall

This word is used when an action by the Board or its designee is required. (The word "will" or "must" signifies a required action.)

Social Media

Social media are online platforms where users engage with one another and/or share information and ideas through text, video, or pictures. Social media consists of any form of online publication or presence that allows interactive communication, including, but not limited to, text messaging, instant messaging, websites, web logs ("blogs"), wikis, online forums (e.g., chat rooms), virtual worlds, and social networks. Examples of social media include, but are not limited to, Facebook, Facebook Messenger, Google Hangouts, Twitter, LinkedIn, YouTube, Flickr, Instagram, Pinterest, Skype, and Facetime. Social media does not include sending or receiving e mail through the use of District-issued e-mail accounts.

Student

A person who is officially enrolled in a school or program of the District.

Superintendent

Sometimes the administrative head of the School District is referred to as the Superintendent, but has the authority of the District Administrator by law. In policy and administrative guidelines, capitalization of the term Superintendent may imply delegation of responsibilities, as appropriate, to staff members.

Support Staff

Any employee who provides support to the District's program and whose position does not require a professional certificate. This category includes special education paraprofessionals, even though it is a requirement to hold a special education program aide license issued by the Wisconsin Department of Public Instruction (DPI) or another valid and current DPI license or permit.

Technology Resources

The Board defines technology resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, SLR and DSLR cameras, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.

Treasurer

The chief financial officer of the Board. (See Bylaw 0171.4 - Treasurer)

Vice-President

The Vice-President of the Board. (See Bylaw 0171.2 - Vice President)

Voting

A vote at a meeting of the Board. The law requires that Board members must be present in order to have their vote officially recorded in the Board minutes and to be available for a roll call vote. A Board member's presence at a meeting includes their presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. No voting by Proxy may be recorded or counted in an official vote of the Board. Remote access during quasi-judicial functions (e.g., termination hearings, expulsions) may be permitted after consultation with legal counsel.

Citations to Wisconsin statutes are shown by the Section Number (e.g., 120.11, Wis. Stats.). Citations to the Wisconsin Administrative Code are prefaced by P.I. (e.g., P.I. 11). Citations to the United States Code are noted as U.S.C., Federal Register are noted as F.R., and the Code of Federal Regulations as C.F.R.

Revised 10/8/24

T.C. 1/7/25

Revised 10/14/25

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po0111

NAME

0111 - **NAME**

The Board of Education of this District shall be known officially as the Manitowoc Public School District Board of Education.

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po0112

PURPOSE

0112 - **PURPOSE**

The Board of Education exists for the purpose of providing a system of free, public education for children in grades Pre-K through grade 12.

© Neola 2001

po0113

BOUNDARIES

0113 - **BOUNDARIES**

The Manitowoc Public School District is comprised of the area in the description on file in the Board of Education office.

© Neola 2001

po0114

CLASSIFICATION

0114 - **CLASSIFICATION**

The Manitowoc Public School District shall be classified as a unified school district.

© Neola 2001

po0115

ADDRESS

0115 - **ADDRESS**

The official address of the Manitowoc Public School District Board of Education shall be 2902 Lindbergh Drive, P.O. Box 1657, Manitowoc, Wisconsin, 54221-1657.

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po0121

AUTHORITY

0121 - **AUTHORITY**

The supervision of this District shall be conducted by the Board of Education, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Wisconsin.

© Neola 2001

po0122

BOARD POWERS

0122 - **BOARD POWERS**

The power of this Board extends to those matters expressly or implicitly granted by the constitution, statute, local charter or ordinance, or other law, including the power to do all things reasonable to promote the cause of education unless prohibited by Federal or State law.

The Board shall be a body corporate, and, as such, capable of suing and being sued, levying and collecting taxes, contracting and being contracted with, acquiring, holding, possessing and disposing of real and personal property, and taking and holding in trust for the use and benefit of the District, any grant or devise of land and any donation or bequest of money or other personal property.

The Board shall also authorize the development and promulgation of rules and guidelines by the Superintendent for the proper operation and management of the District, including the conduct of students while in school, at school functions, or en route on school buses, or otherwise under the supervision of school authorities.

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po0123

PHILOSOPHY OF THE BOARD

0123 - **PHILOSOPHY OF THE BOARD**

A Board of Education is a legal entity for providing a system of public education within a geographic area of the State of Wisconsin. The system was created by, and is governed by, State statutes. Members of a Board are chosen by citizens to represent them and the State in the governance of the local schools.

The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. While the Board has an obligation to determine and assess citizen desires, it is understood that when the voters elect delegates to represent them in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

A. Maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the School District, and the citizens shall be urged to bring their aspirations and concerns about the District to the attention of this body.

B. Establish policies and make decisions on the basis of declared educational philosophy and goals.

C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public

education rests with the State, but the Board of Education has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

© Neola 2006

po0131.1

BYLAWS AND POLICIES

0131.1 - **BYLAWS AND POLICIES**

The Board shall adopt bylaws and policies for the organization and operation of this Board. Such policies are to include those needed to meet the education standards established by Wisconsin Statute. In the event of any conflict between these bylaws and policies and any applicable law or regulation, including temporary emergency orders or mandates, the legal authority shall prevail.

Those bylaws and policies that are not dictated by the statutes or rules of the Department of Public Instruction or ordered by the State Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected.

When compelling reasons exist for an immediate revision, the Board may adopt, amend, or suspend any bylaw or policy, provided the amendment, adoption, or suspension does not conflict with law. Any such emergency resolution adopting, amending, or suspending a bylaw or policy under this provision shall expire automatically at the next public meeting of the Board unless the Board moves to adopt the resolution in final form at that subsequent meeting.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board.

The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be included in the Board policy manual.

Technical Corrections

The Superintendent is authorized to review and make technical corrections to policies that have already been adopted through normal rulemaking procedures. Technical corrections are those corrections to policy language or construction that do not reflect a policy decision or substantive consideration by the Board, such as correction of a typographical or grammatical error, inclusion or correction of a statutory citation, renumbering of sections, combining of policies, or similar actions. The District Administrator shall inform the Board of any such changes no later than the next regular Board meeting.

Revised 10/14/14
Revised 12/8/20

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po0132.1

SELECTION OF SUPERINTENDENT

0132.1 - **SELECTION OF SUPERINTENDENT**

The Board shall exercise its executive power in part by employing a Superintendent who shall enforce the statutes of the State of Wisconsin, rules of the Department of Public Instruction, and the policies of this Board.

T.C. 7/9/24

© Neola 2020

po0132.2

ADMINISTRATIVE GUIDELINES

0132.2 - **ADMINISTRATIVE GUIDELINES**

The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the school will be operated. These detailed arrangements shall constitute the administrative guidelines governing the schools which are not inconsistent with statutes or regulations of the Department of Public Instruction or the policies of this Board. (See Policy 1230.01)

Such administrative guidelines shall be binding on the employees and the students of this District when issued.

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po0133

JUDICIAL

0133 - **JUDICIAL**

The Board of Education assumes jurisdiction over any dispute or controversy arising within this District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

In furtherance of its judicial function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.

po0141

NUMBER

0141 - **NUMBER**

The Board of Education shall consist of seven (7) members.

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po0141.1

STUDENT REPRESENTATION AT BOARD MEETINGS

0141.1 - **STUDENT REPRESENTATION AT BOARD MEETINGS**

The Board acknowledges the important contributions students can make to the governance of the schools. The Board believes that student participation at Board meetings can provide a better understanding of the needs and concerns of students. The Board, therefore, welcomes a student representative to the Board.

The student representative(s) or the alternate in the absence of the representative shall:

A. represent all students of the District.

B. serve on a school-year basis beginning in September.

C. be a member of the Student Senate.

The representative shall:

A. be selected by the high school Student Senate.

B. be encouraged to sit at the Board table and enter into discussions answer questions in the same manner as elected Board members.

C. participate during the regular open meetings of the Board.

The student representative is encouraged to:

A. communicate with the students in all the schools in the District.

B. prepare a follow-up report to the Student Senate.

The student representative shall not vote on matters that come before the Board and/or participate in closed sessions of the Board.

Orientation of Student Representative

An orientation meeting shall be held by the Superintendent with the new student representative:

A. explaining the Board's role and purpose;

B. transferring all materials and information;

C. explaining the student representative's role on the Board.

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po0142.1

ELECTORAL PROCESS

0142.1 - **ELECTORAL PROCESS**

Board elections are held during the spring election on the first Tuesday in April in a manner that is consistent with State law.

Declaration of Candidacy

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

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

If an incumbent fails to file a Declaration of Candidacy by the 5:00 P.M. deadline on the first Tuesday in January, candidates may file a Declaration of Candidacy within seventy-two (72) hours following the original Tuesday deadline.

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

Declaration of Non-Candidacy

If an incumbent files a Declaration of Non-Candidacy no later than 5:00 P.M. on the 2nd Friday preceding the Tuesday deadline, there is no extension of the Tuesday deadline.

When the first Tuesday in January is a holiday the deadline becomes 5:00 P.M. the next day.

In addition, if an incumbent files written notification that the incumbent is not a candidate for reelection to their office or fails to file a declaration of candidacy within the time prescribed by this bylaw, the District Clerk shall promptly provide public notice of that fact on the District's website or, if the District does not maintain a website, by posting notices in at least three (3) different locations within the District.

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po0142.2

QUALIFICATIONS

0142.2 - **QUALIFICATIONS**

A school elector in the School District is eligible to be a Board member.

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po0142.3

TERM

0142.3 - **TERM**

The term of each Board member shall be three (3) years commencing on the 4th Monday in April and shall continue until a successor is elected and qualified or until a vacancy occurs.

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po0142.4

OATH

0142.4 - **OATH**

Each newly-elected or appointed Board member shall take and file the oath of office with the Clerk.

On or prior to the fourth Monday in April, any Board member elected or re-elected to office at the spring election shall take and file the official oath. Board members appointed to office between elections shall take and file the oath prior to taking office. The School District Clerk has authority to administer the oath of office unless s/he was re-elected in the spring election. A notary public or other person with authority under law to administer oaths may also administer the oath to members.

The official oath shall be in writing and subscribed and sworn to as required by law. The oath does not need to be administered at or in conjunction with a Board meeting. If desired, the oath may also be administered orally in addition to the written oath.

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po0142.5

VACANCIES

0142.5 - **VACANCIES**

The office of a Board member shall become vacant immediately upon the occurrence of any one (1) of the following events:

A. the death of the incumbent or the incumbent's being found mentally incompetent by the proper court;

B. the incumbent's resignation;

C. the incumbent's removal from office;

D. the incumbent's conviction of a felony or imprisonment for one (1) or more years;

E. the incumbent's election or appointment being declared void by a competent tribunal;

F. the incumbent's neglect or failure to file the oath of office or to give or renew an official bond, if required;

G. the incumbent's ceasing to possess the legal qualifications for holding office;

H. the incumbent moving his/her residence out of the District; or

I. the incumbent is absent from the territory of the District for a period of sixty (60) continuous days, unless such absence is due to active duty in the armed forces, in which case the vacancy shall be temporary for the remainder of the term or until the incumbent returns and files a notice of his/her intent to return to his/her unexpired term.

A vacancy shall be filled by the remaining members of the Board in accordance with 17.26, Wis. Stats.

Filling a Board Vacancy

The vacancy shall be filled by the Board using the following procedure:

A. Appointment by the Board to fill a vacancy shall be by the members of the remaining Board consistent with Bylaw 0162 - Quorum and Bylaw 0167.1 - Voting. All votes shall be recorded, preserved and open to public inspection to the extent prescribed in Chapter 19, Wis. Stats. Secret ballots may only be used when Board members are electing officers.

B. The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.

C. All applicants are to submit a notice of their interest, in writing, to the Board Clerk.

D. The Board may interview all interested candidates to ascertain their qualifications.

E. If the vacancy is not filled within sixty (60) days of the date on which the vacancy first exists, the vacancy shall be filled by appointment of the Board President.

The appointee shall hold office until a successor is elected and takes office under 120.06(4), Wis. Stats. When a vacancy occurs in the office of a Board member who is in the last year of his/her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the 2nd following spring election. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms.

Revised 3/13/12

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po0142.6

RECALL

0142.6 - **RECALL**

Any member of the Board may be recalled pursuant to Chapter 9.10, Wis. Stats.

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po0142.7

ORIENTATION

0142.7 - **ORIENTATION**

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures. Accordingly, the Board shall give to each new Board member no later than the new member's first regular meeting as a Board member for use and possession during their term on the Board, the following items:

A. access to the Board policy manual

B. a copy of each current employee handbook(s)

C. the current budget statement and related fiscal materials

D. review of any pending district litigation

E. review of student achievement data and trends

F. review of board responsibilities and committees

The Board will provide and maintain a library of publications and reference materials for the use of Board members.

Each new Board member shall be invited to meet with the Board President, District Administrator, Business Manager and members of the District administrative team to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

Revised 10/14/14
Revised 7/9/24

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po0143

AUTHORITY OF INDIVIDUAL BOARD MEMBERS

0143 - **AUTHORITY OF INDIVIDUAL BOARD MEMBERS**

Individual members of the Board do not possess the powers that reside in the Board itself. The Board speaks through its actions set forth through motions, resolutions, and other official actions taken at Board meetings and officially noted in the minutes and not through its individual members. An act of the Board shall not be valid unless approved at an official meeting by at least a majority vote of the members present or as otherwise may be required by law.

No member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Revised 3/13/12

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PUBLIC EXPRESSION OF BOARD MEMBERS

0143.1 - **PUBLIC EXPRESSION OF BOARD MEMBERS**

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

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

A. to local media;

B. on social media;

C. to members of the community;

D. to local officials and/or State officials.

Sometimes the public statements, or statements to individuals, by Board members imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents may cause issues for the member, the Board, as well as the District. Therefore, Board members should, when writing or speaking on school matters on social media, to the media, members of the community, legislators, and other officials,

make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

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

A. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter;

B. routine, not for publication, correspondence of the Superintendent and other Board employees;

C. routine "thank you" letters of the Board;

D. statements by Board members on non-school matters (providing the statements do not identify the author as a member of the Board);

E. personal statements not intended for publication.

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

T.C. 1/7/25

© Neola 2024

po0144.1

COMPENSATION

0144.1 - **COMPENSATION**

Board members may receive a stipend.

Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

The following guidelines have been established by the Board of Education to ensure appropriate and proper reimbursement of expenses for Board members.

A. Expenses will be reimbursed only for activities authorized by the Board.

B. Reimbursement for mileage out of the District will not exceed the current rate established by the Internal Revenue Service.

C. When attending a Board-approved conference, all fees, parking, mileage, meals, and housing will be reimbursed.

D. A voucher detailing the amount and nature of each expense must be submitted to the Board for approval.

E. A stipend for printing and copying Board material.

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po0144.2

BOARD MEMBER ETHICS

0144.2 - **BOARD MEMBER ETHICS**

As members of the Board of Education, Board members will strive to improve public education and to that end they will:

A. attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

B. recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

C. render all decisions based on the available facts and independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

D. encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;

E. work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the Superintendent;

F. communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;

G. inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the State and National School Boards Associations;

H. support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

I. avoid being placed in a position of conflict of interest, and refrain from using their Board positions for personal partisan gain;

J. take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law;

K. remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.

Source: Board of Directors, National School Boards Association.

© Neola 2005

po0144.3

CONFLICT OF INTEREST

0144.3 - **CONFLICT OF INTEREST**

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

A. no Board member shall use their position as a Board member to obtain financial gain or anything of substantial value for themself, immediate family as defined in 19.42(7), Wis. Stats., or any organization with which the Board member is associated;

B. no Board member shall accept any offer of anything of value from a person either directly or indirectly, nor shall solicit or accept anything of value, if it could be reasonably expected to influence the Board member's actions;

C. no Board member shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the Board member's duties and responsibilities in the school system and as a public officer;

D. when a member of the Board determines that the possibility of such a personal or financial interest conflict exists, the Board member should, prior to the matter being considered, disclose their interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon. In the event that the potential conflict involves a program or activity in whole or in part financed through Federal grant funds, the potential conflict of interest must be

disclosed to the Federal granting agency consistent with the requirements of the particular granting agency;

E. Board members shall also perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in a contract with the District in an amount that exceeds $15,000 annually or by participating in making or performing some function as a Board member with respect to a contract in which the Board member has a private pecuniary interest, unless statutory exceptions apply;

F. no member of the Board shall hold a paid position within the School District, regardless of the type or level of position or manner of pay. However, a Board member may serve as a volunteer coach, supervisor of an extra-curricular activity, or bus driver in accordance with 120.20, Wis. Stats., and provided for in Policy 8120 - Volunteers.

Revised 8/12/14

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po0144.4

INDEMNIFICATION

0144.4 - **INDEMNIFICATION**

After consultation with appropriate legal counsel, the Board may hold harmless, indemnify, pay, settle, or compromise a judgment against a Board member or employee to the extent allowed under the law.

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po0144.5

BOARD MEMBER BEHAVIOR, COMMUNICATIONS, AND CODE OF CONDUCT

0144.5 - **BOARD MEMBER BEHAVIOR, COMMUNICATIONS, AND CODE OF CONDUCT**

The Board functions most effectively when individual Board members act ethically, professionally, and responsibly. Board members serve as a member of the School District's governing body and do not have individual authority to represent a policy or enforce positions that are not supported by a majority of the Board, as evidenced by official action of the Board (See Bylaw 0143 - Authority of Individual Board Members).

Board members accept responsibility for the well-being and positive leadership of the School District, for protecting the interests of the School District as a legal entity, and for facilitating governance for the purpose of delivering the highest quality educational and related services to all of the District's students. Conduct by Board members that compromises the reputation or legal position of the District is prohibited.

Any authority delegated to the Board President in this policy is automatically vested in the Board Vice President in the event that either the Board President is unavailable or the Board President is the Board member accused of violating this policy.

General Expectations of All Board Members

A. Attend all scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings.

B. Be familiar with and follow applicable local, State, and Federal laws and regulations.

C. Be familiar with and comply with Board policies, including policies governing Board member conduct and Board member ethics, rules of incompatibility of office, qualifications of the office, and conflicts of interest (see Bylaw 0144.3 - Conflict of Interest).

D. Conduct themselves with integrity, honesty, and in a manner that reflects positively on the Board and on the District.

E. Be accountable for guiding and supporting the policy decision-making process that impacts students, staff, and the community. The operation of the District is the responsibility of the administration.

F. Establish and maintain a high level of honesty, credibility, and truthfulness in all matters dealt with by the Board.

G. Treat others with respect and dignity at all times, maintain decorum, and always communicate in a way that does not violate or illustrate disregard for Board policy concerning harassment or discrimination. This decency expectation applies in all communications, including while discussing sensitive or controversial matters, or matters involving disagreement.

H. At all times conduct themselves in the best interest of the School District, including avoiding implicating the District in unlawful activity or supporting or encouraging efforts to harm the reputation, legal standing, or to bring other material harm to the interests of the District or the Board.

I. Recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings.

J. Render all decisions based on the available facts and independent judgment.

K. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community.

L. Work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the District Administrator in accordance with Policy 1100 - District Organization.

M. Communicate to other Board members, in accordance with the Open Meeting Law, and the District Administrator expressions of public reaction to Board policies and school programs s (see Board Member Communication section below, Bylaw 0143.1 - Public Expression of Board Members, and Bylaw 0167.5 - Use of Electronic Mail.

N. Inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the Wisconsin Association of School Boards, the Consortium of State School Board Associations, and the National School Boards Association.

O. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff.

P. Refrain from using their Board positions for personal partisan gain.

Q. Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law.

R. Remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.

S. No Board member shall act or fail to act as a member of the Board in violation of 946.12, Wis. Stats., regarding misconduct in public office.

T. Disclose any actual or perceived conflict of interest.

Board Member Communication

Board members are expected to refrain from engaging in communication on behalf of the Board or on behalf of the District unless authorized to do so by majority vote of the Board (See Bylaw 0143.1 - Public Expression of Board Members).

Any Board member who chooses to engage in individual communication on matters related to Board and/or District business is expected to clearly identify whether the Board member is communicating in the following capacity:

A. On behalf of the Board: normally, this is the function of the Board President or, in the President's absence, the Vice President. The Board may, by majority vote, delegate this responsibility to another Board member in a specific circumstance. In every case, the Board member communicating the Board's position shall do so as determined by the Board and avoiding individual interpretation or editorializing.

B. As an individual Board member, but not on behalf of the Board: a Board member who speaks, including online, in social media forums, or in any other public forum, on matters related to Board and/or District business, but not as an officially designated spokesperson of the Board. The Board member must specify that any statement is not sponsored by the District and is a personal viewpoint.

Board members who fail to adhere to this expectation, or who publicly communicate false or intentionally misleading information pertaining to Board action or District policy, will be asked to correct such communication in a way that is likely to reach the same audience as the false or misleading information. The Board President is authorized to communicate such requests to the pertinent Board member.

The Board President is authorized to issue public statements on behalf of the Board in the event a Board member expresses false or misleading information, or makes statements without properly identifying whether the member of the Board is speaking as an individual Board member. The President's communication should be limited to correcting the false or misleading statement, clarifying that the Board member was not speaking on behalf of the Board, and providing information relative to Board action if any on the subject matter.

Board Member Interaction with Staff

The general expectations of Board member decorum and civility apply to interactions with employees; however, because the Board is the employer of all District staff, this responsibility is appropriate for special reference. Each Board member is an individual with authority to bring matters to the Board and to influence matters related to staff. Therefore, it is imperative that Board members treat all employees with respect and as professionals. Board members are also required to comply with Board Policies governing employee anti-harassment, nondiscrimination, and threatening behavior.

No Board member has inherent authority to require any staff member to respond to the Board member regarding a specific request for information, or to direct any staff member to perform or not perform any task, except as provided by Board policy or as directed by majority vote of the Board.

Board member access to and request for School District records and information is governed by Board Bylaw 0143.2 - Board Member Information Requests.

Board Member Records and Confidentiality

Board members are expected to maintain their own public records created on resources not controlled by and thus not maintained by the School District. Each Board member is an elected official responsible for preserving all public records the Board member creates, and to comply with requests to inspect such records. The District has no obligation nor responsibility to assist any Board member in fulfilling this responsibility with respect to records that are not maintained by the District.

Board members are encouraged to review Board policy defining and explaining public records, their maintenance, and public access (See Board Policy 8310 - Public Records).

Board members are expected to maintain and protect the privacy of District records, including student records, and communications received in closed-session meetings of the Board. Board members must also protect and not disclose records consistent with, and governed by, the Family Education Rights and Privacy Act (FERPA).

Enforcement

Complaints alleging violations of the Board Member Code of Conduct may be brought by any parent, student, staff member or District resident and must be submitted to the Board President or, if the Board President is the member accused of violating this policy, to the Vice President, who under such circumstances shall perform the duties of the Board President described in this policy. All Complaints shall bear the name and signature of the complainant and include a detailed description of the alleged misconduct, any evidence supporting the allegations, and the action/relief being requested.

The Board President may choose to consolidate complaints for consideration if more than one (1) individual files similar complaints, but reserves the right to refuse to consider any subsequent complaint on the same matter unless previously unknown material facts are raised.

The President shall review the complaint and investigate the matter. The President may contact the School District's legal counsel for support in the investigation of the complaint and/or other matters related to the complaint. Upon completion of the investigation, if the conclusion reached is that the Board member violated the policy, the investigator shall brief the Board and may recommend action to be taken.

Board members are elected officials and therefore cannot be prevented from participating in Board meetings, or removed from office by the Board. However, the Board may consider the following:

A. formal censure by resolution passed by a majority of the Board in an open session meeting of the Board;

B. removal from Board committee assignments that is an exception to Bylaw 0155 - Committees;

C. restriction on Board member rights granted by policy, including requesting items for a Board meeting agenda;

D. referral to proceed with efforts to remove the Board member from office for cause, which means inefficiency, neglect of duty, official misconduct, or malfeasance in office;

E. referral to law enforcement if any alleged misconduct constitutes potentially unlawful conduct;

F. other efforts to pursue compliance with and adherence to the policy as determined by the Board and not prohibited by law.

If a complainant or any other person contacts an individual Board member, other than the Board President, to discuss a complaint or investigation under this policy, the Board

member shall inform the person that the Board member has no authority to act in an individual capacity and shall refer the person to this bylaw or the Board President for further assistance.

Revised 10/14/25

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po0145

BOARD MEMBER ANTI-HARASSMENT

0145 - **BOARD MEMBER ANTI-HARASSMENT**

The Board is committed to an environment that is free of harassment. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it.

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

The harassment of a District staff member, student or another Board member by a member of the Board is strictly forbidden. Any member who is found to have harassed a member of the staff, a student or another Board member, will be subject to discipline by the Board and may be reported to law enforcement authorities. (See Policy 0144.5 - Board Member Behavior and Code of Conduct)

The Board believes that sexual or other forms of offensive speech and conduct are wholly inappropriate to the harmonious relationships necessary to the operation of the

District and intolerable in an environment in which students and staff members of this District function.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment. Other forms of harassment include verbal or non-verbal expression related to race, gender, age, religion, disability, pregnancy, or sexual orientation. (See also Policy 1422 - Nondiscrimination and Equal Employment Opportunity, Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, Policy 3122 - Nondiscrimination and Equal Employment Opportunity, and Policy 4122 - Nondiscrimination and Equal Employment Opportunity)

Other forms of harassment include verbal or non-verbal expression related to race, gender, age, religion, disability, pregnancy, or sexual orientation.

Substantial interference with a person/employee's work performance or creation of an intimidating, hostile, or offensive work environment is established when the conduct based on sex or one of the other Protected Classes referenced above, is such that a reasonable person under the same circumstances as the person/employee would consider the conduct sufficiently severe or pervasive so as to interfere substantially with the person's work performance or create an intimidating, hostile, or offensive work environment. (See also Policy 3362.01/Policy 4362.01 - Threatening Behavior Toward Staff Members)

Revised 3/13/12

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po0151.1

ANNUAL BOARD REORGANIZATION MEETING

0151.1 - **ANNUAL BOARD REORGANIZATION MEETING**

The Board shall hold an annual reorganizationmeeting on or within thirty (30) days after the fourth Monday in April. The meeting shall be called to order by who shall serve as presiding officer until the election of the Board President.

Revised 3/13/12

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po0151.2

REQUIRED STUDENT ACADEMIC STANDARDS AGENDA ITEM

0151.2 - **REQUIRED STUDENT ACADEMIC STANDARDS AGENDA ITEM**

In accordance with 120.12(13), Wis. Stats., at the first Board meeting before the next school year, the Board shall include an item on the agenda to approve a notice that clearly identifies the student academic standards under 118.30(1g)(a)1, Wis. Stats. that will be in effect for that school year.

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po0152

OFFICERS

0152 - **OFFICERS**

The Board shall elect, from among its members, a President, Vice-President, Treasurer, and a Clerk. Such election shall occur at the Annual Reorganization Meeting on or within thirty (30) days after the fourth (4th) Monday in April.

19.88(1), Wis. Stats.
120.05, Wis. Stats.

Election of officers shall be by a majority vote of seated Board members present at a Board meeting. Secret ballots may be utilized only for the election of officers. Where no such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify.

The Board shall, in addition to other statutory requirements:

A. designate depositories for school funds;

B. designate those persons authorized to sign checks, contracts, agreements, and purchase orders;

C. designate a day, place, and time for regular meetings which shall be held at least once every month;

Revised 3/13/12
Revised 8/13/24
T.C. 1/7/25

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po0155

COMMITTEES

0155 - **COMMITTEES**

Committees of Board members shall, when specifically charged to do so by the Board, conduct studies, make recommendations to the Board and act in an advisory capacity, but shall not take action on behalf of the Board.

All committees shall comply with the Open Meetings Law by providing notices of each meeting, posting the time and date, place, subject matter of the proposed meeting, and any matter intended for the consideration at the contemplated closed meeting pursuant to 19.84, Wis. Stats. In addition, committee meetings may provide for a period of public comment, and recording appropriate minutes of the meeting. A committee shall require a quorum, consisting of a majority of its members, to take any action. A committee may conduct a closed meeting provided it is for one of the purposes described in Bylaw 0167.2 and the committee abides by all requirements for the conduct of a closed meeting.

The President is authorized to appoint as soon after the Annual Reorganizational meeting as practicable, members of the Board to standing committees where they shall serve a term of one (1) year.

Revised 3/13/12

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po0161

PARLIAMENTARY AUTHORITY

0161 - **PARLIAMENTARY AUTHORITY**

The parliamentary procedure governing the Board, for the orderly conduct of meetings, shall be Robert's Rules of Order, Newly Revised as defined in Chapter XVI, "Boards and Committees" (including such procedural flexibility allowed in Section 49 of Robert's: "Procedure in Small Boards") in all cases in which it is not inconsistent with statute, administrative code, or these bylaws.

When appropriate, the Board President shall appoint the parliamentarian who shall decide any challenges to parliamentary procedure. The parliamentarian need not be a Board member.

Any failure to comply with the above procedural protocols will not affect the validity of any substantive action taken by the Board within its legal authority.

Upon request, each Board member shall be provided with a copy of the rules of order specified in this bylaw.

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QUORUM

0162 - **QUORUM**

Four (4) members present at a meeting shall constitute a quorum when no Board vacancies exist; whenever the Board has one (1) or more vacancies, the quorum during that time shall be a majority of the members on the Board. No Board business shall be conducted in the absence of a quorum.

Two (2) forms of a quorum should be avoided:

"Negative Quorum" – A gathering of less than one-half (1/2) of the members of the Board may be a meeting if that group possesses the power to defeat action taken by the Board of Education.

"Walking Quorum" – Less than one-half (1/2) of the members of the Board gathered together may constitute a meeting if it is one (1) of a series of meetings through which agreement on an issue is reached. A series of e-mail messages, phone calls, or other communications between Board members could be a "meeting" or "walking quorum" because, while the Board members have not physically convened, they can effectively communicate and exercise the authority otherwise vested in the Board.

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po0163

PRESIDING OFFICER

0163 **Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

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po0164

MEETINGS

0164 - **MEETINGS**

Regular Meetings

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

Change of Regular Meetings

If the Board changes the date, time, or place of a regularly scheduled meeting, the meeting notice shall state the date, time, place, and subject matter of the rescheduled meeting, as well as the name and address of the District. Said notice shall be postedon the front door of the Administrative Office Building and at such places as the Board may determine. Meeting notices of scheduled Board meetings shall be posted in accordance with State law. (See also Policy 0166 - Agenda)

Special Meetings

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

The Superintendent and those administrators directed by the Superintendent shall attend all meetings, when feasible. Administrative participation shall be by professional

counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

Notice of Meetings

Public notice of all Board meetings shall be given pursuant to statute. Such notice shall be given, without cost, to any news media which submits a written request for meeting notices and to a news medium likely to give notice in the District's geographic area. In addition, such notice shall be made public in at least one of the following ways:

A. posting the notice in at least three (3) public places likely to give notice to persons affected;

B. posting the notice in at least one (1) public place likely to give notice to persons affected and on the governmental body's website; or

C. by paid publication in a news medium likely to give notice to persons affected.

The notice shall be given, without cost, to the District's official newspaper, the Herald Times Reporter.

The notice shall list the date, time, place, and subject matter of each regularly scheduled meeting of the Board, including subjects intended for the consideration at any closed session, in the form which is reasonably likely to inform members of the public and the news media. To assure that notice of a meeting is specific enough to apprise the public of the purpose of the meeting, the following factors shall be considered: (1) the time and effort required to provide detailed notice; (2) the level of public interest in the particular subject; and (3) whether the meeting will involve routine or novel issues. The notice shall contain the name and address of the District and its telephone number. The notice shall be given at least twenty-four (24) hours prior to the meeting unless for

good cause such notice is impossible or impractical, but in no case may the notice be less than two (2) hours in advance of the meeting.

The notice shall also contain the following statement:

> "Upon request to the Superintendent, submitted twenty-four (24) hours in advance, the District shall make reasonable accommodation including the provision of informational material in an alternative format for a disabled person to be able to attend this meeting."

Cancellation of Meetings

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

Virtual Participation

A Board member may attend virtually in instances where a member is unable to attend in person. The Board member is responsible for making advance arrangements with the District administration to facilitate participation in the meeting. Remote access during quasi-judicial functions (e.g. termination hearings, expulsions) may be permitted after consultation with legal counsel.

A Board member may only attend closed session portions of meetings in person unless the Board member verbally represents that they are alone and their physical location is

secure from any third parties overhearing the proceedings in closed session.

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

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

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

T.C. 2/17/25

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po0165.3

SPECIAL MEETINGS

0165.3 **Special Meetings**

Said notice shall state the date, time, place, and subject matter of such special meeting, as well as the name and address of the District. A notice of any special meeting shall be posted at least twenty-four (24) hours before said special meeting at the Board office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board by personal delivery to the member or his/her residence or by first-class mail, at least twenty-four (24) hours prior to the meeting. A special meeting may be held without prior notice if all Board members are present and consent or each member consents in writing even if s/he does not attend.

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AGENDA

0166 - **AGENDA**

The Superintendent shall prepare and make available, mail, or deliver to each Board member an agenda prior to each regular meeting and each special meeting unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon the concurrence of the Board President. The level of specificity of the description of subject matter for discussion shall be determined considering the following: 1) the time and effort required to provide detailed notice; 2) the level of public interest in the particular subject; and, 3) whether the meeting will involve routine or novel issues.

The agenda of regular meetings or special meetings shall be accompanied by a report from the Superintendent including information and/or a recommendation on agenda items as deemed appropriate by the Superintendent.

The agenda for each regular meeting shall be mailed or delivered, electronically or in person, to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda and supporting materials should be available, mailed, or delivered no later than six (6) days prior to the meeting or delivered so as to provide time for the study of the agenda by Board members. The agenda and supporting materials for a special meeting shall be delivered at least twenty-four (24) hours before the meeting.

The Board shall transact business according to the agenda prepared by the Superintendent and provided to all Board members in advance of the meeting. The order of business may be altered at any meeting by a majority vote of the members present.

If the Board wishes to discuss items that were not posted at least twenty-four (24) hours prior to the meeting, the Board must: 1) post a separate notice of the item(s) no less than two (2) hours prior to the meeting; and 2) show good cause why posting the item at least twenty-four (24) hours prior to the meeting was impossible or impractical.

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VOTING

0167.1 - **VOTING**

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved at a meeting of the Board by a majority vote of the members present at the meeting, unless otherwise required by law, and a proper record made of the vote. A Board member's presence at a meeting includes his/her presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. Remote access during quasi-judicial functions (e.g. termination hearings, expulsions) may be permitted after consultation with legal counsel.

Any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority.

All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member be recorded. Proxy voting shall not be permitted. Any member may request that the Board be polled.

Revised 3/13/12

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po0167.2

CLOSED SESSION

0167.2 - **CLOSED SESSION**

The Board may meet in a closed session, one closed to the public, for specified purposes.

Each closed session requires a majority roll-call vote of the Board and may be held to:

A. deliberate a case which was the subject of any hearing before the Board; (19.85(1)(a))

B. consider dismissal, demotion, licensing, or discipline of any Board employee or person licensed by the Board, or the investigation of charges against such person, and the taking of formal action on any such matter, provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken; (19.85(1)(b))

   The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session.

C. consider the employment, promotion, compensation, or performance evaluation data of any employee; (19.85[1, c)

D. considering the strategy for crime detection or prevention; (19.85[1, d])

E. deliberate or negotiate the purchase of public properties, the investment of District funds, or the conduct of other Board business whenever competitive or bargaining reasons require a closed session; (19.85[(1, e])

F. consider financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; (19.85[1, f])

G. confer with the Board's legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved; (19.85[1, g])

H. consider requests for confidential, written advice from the ethics board under 19.46(2), Wis. Stats., or from any county or municipal ethics board under 19.59(5), Wis. Stats. (19.85[1, h])

The presiding officer shall announce the nature of the closed session and the specific section of the law that allows for the closed session.

No other business other than that stated in the public notice may be conducted at a closed session. The Board may not reconvene its regular or special meeting after a closed session, within twelve (12) hours, unless public notice of the reconvened meeting was part of the public notice of its regular or special meeting.

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po0167.3

PUBLIC COMMENT AT BOARD MEETINGS

0167.3 - **PUBLIC COMMENT AT BOARD MEETINGS**

The Board recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

Public Comment Section of the Meeting

To permit fair and orderly public expression, the Board may provide a period for public comment at any regular meeting of the Board and publish rules to govern such comment in Board meetings.

The presiding officer of each Board meeting at which public comment is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

A. Public comment shall be permitted as indicated on the order of business.

B. Anyone having a legitimate interest in the actions of the Board may comment during the public portion of a meeting.

C. Attendees must register their intention to comment in the public portion of the meeting upon their arrival at the meeting.

D. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.

E. Each statement made by a participant shall be limited to five (5) minutes duration.

F. Participants shall direct all comments to the Board and not to staff or other participants.

G. Participants shall address only topics within the legitimate jurisdiction of the Board.

H. All statements shall be directed to the presiding officer; no person may address or question Board members individually.

I. The presiding officer may:

1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;

2. request any individual to leave the meeting when that person does not observe reasonable decorum;

3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;

4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

J. The portion of the meeting during which the comment of the public is invited shall be limited to thirty (30) minutes, unless extended by a vote of the Board.

K. The Board may authorize administration to arrange for the recording, filming, photographing, broadcasting, or live streaming of open sessions of Board meetings.

L. Signage, banners, or other material that impedes any person's view of the proceedings, including a Board member's view, shall be relocated so as not to obstruct views.

Recording, filming, or photographing the Board's open meetings by Third Parties is permitted pursuant to 19.90, Wis. Stat. Recording, filming, or photographing the Board's closed session is only permitted pursuant to Bylaw 0167.2 – Closed Session. The person operating the equipment should contact the Superintendent prior to the Board meeting to review the possible placement of the equipment, and must agree to abide by the following conditions:

A. No obstructions are created between the Board and the audience.

B. No interviews are conducted in the meeting room while the Board is in session.

C. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience or otherwise disrupt the meeting while the Board is in session.

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po0167.5

USE OF ELECTRONIC MAIL

0167.5 - **USE OF ELECTRONIC MAIL**

E-mail is a form of communication that could conflict with the Open Meetings law and must be preserved for production in the context of a public records request. Board members are strongly discouraged from communicating regarding Board business with other Board members, District administrators, school staff or members of the community via electronic mail.

If a Board member does utilize electronic mail, it may be used only for the purposes of communicating:

A. messages between Board members or between a Board member and employee(s) that do not involve deliberating or rendering a decision on matters pending before the Board;

B. possible agenda items between the Superintendent and the Board president;

C. times, dates, and places of regular or special Board meetings;

D. a Board meeting agenda or public record information concerning items on the agenda;

E. requests for public record information from a member of the administration, school staff, or community pertaining to District operations;

F. brief, factual responses to questions posed by members of the public, administrators, or school staff with a concurrent copy of the response sent to the Superintendent.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

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po0167.6

E-MAIL - PUBLIC RECORDS

0167.6 - **E-MAIL - PUBLIC RECORDS**

There should be no expectation of privacy for any messages sent by e-mail. All e-mail sent or received by any member of the Board in the course of conducting the business of the Board, including e-mail addresses not supplied by the District, shall be provided to the the District Administrator for preservation. Such records may be subject to disclosure under the Public Records law.

The Superintendent in consultation with the District Records Custodian shall devise and develop procedures pertaining to e-mail communications and public records. The custodian shall do the following:

A. develop procedures for collecting, archiving and cataloging Board e-mail communications

B. develop procedures for reproducing Board e-mail communications to comply with a request under the Public Records law

C. promptly disseminate the procedures for collecting, archiving and cataloging Board member e-mail communications to each Board member

Board members are required to provide to the Superintendent and Records Custodian all e-mail communications, when sent or received on an e-mail address other than the District provided e-mail address, using the procedure developed by the Superintendent and Records Custodian without regard to whether the Board member believes the communication is subject to disclosure under the Public Records Act.

Prior to implementation of a procedure for collection of e-mail, all such communications of the Board members must be copied to the Records Custodian or Superintendent.

Board members shall utilize e-mail communication only as described in Bylaw 0167.5.

Each Board member as an elected official is independently required by law to comply with public records requests for e-mail communications sent or received on the Board member's personal e-mail account, which involves District business.

Revised 4/8/14

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po0167.7

USE OF PERSONAL COMMUNICATION DEVICES

0167.7 - **USE OF PERSONAL COMMUNICATION DEVICES**

When performing their duties as a Board member, regardless of whether they are using personally-owned or Board-owned personal communication devices (PCDs), Board members use of PCDs shall be in accordance with the following policies and administrative guideline:

A. Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices

B. Policy 7542 - Access to District Technology Resources from Personally-Owned Personal Communication Devices

C. Policy 7530.01 - Board-Owned Personal Communication Devices

D. Policy 7540.04 – Staff Technology Acceptable Use and Safety

E. AG 7540.04 – Staff Technology Acceptable Use and Safety

For purposes of this Bylaw, PCDs shall be defined as set forth in Board Bylaw 0100 - Definitions.

Revised 4/8/14

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po0168.1

MEETING MINUTES

0168.1 - **MEETING MINUTES**

The Clerk, or a temporary clerk appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the President which should ordinarily occur at the next regular meeting. The minutes shall include all votes taken at the meeting.

Proceedings of each meeting shall be published as a Class I notice within forty-five (45) days of the meeting. The notice shall also contain a listing of receipts and expenditures in the aggregate. There will also be a detailed record of all receipts and expenditures available for inspection at each regular Board meeting and upon written request.

The minutes shall be available for inspection at the Superintendent's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The official minutes shall be maintained in print or in electronic form and shall be accessible in the District office.

The minutes shall show only date, time, place, Board members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called and the names of non-Board member presenters and the reports presented by the Superintendent or designee(s).

Revised 8/13/24
T.C. 11/11/25

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po0171.1

PRESIDENT

0171.1 - **PRESIDENT**

The President of the Board shall:

A. act as chairperson at meetings of the Board and ensure that minutes of meetings are properly recorded, approved, and signed;

B. countersign all checks, share drafts, or other drafts for disbursement of District funds;

C. defend on behalf of the District all actions brought against it;

D. prosecute, when authorized by the Board, actions brought by the District and an action for the recovery of any forfeiture incurred under Chapters 115 to 121, Wis. Stats. in which the District has an interest; and

E. perform other duties appropriate to the office of the President under 120.15, Wis. Stats.

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po0171.2

VICE-PRESIDENT

0171.2 **Vice-President**

The Vice-President of the Board of Education shall act as chairperson of the school board meeting by:

A. presiding at meetings of the Board when the President is not able to attend;

B. performing other duties appropriate to the office of Vice-President as the Board determines;

C. in case of a vacancy in the office of President, succeeding to the office of President for the balance of the unexpired term.

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po0171.3

CLERK

0171.3 - **CLERK**

The Clerk of the Board is responsible for the following duties, which may be completed with the assistance of appropriate staff

A. act as clerk and record the proceedings of all meetings of the Board;

B. enter the proceedings of the Board in proper record books;

C. enter in the record book copies of all Clerk's reports sent to municipal clerks;

D. draw and record orders on the Treasurer as directed by the Board;

E. be the chief election officer of the District with authority to report the name and post office address, within ten (10) days after the election or appointment, of each Board officer to the clerk and treasurer of each municipality having territory within the District;

F. appoint qualified electors of the District to serve on the School District Board of Canvassers for each election in accordance with 7.53(3)(a), Wis. Stats.;

G. perform other duties as prescribed by law or the Board.

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po0171.4

TREASURER

0171.4 - **TREASURER**

The Treasurer of the Board is responsible for the following duties, which may be completed with the assistance of appropriate staff or designee pursuant to Bylaw 0152 - Officers :

A. apply for, receive, and sue for all money appropriated to or collected for the District and disburse the same in accordance with law;

B. enter in the account books all money received and disbursed and specify the source of the funds and the person to whom funds were paid and the object of the payment;

C. immediately upon receipt, deposit District funds in the District's name in a public depository designated by the Board in accordance with 120.12(7), Wis. Stats.; present at the annual meeting a written statement of all money received and dispersed by the District in the preceding year;

D. perform other duties prescribed by statute or by the Board.

T.C. 6/11/24

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po0172

LEGAL COUNSEL

0172 - **LEGAL COUNSEL**

The Board may employ or retain an attorney or attorneys to represent the School District or Board in actions brought for or against the District and to render other legal services for the welfare of the School District.

Authority to contact such counsel for legal advice or assistance on behalf of the District shall normally be that of the Board President and Superintendent unless otherwise specified by the Board.

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po0173

INDEPENDENT FINANCIAL AUDITOR

0173 - **INDEPENDENT FINANCIAL AUDITOR**

The financial records and accounts of the District shall be audited annually by a certified public accountant in accordance with prescribed standards and legal requirements.

The independent auditor shall:

A. examine the balance sheet of the District at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended;

B. conduct such examination in accordance with generally accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary for the circumstances;

C. render an opinion of the financial statements prepared at the close of the fiscal year;

D. make such recommendations to the Board of Education concerning its accounting records, procedures, and related activities as may appear necessary or desirable;

E. perform such other related services as may be requested by the Board.

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po0174.1

ANNUAL REPORT

0174.1 - **ANNUAL REPORT**

The Board Clerk, or the Superintendent if authorized in accordance with Bylaw 0152 - Officers, shall file with the Department of Public Instruction (DPI) (publish) an annual District report by September 1st in the format prescribed by the DPI as required by law.

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po0174.2

SCHOOL PERFORMANCE REPORT

0174.2 **School Performance Report**

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

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po0174.3

OTHER REPORTS

0174.3 **Other Reports**

In addition, the Board shall publish other reports it deems necessary to keep the community and government authorities adequately informed about the operation of the District.

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po0175

ASSOCIATION MEMBERSHIPS

0175 - **ASSOCIATION MEMBERSHIPS**

The Board may maintain membership in the National School Boards Association and Wisconsin Association of School Boards and may take part in the activities of these groups.

The Board may also maintain institutional memberships in other educational organizations which the Superintendent and Board find to be of benefit to members and District personnel.

The materials and other benefits of these memberships will be distributed and used to the best advantage of the Board and staff.

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po0175.1

SCHOOL BOARD CONFERENCES, CONVENTIONS, AND WORKSHOPS

0175.1 **School Board Conferences, Conventions, and Workshops**

The Board of Education recognizes the value of membership and attendance at conferences and meetings at the local, County, State, and National level.

Attendance at local, County, State and National workshops and conferences is encouraged.

Each Board member is expected to report back to the Board after attending a conference at District expense.

Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the District within budgetary limits.

The President of the Board will regularly receive a record of Board member attendance at conferences.

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po0189

VIRTUAL BOARD MEETINGS IN EMERGENCY SITUATIONS

0189 - **VIRTUAL BOARD MEETINGS IN EMERGENCY SITUATIONS**

Board members and/or the public's remote access to the meeting ("virtual meetings") in situations where conditions exist that make it potentially dangerous for the Board to convene in person or in the typical setting that is established for the Board's public meetings (e.g., where a number of people would be in direct proximity to one another). Examples of such dangerous conditions might include a natural disaster, a regional or national emergency, or a serious public health emergency as defined or declared by authorized public health officials, the state, and/or the federal government.

These procedures may be invoked for one or more meetings by a decision of the Board or, in the absence of any Board decision, upon the Board President's determination (in consultation, as needed, with the Superintendent and District legal counsel) that such dangerous conditions exist and that it is reasonably necessary and appropriate to hold one or more virtual meetings of the Board.

Modified Content for the Public Notice of a Virtual Meeting

When posting or otherwise giving public notice of a virtual Board meeting that is to occur under this policy, the District shall, in addition to all other content required by law, include the following information as part of the notice:

A. A statement that the meeting will be conducted as a virtual meeting due to an active emergency situation, meaning that multiple Board members may be participating in the meeting from remote locations through the use of

communications technology and/or that public access to the meeting may be arranged through the use of technology.

B. Although the notice shall identify a physical location for the meeting, which shall normally be the location where at least the presiding officer and Superintendent are present (see below), the notice shall normally also include a statement, as applicable to the specific meeting and emergency circumstances, that substantially reflects the following:

   The District discourages the public and/or media from attending the meeting in person at its noticed location due to concerns with health and safety and encourages use of the alternative method(s) of access that the District is providing. (Such statement may also identify any further limitations or restrictions on in-person attendance that may apply.)

C. Information that identifies how/where a member of the media or general public may access the meeting. For example, apart from any in-person attendance option that may be available, the District may provide access to the meeting via a live broadcast, via a video and/or audio streaming service, and/or via a telephone number for joining an audio conference.

D. District contact information that a person may use to identify and communicate any special needs or any requests for accommodations related to accessing the meeting. This would include any person for whom it would be burdensome or infeasible to use the primary method(s) of remote access established by the District. [Insert as a clarification if desired: "To the extent that doing so would not violate an order, decree, or declaration of a governmental authority, such an accommodation may include granting an exception to otherwise-applicable restrictions on in-person attendance at the meeting."]

E. Unless required by law in connection with a particular item of business, a virtual meeting held under this policy need not include an opportunity for any in-person or other form of public comment during the meeting.

Conducting a Virtual Meeting of the School Board

A. At least the presiding officer of the meeting and the Superintendent (or an administrative-level designee) shall normally be physically present at the meeting location identified in the public notice of the meeting. (Insert if desired: "Unless such presence would violate an order, decree, or declaration that has been issued by a governmental authority or would otherwise be infeasible due to extraordinary circumstances, it is the Board's preference and goal, but not strictly required by this policy in all circumstances, for at least a quorum of the Board to be physically present at the duly-noticed location of the meeting.")

B. Any Board members who are physically present at the posted meeting location will join the virtual meeting using the available technology platform(s). Any Board members who are not physically present at the meeting location will likewise join the meeting from their remote locations via such platform(s).

C. The presiding officer will formally convene the meeting.

1. The presiding officer shall confirm that all Board members who are known to have attempted to join the meeting appear to have an adequate connection to enable their participation as authorized under this policy.

2. The presiding officer shall confirm that the planned methods for allowing public access to the meeting appear to be functioning in a manner that allows for adequate and reasonable public access under the specific circumstances.

D. Quorums for any virtual meeting that is convened under these emergency procedures will be determined by counting the total number of Board members who are participating in the meeting, including both those physically present and those attending remotely via technology. A majority of the total members of the Board shall constitute a quorum. If, at any point, fewer than a majority of the Board members are able to participate, the meeting shall end for a lack of a quorum.

E. Board members who, under this policy, join and participate in a meeting remotely via technology may participate in open sessions of such virtual meetings to the same extent as if they were physically present, including discussing items of business and making and voting upon motions, except that

Board members may not participate remotely in any evidentiary, due-process hearing, whether in open session or closed session, unless the Board affirmatively votes to permit such participation and has either (a) obtained the voluntary consent of the necessary parties to the hearing; or (b) determined, based on advice of counsel, that applicable law (including any order or decree issued to protect public health) requires the Board to allow such participation under the circumstances.

F. The Board's preferred setting and forum for conducting any closed session portion of a Board meeting is an in-person meeting, with a physical quorum of the Board being present and without the remote participation of any Board members. Accordingly:

1. If a physical quorum of the Board is present at the duly-noticed location of a Board meeting and there is no order, decree, or declaration related to the emergency that prohibits the entire Board from attending the meeting in person, then nothing in this policy grants any Board member who is not physically present at such location a right to attend or otherwise participate in a closed session.

2. In the event that the Board considers a motion to convene in closed session during a virtual meeting held under this policy when either (1) a physical quorum of the Board is not present at the duly-noticed meeting location; or (2) there is an order, decree, or declaration related to the emergency that expressly prohibits the entire Board from attending the meeting in person, the presiding officer of the meeting shall poll each member of the Board who wishes to participate in the closed session from a remote location, and each such Board member will be asked to expressly affirm that the Board member has taken appropriate precautions to safeguard the privacy and integrity of the closed session, including but not limited to precautions that would reasonably ensure that the closed session is not being recorded without the Board's permission and that no non-authorized person can hear or access the discussions or other confidential information. The members of the Board may take the response(s) to the request for such affirmations into account in determining whether to authorize or potentially postpone the closed session.

Additional Statements Regarding the Scope and Application of this Policy

A. In the event of the temporary absence or disability of the Board President, the Vice President shall, to the extent necessary, perform the duties and exercise the powers of the Board President under this policy. If the Vice President is also unavailable, the School Board Clerk shall do so.

B. This policy applies to both regular and special meetings of the Board. Minimum requirements for calling a regular or special meeting of the Board, as specified in state law, must still be satisfied in connection with meetings that are noticed and convened under this policy.

C. During meetings that involve the remote participation of any Board members, the Board will take appropriate measures to ensure accurate tallying and documentation of votes, which may include the regular use of roll call votes or other methods that clearly identify the votes of the individual Board members. No Board member who is absent from a meeting may ever vote by proxy.

D. All special voting requirements established by state law for taking particular action must still be satisfied. Such voting requirements are not affected by this policy.

E. If, at any time, the Board is made aware that the methods arranged for providing public access to a virtual meeting under this policy are not allowing adequate and reasonable public access under the specific circumstances, and if such issues cannot be remedied during a brief recess in the meeting, then the Board shall adjourn the meeting.

F. If a Board member has a concern related to the Board President's decision that a virtual meeting is reasonably necessary under this policy, or as to whether the Board should take up any particular item(s) of business at a virtual meeting, such concerns may be evaluated by the Board at the meeting via, for example, a motion to postpone some or all of the noticed agenda items for the meeting.

G. The Board authorizes the Board President to cancel any Board meeting that has been scheduled or noticed during the pendency of conditions that constitute an

emergency situation under this policy (a) if necessary to comply with any mandatory decree, order, or declaration of a governmental authority, or (b) if the Board President determines that health and safety considerations related to the pending emergency situation outweigh any need for the Board to meet, such that the Board would still be able to meet any of its legal obligations (e.g., at a rescheduled meeting) and such that the interests of the District otherwise reasonably permit the cancellation of the meeting. A cancellation under this paragraph shall be effectuated by notifying all Board members and any relevant staff members of the cancellation and by withdrawing any public notice of the meeting and replacing such public notice with a notice of the cancellation (including notifying relevant media).

H. Except as otherwise expressly provided in this policy, the Board's normal policies and practices regarding (list all local policies that the board intends to suspend in connection with meetings held under this policy — for example: "(1) locations for board meetings; (2) quorum determinations; (3) a Board member's attendance at and possible remote participation in meetings; and (4) in-person public comment opportunities during Board meetings") are temporarily suspended for purposes of a virtual Board meeting that is noticed and convened under this policy. However, once the emergency situation no longer exists, this policy no longer applies, and the Board's normal policies and practices regarding its meetings shall again govern subsequent meetings.

I. If desired, address the meetings of board committees and/or other governmental bodies within the district that may meet during the declared emergency. For example: "Subject to any Board decision to temporarily suspend the meetings of such bodies and to the judgment of the relevant presiding officer as to whether it is necessary and appropriate to attempt to hold a meeting, the Board authorizes its subunit committees and any other governmental bodies within the District to hold virtual meetings in compliance with the law and in substantial compliance with the procedures set forth in this policy, with the presiding officer of the applicable body serving in the roles this policy assigns to the Board President."

J. The requirements, procedures, and other provisions of this policy may be suspended or modified by a standard majority vote of the Board to the extent doing so would be consistent with applicable law, including any emergency relief, waiver, or exemption from an otherwise-applicable legal requirement that may be authorized by an appropriate governmental authority.

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po1100

DISTRICT ORGANIZATION

1100 - **DISTRICT ORGANIZATION**

The Board recognizes that the grouping of grades and services within the facilities of the District can assist the efficient operation of the District and help achieve a more effective instructional program.

The Superintendent shall continually monitor the effectiveness of the District organizational plan and recommend to the Board such modifications in the plan which are in the best interests of the students, make efficient use of District resources, and serve the educational goals of the Board. Any reconfiguration of the grouping of grades, the use of buildings, or revision of services as part of the District's instructional program shall require Board approval.

The Superintendent shall be the administrative head of the District. The Superintendent shall define and recommend those administrative positions required to implement the educational system and program of learning established by the Board. Any revision of the District's administrative organizational structure shall require Board approval.

Responsibility shall flow clearly from the Superintendent through administrators to the operational personnel in a manner consistent with the District's plan of supervision for staff.

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to ensure the effective functioning of the District.

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po1110

ASSESSMENT OF DISTRICT GOALS

1110 - **ASSESSMENT OF DISTRICT GOALS**

One of the major functions of the Board of Education is to work with the administration to establish the goals by which the District can accomplish its mission and to provide the resources necessary for their accomplishment. Because of the importance the Board places on accomplishing goals, it has established the following policy for effective assessment of the District's progress toward their realization.

In conjunction with its annual evaluation of the Superintendent, the Board shall also provide the time for both the Board and the administration to assess the progress of the District, during the previous year, toward the achievement of current goals. Both the Superintendent's evaluation and the progress-assessment of goals shall take place at a time of the year when the following conditions are most favorable to assure this policy operates as intended.

A. Adequate and reliable data on results-to-date of each District goal are available (see AG 1110) so assessment and evaluation can focus on how well the District is accomplishing its goals.

B. Evaluations or progress assessments of the District's learning programs as well as evaluations of key administrators and other staff have been completed so such data are available for reference by the District Administrator and Board during the assessment of District goals and the evaluation of the District Administrator.

This annual process of assessing/evaluating the Board, the Superintendent, staff, programs, and resources shall not be considered finished until:

A. District goals and the strategies and actions being used to accomplish them have been reviewed and reprioritized;

B. revisions have been made in light of what all of the evaluation data for that year have indicated should be changed in order to improve the accomplishment of District goals.

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po1130

ETHICS AND CONFLICT OF INTEREST

1130 **- ETHICS AND CONFLICT OF INTEREST**

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

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

A. No administrative employee, officer, or agent shall engage in or have a personal or financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, officer's, or agent's duties and responsibilities in the school system. Specifically, administrative employees must perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in an amount that exceeds $15,000, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private pecuniary interest and/or benefit.

B. Administrative employees shall not directly supervise a relative employed by the District or employed in a position contracted for by the District.

C. Administrative employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, or anything of substantial value or the sale of goods of any type where advantage is taken of any professional relationship they may have with any employee, student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.

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

1. the provision of any private lessons or services for a fee, unless the provision of services is arranged outside of school and is separate from, and in addition to, regular support provided to students as part of the administrator's regular duties;

2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees;

3. the use, sale, or improper divulging of any privileged information about a student or client granted in the course of the employee's, officer’s, or agent’s employment or professional relationship with the School District through their access to School District records;

4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;

5. the requirement of employees, students or clients to purchase any private goods or services provided by an administrative employee, officer, or agent, or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

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

E. Administrative employees, officers, and agents shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

F. Administrative employees, officers, and agents shall not participate in the selection, award, and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit, or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee’s spouse; unemancipated child, stepchild, or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual’s support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee’s dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

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

G. Administrative employees, officers, and agents must disclose any potential conflict of interest that may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

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

H. Administrative employees, officers and agents found to be in violation of this conflict of interest policy will be subject to discipline as specified in the Employee Handbook.

No administrative employee may accept or engage in any employment, consulting, advising, or other professional activity with any organization other than the District, whether the administrator will receive compensation for such outside activity or not, without first obtaining the approval of the Superintendent, or in the case of the Superintendent, such notice must be provided to approval must be obtained from the Board.

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

It is a violation of this policy to take action or to refrain from taking action, or for an administrative employee to otherwise use the employee's public position to obtain a financial gain or anything of substantial value for oneself or the employee's immediate family, as defined in 19.42(7), Wis. Stats.

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po1210

BOARD - SUPERINTENDENT RELATIONSHIP

1210 - **BOARD - SUPERINTENDENT RELATIONSHIP**

The Board believes that, in general, it is the primary duty of the Board to establish policies and that of the Superintendent to administer such policies. Policy should not be originated or changed without the input or recommendation of the Superintendent. The Superintendent should be given the latitude to determine the best method of implementing the policies of the Board.

The District Administrator, as the administrative head of the District, is the primary professional advisor to the Board. As such, the District Administrator is responsible for the development, supervision, and operation of the school program and facilities, including the development of administrative guidelines consistent with Policy 1230.01 – Development of Administrative Guidelines. The Board shall retain oversight of any administrative guidelines established to implement Board policy.

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

In the interests of promoting and maintaining a healthy and productive work environment, the Superintendent shall report to the Board President any information regarding Board member conduct in violation of Policy 3362.01/Policy 4362.01 - Threatening Behavior Toward Staff Members or Bylaw 0144.5 - Board Member Behavior, Communications, and Code of Conduct. If such a report involves the Board President, the Board Vice-President shall be notified.

The Board is responsible for determining the success of the Superintendent in meeting the goals established by the Board through annual evaluations of the Superintendent's performance.

As the administrative head of the District, the District Administrator may delegate duties and responsibilities, including those contained in Board policy, to appropriate members of the staff. Those staff performing such duties and responsibilities shall be held accountable by the District Administrator for their performance as employees of the District.

Individual Board members who receive communications regarding matters within the purview of the administration including, but not limited to, personnel concerns or student/parent concerns, shall immediately refer concerns to the District Administrator, or if the concern relates to the District Administrator, to the Board President.

Revised 1/24/24

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po1211

WHISTLEBLOWER PROTECTION

1211 - **WHISTLEBLOWER PROTECTION**

The Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies, and administrative procedures. The Board expects employees to report to their immediate supervisors any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor that is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare. Additionally, employees are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an Superintendent who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of the employee's immediate supervisor. If the administrator's immediate supervisor is not responsive or is the employee whose behavior is in question, the administrator should report the alleged misconduct to the Superintendent

After such a report is made by the superintendent, the immediate supervisor or the District Administrator will ask that the report be put in writing.

Any superintendent making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the administrator made such a report based on a reasonable and good faith belief that the report is accurate and not based on the superintendent’s intent to harm, harass, intimidate, or retaliate against another individual.

Superintendents are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, administrators are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor or to the Superintendent, as appropriate.

If the alleged misconduct that is reported involves a Board member, the employee shall report to the Superintendent who is authorized to engage the Board's legal counsel to manage an investigation concerning the matter. If the report concerns the Superintendent the administrator shall make the report to the Board President, who is authorized to engage the Board's legal counsel to manage the investigation.
Upon receipt of a report made by a staff member pursuant to this policy, an investigation shall be commenced as soon as possible and shall be handled expeditiously.

T.C. 7/9/24

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STUDENT SUPERVISION AND WELFARE

1213 - **STUDENT SUPERVISION AND WELFARE**

Superintendents are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the superintendent. It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

An superintendent who is found to have had sexual contact with any student shall be referred to the proper authorities and be subject to discipline, up to and including dismissal.

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

Each superintendent shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities which include, but are not limited to, the following:

A. An superintendent shall report immediately any accident or safety hazard about which they are informed, or detect, to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.

B. An superintendent shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or threat of these activities, by students to the

Superintendent and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety.

C. An superintendent should not volunteer to assume responsibility for duties that they cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.

D. An superintendent shall not send students on any personal errands.

E. An superintendent shall not associate with students at any time in a manner that gives the appearance of impropriety including, but not limited to, the creation or participation in any situation or activity that could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any administrator will subject the offender to potential criminal liability and District discipline, up to and including termination of employment.

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

F. An superintendent shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.

G. An administrator, other than the Superintendent, shall not transport students for school-related activities in a private vehicle without the approval of their immediate supervisor and consistent with the provisions of Policy 8660. This does not apply to any student who is an superintendent's family member.

H. A student shall not be required to perform work or services that may be detrimental to their health.

I. Superintendents shall not engage students in social media and online networking media (see also Policy 7544), except for appropriate academic, extra-curricular, and/or professional uses only.

J. Superintendents are expressly prohibited from posting any picture, video, meme, or other visual depiction, or comment pertaining to any student on personal or unauthorized social networking media or similar forums. This provision of the policy does not apply to pictures and/or videos taken of public events that may involve or incidentally include depictions of students participating in or observing such events where the purpose of the photo or video is to depict the event, not a particular student. This section does not apply to depictions of an superintendent's own child or other relative.

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

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

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po1220

EMPLOYMENT OF THE SUPERINTENDENT

1220 - **EMPLOYMENT OF THE SUPERINTENDENT**

The Board of Education vests the primary responsibility for administration of this District in the Superintendent of Schools. The appointment of that officer is, therefore, one of the most important functions the Board can perform.

Whenever the position of Superintendent shall be vacant, the Board shall appoint a Superintendent of Schools as chief executive officer and fix his/her salary and term of office which shall be no more than two (2) years. However, a contract for a term of two (2) years may provide for one or more extensions of one (1) year each, consistent with 118.24(1) Wis. Stats.

The Board shall actively seek the best qualified and most capable candidate for the position of Superintendent.

It may be aided in this task by:

A. a committee of Board members;

B. the services of professional consultants;

C. the counsel of the out-going Superintendent;

D. the participation of members of the community.

Recruitment procedures may be prepared in advance of the search and may include:

A. preparation of a written job specification for the position of Superintendent;

B. preparation of written specifications of qualification in addition to proper State certification;

C. preparation of informative material describing this District and its educational goals;

D. where feasible, the opportunity for applicants to visit the schools of this District;

E. the requirement that each selected candidate for the position be interviewed by Board members in a format that encourages him/her to express his/her educational philosophy;

F. solicitation of applications from a wide geographical area;

G. consideration of all applicants fairly without discrimination on the basis of race, color, gender, age, religion, ethnic background, disability, or other condition unrelated to the position of Superintendent.

No person may be employed as Superintendent of this District unless s/he has the proper Wisconsin certification or has applied for certification as a superintendent in Wisconsin and has signed an employment contract with the Board. If certification has been applied for, receipt is to be timely.

No person may be employed as Superintendent of this District unless s/he has signed an employment contract with the Board.

Such contract shall include:

A. the term for which employment is contracted, including beginning and ending dates;

B. the salary which the Superintendent shall be paid and the intervals at which s/he shall be paid;

C. the benefits to which s/he is entitled;

D. such other matters as may be necessary to a full and complete understanding of the employment contract.

The Superintendent so appointed shall devote himself/herself to the duties of his/her office.

Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to

constitute grounds for his/her dismissal.

The person selected for the position of Superintendent shall be required to undergo a physical examination reasonably related to the duties s/he will be required to perform, the cost of which shall be borne by the District.

The Superintendent will be notified of the results of the medical examination upon receipt. The reports of such examination, and any documents acquired containing genetic information, will be maintained in a separate confidential personnel medical file in accordance with the Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA).

Revised 02/08/11

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RESPONSIBILITIES OF THE SUPERINTENDENT

1230 - **RESPONSIBILITIES OF THE SUPERINTENDENT**

The Superintendent of Schools shall strive to achieve District goals by providing educational direction and supervision to the professional staff and supervision to the support staff and by acting as a proper model for staff and students both in and outside the District.

Duties and Responsibilities

The Superintendent shall be directly responsible to the Board of Education for the performance of the following assigned duties and responsibilities:

A. keep the Board informed of school operation by preparing monthly Board agendas, providing oral and written communication, scheduling management team committee meetings, and requesting special Board meetings that become necessary to keep the Board properly informed

B. ensure that all aspects of District operation comply with State laws and regulations as well as Board contracts and policies

C. establish and maintain any written educational plan that may be required by law and consistent with the educational goals adopted by the Board

D. ensure proper implementation of the current District-wide instructional plan

E. strive to increase the efficient use of District resources in the daily operations of the schools

F. assign staff to achieve the maximum benefit toward the attainment of educational goals

G. evaluate the progress of the professional and support staff toward the attainment of educational goals

H. analyze the results of instructional program development as it applies to the Board's educational goals

I. recommend changes in instructional or staffing patterns based on an analysis of staff and program progress

J. work to assure, where appropriate, that the decision-making process includes participation of the administration and staff, parents, students and others in the community

K. work cooperatively with parents and community groups concerned with programs in the schools

L. develop personal capabilities in personnel strategies and facility management

M. work cooperatively with the Board and administrative staff

N. strive toward the highest standards of personal conduct

O. perform other duties as assigned by the Board and as consistent with statute

P. perform such other duties as the Board may direct

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po1230.01

DEVELOPMENT OF ADMINISTRATIVE GUIDELINES

1230.01 - **DEVELOPMENT OF ADMINISTRATIVE GUIDELINES**

The Board delegates to the District Administrator the function of designing and implementing the guidelines, required actions, and detailed arrangements under which the District will operate. These administrative guidelines shall not be inconsistent with the policies adopted by the Board.

The Board itself will formulate and adopt administrative guidelines and rules only when required by law, and when the District Administrator recommends Board adoption.

The District Administrator may also issue such administrative and student handbooks as the District Administrator may consider necessary for the effective administration of the schools and distribute them to employees and students and/or their parents.

The District Administrator may consult with appropriate District leadership and stakeholders, when appropriate, during the development of administrative guidelines.

As long as the provisions of these administrative guidelines and handbooks are not inconsistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees and students.

All current administrative guidelines and handbooks shall be published on the District website and be readily accessible to staff, students, parents, and community members

to ensure transparency and ease of access.

The District Administrator shall maintain a current organizational chart to which immediate reference can be made by the Board or any employee of the Board.

Revised 1/11/24

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EVALUATION OF THE SUPERINTENDENT

1240 - **EVALUATION OF THE SUPERINTENDENT**

The Board believes it is essential that it evaluate the Superintendent's performance periodically in order to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the District with the best possible leadership.

The Board shall annually, no later than December 30, evaluate the performance of the Superintendent.

Such evaluation shall include an assessment of:

A. the progress toward the educational goals of the District;

B. the working relationship between the Board and the Superintendent;

C. the Board's own effectiveness in providing direction to the Superintendent.

Such assessments will be based on defined quality expectations developed by the Board for each criterion being assessed.

The Board and the Superintendent, jointly, shall, at the outset of each evaluation, determine the method by which the evaluation shall be conducted. Such a method may

include:

A. the Superintendent's own self-analysis of the current status of the District;

B. the active participation of each Board member;

C. on a prepared standard form

by individual Board members, which shall then be reviewed jointly by the Board and Superintendent.

As an outcome of the evaluation of the Superintendent's performance, the Board should be prepared to judge the advisability of retention of the Superintendent and be prepared better to:

A. make decisions related to the Superintendent's contract renewal;

B. determine the Superintendent's salary;

C. identify strengths and weaknesses in the operation of the District and determine means by which weaknesses can be reduced and strengths are maintained;

D. establish specific objectives, the achievement of which will advance the District toward its goals;

E. improve its own performance as the public body ultimately charged with the educational responsibility of this District.

Revised 3/23/21

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po1241

NON-RENEWAL OR TERMINATION OF THE SUPERINTENDENT'S CONTRACT

1241 - **NON-RENEWAL OR TERMINATION OF THE Superintendent'S CONTRACT**

The Board has an obligation to the students, parents, and residents of this District to employ the professional leadership the Board feels best suited to meet the educational needs of the students. The Board shall meet this obligation through recruitment, hiring, and supervision efforts designed to assure that the Superintendent is highly qualified and meeting performance standards while in the position.

If the Superintendent's performance is found to be unsatisfactory by the Board, the Superintendent shall be notified in writing by the President. The Superintendent shall normally be given an opportunity to address identified deficiencies in performance.

If the Board intends to consider non-renewal of the Superintendent's contract, it shall give the Superintendent written preliminary notice by registered mail at least five (5) months prior to the expiration of the contract.

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

At least four (4) months prior to the expiration of the contract of the Superintendent, the Board shall provide notice, in writing, of either renewal of the contract or refusal to

renew such contract. No person may be employed or dismissed except by a majority vote of the full membership of the Board.

Non-renewal or unilateral termination of the Superintendent's contract shall be consistent with State law and with the provisions of the employment contract between the Board and the Superintendent. The Board President, with the assistance of Board legal counsel, shall be responsible for compliance with non-renewal or termination procedural requirements.

By mutual agreement of the Board and the Superintendent, the employment contract may be modified or terminated. Policy 3140 - Non-Renewal, Resignation, and Termination applies to administrators other than the Superintendent.

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INCAPACITY OF THE SUPERINTENDENT

1260 - **INCAPACITY OF THE Superintendent**

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

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

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

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

If the Board determines that the Superintendent is unable to perform the duties of the office, the Superintendent may:

A. at the Superintendent's request, be placed on sick leave, with pay, not to exceed the amount of accumulated, but unused, sick leave and any advancement of such sick leave which may be authorized by Board policy;

B. at the request of the Board be placed on sick leave with such pay to which the Superintendent may be entitled or which may be authorized by Board policy;

C. at the Superintendent's request, be placed on a leave without pay.

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

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

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

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

The foregoing leave shall not extend beyond the contract of the Superintendent.

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

The Board may demand that the Superintendent return to active service upon medical documentation that the Superintendent is able to resume the position's duties.

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po1400

JOB DESCRIPTIONS

1400 - **JOB DESCRIPTIONS**

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

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

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

Each professional staff member's job description shall contain the following provision:

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

Each support staff member's job description shall contain the following provision:

"The employee shall remain free of any alcohol or illegal substance in the workplace in compliance with Policy 4122.01 throughout his/her employment in the District."

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

Job descriptions shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

Each job description shall include the requirement that the staff member serves as a positive role model for students and to help instill in students the belief in, and practice of, ethical principles and democratic values.

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

During the hiring process, the current job description for the position for which the individual is interviewing shall be provided to the candidate.

From time-to-time, the Board further recognizes that the Superintendent may find it necessary to revise job descriptions for support staff positions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who are affected by that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

Revised 2/10/10

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po1421

CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS

1421 - **CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS**

Criminal History Record Check

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's administrative staff. Any contracts with outsourced services, employment agencies, or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District.

The District Administrator shall establish the necessary procedures for obtaining any criminal history on the applicant.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

Employee Self-Reporting Requirement

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

The District Administrator, as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication, shall notify the board for any criminal or municipal offense.

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

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

Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

T.C. 2/10/26

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po1422

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

1422 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices.

District Compliance Officer

The Board designates the following individual to serve as the District's "Compliance Officer" (hereinafter referred to as the "CO").

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

The name, title, and contact information of this individual will be published annually on the School District's website.

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

Reports and Complaints of Unlawful Discrimination and Retaliation

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

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

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

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

Investigation and Complaint Procedure (See Form 1422 F2)

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

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

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

Complaint Procedure

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

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

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

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

complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

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

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation

must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

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

The decision of the Superintendent shall be final.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Board will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality,

however, cannot be guaranteed. All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.

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

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general.

Revised 2/10/15
T.C. 6/11/21
T.C 1/7/25
T.C. 2/10/26

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po1422.02

NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

1422.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information also is prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 1422 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the District and published in any District statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the District as required by Federal and State law and on the District website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq., and 29 C.F.R. Part 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide any genetic information, including the individual’s family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for

employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a District employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the District.

The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits District employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall be redacted immediately and not shared beyond the point of first receipt.

As used in this policy, "genetic information" means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for or receipt of genetic services or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the District's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The District's Compliance Officer (see Policy 1422 - Nondiscrimination and Equal Employment Opportunity) is responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer also shall verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Board, from requesting or requiring genetic information of an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions

concerning compliance with the requirements of GINA may be directed to the Compliance Officer at 920-686-4787.

The grievance procedure for complaints of discrimination in Policy 1422 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if an employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

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po1460

PHYSICAL EXAMINATION

1460 - **PHYSICAL EXAMINATION**

The Board requires any candidate who has been offered employment in a position that involves contact with children or the preparation of food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire. Additional testing may be required to assure freedom from tuberculosis in communicable form.

The Superintendent may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job-related and out of necessity for safe and proper performance of job duties.

Freedom from tuberculosis in a communicable form is a condition of employment.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 1460 F2).

Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 1422.02 the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic

information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

The results of any physical examination conducted in the course of the employment process shall be solely for the purpose of determining employment eligibility or as may otherwise be required by law. Consideration of physical information in employment shall be consistent with the Americans with Disabilities Act (ADA) as amended and the Wisconsin Fair Employment Act (WFEA).

The Board shall assume any fees for required examinations.

Revised 12/12/17

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po1461

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

1461 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board to protect students and employees from the effects of contagious diseases and other circumstances that render administrators unable to perform their duties.

The Board authorizes the District Administrator to place an administrator on leave for a physical or mental condition that affects the employee's ability to perform assigned duties in conformance with the law.

The District Administrator may require that the administrator submit to an appropriate examination by a healthcare provider of the administrator's choice, a healthcare provider designated and compensated by the District, or both.

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

As required by Federal law and regulation and Board Policy 1422.02 - Nondiscrimination Based on Genetic Information of the Employee, the District

Administrator shall direct the provider designated by the District to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

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

If, as a result of such examination, the administrator is found to be unable to perform assigned duties, the administrator shall be placed on a leave of absence pending further determination of ability to perform duties, including evaluation of any reasonable accommodations in the event of the existence of a disability.

Should an Administrator, as defined in Policy 0100 - Definitions, refuse to submit to the examination requested by the District Administrator, such refusal shall subject the administrator to disciplinary action.

The District Administrator may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 3430.01 - Family & Medical Leave of Absence (FMLA) as provided by law.

In the event the District Administrator is the administrator subject to this policy, the Board President shall direct the appropriate actions pursuant to this policy and Policy 1260 - Incapacity of the District Administrator.

Revised 12/12/17
Revised 8/13/24

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po1619

GROUP HEALTH PLANS

1619 - **GROUP HEALTH PLANS**

The Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide certain health benefits to employees as permitted by law.

The Board has elected to provide health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

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po1619.01

PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

1619.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS**

The Board provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

A. Medical Plan

B. Prescription Drug Plan

C. Dental Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Executive Director of Business and Operations to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic protected health information. The Board hereby appoints the Executive Director of Business and Operations to serve as the Security Official of the group health plans.

The Board's Security Official shall conduct a risk analysis and develop, propose to the Board, and implement internal policies and procedures for the group health plan(s) relating to the security of electronic protected health information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative procedures in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and the Security Official in connection with the performance of their delegated duties for the group health plans except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official and/or Security Official as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and Accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

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PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

1619.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Vision Plan

B. Employee Assistance Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic protected health information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Executive Director of Business and Operations to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and/or controls all of the

equipment and media used to create, maintain, receive, and transmit electronic protected health information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The U.S. Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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po1619.03

PATIENT PROTECTION AND AFFORDABLE CARE ACT

1619.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the actions listed below.

A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Such notice shall be consistent with the sample notice language provided by the U.S. Department of Labor.

B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

   In the event the District concludes that it is fiscally advantageous to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

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T.C. 2/17/25

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FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

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

Introduction

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

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

Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven (7) years andmust have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave.

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

Qualifying Reasons for Leave

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

A. for the birth of the eligible staff member's child and to care for a newborn child

B. for placement with the eligible staff member of a child for adoption or foster care

C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

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

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

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

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

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

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

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or

aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating

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

1. inpatient medical treatment, recuperation or therapy;

2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or

3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave

during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for the staff member's own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

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

Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, the staff member is entitled to a total of twelve (12) work weeks of leave in a fiscal year running from July 1 to the following June 30 for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

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

A. a total of six (6) weeks of leave for the birth of the staff member's natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;

B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and

C. a total of two (2) weeks of leave due to the staff member's serious health condition.

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

Definitions of Serious Health Conditions

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

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

A. **Hospital Care**

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

B. **Absence Plus Treatment**

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

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or

2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

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

C. **Pregnancy**

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

D. **Chronic Conditions Requiring Treatment**

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;

2. continues over an extended period of time (including recurring episodes of a single underlying condition); and

3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. **Permanent/Long-Term Conditions Requiring Supervision**

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

F. **Multiple Treatments (Non-Chronic Conditions)**

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

Required Staff Member Notice

The staff member must provide the Superintendent with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a

family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

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

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

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

Certification By Healthcare Provider

If a staff member requests leave due to their own serious health condition or the serious health condition of their spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave,

any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

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

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

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

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

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

third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

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

Designation of Leave

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

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

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

The Superintendent will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the

payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

Manner In Which Leave Can Be Taken

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

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

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

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

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

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member mustuse the following leaves provided by the Board, if available:

A. vacation or personal leave, if available, for any family or medical leave;

B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and

C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

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

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

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

Continuation of Benefits

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

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

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

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

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

Accrual of Benefits

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

Employment Restoration

A staff member will generally be reinstated to the same position they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any

accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if the staff member had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, the staff member is not entitled to be reinstated.

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

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

Fitness For Duty Certification

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

The certification will be limited to the particular health condition that caused the staff member’s need for leave, except as otherwise permitted by the Americans With

Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job-related and consistent with business necessity.

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

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

Confidentiality

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

No Discrimination

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

Miscellaneous

The Superintendent may designate another administrator to perform theirduties under this policy.

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

The Superintendent shall see that the policy is posted properly.

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

Revised 3/10/15

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po1662

EMPLOYEE ANTI-HARASSMENT

1662 - **EMPLOYEE ANTI-HARASSMENT**

Prohibited Harassment

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

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

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

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

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the District, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Definitions

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

A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment that materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;

C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

Sexual Harassment

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

A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;

B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;

C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;

D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment;

E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where

such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;

F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

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

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. physical and/or sexual assault;

C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;

D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;

E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

I. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; and

J. verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

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

Boundary Invasions

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However, other behaviors might be going too far, are inappropriate, and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

A. hugging, kissing, or other physical contact with a student;

B. telling sexual jokes to students;

C. engaging in talk containing sexual innuendo or banter with students;

D. talking about sexual topics that are not related to curriculum;

E. showing pornography to a student;

F. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");

G. initiating or extending contact with students beyond the school day for personal purposes;

H. using e-mail, text messaging, or websites to discuss personal topics or interests with students;

I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;

J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker room, asking about bra sizes or previous sexual experiences);

K. going to a student's home for non-educational purposes;

L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);

M. giving gifts or money to a student for no legitimate educational purpose;

N. accepting gifts or money from a student for no legitimate educational purpose;

O. being overly "touchy" with students;.

P. getting a student out of class to visit with the staff member;

Q. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;

R. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);

S. being alone with a student behind closed doors without a legitimate educational purpose;

T. telling a student "secrets" and having "secrets" with a student.

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

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating

an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surname, and/or involves religious slurs.

National Origin Harassment

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

Age Harassment

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

Race/Color Harassment

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

Disability Harassment

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

Reports and Complaints of Harassing Conduct

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

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

Reporting procedures are as follows:

A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

B. Teachers, administrators, and other school officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.

C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.

D. Appropriate school officials are as follows:

1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the Superintendent who shall assume the role of the District Compliance Officer for such complaints.

2. Any complaint under this policy regarding the Superintendent or Board Member that is received by the District Compliance Officer shall be referred to the School Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.

E. The reporting party or complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting

forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the Superintendent.

District Compliance Officer

The Board designates the following individual to serve as the District's "Compliance Officer" (hereinafter referred to as the "CO").

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

The name, title, and contact information of this individual will be published annually on the School District's website.

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

The CO is assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such

recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.

Investigation and Complaint Procedure

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

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

Complaint Procedure

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

Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal,

Super or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

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

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

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deemed appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the complainant or respondent.

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

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

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

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation

and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the complainant has been subject to harassment. The COs recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The CO may consult with the School Board Attorney before finalizing the report to the Superintendent.

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

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

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

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

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

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

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the Superintendent shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Allegations Constituting Criminal Conduct

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

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

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

Reprisal

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

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

Miscellaneous

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

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the Board in consultation with the Superintendent determines is necessary or appropriate.

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

T.C. 6/11/21
T.C. 1/7/25
T.C. 2/10/26

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po2105

MISSION OF THE DISTRICT

2105 - **MISSION OF THE DISTRICT**

The mission of the MPSD is to provide an appropriate educational program and learning environment that will effectively:

A. MEET THE EDUCATIONAL NEEDS OF ITS STUDENTS;

B. HELP ITS STUDENTS ACCOMPLISH EDUCATIONAL GOALS WHICH ARE:

1. SIGNIFICANT,

2. DURABLE,

3. TRANSFERABLE.

Explanation of Key Words and Phrases

The following explanations are provided in order to facilitate a common understanding of the Mission Statement:

.....appropriate educational program

The program will encompass those classroom, co-curricular, and extra-curricular activities specially designed for students whose needs are met through:

A. special education,

B. vocational education,

C. academic education,

D. community education.

.....appropriate learning environment

Facilities and grounds that are conducive to acquiring knowledge, attitudes, and skills because students and staff are physically and psychologically safe and focused on accomplishing clearly-defined objectives and goals.

....meet the educational needs

Such needs consist of those learnings that each person must have to function as a responsible, productive member of society and to make it possible for the person to realize personal goals.

....goals that are significant, durable, and transferable

A **significant**educational goal is one in which the knowledge, skills, and/or attitudes that are acquired will affect how a person will live his/her life.

A **durable**educational goal is one in which the knowledge, skills, and/or attitudes that are acquired will be useful for much, if not all, of a person's lifetime.

A **transferable**educational goal is one in which the knowledge, skills, and/or attitudes that are acquired can be applied directly to another educational program, to the world of work, and/or to one's personal life.

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po2120

MANAGEMENT RESTRUCTURING AND SCHOOL IMPROVEMENT

2120 - **MANAGEMENT RESTRUCTURING AND SCHOOL IMPROVEMENT**

The Board of Education supports the concepts of management restructuring and school improvement and will seek to create and/or maintain effective schools as defined in this and other policies.

In addition to adopting a Mission Statement and Educational Philosophy for the District, the Board shall create, as needed, policies that support the Management Restructuring and School Improvement Process.

The Superintendent shall establish administrative guidelines that will ensure that the following objectives for decentralized management and shared decision-making can be achieved:

A. School improvement plans which are developed and implemented by school-based teams that work collaboratively so that both building level and District level goals for students can be identified and correlated, and then achieved through effective planning, problem-solving, and assessment. Each such team is to include:

    1. professional staff;

    2. support staff;

    3. parents;

4. representatives of the community;

5. students, when applicable.

B. A District-wide, school-improvement plan which provides for building-level decision-making. Each school's improvement plan is to include:

1. a mission statement;

2. curriculum aligned to the goals;

3. evaluation procedures;

4. staff development;

5. use of community resources and volunteers;

6. decision-making processes;

7. other matters as determined by the District Administrator.

C. Periodic review and approval by the Superintendent and the Board of each school's modification and improvement of its program based on the school's assessment of student accomplishment of performance objectives and program goals.

D. Collaboration at both the building and District levels with parents, relevant institutions and groups, especially those in the community, who can support and facilitate school improvement in the District.

Upon approval of a school's initial plan and its later revisions, the Board and Superintendent shall fully support, to the extent that resources allow, the school's educational improvement program.

This improvement program may include:

A. co-curricular activities;

B. extra-curricular activities.

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po2131

EDUCATIONAL OUTCOME GOALS AND EXPECTATIONS

2131 - **EDUCATIONAL OUTCOME GOALS AND EXPECTATIONS**

In fulfillment of the District's mission to provide a quality education for all students, the Board believes the mission is being accomplished when students confirm that they have achieved the following educational goals.

Academic Skills and Knowledge

A. Basic skills including the ability to read, write, spell, perform basic arithmetical calculations, learn by reading and listening, and communicate by speaking and writing.

B. Analytical skills including the ability to think rationally, solve problems, use various learning methods, gather and analyze information, make critical and independent judgements and argue persuasively.

C. A basic body of knowledge that includes information and concepts in literature, fine arts, mathematics, natural sciences, including knowledge of the elements of agriculture and the conservation of natural resources, and social sciences, including knowledge of the right and responsibilities of the family as a consumer, cooperative marketing and consumers' cooperatives.

D. The skill and attitudes that will further lifelong intellectual activity and learning.

E. Knowledge in computer science, including problem-solving, computer applications, and the social impact of computers.

Vocational Skills

A. An understanding of the range and nature of available occupations and the required skills and abilities.

B. Preparation to compete for entry-level jobs not requiring postsecondary school education.

C. Preparation to enter job-specific vocational training programs.

D. Positive work attitudes and habits.

Citizenship

A. An understanding of the basic workings of all levels of government, including the duties and responsibilities of citizenship.

B. A commitment to the basic values of our government, including by appropriate instruction and ceremony the proper reverence and respect for and the history and meaning of the American flag, the Declaration of Independence, the U.S. Constitution, and the constitution and laws of the State.

C. The skills to participate in political life.

D. An understanding of the functions of organizations in society.

E. Knowledge of the role and importance of biological and physical resources.

F. Knowledge of State, National, and world history.

G. An appreciation and understanding of different value systems and cultures.

H. An understanding, at all grade levels, of human relations, particularly with regard to American Indians, Black Americans, Hispanics, Hmong Americans, and Asian Americans.

Personal Development

A. The skills needed to cope with social change.

B. Knowledge of the human body and the means to maintain lifelong health, including:

1. knowledge of the theory and practice of physical education, including the development and maintenance of physical fitness.

2. knowledge of the nutritive value of foods, as outlined in the Dietary Guidelines of Americans, and knowledge of the role of a nutritious diet in promoting health, preventing chronic disease, and maintaining a healthy weight.

3. knowledge of physiology and hygiene, sanitation, the effects of controlled substances consistent with ch. 961 and alcohol upon the human system, symptoms of disease and the proper care of the body. No student may be required to take instruction in human growth and development, self-esteem, responsible decision-making, interpersonal relationships, sexual activity, human sexuality, reproduction, contraception, family life, parenting, sex stereotypes and protective behavior if his/her parent files with the teacher or principal a written request that the student be

exempted. Instruction in physiology and hygiene shall include instruction on sexually transmitted diseases and shall be offered in every high school.

4. awareness about drug abuse, including prescription drug abuse, and prevention.

C. An appreciation of artistic and creative expression and the capacity for self-expression.

D. The ability to construct personal ethics and goals.

E. Knowledge of morality and the individual's responsibility as a social being, including the responsibility and morality of family living and the value of frugality and other basic qualities and principles referred to in article I, section 22, of the constitution insofar as such qualities and principles affect family and consumer education.

F. Knowledge of the prevention of accidents and promotion of safety on the public highways, including instruction on the relationship between highway safety and the use of alcohol and controlled substances under ch. 961.

G. The skills needed to make sound decisions, knowledge of the conditions which may cause and the signs of suicidal tendencies, knowledge of the relationship between youth suicide and the use of alcohol and controlled substances consistent with chapter 961 and knowledge of the available community youth suicide prevention and intervention services. Instruction shall be designed to help prevent suicides by students by promoting the positive emotional development of students.

H. Knowledge of effective means by which students may recognize, avoid, prevent and halt physically or psychologically intrusive or abusive situations which may be harmful to students, including child abuse, sexual abuse, and child enticement. Instruction shall be designed to help students develop positive psychological, emotional, and problem-solving responses to such situations and avoid relying on negative, fearful, or solely reactive methods of dealing with such situations. Instruction shall include information on available school and community prevention and intervention assistance or services and shall be provided to students in elementary schools.

The Board believes that all students in this District will be able to demonstrate these learnings at a level that is commensurate with their age and capabilities.

The Superintendent is charged with the responsibility for providing, through the District's curriculum and appropriate administrative guidelines, opportunities for each student to accomplish these goals as well as a valid means for assessing the extent to which each is accomplished.

Student achievement of these educational goals represents the Board's highest priority. It should be the highest priority, as well, for the administration and for all members of the staff.

Revised 8/12/14

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po2131.01

READING INSTRUCTIONAL GOALS AND KINDERGARTEN ASSESSMENT

2131.01 - **READING INSTRUCTIONAL GOALS AND KINDERGARTEN ASSESSMENT**

The Board shall approve a program of reading goals for students for grades four (4) year-old kindergarten and five (5) year-old kindergarten to 12.

To promote students' reading skills, the Board requires the Superintendent to employ a certified reading specialist who will be responsible to develop and coordinate a comprehensive reading curriculum for students in grades four (4) year-old kindergarten and five (5) year-old kindergarten to twelve (12).

The goals shall be based on an assessment of existing reading needs of students. Subsequently, the students shall be assessed based on the reading goals.

The Reading Specialist shall annually prepare a report evaluating the reading curriculum of the School District and forward the report to the Superintendent who shall present the report to the Board.

Assessments of Reading Readiness

An appropriate, valid, and reliable assessment of literacy fundamentals selected by the Department of Public Instruction (DPI) shall be administered annually to each student enrolled in four (4) year-old kindergarten through second grade.

The results of a student's assessment shall be reported to the student's parent.

A student whose assessment indicates that the student is at risk of reading difficulty shall be provided with interventions or remedial reading services.

Interventions or remedial reading services shall be provided for a student in five (5) year-old kindergarten to grade three (3) if the student is identified as at-risk based on the assessment tool.

Interventions

Within the period of time specified by law, the District Administrator shall, for each student identified as at-risk, do the following:

A. Create a personal reading plan for the student that includes at least all of the following:

1. The student's specific early literacy skill deficiencies, as identified by the applicable assessment.

2. Goals and benchmarks for the student's progress toward grade-level literacy skills.

3. How the student's progress will be monitored.

4. A description of the interventions and any additional instructional services that will be provided to the student to address the student's early

literacy skill deficiencies.

5. The programming using science-based early reading instruction, as defined in s. 118.015 (1c) (b), that the student's teacher will use to provide reading instruction to the student, addressing the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

6. Strategies the student's parent is encouraged to use to help the student achieve grade-level literacy skills.

7. Any additional services available and appropriate to accelerate the student's early literacy skill development.

B. Provide the interventions described in the student's personal reading plan to the student, as soon as practicable.

C. Monitor the student's progress at least weekly using the method described in the student's personal reading plan to determine whether the student demonstrates an inadequate rate of progress.

D. Provide a copy of the student's personal reading plan to the student's parent and obtain a copy of the student's personal reading plan signed by the student's parent.

E. After providing the interventions described in the student's personal reading plan to the student for ten (10) weeks, notify the student's parent of the student's progress, as determined under the student's personal reading plan.

Revised 8/12/14
Revised 2/20/24

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po2132

EDUCATIONAL PROCESS GOALS

2132 - **EDUCATIONAL PROCESS GOALS**

In order to achieve educational outcome goals, the Board of Education will establish policies which will authorize and encourage:

A. instruction which bears a meaningful relationship to the present and future needs and/or interests of students;

B. specialized and individualized kinds of educational experiences to meet the needs of each student;

C. opportunities for professional staff members and students to make recommendations concerning the content and operation of District programs;

D. an environment in which any interaction among individual students and groups of students helps them learn how and when competition and cooperation are appropriate and productive in accomplishing goals;

E. efficient and effective use of educational resources;

F. continued professional growth of staff members;

G. constructive cooperation with parents and community groups.

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po2210

CURRICULUM DEVELOPMENT

2210 - **CURRICULUM DEVELOPMENT**

The Board recognizes its responsibility for the quality of the educational program of the schools. To this end, a District curriculum plan shall be developed, evaluated, and adopted. The plan shall include overall program evaluation processes that provide for evaluation on a continuing basis and shall provide for the review of the evaluation process at least every five (5) years. The District curriculum plan shall include sequential curriculum plans, which provides an organized set of learning experiences that build upon previously acquired knowledge and skills.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined to include the courses of study, subjects, classes, and organized activities provided by the school.

The Board directs that the curriculum shall be developed and evaluated by the Superintendent, and that curriculum plans and courses of study incorporated into the curriculum of this District:

A. provide instruction in courses consistent with statute and regulations of the Department of Public Instruction or appropriate State agency;

B. ensure, consistent with 115, Wis. Stats., and other applicable Federal and State laws and regulations, that special learning needs of students are provided for in the context of the regular program or classroom and provides for effective coordination with programs or agencies that are needed to meet those needs that cannot be dealt with in the regular program or classroom;

C. be consistent with and designed to achieve the District's philosophy and goals;

D. incorporate State-recommended performance standards for students as the basis for determining how well each student is achieving curriculum objectives;

E. allow for the development of individual talents and interests as well as recognizes that learning styles of students may differ;

F. provide a strategy for continuous and cumulative learning through effective articulation at all levels, particularly of those skills identified as essential and life-role skills;

G. utilize a variety of learning resources to accomplish the educational goals;

H. encourage students to utilize school counseling services in their academic and career planning;

I. in the elementary grades, provide regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art and music;

J. in grades 5 to 8, provide regular instruction in language arts, social studies, mathematics, science, health, physical education, art and music;

K. in grades 9 to 12, provide access to an educational program that enables students each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education, art and music;

L. provide regular instruction in foreign language in grades 7 and 8;

M. in one of grades 5 to 8 and in one of grades 10 to 12, provide students with the instruction on shaken baby syndrome and impacted babies described in 253.15 (5), Wis. Stats.;

N. incorporate instruction in financial literacy into the curriculum in grades kindergarten to 12;

O. at least once in grades 5 to 8 and at least once in grades 9 to 12, include instruction on the Holocaust and other genocides;

P. provide that, in the social studies curriculum, instruction in the history, culture, and tribal sovereignty of Federally-recognized American Indian tribes and bands located in Wisconsin takes place at least twice in the elementary grades and once in the high school grades.

The Superintendent shall make progress reports to the Board periodically.

The Superintendent may propose programming using innovative instructional design as deemed to be beneficial or necessary to the continuing growth of the instructional program and to better promote the District's educational goals. Each such innovative program intended to be part of the required hours of instruction must be consistent with State law and implemented consistent with the District's curriculum as approved by the Board.

T.C. 7/9/24

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po2220

ADOPTION OF COURSES OF STUDY

2220 - **ADOPTION OF COURSES OF STUDY**

The Board shall provide a comprehensive instructional program to serve the educational needs of the students of this District. In furtherance of this goal and pursuant to law, the Board shall periodically adopt courses of study through inclusion in the sequential curriculum plan described in Policy 2210 - Curriculum Development. A course of study is part of the sequential curriculum plan that describes course objectives, sequence, content, and a method of evaluating student attainment of objectives. Each course of study shall specify the hours of instruction committed to it each week, semester, and school year.

The Board shall determine which units of the instructional program constitute courses of study and are thereby subject to the adoption procedures of the Board. No course of study shall be taught in the schools of this District unless it has been adopted by the Board.

The Superintendent shall recommend to the Board such courses of study as are deemed to be in the best interests of the students and are needed to comply with State law. The District Administrator's recommendation shall include the following information about each course of study:

A. its applicability to students and an enumeration of those groups of students to be affected by it

B. the intended learning objective(s), defined in terms of how the learning is applied

C. its scope and sequence and a statement of the rationale used to determine the amount and type of instructional time needed to accomplish the objectives at each level

D. its justification in terms of the goals of this District, especially when it is proposed to take the place of an existing course of study

E. the resources that its implementation will require, including instructional materials, equipment, specially-trained personnel, etc.

F. the plan for its continuous assessment which includes criteria and standards

G. its developmental and operational history as well as data on results, where available

Each course of study is intended to provide a basic framework for instruction and learning. Within this framework, each teacher shall use the course of study in a manner best designed to meet the needs of the students for whom they are responsible. Deviation from its content must be approved in accordance with the Superintendent's administrative guidelines.

Since one of the District's goals is to prepare students to enter the world of work, the Board directs that each course of study include as part of its learning accomplishments that students can demonstrate their willingness and ability to be punctual, to be present at the learning site each day unless absent for a legitimate reason, and to complete assignments on time and as directed. The Superintendent's guidelines should include recommendations to staff on how to instruct students in these important work ethics and how to include these learnings in the grades that students receive.

The Superintendent shall maintain a current list of all courses of study offered by this District.

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po2221

SPECIAL OBSERVANCE DAYS

2221 - **SPECIAL OBSERVANCE DAYS**

In compliance with 118.02, Wis. Stats., the Board directs that the following days are appropriately observed in all schools:

January 15th	Martin Luther King Jr. Day
February 12th	Abraham Lincoln's Birthday
February 15th	Susan B. Anthony's Birthday
February 22nd	George Washington's Birthday
March 4th	Casimir Pulaski Day
March 17th	The Great Hunger
April 9th	Prisoners of War Remembrance Day
April 13th	American Creed Day
April 19th	Patriot's Day

April 22nd	Environmental Awareness Day
Last Friday in April	Arbor Day
	*except that if the Governor by proclamation sets apart one (1) day to be designated as Arbor and Bird Day under State law, that day shall be appropriately observed.
June 14th	Robert La Follette Sr. Day
September 11th	A day to remember the attacks that occurred on September 11, 2001, and to honor law enforcement officers and firefighters
September 16th	Mildred Fish Harnack Day
September 17th	U.S. Constitution Day
September 28th	Frances Willard Day
Wednesday of the third week in September as part of Wonderful Wisconsin Week	
Friday of the 3rd week in September	POW-MIA Recognition Day
Wednesday of the 4th week in September	Bullying Awareness Day
October 9th	Leif Erikson Day

October 12th	Christopher Columbus's Birthday
November 11th	Armistice Day

Revised 1/25/24
T.C. 1/7/25

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po2230

CURRICULUM COURSE GUIDES

2230 - **CURRICULUM COURSE GUIDES**

The Board recognizes that the District must develop and maintain curriculum course guides in order to better accomplish learning results with students.

As appropriate to the course of study, each guide shall contain:

A. the intended learning outcome(s), defined in terms of how the learning is applied;

B. appropriate materials and resources;

C. evaluation criteria, standards, and methods which will confirm the extent to which learning outcomes have been achieved;

D. a list of supplemental materials for the guidance of teachers.

The Superintendent shall be responsible for the preparation of curriculum course guides and shall establish administrative guidelines related to their preparation.

All new curriculum course guides and revisions of existing curriculum course guides shall be submitted to the Board for approval before they are implemented.

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po2240

CONTROVERSIAL ISSUES IN THE CLASSROOM

2240 - **CONTROVERSIAL ISSUES IN THE CLASSROOM**

The Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the District.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions. In addition, the opportunity can lead students to learn about how to use critical thinking and problem-solving skills, to study and analyze relevant issues, evaluate different sources of information, make intelligent decisions regarding issues, and how to appreciate the value of differing viewpoints.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion and/or likely to arouse both support and opposition in the community. These issues may range across a wide spectrum of political, social, economic, and religious topics.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

A. is related to the instructional goals of the course of study and level of maturity of the students;

B. does not tend to indoctrinate or persuade students to a particular point of view;

C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction, relate to the topic of instruction and it is not disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the District Administrator. Issues pertaining to human growth and development, as defined by statute, are subject to 118.019, Wis. Stats.

When controversial issues have not been specified in the course of study, the Board will permit the instructional use of only those issues that have been approved by the District Administrator, who shall report periodically such approval to the Board for their review.

In the discussion of any controversial issue in the classroom or in the course of professional duties, a teacher may not express a personal opinion. The classroom should not be used as a forum for the discussion of District employment issues.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular classes for specified reasons. The student, however, will not be excused from participating in the course or activities mandated by the State and will be provided alternative learning activities during times of parent requested absences.

The Superintendent shall develop administrative guidelines for dealing with controversial issues. (See also Policy 3310 – Employee Expression in Noninstructional Settings)

Revised 9/14/22
Revised 5/19/23
Revised 9/13/23

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po2250

INNOVATIVE AND PILOT PROGRAMS

2250 - **INNOVATIVE AND PILOT PROGRAMS**

The Board wishes to promote the continued improvement of the instructional and curricular program of the schools through all appropriate means. The Board encourages members of the school staff and of the student body who wish to pursue a promising program for school improvement. The Administration shall evaluate the data to determine the effectiveness of any innovative/pilot program and provide such information to the Board before broader implementation.

An innovative/pilot program design shall address the steps below when appropriate to the project:

A. rationale

B. specific objectives

C. supportive research

D. budgeting

E. in-service requirements

F. plans for broader implementation

G. methods for evaluation

The Superintendent shall review and recommend any innovative/pilot programs designed to improve the District's educational program to the Board for approval.

If an innovative/pilot program is to become a permanent part of the District's educational program, it must have Board approval through the regular curriculum approval process.

Each innovative program shall be consistent with the District's objectives and long-range plans. Programs designed for students with disabilities must comply with Federal and State law.

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po2260

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

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

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

The Board does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including gender status, change of sex or gender identity) or physical, mental, emotional, or learning disability (Protected Classes) in any of its student program and activities. This policy is intended to support and promote nondiscriminatory practices in all District and school activities, particularly in the following areas:

A. use of objective bases for admission to any school, class, program, or activity;

B. prohibition of harassment towards students and procedures for the investigation of claims (see Policy 5517);

C. use of disciplinary authority, including suspension and expulsion authority;

D. administration of gifts, bequests, scholarships, and other aids, benefits, or services to students from private agencies, organizations, or persons;

E. selection of instructional and library media materials in a non-discriminatory manner and that reflect the cultural diversity and pluralistic nature of American

society;

F. design and implementation of student evaluation practices, materials, and tools, but not at the exclusion of implementing techniques to meet student's individual needs;

G. design and configuration of facilities;

H. opportunity for participation in extra-curricular and co-curricular activities provided that separate programs for male and female students may be available provided comparable activities are made available to all in terms of type, scope, and District support; and

I. the school lunch program and other school-sponsored food service programs.

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

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

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

Notice of the Board's policy on nondiscrimination and the identity of the District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Principal's Responsibilities

Each Principal shall verify that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular programs do not discriminate on the basis of the Protected Classes.

Superintendent's Responsibilities

In furtherance of the aforesaid goal, the Superintendent shall:

A. Curriculum Content

1. review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict those Protected Classes toward the development of human society;

2. provide that necessary programs are available for students with limited use of the English language;

B. Staff Training

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

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;

2. verify that facilities are made available in a non-discriminatory fashion, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

3. verify that the educational programs of this District are accessible to all students;

   All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise qualified student with a disability the opportunity to participate in the academic or other school programs on the same basis as students without disabilities.

4. require that service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District.

D. District Support

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

E. Student Evaluation

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

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant: is the individual who alleges, or is alleged, to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays.)

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, and full-time National Guard duty. It also includes the period of time for which a person is absent from school for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Respondent: is the individual who has been alleged to have engaged in discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community: means students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property.)

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

The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility under Section 504 that is identifiable as being for persons with disabilities, the facility, program, and activities, and services must be comparable to the facilities, programs, and activities, and services offered to students without a disability.

The Superintendent shall attempt annually to identify children with disabilities, ages 3 - 22, who reside in the District but do not receive a public education.

In addition, the Superintendent shall establish procedures to identify students who are Limited English Proficient, including immigrant children and youth, to assess their ability to participate in District programs and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis.

Reporting Procedures

Students and District employees are required, and all other members of the District community and Third Parties are encouraged to promptly report suspected violations of this policy to an administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Compliance Officer within two (2) days.

Members of the District community, which includes students or Third Parties, who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute discrimination based on a Protected Class, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. COs shall accept reports of discrimination/retaliation directly from any member of the District community or a Third Party and reports that initially are made to another District employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation) or designate a specific individual to conduct such a process.

The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any District employee who directly observes discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) days. Additionally, any District employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other District employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the student is under the age of eighteen (18) within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

District Compliance Officers (hereinafter referred to as the COs)

The Board designates the following individuals to serve as the District's CO's:

Katherine Eichmann
Director of Secondary Curriculum and Instruction/Student Services
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4740
eichmannk@mpsd.school

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

The names, titles, and contact information of these individuals will be published annually:

A. on the School District's website.

B. on each individual school's website.

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

Investigation and Complaint Procedure (see Form 2260 F2)

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

All complaints must include the following information to the extent known: a description of the alleged violation, the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken during the investigatory phase to protect the Complainant from further loss of educational opportunity, including but not limited to a change of work assignment or

class schedule for the Complainant, tentative enrollment in a program, or other appropriate action. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the District Administrator.

As soon as appropriate in the investigation process, the CO will inform the Respondent, that a complaint has been received. The person(s) must also be provided an opportunity to respond to the complaint.

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

The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

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

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias, or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the Superintendent or Board President, if the matter involves the District Administrator, engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO or designee, the District Administrator either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and Respondent. The Superintendent may redact information from the decision in the event the release of information raises concerns regarding the integrity of the complaint or investigation process. The Board authorizes the Superintendent to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the Complainant or Respondent.

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

If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction, Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157. Any person, including the Respondent in a complaint, who is subject to disciplinary action up to and including termination as a result of a complaint may choose to file a grievance utilizing the District's grievance procedure as outlined in Policy 3340 or Policy 4340.

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

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Additional School District Action

If the evidence suggests that any conduct at issue violates any other policies of the Board, is a crime, or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.) (Policy 8462), or threats of violence (Policy 8462.01), the CO or Superintendent shall take such additional actions as necessary and appropriate under the circumstances, which may include a report to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations.

Privacy/Confidentiality

The District will make reasonable efforts to protect the privacy of any individuals involved in the investigation process. Confidentiality cannot be guaranteed, however. Additionally, the Respondent must be provided the Complainant's identity.

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

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, the opportunity to complete assignments missed due to absences related to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant codes of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content-appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts related to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of

the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions, both individual and systemic, taken to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

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

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

Revised 4/13/10

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Revised 3/6/24

T.C. 1/7/25

T.C. 2/10/26

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SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance solely by reason of disability. The Board does not discriminate in admission or access to, participation in, treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Free Appropriate Public Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education ("FAPE") to students with disabilities within its jurisdiction who are determined eligible for special education and related services under the Individuals

with Disabilities Education Act ("IDEA") or Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities (see Definitions below), the Board shall provide the student a FAPE. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of students without disabilities are met shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities shall be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified student with a disability within its jurisdiction with students without disabilities to the maximum extent appropriate. Generally, the District will place a student with a disability in the general education environment unless it is demonstrated that the education of the student in the general education environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily. If the District places a student in a setting other than the general education environment, it shall take into account the proximity of the alternate setting to the student's home. If the Board operates a separate class or facility that is identified as being provided for students with disabilities, the facility, program, and activities, and services must be comparable to the facilities, programs, and activities, and services offered to students without disabilities.

The District will provide non-academic extra-curricular services and activities in such a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extra-curricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students. In providing or arranging for the

provision of meals and recess periods and nonacademic and extracurricular services and activities, including those listed above, the District will verify that students with disabilities participate with students without disabilities in such services and activities to the maximum extent appropriate.

In accordance with Section 504, parents and students shall be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, students and their parents shall be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). Finally, students and parents shall be advised of their right to request a due process hearing before an Impartial Hearing Officer ("IHO") regarding the identification, evaluation, or educational placement of persons with disabilities, and their right to examine relevant education records.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant: is the individual who alleges or is alleged to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent: is the individual who is alleged to have engaged in discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

District community: means students, District employees (i.e., administrators and professional and support staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: include but are not limited to guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the District community at school-related events/activities (whether on or off District property.)

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays.)

Individual with a disability means a person who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

Impairment That Substantially Limits a Major Life Activity

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

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.

Qualified Individual with a Disability

With respect to public preschool, elementary, and secondary educational services, a qualified individual with a disability means a student with a disability:

A. who is of an age during which persons without disabilities are provided educational services;

B. who is of any age during which it is mandatory under Wisconsin law to provide educational services to persons with disabilities; or

C. to whom the State is required to provide a free appropriate public education pursuant to the IDEA.

With respect to vocational education services, a qualified individual with a disability means a student with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with disability access to its vocational education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.

With respect to employment, a qualified individual with a disability means the individual satisfies the requisite skill, experience, education, and other job-related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

With respect to employment, the Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under any program or activity to which Section 504/ADA applies because the District's facilities are inaccessible to or unusable by persons with disabilities.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

District Compliance Officers (hereinafter referred to as the "COs")

The following person(s) is/are designated as the District Section 504 Compliance Officer(s)/ADA Coordinator(s):

Katherine Eichmann
Director of Pupil Services
(920) 686-4740
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
eichmannk@mpsd.school

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

The name(s), title(s), and contact information of this/these individual(s) will be published annually:

A. on the School District's website.

B. on each individual school's website.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See below.) The Board further will establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing, for parents of students with disabilities. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation, or educational placement of persons with disabilities, including the right to participation by the student's parents and representation of counsel, and their right to examine relevant education records.

Reports and Complaints of Discrimination and Retaliation

Students and District employees are required, and all other members of the District community and Third Parties are encouraged, to promptly report incidents of discrimination and/or retaliation to an administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) days.

Members of the District community, which includes students or Third Parties, who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

A student and/or parent may initiate the internal complaint procedure when they believe that a violation, misapplication, or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as having a disability or believed to have a disability pursuant to Section 504 and are not eligible under the IDEA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR or requesting an impartial due process hearing.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute discrimination based on a Protected Class, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. COs shall accept reports of discrimination/retaliation directly from any member of the District community or a Third Party and reports that initially are made to another District employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the

nature of the alleged discrimination/retaliation) or designate a specific individual to conduct such a process.

The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any District employee who directly observesdiscrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) days. Additionally, any District employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other District employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the student is under the age eighteen (18) within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (see Form 2260.01B F2)

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

All complaints must include the following information to the extent known: a description of the alleged violation, the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken during the investigatory phase to protect the Complainant from further discrimination or retaliation, including but not limited to a change of work assignment or class schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the Superintendent.

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

Within two (2) days of receiving the complaint, the CO or designee will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress. The investigation will include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias, or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the Superintendent or Board President, if the matter involves the Superintendent, engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to the Complainant and to the

Respondent. The Superintendent may redact information from the decision in the event the release of information raises concerns regarding the integrity of the complaint or investigation process. The Board authorizes the Superintendent to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the Complainant or Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above. The decision of the Superintendent shall be finalby the Board upon request.

If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction.

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

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the OCR or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Additional School District Action

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

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations. Confidentiality cannot be guaranteed, however. All Complainants proceeding through the investigation process should be advised that as a result of the investigation, allegations against individuals may become known to those individuals, including the Complainant’s identity.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of an investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, the opportunity to complete assignments missed due to absences related to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a Districtemployee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent

shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Impartial Due Process Hearing

A student and/or parent may request an impartial due process hearing regarding the identification, evaluation, or placement of a student with a disability. The student and/or parent may but are not required to first exhaust the above complaint procedure before requesting an impartial due process hearing. The parent of a student with a disability and a student over eighteen (18) years old (if not under guardianship) or an emancipated student has the right to: (1) examine records or documents that the school relied on in making its decision about the student; (2) request an impartial due process hearing that provides the parent and/or student with an opportunity to participate and permits representation by an attorney; and (3) have an opportunity for review of the decision made at the hearing.

A request for an impartial due process hearing should be made as soon as possible following a dispute in order to ensure that witnesses are available but no more than two years following the date of the matter in dispute. A request for an impartial due process hearing must be put in writing, identify the specific circumstances or areas of dispute that have given rise to the request for a hearing, and offer possible solutions to the dispute. The request for due process hearing must be filed with a District CO within the time limits specified above. The CO is available to assist individuals in filing a request for an impartial due process hearing.

When a request for an impartial due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an IHO (i.e., by a person not employed by the District, not involved in the education or care of the child, and not having a personal or professional interest that would conflict with the IHO's objectivity in the hearing). The District will maintain a list of trained IHOs that may include IDEA/Article 7 hearing officers, attorneys, and Directors of Special Education outside the District. The District CO will appoint an IHO from that list, and the District will bear the costs of the hearing. The appointment of an IHO will be made within fifteen (15) days after the request for an impartial due process hearing is received.

A party to an impartial due process hearing has the right to:

A. be accompanied and advised by legal counsel and individuals with special knowledge or training with respect to the problems of students with disabilities at the party's own cost;

B. present evidence and confront, cross-examine, and compel the attendance of witnesses;

C. a written or electronic verbatim record of the hearing; and

D. written findings of fact and conclusions of law setting forth the reasons for the decision.

The IHO shall conduct the impartial due process hearing within a reasonable period of time (i.e., not to exceed ninety (90) days from the request for a hearing, unless this time frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances). The IHO will give the parent and/or student written notice of the date, time, and place of the hearing. Notice will be given no less than twenty-one (21) days prior to the date of the hearing unless otherwise agreed to by the parent and/or student. The notice shall include:

A. a statement of the time, place, and nature of the hearing;

B. a statement of the legal authority and jurisdiction under which the hearing is being held;

C. a reference to the particular section(s) of the statutes and rules involved;

D. a statement of the availability of relevant records for examination;

E. a short and plain statement of the matters asserted; and

F. a statement of the right to be represented by counsel.

The IHO shall conduct the hearing in a manner that will afford all parties a full and fair opportunity to present evidence and otherwise to be heard. The parent and/or student may be represented by another person of the parent or student's choice, including an attorney. The IHO shall make a full and complete record of the proceedings.

The IHO shall render a decision in writing to the parties within thirty (30) days following the conclusion of the hearing. The decision will be based solely on the testimony and demonstrative evidence presented at the hearing and include a summary of the evidence (i.e., findings of fact) and the reason for the decision (conclusions of law). The IHO's decision shall include a statement that either party may appeal the decision.

Appeal of the IHO’s decision may be made to a Federal court of competent jurisdiction.

OCR Complaint

At any time, if a student or parent believes that the student has been subjected to discrimination based upon disability in violation of Section 504 or the ADA, the student or parent may file a complaint with the OCR. The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Chicago Office

John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312-730-1560
FAX: 312-730-1576
TDD: 800-877-8339
E-mail: OCR.Chicago@ed.gov
Web: http://www.ed.gov/ocr

Except in extraordinary circumstances, the OCR does not review the result of individual placement and other educational decisions, so long as the District complies with the "process" requirements of Subpart D of Section 504.

Notice

Notice of the Board's policy on nondiscrimination in education practices and the identity of the COs will be published on the District's website and posted throughout the District, and included in the District's recruitment statements or general information publications.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, made a report/formal complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination in general will be age and content-appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (“ESI”), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts related to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;

M. documentation of all actions, both individual and systemic, taken to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

Additionally, the CO shall retain copies of any written request for an impartial due process hearing, the IHO's notices to the parties, the evidence entered in the hearing, any transcript of the hearing, and the IHO's decision.

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

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

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Revised 2/12/13

T.C. 1/7/25

T.C. 2/10/26

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SERVICES FOR BILINGUAL STUDENTS/ENGLISH LEARNERS

2260.02 - **SERVICES FOR BILINGUAL STUDENTS/ENGLISH LEARNERS**

The Board shall provide appropriate identification and transition services for District students who are identified as English learners. The purpose of these services is to develop English language skills that will enable the students to function successfully in an all English classroom and complete the District's required curriculum.

These services shall include the identification of students who are English Learners (ELs), the implementation of curricular and instructional modifications, the assessment of the EL student's academic progress, identification of EL students that achieve English Language Proficiency (ELP), and continued monitoring of ELP students. The degree of modification, the duration, and the type of services shall be determined individually and shall be based on the needs of each student.

If a sufficient number of the students identified with limited English proficiency are of the same language group to meet statutory requirements, the Board shall establish and implement a bilingual-bicultural education program as required by the law.

The EL Coordinator shall be responsible for taking a count of limited-English proficient students in the District that shall be completed on or before March 1st of each school year. The District will also assess the language proficiency of such students and classify them by language group, grade level, age, and English language proficiency. The annual assessment will measure a student's oral language, reading, and writing skills in English.

The District shall submit the report of EL students to the Department of Public Instruction as required by law.

Assessing English Proficiency

Every family who registers to attend the District for the first time will be asked to identify the primary language spoken in their home by the parents and by the child.

Identification of students requiring additional services as ELs will be identified by the District using the following process:

A. Every family who registers to attend the District for the first time will be asked to identify the primary language spoken in their home by the parents and by the child by completing a Home Language Survey.

B. The student's prior academic records in or outside the United States will be reviewed to identify areas of concern where poor performance may be attributable to language barriers.

Students not initially identified as in need of EL services who are observed through classroom performance as exhibiting language barriers to educational achievement should be re-evaluated.

Students identified above must be given the formal evaluation screening test. Students that score less than ELP 5 on the test must be identified as EL and entered into the Wisconsin Information System for Educators (WISEdata) system.

The District will provide programs for ELs/Limited-English Proficient (LEP) students so they may become proficient in English while achieving academically.

Parental Notification and Consent

If a student is identified and assessed as EL and determined to be eligible for services, the District will send written notice to the student's parent within thirty (30) days of the start of the school year or within two (2) weeks of assessment (if the student is not identified prior to the beginning of the school year). Every effort will be made to obtain permission from the student's parent(s) to place the student in language instructional programming prior to the start of the school year or as soon as practicable after identification. The notice will include the information required by law.

No student will be placed in the EL Program without having received written permission from the student's parent(s). The notice to the parent(s) shall be in English and in the non-English language of the EL student. Additionally, the student's parent(s) will be given the opportunity to participate and provide input into the student's program and will be regularly informed of the student's progress. Finally, the student's parent(s) shall be given the opportunity to participate in the determination that their student has the language skills necessary to be socially and academically successful, as identified below, and the student may exit the program.

Assessing Academic Achievement and English Language Proficiency

An EL student may not be exempted from academic assessments based on their EL status. However, an EL student, who has been enrolled in a U.S. school for less than twelve (12) cumulative months, may be exempted during the first test administration. The District shall administer State-required tests to EL students unless a determination has been made that an individual student's results on the test, with allowable accommodations made for the student as needed, will not be a valid and reliable indicator of the student's academic knowledge and skills.

All EL students' assessment results, as well as a student's alternative assessment results, shall be communicated to the student's parent(s) and to the DPI as required by law.

EL students must annually be administered assessment testing for English proficiency determination. The District will update WISEdata if appropriate.

Exit Procedures

Once a student has been placed in the EL Program, the student will be provided with programs and services and will be evaluated on an annual basis until it is determined that the student has the language skills necessary to be socially and academically successful in age and grade-appropriate settings in all areas of language development without the use of adapted or modified English materials.

EL students with the language skills necessary to compete will:

A. understand and speak English in relation to the full range of demands of the classroom and the academic language needed to succeed;

B. read, comprehend and write English as evidenced by successful classroom performance and average District score on standardized achievement tests; and

C. meet or exceed District guidelines in their academic subjects.

Students may be identified as reaching these English proficiency standards by either:

A. receiving an ELP 5 or higher on an annual assessment, in which case the student is automatically classified as English Language Proficient in WISEdata; or

B. receiving an overall composite of 4.5-4.9 and re-evaluate with the Multiple Indicator Protocol ("MIP") to determine whether the student demonstrates full English proficiency. If choosing to use the MIP the District must implement it as described in the Department of Public Instruction's English Language Policy Handbook.

Parents must be notified and consulted prior to the formal reclassification of a student. Parents who disagree with an ELP assessment shall be given the opportunity to review the ELP assessment with the EL Coordinator.

Upon exit from the EL Program, the reclassification/exit decisions will be monitored and reviewed, and documentation maintained, for two (2) years. The MIP may be used as one (1) of the multiple monitoring indicators during those two (2) years. The documentation will include, at a minimum, grade level and two (2) or more pieces of evidence.

Re-entry

During the two (2) year monitoring period, if the student is unable to compete with mainstream English speakers in age and grade-appropriate settings in all areas of language development, the student will be allowed to re-enter a bilingual or EL program.

The EL Coordinator will be responsible for assuring that parents are involved in each entry, exit, and re-entry decision, that these guidelines are followed, and that EL

reclassification/exit and the re-entry decisions abide by Department of Public Instruction standards.

Counseling Services for Students Who Are Limited English Proficient Students

The District believes that all students should have an opportunity to have the guidance of a counselor in course selection and career planning. A student who has limited English proficiency should be able to communicate their ambitions with a counselor so that there is no discrimination or bias in class placement or career planning. A counselor should not make any predictions of success or failure based on a student's classification as limited English proficient.

If any materials, interpreters, or resource people are used to recruit students to a particular career path or vocational choice, the counselors and teachers must be sure that such materials and/or presentations can be made accessible to a student, as well as a parent, who is limited English proficient.

If a counselor knows that a parent has limited English proficiency, and communication with a parent is necessary based upon concerns about their child, the counselor should attempt to utilize an interpreter to assist in a discussion regarding the matters being discussed.

Testing

The parent(s) of EL students shall be notified of student testing arrangements and of educational programs and services available to help their children improve their English language skills and academic achievement. The notifications shall be consistent with legal requirements and presented in such manner as to ensure that the student's parent(s) understands them.

The District shall assess the English proficiency and academic progress of EL students in accordance with legal requirements. Decisions regarding the administration of State-required tests to EL students shall be made on a case-by-case basis. Testing accommodations may be made based on student needs, provided the validity of the test is maintained. The District shall administer State-required tests to an EL student unless a determination has been made that the results of the test, with allowable accommodations made for the student as needed, will not be a valid and reliable indicator of the student's academic knowledge and skills. Any EL student exempted from taking a State-required test shall be administered an alternative assessment approved by the Department of Public Instruction.

The results of both State-required tests and alternate assessments shall be consistent with District policies in making instructional, promotion, and graduation decisions. Test results may not be used as the sole criterion in re-classifying an EL student from a bilingual-bicultural education program or in determining grade promotion, eligibility for courses or programs, eligibility for graduation, or eligibility for post-secondary education opportunities.

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TITLE I SERVICES

2261- **TITLE I SERVICES**

The Board elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Elementary and Secondary Education Act of 1965, as amended.

The Superintendent shall prepare and present to the Department of Public Instruction (DPI) a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan. The District will periodically review and revise the plan, as necessary.

A. **Assessment**

The District shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. Such assessment shall include performance measures mandated by the Department of Public Instruction as well as those determined by the District professional staff, that will assist in the diagnosis, teaching, and learning of the participating students.

B. **Scope**

Each school shall determine whether the funds will be used to upgrade the educational program of an entire school, in Title I schools that qualify as schoolwide schools, and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The schoolwide program, for an entire school and/or a Targeted Assistance School, shall include the components required by law as well as those agreed upon by participating staff and parents.

C. **Participation**

The Title I program shall be developed and evaluated in consultation with parents and professional staff members, including teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, administrators, and other appropriate school personnel involved in its implementation.

Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Board Policy 2261.01 and shall meet the requirements of Section 1116 of the Act.

D. **Supplement Not Supplant and Comparability of Services**

Title I funds will be used only to supplement, not supplant, State and local funds. The District will document its compliance with the supplement not supplant provisions by using methodology provided by the Wisconsin DPI that ensures State and local funds are allocated to each school on the same basis, regardless of whether a school receives Title I funding.

The Superintendent shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance. The determination of the comparability of services may exclude State and local funds expended for language instruction educational programs and the excess costs of providing services to children with disabilities as determined by the District. The determination of comparability of services will not take into account unpredictable changes in student enrollments or personnel assignments that occur after the beginning of a school year.

In order to achieve comparability of services, the Superintendent shall assign teachers, administrators, and auxiliary personnel and provide curriculum materials and instructional supplies in such a manner as to ensure equivalence throughout the District.

E. **Professional Development**

Members of the professional staff participate in the design and implementation of staff development activities that:

1. involve parents in the training, when appropriate;

2. combine and consolidate other available Federal and District funds;

3. foster cooperative training with institutions of higher learning and other educational organizations including other school districts;

4. allocate part of the staff development to the following types of strategies:

    a. fostering gender-equitable education;

    b. meeting children's special needs;

    c. early childhood education;

    d. working effectively with parents;

    e. use of technology;

    f. performance-based student assessment;

5. provide opportunities for paraprofessionals to work toward certification as professional educators.

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PARENT AND FAMILY ENGAGEMENT IN TITLE I PROGRAMS

2261.01 - **PARENT AND FAMILY ENGAGEMENT IN TITLE I PROGRAMS**

In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with parents and family members of the students being served.

Each year, the District Administrator shall work with parents and family members of children served in Title I Programs in order to jointly develop and agree upon a proposed written parent and family engagement plan (referred to as "policy" in Federal law) to establish expectations for the involvement of such parents and family members in the education of their children. The content and effectiveness of the plan (policy) shall be reviewed annually by the District and distributed to parents and family members of children receiving Title I services.

In accordance with Federal law, the proposed plan (policy) must establish the District's expectations and objectives for meaningful parent and family involvement, and describe how the School District will:

A. involve parents and family members in the development of the School District's Title I plans and any State-mandated comprehensive support and improvement plans;

B. provide coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family member involvement activities to improve student achievement and school performance, which may include meaningful

consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

C. coordinate and integrate parent and family member engagement strategies, to the extent feasible and appropriate, with other Federal, State, and local laws and programs;

D. with meaningful involvement of parents and family members, annually evaluate the content and effectiveness of the parent and family member engagement policy in improving the academic quality of schools, including:

1. identifying barriers to greater parent participation (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);

2. the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and

3. strategies to support successful school and family interactions;

E. use the findings of the above-referenced evaluation to:

1. design evidence-based strategies for more effective parental involvement; and,

2. revise the parent and family member engagement policy, if necessary;

F. involve parents in the activities of the District's Title I schools, which may include establishing a parent advisory board that may be charged with developing, revising and reviewing the parent and family member engagement policy;

G. provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency and/or disabilities, and parents and family members of migratory children), including providing information and school reports in a format, and to the extent practicable, in a language such parents can understand;

H. conduct meetings with parents including provisions for flexible scheduling and assistance to parents to better assure their attendance at meetings;

I. develop agendas for parent meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;

J. provide opportunities for parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;

K. involve parents in the planning, review, and improvement of the Title I program;

L. communicate information concerning school performance profiles and their child's individual performance to parents;

M. assist parents in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework, guiding nutritional and health practices, and the like;

N. provide timely responses to parental questions, concerns, and recommendations;

O. coordinate and provide technical assistance and other support necessary to assist Title I schools to develop effective parent participation activities to improve academic achievement;

P. conduct other activities as appropriate to the Title I plan and State and Federal requirements.

The Board will reserve the requisite percent of its allocation of Federal Title I funds to carry out the above-described activities. Parents and family members of children receiving Title I services shall be involved in the decisions regarding how the reserved funds are allotted for parent and family member involvement activities. Reserved funds shall be used to carry out activities and strategies consistent with the Board's parent and family member engagement policy (Policy 2261.01), including at least one (1) of the following:

A. Supporting schools and nonprofit organizations in providing professional development for the District and school personnel regarding parent and family member engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, early childhood educators, and parents and family members.

B. Supporting programs that reach parents and family members at home, in the community, and at school.

C. Disseminating information on best practices focused on parent and family member engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

D. Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family member engagement.

E. Engaging in any other activities and strategies that the Board determines are appropriate and consistent with its parent and family member engagement policy.

The District Administrator must also assure that each Title I participating school develops a specific written plan with parental involvement and agreement, which includes provisions regarding the following:

A. Each principal must convene an annual meeting at a convenient time to which all parents of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the school's obligations to develop a parent and family member engagement policy.

B. Meetings with parents of children receiving Title I services must be scheduled at flexible times with assistance such as child care, transportation, home visits, or similar aid offered to parents to encourage their involvement.

C. Parents must be involved in an organized, ongoing and timely way in the development, review, and improvement of parent involvement activities, including the planning, review, and improvement of the school parent and family member engagement policy, and the joint development of the schoolwide program plan, if appropriate.

D. Parents of participating students must be provided with:

1. timely information about the Title I program and the school's parent and family member engagement policy;

2. description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels expected;

3. regular meetings, upon request, for parents to make suggestions, and to participate as appropriate, in decisions relating to the education of their children, and receive responses regarding the parents' suggestions about their student's education as soon as practicably possible.

E. If the written plan is not satisfactory to the parents of participating children, the school must submit any parents' comments when it presents the plan to the District Administrator.

F. As a component of the school-level parent and family member engagement policy, the principal for each school shall coordinate the development of a school-parent compact jointly with parents of children served under Title I which outlines how the school staff, the parents, and the student will share responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help students achieve the State's high standards. The compact must:

1. describe the school's responsibility to provide a high-quality curriculum and instruction in a supportive, effective learning environment;

2. describe the ways in which each parent is responsible for supporting their child's learning environment such as monitoring attendance, homework, extra-curricular activities, and excessive television watching; volunteering in the classroom; and participating, as appropriate, in decisions relating to the education of their children and their positive use of extra-curricular time;

3. address the importance of parent/teacher communication on an on-going basis through at least annual parent-teacher conferences to discuss the child's achievement and the compact; frequent progress reports to the parents on their child's progress; reasonable access to the staff and to observe and participate in classroom activities and regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

G. Parents of children receiving Title I services must be notified about their school's parent and family member engagement policy in an understandable and uniform format, and to the extent practicable, in a language the parents can understand. These policies must also be made available to the community.

H. School-level parent and family member engagement policies must be updated periodically to meet the changing needs of parents and the schools.

In order to involve parents in the education of their children and to support a partnership among the school, parents and the community for improving student academic achievement, the Superintendent and building principals must include provisions in the School District and school-level parent and family member engagement policies regarding:

A. assisting parents of children served under Title I in understanding such topics as the State's academic standards, State and local academic assessments Title I, and how to monitor their child's progress and how to work with educators to improve their child's achievement;

B. providing materials and training to help parents work with their children to improve achievement, such as literacy training and using technology (including education about the harms of copyright privacy);

C. educating teachers, specialized instructional support personnel, school leaders (including principals), and other staff, with the assistance of parents, about the value and utility of contributions of parents, how to reach out to, communicate with, and work with parents as equal partners, how to implement and coordinate parent programs, and how to build ties between parents and the school;

D. to the extent feasible and appropriate, coordination and integration of parent involvement programs and activities with other Federal, State and local programs (including public preschool programs), and conducting other activities that encourage and support parents more fully participating in the education of their children (e.g., parent resource centers);

E. providing information related to school and parent programs, meetings, and other activities to parents of participating children in a format, and, to the extent practicable, in a language the parents can understand;

F. providing such reasonable support for parent involvement activities as parents may request.

In order to build the School District's capacity for parent involvement, the District Administrator and building principals may also:

A. involve parents in the development of training for teachers and administrators and other educators to improve the effectiveness of such training;

B. provide necessary literacy training from Title I funds if the District has exhausted all other reasonably available sources of funding for such training;

C. pay reasonable and necessary expenses associated with parental involvement activities to enable parents to participate in school-related meetings and training sessions, including transportation and child care costs;

D. train parents to enhance the involvement of other parents;

E. arrange school meetings at a variety of times, or conduct in-house conferences between teachers or other educators who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;

F. adopt and implement model approaches to improving parental involvement in Title I programs;

G. establish a District-wide parent advisory council to provide advice on all matters related to parental involvement programs;

H. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

Revised 5/23/23

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po2261.02

TITLE I - PARENTS' RIGHT TO KNOW

2261.02- **TITLE I - PARENTS' RIGHT TO KNOW**

In accordance with the requirement of Section 1111 of Title I, for each school receiving Title I funds, the Superintendent shall make sure that all parents of students in that school are notified that they may request, and the District will provide the following information on the student's classroom teachers:

A. Whether the teacher(s) have met the State qualification and licensing criteria for the grade level and subject areas they are teaching.

B. Whether the teacher(s) is teaching under any emergency or provisional status in which the State requirements have been waived.

C. The undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned.

D. The qualifications of any paraprofessionals providing services to their child(ren).

E. In addition, the parents **shall** be provided:

1. information on the level of achievement of their child(ren) on the required State academic assessments;

2. timely notice if the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not "highly qualified".

The notices and information shall be provided in an understandable format, and to the extent possible, in a language the parent(s) understand.

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po2262

CHILD CARE PROGRAMS

2262 **- CHILD CARE PROGRAMS**

The Board of Education is concerned about children who need an appropriate child care program to prepare them for school. In addition, the Board may provide an after-school program, supervision, homework assistance, or enrichment activities to help the child be successful.

Such a program has serious implications for the children's general well-being as well as for their ability to benefit to the maximum extent possible from the school program.

The Board shall seek to provide appropriate programs and services for these children through the use of District staff and facilities by contracting for its facilities to be used by a properly-licensed organization specializing in providing programs.

Funds may be expended for the program from the General Fund for:

A. facilities and their maintenance;

B. staff members to administer the program, provide the instruction, and/or to maintain the facilities;

C. utilities furnished in conjunction with the program.

The Superintendent shall establish administrative guidelines that will ensure that:

A. staff members employed to administer the program and/or instruct the children have completed a successful criminal history records check as specified by Policy 3121;

B. prior to the creation and approval of any day-care program, parents and other members of the community are provided an opportunity to make recommendations on the content and operation of the program;

C. programs and services are available to participating children prior to the start of the regular school day or after the normal school day;

   The time periods should be scheduled so that a child may participate from the time s/he leaves a supervised environment until s/he may return to one.

D. adequate attention is given to ensuring the children are being clothed and fed properly, exercising regularly, and learning how to maintain good physical and mental health;

E. any organization(s) contracted with to provide these programs has acquired adequate liability insurance and is maintaining appropriate adult-child ratios, providing quality child care, and, in general, complying with guidelines established by the State and the District;

F. parents are notified about the program and the procedures for enrollment;

G. there is continuing assessment of the effectiveness of the program by staff, participating parents, and other concerned members of the public.

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po2266

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

2266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

Introduction

The Board does not discriminate on the basis of sex in accordance with section 1 of the 14th amendment of the U.S. Constitution, in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits sexual harassment that occurs within its education programs and activities. When the District has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating sexual harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third Parties who engage in sexual harassment are also subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing supportive measures as reasonably necessary to restore or preserve access to the District's education programs and activities.

Coverage

This policy applies to sexual harassment that occurs within the District's education programs and activities and that is committed by a Board employee, student, Third Party vendor or contractor, guest, or other members of the school community.

This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the Board's education programs and activities; such sexual misconduct/sexual activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by a Board employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the District's education programs or activities. Sexual harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by other applicable Board policies and administrative guidelines, applicable State and/or Federal laws and/or Employee/Administrator Handbook(s) if committed by a Board employee.

Complaints alleging sexual harassment and/or discrimination on the basis of sex are also covered by and subject to the investigation procedures in Board Policy 5517 - Student Anti-Harassment. Complaints not covered by this policy may still be governed by and subject to the procedures in Policy 5517 - Student Anti-Harassment.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);

B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, ***and*** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

1. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of incest and statutory rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

    a. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

    b. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

c. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.

d. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e. *Incest* is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.

f. *Statutory Rape* is nonforcible sexual intercourse with a person who is under the statutory age of consent as defined by 948.02 or 948.09, Wis. Stats. or whose status as a student prohibits such sexual contact per 948.095, Wis. Stats.

g. *Other Sexual Contact* includes the intentional emission of bodily fluids on the complainant, or at the direction of the Respondent, for the purposes of sexual gratification as defined in 940.225(5)(b), Wis. Stats.

h. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

i. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

   a. A current or former spouse or intimate partner of the victim;

   b. A person with whom the victim shares a child in common;

   c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

   d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or

   e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

3. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Complainant: "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal Complaint: "Formal complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or a party to the formal complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Actual Knowledge: "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent. Imputation of knowledge-based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee

or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), and other similar measures.

Education Program or Activity: "Education program or activity" refers to all operations of the District over which the Board exercises substantial control, including in-person and online educational instruction, employment, extra-curricular activities, athletics, performances, and community engagement, and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off-school property/grounds if the Board exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

School District community: "School District community" refers to students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: "Third Parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).
Inculpatory Evidence: "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged sexual harassment.

Exculpatory Evidence: "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of sexual harassment.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Eligible Student: "Eligible student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

Title IX Coordinator(s)

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Katherine Eichmann
Director of Secondary Curriculum and Instruction/Student Services
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4740
eichmannk@mpsd.school

Stacie Opahle
Director Human Resources
920-686-4787
2902 Lindbergh Drive
Manitowoc, WI 54221-1657
opahles@mpsd.school, schroderush@mpsd.school

The Title IX Coordinator shall report directly to the Superintendent except when the Superintendent is a Respondent. In such matters, the Title IX Coordinator shall report directly to the Board President. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of the Manitowoc Public School District does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District's Title IX Coordinator(s) is/are:

Stacie Opahle
Director Human Resources
920-686-4787
2902 Lindbergh Drive
Manitowoc, WI 54221-1657
opahles@mpsd.school, schroderush@mpsd.school

Katherine Eichmann
Director of Secondary Curriculum and Instruction/Student Services
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4740
eichmannk@mpsd.school

Any inquiries about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S.

Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: Policy 2266. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

The Superintendent shall also prominently display the Title IX Coordinator's(s') contact information – including Name(s) and/or Title(s), Phone Number(s), Office Address(es), and Email Address(es) – and this policy on the District's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The District's response to allegations of sexual harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this grievance process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If a determination of responsibility for sexual harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

The Process described herein relates exclusively to complaints brought under this Policy. The District will continue to handle complaints subject to the District's other nondiscrimination and anti-harassment policies including: Policy 5517 - Student Anti-Harassment; Policy 5517.01 - Bullying; Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity; and Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

Report of Sexual Discrimination/Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of sexual harassment by or involving the Title IX Coordinator, the person making the report should submit it to the other Title IX Coordinator, or another Board employee who, in turn, will notify the other Title IX Coordinator of the report. The other Title IX Coordinator shall determine who will serve in place of the Title IX Coordinator for purposes of addressing that report of sexual harassment.

The Board does business with various vendors, contractors, and other Third Parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or Third Party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or Third Party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or Third Party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a formal complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of sexual misconduct/sexual activity not involving sexual harassment will be addressed through the procedures outlined in Board policies, the applicable Student Code of Conduct, or Employee/Administrator Handbook(s).

Because the Board is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of sexual harassment or allegations of sexual harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or sexual harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to 48.981, Wis. Stats. and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and

the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of sexual harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of sexual harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related District policies, including Policy 5120 - Assignment within District; Policy 5605 - Suspension/Expulsion of Students with Disabilities, and Policy 5610 – Suspension and Expulsion.

If the Respondent is a non-student employee, the District may place the Respondent on administrative leave during the pendency of the grievance process. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements.

For all other Respondents, including other members of the School District community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of sexual harassment or otherwise.

Formal Complaint of Sexual Harassment

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a formal complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal complaint to the other Title IX Coordinator who will then proceed with the grievance process with respect to that formal complaint.

The Complainant's wishes with respect to whether a formal complaint is filed will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

When the Title IX Coordinator receives a formal complaint or signs a formal complaint, the District will follow its grievance process, as set forth herein.
Specifically, the District will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of sexual harassment or submitting a false formal complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee/Administrator Handbook.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Timeline

The District will seek to conclude the grievance process within ninety (90) calendar days of receipt of the formal complaint, followed by the appeal process which shall be processed in a timely manner.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action, except that any complaint covered by Policy 5517 - Student Anti-Harassment as well must comply with the timelines in that Policy, however, an investigation may still proceed as required under this Policy. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities.

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

A. Notice of the Board's grievance process, including any informal resolution processes;

B. Notice of the allegations of misconduct that potentially constitutes sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;

3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

The District shall investigate the allegations in a formal complaint unless the conduct alleged in the formal complaint:

A. would not constitute sexual harassment (as defined in this policy) even if proved;

B. did not occur in the District's education program or activity; or

C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator shall dismiss the formal complaint. If the Title IX Coordinator dismisses the formal complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator may dismiss a formal complaint, or any allegations therein, if at any time during the investigation:

A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;

B. the Respondent is no longer enrolled in the District or employed by the Board; or

C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the Title IX Coordinator dismisses a formal complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one (1) Complainant or more than one (1) Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Informal Resolution Process

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a formal complaint of sexual harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a formal complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

A. the allegations;

B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and

C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

In conducting the investigation of a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the District, not the parties.

In making the determination of responsibility, the decision-maker(s) is (are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an eligible student, the District must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and

B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.
The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings and three (3) days' notice with respect to hearings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a hearing or the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the question of any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in

sexual harassment).

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, Policy 5610.01 – Alternative Expulsion Hearing Procedure, and Policy 5610.02 – In-School Discipline. The discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

Disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy including, but not limited to (i.e., engaging in Sexual Harassment):

A. oral or written warning;

B. written reprimands;

C. performance improvement plan;

D. required counseling;

E. required training or education;

F. demotion;

G. suspension with pay;

H. suspension without pay;

I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. If the Superintendent is the Respondent, the Title IX Coordinator will notify the Board Attorney of the recommended remedies for consideration and, if necessary and appropriate, implementation in compliance with applicable due process procedures, whether statutory or contractual.

The discipline of an employee will be implemented in accordance with Federal and State law, and Board policy.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School District community or Third Party determined responsible for violating this policy (i.e., engaging in sexual harassment):

A. oral or written warning;

B. suspension or termination/ cancellation of the Board's contract with the Third Party vendor or contractor;

C. mandatory monitoring of the Third Party while on school property and/or while working/interacting with students;

D. restriction/prohibition on the Third Party's ability to be on school property; and

E. any combination of the same.

If the decision-maker(s) determines the Third Party Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including the imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately imposing a disciplinary sanction/consequence, the Superintendent (or the Board when the Superintendent is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is a member of the Board, that member of the Board shall be excluded from any determination regarding the imposition of a disciplinary sanction/consequence by the remaining Board members.

The District's resolution of a formal complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Superintendent may involve local law enforcement and/or file criminal charges related to allegations of sexual harassment that involve a sexual assault.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

Appeal

Both parties have the right to file an appeal from a determination regarding responsibility or from the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, on the following bases:

A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);

B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein.

Nothing herein shall prevent the Superintendent (or the Board when the Superintendent is the Respondent) from implementing appropriate remedies, excluding disciplinary sanctions, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against

Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a formal complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding

responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA's regulations, and State law under 118.12, Wis. Stats., 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

Training

The District's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

A. the definition of sexual harassment (as that term is used in this policy);

B. the scope of the District's education program or activity;

C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and

D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

Recordkeeping

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

The District shall maintain for a period of seven (7) calendar years the following records pursuant to 19.21(6), Wis. Stats.:

A. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the

Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;

B. Any appeal and the result therefrom;

C. Any informal resolution and the result therefrom; and

D. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website.

Outside Appointments, Dual Appointments, and Delegations

The Board retains the discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation, may be rescinded by the Superintendent at any time.

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RELIGION IN THE CURRICULUM

2270 - **RELIGION IN THE CURRICULUM**

As a public entity, the District must comply with the U.S. Constitution's First Amendment requirement that the District neither establishes religion in the schools nor prohibits students' free exercise of religion according to pertinent interpretation and application of those Constitutional provisions by the Courts. Accordingly, no Board employee will promote religion in the classroom or in the District's curriculum, or compel or pressure any student to participate in devotional exercises. Displays of a religious character must conform with Policy 8800- Religious Activities and Observances, and Policy 8802 - Patriotic Activities and Observances. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally. Teachers shall forward requests for religious accommodation in instruction to thePrincipal.

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

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

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

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

The student will be provided with alternate learning activities during the times of such parent requested absence.

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

The District's instructional materials shall not be designed to influence students to accept or reject a particular religious belief or point of view.

Complaints by students or the public regarding any such course of study will be handled in accordance with Board Policy 9130 - Public Requests, Suggestions, or Complaints. Parents and students shall be provided annual notice regarding the contents of this policy.

See Reference: Policy 8800- Religious Activities and Observances, and Policy 8802 - Patriotic Activities and Observances

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EARLY COLLEGE CREDIT PROGRAM

2271- **EARLY COLLEGE CREDIT PROGRAM**

The Board recognizes the value to students and to the District of students participating in programs offered by the Universities of Wisconsin, tribally controlled colleges and private, non-profit higher education institutions in Wisconsin.

The Board will allow any high school student who satisfies the eligibility requirements to participate in the Early College Credit Program (ECCP) to enroll in an approved course at an ECCP-approved institution of higher education while attending in the District. Students will be eligible to receive college and high school credit for completing course(s) at authorized institutions of higher education provided they complete the course(s) and receive a passing grade.

The District's Early College Credit Program shall be operated in accordance with applicable State law and the administrative rules of the Department of Public Instruction. All students enrolled in the District in the 8th, 9th, 10th, and 11th grades shall be provided with information regarding the Program by October 1st of each year.

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START COLLEGE NOW PROGRAM

2271.01 - **START COLLEGE NOW PROGRAM**

The District will permit resident high school students who have completed the 10th grade and who meet eligibility criteria, to take courses at a technical college in the Wisconsin Technical College System for the purpose of earning both high school and postsecondary credit. Students who wish to attend a technical college under this policy must request attendance and, if the student is a minor, must provide written approval from the student's parent. Students must request such attendance from the student's resident school district if attending the District as a non-resident.

General Eligibility Criteria for Students that Have Completed the 10th Grade:

To be eligible to attend courses at a technical college pursuant to this policy, a student:

A. must be in good academic standing;

B. must provide written notification to the board of the school district in which the student resides of the student's intent to attend a technical college under this subsection by March 1st if the student intends to enroll in the fall semester, and by October 1st if the student intends to enroll in the spring semester;

C. must not be identified as a child-at-risk, pursuant to Policy 5461 - Children At-Risk of Not Graduating from High School;

D. must not be ineligible for participation for having failed a previous class under this program and failing to reimburse the Board for any costs the student is required to pay; and

E. must be admitted to the technical college for attendance.

Undue Financial Hardship

The Board may prohibit a student's attendance if the student is a child with a disability and the Board determines that the cost to the School District of any required additional special services for participation in this program would impose an undue financial burden on the District.

Tuition Payments for Technical College Attendance

The District shall pay to the technical college the cost of a student's tuition for attendance, including any additional costs associated with a student's special services, if applicable, if attendance is permitted, except as follows:

A. For any course that the Board determines does not meet high school graduation requirements or the Board determines the District provides a comparable course. The student may appeal an adverse decision to the Department of Public Instruction. The Board shall notify the student no less than thirty (30) calendar days prior to the start date of the proposed course if it finds that the course either does not meet high school graduation requirements or is comparable to a course offered in the District.

B. The student has already completed eighteen (18) postsecondary semester credits.

Other Instructional Costs in Addition to Tuition

The District shall pay all costs for course fees and books that would be paid by a Wisconsin resident attending the technical college, provided that the course is not comparable to a course offered by the District.

Transportation Expenses

The District is not responsible for transporting a student attending a technical college under this policy to or from the technical college that the student is attending.

Reimbursement for Course Failing Grade

If a student receives a failing grade in a course or fails to complete a course, at a technical college for which the Board has made payment, the student's parent, or the student if the student is an adult, may be required by the Board to reimburse the Board the amount paid on the student's behalf to the extent permitted by law to do so. For the purposes of this paragraph, a grade that constitutes a failing grade for a course offered in the School District constitutes a failing grade for a course taken at a technical college under this section.

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HOMEWORK

2330 - **HOMEWORK**

The Board acknowledges the educational validity of out-of-school assignments as adjuncts to and extensions of the instructional program of the schools.

"Homework" shall refer to those assignments to be prepared outside of the school by the student.

The District establishes the following standards for the assignment of homework:

A. Homework should be a properly planned part of the curriculum to extend and reinforce the learning experience of the school.

B. Homework should help students learn by providing practice in the mastery of skills, experience in data gathering, and integration of knowledge, and an opportunity to remediate learning problems.

C. Homework should help develop the student's sense of responsibility by providing an opportunity for the exercise of independent work and judgment.

D. The number, frequency, and degree of difficulty of homework assignments should be based on the ability and needs of the student and take into account other activities which make a legitimate claim on the student's time.

E. As a valid educational tool, homework should be assigned with clear direction and its product carefully evaluated.

F. The schools should recognize the role of parents by suggesting ways in which parents can assist the school in helping a student carry out assigned responsibilities.

G. Homework should always serve a valid learning purpose; it should never be used as a punitive measure.

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DISTRICT-SPONSORED TRIPS

2340 - **DISTRICT-SPONSORED TRIPS**

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

Field Trips

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

A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;

B. help students relate school experiences to the reality of the world outside of school;

C. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;

D. afford students the opportunity to study real things and real processes in their actual environment.

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

Extra-Curricular/Co-Curricular Trips

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

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

Overnight Travel

Overnight travel is defined as a field trip that involves one or more overnight stays. The District views overnight travel outside of the District related to the curriculum/program

as an adjunct to that curriculum/program. As such it is an important feature of the overall educational program. The District recognizes the importance of overnight travel outside of the District to amplify and enhance studies that occur in the schools' classrooms through unique enrichment opportunities that are not available locally. Overnight travel shall first be approved by the Principal in accordance with the District's overnight travel guidelines.

International field trips present special considerations that need to be taken into account when planning these activities. The Board must approve these trips to be considered District-sponsored trips. The Board will only approve international field trips that are affiliated with a sponsoring or commercial organization that specializes in international travel and that are responsible for establishing the cost of such programs and for collecting payment directly from participating students or their parents.

Approval of international travel shall also take into account travel warnings for Americans to avoid travel to specified countries. These warnings are issued by the United States Department of State based on current conditions around the world and are updated as deemed necessary.

Other District-Sponsored Trips

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

Trip Approval Process

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

Any staff member may propose a trip by presenting details of the proposed trip to the principal.

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

General Trip Provisions

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

Students may be charged fees for District-sponsored trips.

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

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board or District Administrator. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District

without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip.

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

Trips Not Sponsored by the District

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

Transportation for Field and other District Sponsored Trips

The District shall assume transportation costs for a certain number of approved field trips as approved by the Superintendent.

The District will provide transportation for all other trips including co-curricular, athletic, and other extra-curricular trips as approved by the Superintendent.

Transportation may be limited by the availability of vehicles, drivers, and scheduling, and will not be available when needed for general school purposes.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle without the approval of Administration.

No student is allowed to drive on any trip. An exception may be made by the principal on an individual basis provided the student has written parental permission.

Transportation by private vehicle shall be in accordance with Policy 8660 - Transportation by Private Vehicle for District-Sponsored Activities or Trips.

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po2370

EDUCATIONAL OPTIONS PROVIDED BY THE DISTRICT

2370 - **EDUCATIONAL OPTIONS PROVIDED BY THE DISTRICT**

The Board recognizes that students learn in different ways and therefore provides a variety of educational programs and options to students developed and approved through the Board and the administration.

The District program includes a variety of opportunities using both on-site and distance learning. The availability of educational options varies depending on the school of attendance and individual student circumstances, and the District is frequently evaluating and updating its programs. Students and parents are encouraged to consult with the school administration to discuss programs best suited for them. The following contains brief descriptions of the educational options available through the District's program, but is not intended to be an exhaustive list:

Early College Credit Program

High school students may take college courses for high school and/or college credit in accordance with Policy 2271 - Early College Credit Program.

Start College Now Program

Students enrolled in grades eleven (11) and twelve (12) may take technical college courses for high school and/or college credit in accordance with Policy 2271.01 - Start

College Now Program.

Advanced Placement (AP) Courses

Students may enroll in AP courses that prepare students for the College Board's annual AP Exams offered in the spring. Students may earn college credit based on their AP Exam score.

Dual Credit Programs

Students enrolled in grades eleven (11) and twelve (12) may take approved dual credit programs with Lakeshore Technical College in accordance with State law and District procedures.

Independent Study

Independent study provides the opportunity for students to explore career options or to take a course not available as an offered course. Independent studies may also take the student into the greater school community for experience under the co-sponsorship of people in other professions, businesses, government, or industry.

Online Courses

Students may enroll in online courses when such course is not otherwise available or as an educational alternative better suited to the diverse learning needs of students.

School-to-Work Programs

Students may enroll in the District's cooperative education program offered with a course or in a work-study program designed to the individual needs of the student.

Summer School

The District offers a summer school program that includes both enrichment and credit recovery options.

Youth Apprenticeship Program

The District offers a Youth Apprenticeship program as part of the Statewide School-to-Work initiative.

Full-Time Open Enrollment Program

The District offers a full-time open enrollment opportunity to students in accordance with Policy 5113 - Open Enrollment Program (Inter-District).

Part-Time Open Enrollment Program

The District offers a part-time open enrollment opportunity to students in accordance with Policy 5113.01 - Part-Time Open Enrollment.

Courses for Home-Based Private Education Students

Students enrolled in home-based private education programs may take up to two (2) courses per semester in the District in accordance with Policy 9270 - Home-Based, Private, or Tribal Schooling.

Notification of Educational Options

Annually, the District shall provide a list of educational options to parents in accordance with Policy 8146 - Notification of Educational Options.

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GENERAL EDUCATION DEVELOPMENT

2370.01 - **GENERAL EDUCATION DEVELOPMENT**

The administration shall develop and apply procedures for maintaining a general education development option two program (GED 02) in accordance with administrative rule PI-5 and other State requirements. In order to qualify for graduation from the program, students shall complete all State requirements and perform a minimum of twenty (20) hours of community service.

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ON-LINE EDUCATION

2370.02 - **ON-LINE EDUCATION**

The purpose of this policy is to provide guidance for the implementation and monitoring of an on-line education program as part of the full continuum of educational services offered students in the Manitowoc Public School District.

On-line Instruction

The Manitowoc Public School District recognizes on-line education as one in an array of options to meet the educational needs of students. On-line education, as a supplement to face-to-face learning, may enhance or expand course offerings, or serve as an alternative method of delivery for unique learning needs.

Students may enroll in on-line education courses approved by the District, subject to the enrollment criteria specified in this policy. On- line courses will be reviewed to ensure quality including alignment with National, State, or local academic standards; and delivery by qualified instructors.

Student Enrollment

Manitowoc Public School District students may apply to enroll in on-line education courses approved by the District. Applications are subject to approval by the building principal and Superintendent of Schools or his/her designee, and must be approved prior to enrollment in order to receive credit. Applicants will be considered if there is

evidence that the student will be successful in the on-line environment and any of the following circumstances apply:

A. The course is not offered by the Manitowoc Public School District.

B. The course will serve as a supplement to extended homebound instruction.

C. The student requires accelerated study or is credit deficient.

D. The student is unable to take a course due to an unresolvable scheduling conflict.

E. The student requires education at a neutral site.

F. Other extenuating circumstances.

In accordance with State law, private and home schooled students in grades 9-12 may take up to two (2) District courses per semester and still maintain their private school or home schooled status. Either or both of these courses may be approved courses offered on- line. The same enrollment criteria stated for Manitowoc Public School District students will be considered for private and home schooled students, taking into consideration their unique learning needs.

Grades/Credit/Diploma

Upon receipt of an official transcript from the institution providing on-line instruction, credit for approved on-line coursework will be added to a Manitowoc Public School District student's transcript. Coursework will count toward the student's grade point average.

Accessibility

The Manitowoc Public School District will comply with State Statute 118.13 to ensure equal educational opportunities with regard to on-line education. Manitowoc Public Schools may provide in-District computer use and Internet accessibility at designated locations and times for students enrolled in on-line courses. All stipulations of the Manitowoc Public School District Internet Acceptable Use Agreement will apply. Students who participate in on-line coursework from home are responsible for their own hardware, software, and Internet access.

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po2411

SCHOOL COUNSELING AND ACADEMIC AND CAREER PLANNING

2411- **SCHOOL COUNSELING AND ACADEMIC AND CAREER PLANNING**

The Board requires that a planned program of school counseling be an integral part of the educational program of the District. The plan shall be developed by licensed school counselors in collaboration with student services staff, teachers, parents, and community health and human service professionals. The developed plan will be adopted by the Board and maintained by the District. Such a program shall be available to all students without regard to race, color, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex (including transgender status, change of sex or gender identity), physical or mental, emotional, or learning disability ("Protected Classes").

This plan should be developmentally appropriate and:

A. enable counselors to effectively communicate with students who have limited English proficiency and/or are sensory impaired;

B. assist students in achieving their optimum growth;

C. enable students to draw the greatest benefit from the offerings of the instructional program of the schools;

D. help integrate all the student's experience so that s/he can better relate school activity to life outside the school;

E. help students learn to make their own decisions and solve problems independently.

Academic and career planning services, including individualized support and access to software tools and staff assistance, shall be provided to students in grades 6 to 12. The mission of academic and career planning is to provide a comprehensive plan, which will be developed and maintained by a student, that includes the student's academic, career, personal, and social goals and the means by which the student will achieve those goals both before and after high school graduation. The District shall inform parents in each school year about what academic and career planning services their child receives.

The Superintendent shall implement the school program which carries out these purposes and:

A. involves appropriate staff members at every level;

B. honors the individuality of each student;

C. is integrated with the total educational program;

D. is coordinated with available resources of the community;

E. cooperates with parents and recognizes their concern and ideas for the development of their children;

F. provides means for such sharing of information among such appropriate staff members as may be in the best interests of the student.

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HOMEBOUND INSTRUCTION PROGRAM

2412 - **HOMEBOUND INSTRUCTION PROGRAM**

Subject to applicable State and Federal law, the Board may provide individual instruction to students of legal school age who are unable to attend classes because they are temporarily not in proper physical or mental condition. In addition, subject to applicable State and Federal law, the District may provide a homebound study as part of a program or curriculum modification.

A request for homebound instruction should be placed in writing and include the following information:

A. the nature of the medical condition;

B. the probable duration;

C. present evidence of the student's inability to participate in an educational program;

D. indicate whether the student currently has an Individualized Education Plan (IEP) and, if so, whether the student's parent is requesting that the IEP Team reconvene;

E. indicate whether the student currently has a Section 504 Plan;

F. indicate whether the student is or will become a school-age parent;

G. indicate whether homebound study is requested as part of a program or curriculum modification.

Requests for homebound instruction will be considered by the Superintendent. The Superintendent will issue a decision within ninety (90) calendar days of the written request. If the student has been evaluated for special education but was not found to be eligible for special education, then the District Administrator will provide a written decision within thirty (30) calendar days of the written request.

If the request for homebound instruction is granted, a licensed teacher must provide the homebound instruction, and the homebound instruction will commence as soon as practicable after the date of notification for non-special education students. In the case of special education students or students with an IEP or a Section 504 Plan, homebound instruction will commence as provided in the applicable Plan.

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po2413

HEALTH EDUCATION

2413 - **HEALTH EDUCATION**

The Board, in compliance with State law, has adopted a comprehensive program of health education that will prepare students to maintain good health and enable them to adapt to changing health problems of our society.

The Board recognizes that this program, like others the District offers, may contain content and/or activities that some parents find objectionable. A student may not be required to take instruction in physiology and hygiene, sanitation, the effects of controlled substances pursuant to State law and alcohol upon the human system, symptoms of disease, and the proper care of the body if the student's parent files with the teacher a written objection.

If a student does not take instruction in these subjects as a result of parental objection, the student may not be required to be examined in the subjects and may not be penalized in any way for not taking such instruction, and the Board authorizes the Superintendent to determine if the student shall complete an alternative assignment that is similar to the subjects in the length of time necessary to complete.

If the subjects receive credit toward graduation the Board authorizes the Superintendent the subjects in the length of time necessary to complete.

Instruction in physiology and hygiene shall include instruction on sexually transmitted diseases and shall be offered in every high school.

The Superintendent shall notify parents of planned instruction in the health education curriculum regarding human growth and development topics as identified and in accordance with Policy 2414 - Human Growth and Development.

Students in grades seven (7) through twelve (12) will be provided instruction in cardiopulmonary resuscitation and cardiocerebral resuscitation including instruction on the psychomotor skills necessary to perform both skills as part of any health education course offered.

Students in grades seven (7) through twelve (12) will be provided instruction about automated external defibrillators as identified in Policy 8452 - Automated External Defibrillators.

The Superintendent shall prepare administrative guidelines that require:

A. the health education program includes appropriate learning experiences related to such topics as use, abuse, and effects of drugs, alcohol, and tobacco; mental, physical, and dental health; disease prevention and control; accident prevention; and related health and safety topics;

B. periodic evaluation of student understanding;

C. continual analysis of the effectiveness of the program and the accuracy, completeness, and relevancy of the information and instructional procedures.

In implementing the program, the Superintendent may use whatever District and outside resources, including Wisconsin Department of Public Instruction guidelines and consultants, deemed appropriate.

Revised 9/12/17

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po2414

HUMAN GROWTH AND DEVELOPMENT

2414 **- HUMAN GROWTH AND DEVELOPMENT**

The Board directs that students receive instruction in human growth and development, consistent with Chapter 118.019(2), Wis. Stats.

Such instruction will include the following:

A. Medically accurate and age-appropriate instruction in the following topics:

1. the importance of communication about sexuality between the student and the student's parents or guardians

2. reproductive and sexual anatomy and physiology, including biological, psychosocial, emotional, and intellectual changes that accompany maturation

3. the benefits of and reasons for abstaining from sexual activity, which shall stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections, and shall identify the skills necessary to remain abstinent

4. methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress

5. how alcohol and drug use affect responsible decision-making

6. the impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality

7. adoption resources, prenatal care, and postnatal supports

8. the nature and treatment of sexually transmitted infections

B. The instructional program will also include the following:

1. address self-esteem and personal responsibility, positive interpersonal skill, and healthy relationships

2. identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships

3. address the positive connection between marriage and parenting

4. present information about avoiding stereotyping and bullying, including how to refrain from making inappropriate remarks, avoiding engaging in inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report any unwanted or inappropriate remarks or physical or sexual behaviors

5. puberty, pregnancy, parenting, body image, and gender stereotypes

6. the health benefits, side effects, and proper use of contraceptives and barrier methods approved by the Federal Food and Drug Administration to prevent pregnancy and barrier methods approved by the Federal Food and Drug to prevent sexually transmitted infections

7. the skills needed to make responsible decisions about sexuality and sexual behavior throughout the student's life.

The following shall also be incorporated into the above subjects, when age-appropriate, in the same course and during the same year:

A. presents abstinence from sexual activity as the preferred choice of behavior for unmarried students;

B. emphasizes that abstinence from sexual activity before marriage is the only reliable way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome;

C. provides instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children;

D. explains pregnancy, prenatal development, and childbirth;

E. explains the criminal penalties for engaging in sexual activities involving a child under Ch. 948, Wis. Stats.;

F. explains the sex offender registration requirements under 301.45, Wis. Stats.; which shall include who is required to report, what information must be reported, who has access to the information reported, and the implications of being registered;

G. provides medically accurate information about the human papillomavirus and the human immunodeficiency virus and acquired immunodeficiency syndrome; and

H. explains the process under 48.195, Wis. Stats., under which a parent of a newborn child may relinquish custody of the child to a law enforcement officer, emergency medical services practitioner, or hospital staff member

The District shall use instructional methods and materials that do not discriminate against a student based upon the student's race, gender, religion, sexual orientation, or

ethnic or cultural background or against sexually active students or children with disabilities.

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po2416

STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

2416- **STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

The Board respects the privacy rights of parents and their children.

Surveys Requiring Consent

No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, their parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

A. political affiliations or beliefs of the student or their parents;

B. mental or psychological problems of the student or their family;

C. sex behavior or attitudes;

D. illegal, anti-social, self-incriminating, or demeaning behavior;

E. critical appraisals of other individuals with whom respondents have close family relationships;

F. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;

G. religious practices, affiliations, or beliefs of the student or the student's parents; or

H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall establish procedures to provide parents with the opportunity to inspect any materials created by a third party used in conjunction with any such survey, analysis, or evaluation before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

Parent's Right to Inspect Surveys

Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to the student. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.

Consistent with parental rights, the Board directs building and program administrators to:

A. notify parents in writing of any surveys, analyses, or evaluations which may reveal any of the information, as identified in A-H above, in a timely manner, and which allows interested parties to request an opportunity to inspect the survey, analysis, or evaluation; and the administrator to arrange for inspection prior to initiating the activity with students;

B. allow the parents the option of excluding their student from the activity;

C. report collected data in a summarized fashion which does not permit one to make a connection between the data and individual students or small groups of students;

D. treat information as identified in A-H above as any other confidential information in accordance with Policy 8350 - Confidentiality and Policy 8330 - Student Records.

Student Privacy

For the privacy of students whose parents request that they not take part in the survey, arrangements will be made prior to the time period when the survey will be given, for the student(s) to go to a supervised location where under the supervision of a staff member, the student will be provided with an alternate activity.

Personal Information for Marketing or Sale

The Board shall not collect or use personal information obtained from students or their parents for the purpose of marketing or for selling that information. For purposes of this section, "personal information" means individually identifiable information including: a student's or parent's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; and a Social Security identification number.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

A. college or other postsecondary education recruitment, or military recruitment;

B. book clubs, magazines, and programs providing access to low-cost literary products;

C. curricular and instructional materials used by elementary and secondary schools;

D. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

E. the sale by students of products or services to raise funds for school-related or education-related activities;

F. student recognition programs.

Notice Requirements

The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

The notice shall provide the following:

A. Notice of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

    1. activities involving 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);

    2. the administration of any survey by a third party that contains one or more of the items described in A through H above.

B. The opportunity for the parents to opt their child(ren) out of participation in any survey involving any of the items above.

Definitions

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives or a person who is legally responsible for the welfare of the child).

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T.C. 1/7/25

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T.C. 11/11/25

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PARENTAL/POLICE ACCESS TO LIBRARY CENTER INFORMATION

2416.01 - **PARENTAL/POLICE ACCESS TO LIBRARY CENTER INFORMATION**

The Board of Education respects the privacy rights of parents and their children. The Board is also committed to ensuring that parents are fully informed about the instructional material, resources and services students choose to use at the District's libraries.

Parents of a student under the age of sixteen (16) have the right to review, upon request library records relating to the use of the library's documents or other materials, resources or services by the student.

Upon request from a law enforcement officer investigating criminal conduct alleged to have occurred at a school library, the library shall disclose to the officer records produced by a surveillance device under the control of the library that are pertinent to the alleged criminal conduct.

Other than the exceptions noted above, records indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library, or to persons authorized by the individual to inspect such records.

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po2421

CAREER AND TECHNICAL EDUCATION PROGRAM

2421 - **CAREER AND TECHNICAL EDUCATION PROGRAM**

The mission of career and technical education is to provide an opportunity for students to develop the knowledge needed for success in employment, to build foundations for further education and to acquire independent living skills.

The District's curriculum will provide every student with the opportunity to participate in learning experiences, to explore potential careers and, when appropriate, acquire the occupational skills necessary for the transition from school to the world of work.

For purposes of this policy, "career and technical education" shall be defined as a program designed to provide educational experiences and guidance for students to plan and prepare for a future:

A. in the labor market as employable individuals immediately after graduation with productive, saleable skills;

B. in education beyond high school with the opportunity to gain a marketable job skill(s) that will assist them in achieving career goals;

C. in the world of work while continuing their education in order to help offset higher education expenses.

The Board shall provide, in cooperation with the high school principal, a career and technical education program which shall include:

A. Technology and Engineering Education;

B. Family and Consumer Sciences Education;

C. Business and Information Technology Education;

D. Marketing, Management and Entrepreneurship Education.

The Board directs that any efforts to recruit students to participate in a particular career and technical education program must include literature and comparable recruitment efforts for students with disabilities in a format and context in which they can communicate.

The career and technical education program may also include:

A. integration with Early College Credit or Start College Now programs;

B. paid or unpaid youth work-based learning opportunity;

C. a work-study program involving the employment of qualified students.

The programs are available to students without regard to race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical,

mental, emotional, or learning disability ("Protected Classes"). The Superintendent is to ensure that application forms for work-study programs contain a notice of nondiscrimination and that each employer associated with a work-study program has provided assurance of nondiscrimination based on the Protected Classes prior to the time the students are selected and/or assigned.

Revised 4/11/17

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po2421.01

STUDENTS AS TRAINEES

2421.01 - **STUDENTS AS TRAINEES**

The Board of Education recognizes the value of providing students with experiences as part of their preparation for productive employment and appreciates the cooperation of local employers in accommodating such training activities at their places of business.

The Board authorizes the Superintendent to develop work-site training programs as part of the vocational education curriculum. S/He shall develop administrative guidelines whereby all such programs are reviewed to determine whether or not an employer relationship has been established according to criteria established by the Supreme Court in adjudicating cases related to the Fair Labor Standards Act. Particular attention should be paid to community-based programs for students with disabilities and to vocational education programs in which students are producing goods or services for sale and the District is the recipient of the income therefrom.

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DISTRICT-SPONSORED CLUBS AND ACTIVITIES

2430 - **DISTRICT-SPONSORED CLUBS AND ACTIVITIES**

The Board believes that the goals and objectives of this District are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are related to the District's curriculum and/or mission.

The purpose of District-sponsored activities shall be to enable students to explore a wider range of individual interests than may be available in the District's courses of study but are still related to accomplishing the educational outcomes for students as adopted by the Board in Policy 2131. The Board encourages all students, including those students in elementary and middle school grades, to participate in such opportunities. In implementing this policy, the District Administrator shall take steps to make such opportunities accessible to all students.

For purposes of this policy, District-sponsored activities are typically those activities in which:

A. the subject matter is actually taught or will be taught in a regularly offered course;

B. the subject matter concerns the District's composite courses of study;

C. participation is required for a particular course;

D. participation results in academic credit; or

E. the subject matter is of interest to students and aligns with the District's goals and mission.

No activity shall be considered to be under the sponsorship of this Board unless it meets one (1) or more of the criteria stated above and has been approved by the Superintendent.

Such activities, along with competitive extra-curricular activities/athletics, may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board and directed by a staff advisor.

The Board shall allow nondistrict-sponsored, student clubs and activities during noninstructional time, in accordance with the provisions in Policy 5730 - Equal Access For Nondistrict-Sponsored, Student Clubs and Activities.

Nondistrict-sponsored student activities that are initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - Use of District Facilities. The Board, however, will not:

A. assume any responsibility for the planning, conducting, or evaluating of such activities;

B. provide any funds or other resources;

C. allow any member of the District's staff to assist in the planning, conducting, or evaluating of such an activity during the hours when functioning as a member of

the staff.

All activities which meet the criteria of this policy are sponsored by the District and are authorized to use the District name, logo, mascot, or any other name which would associate an activity with the District, provided such use is consistent with other applicable District policies.

No nondistrict-sponsored organization may use the name, logo, mascot, or any other name which would associate an activity with the District. Additionally, no nondistrict-sponsored organization may use the assets of the District including, but not limited to, facilities, technology, or communication networks without the specific permission(s) as outlined in the relevant District policies.

Students shall be fully informed of the District-sponsored activities available to them and of the eligibility standards established for participation in these activities. District-sponsored activities shall be available to all students who elect to participate and who meet eligibility standards.

Whenever a student becomes a member of a District-sponsored student group or national organization, such as the National Honor Society, in order to remain a member, they must continue to meet all of the eligibility criteria and abide by the principles and practices established by the group or the organization.

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po2431

INTERSCHOLASTIC ATHLETICS

2431 - **INTERSCHOLASTIC ATHLETICS**

The Board recognizes the value to the District and to the community of a program of interscholastic athletics for as many students as feasible and in accordance with Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Board believes that it is the purpose of an interscholastic program to provide the benefits of an athletic experience to as large a number of students as feasible within the District.

The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the School District alone.

The program should foster the growth of school loyalty with the student body as a whole and stimulate community interest in athletics.

Game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

Since the primary purpose of the athletic program is to enhance the education of participating students as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship, team play, and fair competition, rather than on winning, particularly at sub-varsity levels. The District Administrator is to develop guidelines for coaches to follow which will ensure that as many students as possible have the opportunity to play so they have the opportunity to benefit from the learning experience.

The Board further adopts those eligibility standards set by the Constitution of the Wisconsin Interscholastic Athletic Association (WIAA) and shall review such standards annually to ascertain that they continue to be in conformity with the objectives of this Board.

The District Administrator is authorized to establish a set of behavior expectations for participants as well as the implementation of appropriate disciplinary procedures against those who violate these expectations. The District provides the following safeguards:

A. Prior to enrolling in the sport, each participant shall submit to a thorough physical examination by a District-approved physician, and parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation.

B. Any student who is found to have a health condition which may be life-threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate.

C. Any student who incurs an injury requiring a physician's care is to have written approval by a physician prior to the student's return to participation.

D. Any student suspected of having a head injury or concussion shall be provided with safety protocols specified in Policy 5340 - Student Accidents/Illness/Concussion.

In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches should never dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes.

To support the efforts to strengthen sportsmanship, ethics, and integrity, the Board commits itself to adopt policies (upon recommendation of the administration) which reflect the District's educational objectives and promote the ideals of good sportsmanship, ethics, and integrity.

Revised 9/25/18
Revised 4/9/24
T.C. 11/11/25

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SUMMER OR INTERIM SESSION SCHOOL

2440 - **SUMMER OR INTERIM SESSION SCHOOL**

The Board shall conduct a summer program or an interim session program occurring outside of the periods of regular instruction and which do not count towards the minimum hours of instruction required by law, for the purpose of, academic instruction and/or recreational activities at the Elementary, Middle, and High School levels for resident students of this District and such other students as the Board may admit.

Summer and interim session school instruction shall be designed to provide opportunities for students to:

A. improve a poor grade;

B. improve learning skills;

C. make up a failed course;

D. enrich a scholastic program;

E. explore new academic areas.

The Board shall annually approve a summer school program and/or an interim session school program. In order to support such a program of instruction, the Board will:

A. employ teaching and administrative staff;

B. purchase such books, materials, supplies, and equipment as may be necessary;

C. appoint the director;

D. make available school facilities as required;

E. provide necessary custodial services.

Tuition fees shall not be charged to students domiciled within the District.

Tuition shall be charged for nonresident students at rates as determined by the Board.

Reasonable fees may be charged to all students for social, recreational, or extra-curricular summer or interim session classes in accordance with DPI regulations.

The Superintendent shall be responsible for developing administrative guidelines for the operation of the summer and/or interim session program which shall be consistent with Board policies and not conflict in any way with the administration of the regular school sessions of the District.

For information on summer or interim school attendance, see Policy 2440.01 - Summer or Interim School Attendance.

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T.C. 4/9/25

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po2440.01

SUMMER OR INTERIM SCHOOL ATTENDANCE

2440.01 - **SUMMER OR INTERIM SCHOOL ATTENDANCE**

The brief duration of summer or interim school makes regular attendance imperative. Students enrolled in summer school are expected to attend all class periods for classes in which they are enrolled.

The Board may authorize the District Administrator to establish minimum attendance requirements for any classes taken for credit.

Students enrolled in summer school are expected to attend all class periods and are required to maintain at least an eighty (80%) attendance record in order to receive credit towards graduation or to qualify to take a competency test.

Attendance exceptions may be granted only by the Principal and are limited to absences to participate in school-sponsored activities or in cases of emergency. When an exception is made, the student must still complete all required coursework.

Students may be excused from summer school attendance when a request is made by the student's parent. The school will attempt to contact the parent on the student’s second day of absence if the parent has not notified the school of the student’s absence.

Each parent, or adult student, must notify the school in writing if the student withdraws from the course at any time. Withdrawal will result in the student receiving no credit for the course.

The school shall maintain an accurate record of summer school attendance, late enrollments, and withdrawals.

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PROGRAM OR CURRICULUM MODIFICATIONS

2451 - **PROGRAM OR CURRICULUM MODIFICATIONS**

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

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

A. modifications within the student's current academic program;

B. a school work training or work-study program;

C. enrollment in an alternative public school or program located in the School District in which the student resides;

D. enrollment in any nonsectarian private school or program, or tribal school, located in the School District in which the student resides, which complies with the requirements of State and Federal law;

E. homebound study, including nonsectarian correspondence courses or other courses of study approved by the Board or nonsectarian tutoring provided by the school in which the child is enrolled;

F. enrollment in any public educational program located outside the School District in which the student resides, pursuant to a contractual agreement between school districts.

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

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

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

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po2460

PROGRAMS FOR STUDENTS WITH DISABILITIES

2460 - **PROGRAMS FOR STUDENTS WITH DISABILITIES**

The Board shall provide a free, appropriate public education to all eligible persons with a disability, ages three (3) through twenty-one (21), which complies with Federal and State laws and guidelines.

The District provides a continuum of special education services. The determination of the need and extent of services provided shall be subject to the Individual Educational Program (IEP) developed for the child.

The District adopts the Wisconsin Department of Public Instruction Special Education Model Forms and Policies and Procedures Manual as the Board's official policy in all practices and procedures relating to the education of children with disabilities in this school District, in compliance with State and Federal laws and regulations. The Board further assures that all District employees shall comply with the procedures and responsibilities laid forth within this manual as updated periodically by the Wisconsin Department of Public Instruction (DPI).

The DPI Special Education Model Forms and Policies and Procedures Manual shall be adopted annually by the Board.

The Board and Administration supports the requirements of State and Federal law that students with disabilities be educated, to the maximum extent appropriate, with children who are nondisabled. The Board further supports the State and Federal requirement that a continuum of alternative placements be available to meet the needs of students with disabilities eligible for special education services under the Individuals with Disabilities Education Act (IDEA).

The District identifies, locates, and evaluates all children with disabilities, regardless of the severity of the disability, who are in need of special education and related services. This includes children attending private schools, who are not yet three (3) years of age, highly mobile children such as migrant children and children and youth in transition, and children who are suspected of being a student with a disability even though they are advancing from grade to grade.

Students with disabilities will take State required tests unless otherwise prescribed in their IEP. Test administration procedures may be modified as indicated in a student's IEP.

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T.C. 2/17/25

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po2460.03

INDEPENDENT EDUCATIONAL EVALUATION (IEE)

2460.03 - **INDEPENDENT EDUCATIONAL EVALUATION (IEE)**

An independent educational evaluation (IEE) is an evaluation conducted by a qualified examiner who is not an employee of this District. A parent has the right to an IEE at public expense if the parent disagrees with an evaluation that the District conducted. For purposes of this policy, "evaluation" means the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs. In the event the District receives a parent request for an IEE, the District must either provide the IEE at District expense pursuant to this policy or request a due process hearing to show that its evaluation is appropriate. The IEE must meet District criteria for IEEs, which is the same criteria that the District uses when it conducts its own evaluations. If the District requests a due process hearing and the hearing officer determines that the District's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense. Parents may only request one (1) publicly funded IEE for each evaluation completed by the District.

Procedures to Obtain an IEE at Public Expense

A. The parent should submit to the District a written request for an IEE and should include in such request an explanation of their reasons for objecting to the evaluation obtained by the District. However, the District will not deny parents a publicly funded IEE because they fail to provide the District with such a written request or fail to provide reasons for requesting an IEE.

B. If a parent requests an IEE, the District will provide the following information:

1. A list of the names and addresses of IEE examiners located in the area. The list will consist of IEE examiners who, in the District's judgment, are

qualified to perform the evaluation requested by the parents. If a qualified examiner is not located in the area, the District will identify a qualified examiner elsewhere in the State of Wisconsin.

2. A description of the District's criteria for selection of IEE examiners.

C. Minimum qualifications for IEE examiners. The District will not pay for an IEE unless the IEE complies with the following criteria or the parents can show unique circumstances that justify a publicly funded IEE that does not meet the criteria.

1. The prospective IEE examiner (the "examiner") must hold a valid license from the State of Wisconsin in the field related to the known or suspected disability. The examiner must have extensive training in the evaluation of the area(s) of concern and be able to interpret the instructional implications of the evaluation results. In instances where no "applicable license" exists, the evaluator must provide documentation of extensive and recent training and experience related to the known or suspected disability.

2. The examiner must be located within 50 and must conduct the evaluation within District boundaries.

3. The examiner may only charge fees for educational evaluation services that, in the sole judgment of the District, are reasonable.

4. The examiner must be permitted to directly communicate and share information with members of the IEP Team. The examiner must also agree to release the assessment and results, including parent and teacher surveys, prior to receipt of payment for services.

5. If the District evaluation included an observation of the child in one (1) or more educational settings, the IEE shall include at least one (1) observation in that setting. Evaluators shall make at least one (1) contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. In addition, evaluators are encouraged to make additional contacts with other involved general or special education teachers. If the purpose of the

evaluation is to address a learning disability, an observation of the child is a required evaluation component.

6. The same criteria apply to both public and independent examiners.

D. The maximum allowable cost for an examiner will be the average cost per day or per hour for a similarly qualified staff member employed by the District during the current school year, as determined by the Director of Student Services (not to exceed $400.00). In the unusual event the examiner is one not typically employed by the District, such as a medical doctor, psychiatrist, clinical psychologist, or other similar professional, reimbursement of costs will be limited to reasonable and customary charges as determined by the District and its insurance carrier. The District shall not be responsible for reimbursement of travel costs or other related costs incurred by the parents in connection with their arrangement of, or their attendance at the IEE unless the parent can demonstrate that necessary services are not available in the community

E. If unique circumstances justify an IEE that exceeds the maximum allowable cost; the District must ensure the IEE is publicly funded. The District will review these circumstances on a case-by-case basis. If the total cost for an IEE exceeds the District's cost criteria and it is determined through appropriate procedures that there is no justification for excess cost, the cost of the IEE will be publicly funded up to the District's maximum allowable cost. If the District determines the cost exceeds the cost criteria, then the District must without unnecessary delay, initiate a due process hearing to demonstrate the cost did not meet appropriate agency criteria.

For more information, parents may request a copy of Bulletin 99.02 "Independent Educational Evaluations (IEEs)" from the District or from the Department of Public Instruction, Division of Learning Support: Equity and Advocacy.

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po2461

RECORDING OF IEP TEAM MEETINGS

2461 - **RECORDING OF IEP TEAM MEETINGS**

In order to facilitate parents' ability to fully participate in the IEP process, parents of students with disabilities are ordinarily permitted to audio record IEP Team meetings in accordance with the procedures set forth.

A. Parents wishing to audio record an IEP Team meeting must utilize their own recording device and tapes and provide notice to the District prior to the date of the scheduled IEP Team meeting.

B. Parents must obtain the consent of any staff member or other participant in the IEP meeting prior to the meeting in order to tape record the meeting. If any member of the IEP team does not consent to an audio recording of the meeting, the parent will not be permitted to record the meeting, but other accommodation will be made if the tape recording is requested for the parent, due to his/her own disability, to access the IEP process.

C. If the parent(s) elects to audio record an IEP Team meeting, the District will also record the meeting and maintain as a student record, in accordance with State and Federal law.

Video recording an IEP Team meeting is prohibited, unless it is required to permit a parent to access the IEP process, ensure that the parent is able to understand the IEP or implement the IEP, it will effectively remove a parent(s) barrier to access the IEP process caused by a disability. Documentation of the parent's disability and need for accommodations is required.

If the District records an IEP Team meeting, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with State and Federal law.

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ADVANCED LEARNING INSTRUCTION ("GIFTED AND TALENTED")

2464 - **ADVANCED LEARNING INSTRUCTION ("GIFTED AND TALENTED")**

The Board recognizes that at any grade level, students have a diverse range of learning needs, with some students requiring instruction and content above grade level standards. The Board further recognizes its responsibility to provide a strong instructional program that results in the academic and social emotional growth of all students, including its advanced learners (“gifted and talented students”), in accordance with Wisconsin law.

Advanced learning focuses on identifying the instructional needs of students within the K-12 grade level system Advanced learners (gifted and talented) are defined as students who give evidence of high performance capability or potential in any one (1) or more of five (5) domains: general intellectual, specific academic, leadership, creativity, and visual and performing arts. These students need instruction not ordinarily provided in a regular school program or assigned grade level in order to fully develop such capabilities.

The Board shall direct the Superintendent to establish a plan and designate a person to coordinate advanced instruction in a systematic and continuous K-12 progression. Instructional options should be designed to match students’ learning needs in the domain(s) in which they are identified. The Coordinator should have background and training in gifted education and/or advanced learning, and all instructional staff will be provided with professional learning specific to the needs of advanced learners. The Superintendent shall provide an opportunity for parental participation in the identification process and resultant programming at both the District level and the school level.

IDENTIFICATION

Advanced learners (gifted and talented pupils) shall be identified in kindergarten through grade 12 in the five (5) domains: general intellectual, specific academic, leadership, creativity, and visual and performing arts. Universal screening should occur before second grade, and again before sixth grade. The purpose of universal screening is to include students who traditionally are underrepresented in advanced learning opportunities. The identification process shall result in a student profile based on multiple indicators of student need, including but not limited to standardized test data with use of both national and local norms, rating scales or inventories, classwork, portfolios, nominations, and demonstrated performance. Identification tools shall be appropriately matched to each domain in which students are being identified. The identification process and tools shall be responsive to factors such as, but not limited to, pupils' economic conditions, race, gender, culture, native language, developmental differences, and identified disabilities (as described under subch. V of ch. 115, Stats.) Students with advanced learning needs in one area but learning challenges in another (i.e. “twice-exceptional learners”) shall be included.

INSTRUCTION

The Superintendent shall provide access to appropriate instruction for students identified as advanced learners (gifted or talented) that results in their continued academic growth and development. This instruction shall be provided during the regular school day and without charge for tuition. Classroom-based, school-based, and/or District-wide advanced interventions should include evidence-based practices appropriate for the instruction of advanced learners.

Instruction for advanced learners should include opportunities both within and outside the established grade level curriculum. Such opportunities may include but are not limited to, classroom differentiation, curriculum compacting, above grade level instruction, acceleration in an individual subject, full grade acceleration, cluster grouping and flexible grouping, faster pace and greater depth of instruction, academic enrichment, early admission to kindergarten or first grade, concurrent enrollment at accredited institutions, and early graduation.

Accelerated learning opportunities should be available, including but not limited to early entrance to kindergarten, subject acceleration, whole-grade acceleration, and early graduation from high school.

DOCUMENTATION AND EVALUATION

Identification will be documented for each student indicating for which domain(s) they are identified as an advanced learner and what instruction and opportunities were provided.

The Superintendent will evaluate the effectiveness of identification and programming for advanced learners through ongoing data analysis to measure both the growth of individual students and the consistent implementation of advanced learning instruction and opportunities across all K-12 schools.

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ADOPTION OF TEXTBOOKS

2510 - **ADOPTION OF TEXTBOOKS**

The Board of Education shall approve all textbooks used as part of the educational program of this District. "Textbook", for purposes of this policy, shall mean the principal source of instructional material for any given course of study, in whatever form the material may be presented, that is available or distributed to every student enrolled in the course.

The criteria established for the method of selection and later Board adoption of textbooks shall not discriminate on the basis of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights law Further, the Superintendent shall review all textbooks to assure they reflect the cultural diversity and pluralistic nature of American Society in compliance with Standard H.

The Superintendent shall be responsible for the selection and recommendation of textbooks for Board consideration. In considering the approval of any proposed textbook, the Board will weigh its decisions based on recommendations related to:

A. suitability for the maturity level and educational accomplishment of the students who will be using the material;

B. freedom from bias;

C. relationship to the curriculum adopted by the Board;

D. relationship to a continuous multigrade program;

E. impact on community standards;

F. manner of selection;

G. cost;

H. appearance and durability.

The Superintendent shall develop administrative guidelines for the selection of textbooks that includes effective consultation with professional staff members at all appropriate levels.

Revised 4/13/10

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po2521

SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT

2521 - **SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT**

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

For purposes of this policy, the term "instructional materials" is defined as supplemental books, readings, activities, online resources, and media distributed by a classroom teacher to students for the purpose of teaching the course content in accordance with the Board-approved course of study (see Policy 2220 - Adoption of Courses of Study). Textbooks, as defined in Policy 2510 - Adoption of Textbooks, are not included in this definition or policy. Learning assessment materials designed or selected by the teacher, such as quizzes, tests, exams, worksheets, lesson plans, homework assignments, and the like, are not selected by the Board and therefore not considered instructional materials for purposes of this policy.
The term "instructional equipment" is defined as tools and apparatus used by a classroom teacher for the purpose of conveying the course content or by a student for the purpose of learning the course content. Examples of instructional equipment include, but are not limited to, computing devices, projectors, screens, smartboards, chalkboards/whiteboards, televisions, DVD/video players, overhead projectors, calculators, maps, microscopes, scientific laboratory items, balls, physical activity equipment, musical equipment, career and technical education tools and appliances, art apparatus such as kilns and easels, and the like. Expendable supplies with an expected lifespan of a school year or less, and purchased with a corresponding WUFAR accounting code in accordance with DPI regulations, are not considered instructional equipment.

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

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

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

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

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

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

Revised 3/10/15

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po2521.01

SELECTION AND USE OF VIDEO MEDIA IN THE CLASSROOM

2521.01 - **SELECTION AND USE OF VIDEO MEDIA IN THE CLASSROOM**

The purpose of this policy is to provide guidance and consistency for the appropriate use of video media in the classroom. Video media can be used as an adjunct to almost any discipline and may be particularly effective in teaching different kinds of learners. Video media can link disciplinary perspectives, can serve very specific courses and units, and can target and motivate critical thinking and writing. Video media is misused when it regularly and inappropriately supplants instruction and/or used to reduce the amount of reading required for a class. Generally, commercial video media produced for entertainment are not to be shown in schools during instructional time. Videos, films, DVD's, videotapes, and other similar video recordings having obvious educational value may be shown when appropriate for the content, District curriculum, and level of the subject being taught. If public performance rights have been secured commercial video media may be shown for entertainment as part of the co-curricular or after school event or as a reward for a class(es) achieving a major goal. If shown during the school day the teacher is responsible for adherence to the Educational Fair Use Act which allows such a showing if the video media supports the curriculum.

Staff requesting the showing of video media to students with a rating that is listed outside of the Video Media/TV Viewing Restrictions listed within this policy must receive prior principal and parent permission. Parents/guardians wishing to have their children participate in viewing such video media shall indicate their decision in writing on an approval form submitted to the teacher and/or building principal. The decision of the parent/guardian not wishing to have their son or daughter participate will be respected and an assignment of equal learning value may be given as an alternate to attending the showing of such film, video, DVD, TV programming, or video tape.

Video Media Viewing Restriction

"G" Rating		Video media rated as such may be shown at any grade.
"PG" Rating		Video media rated as such may be shown at grades 5-12.
"PG 13" Rating		Video media rated as such may be shown at grades 7-12.
"R" Rating		Video media rated as such may be shown at grades 9-12 after a review and approval of the Superintendent. The video media's content must be integral to the subject taught and with reasonable evidence that no other material would provide students with the information, knowledge or understanding the video media provides. Parents/Guardians wishing to have their children participate in viewing such video media shall indicate their decision in writing on an approval form submitted to the teacher and/or building principal.
"NC 17" and "X"		Video media rated as "NC17" and "X" shall, under no circumstances, be shown in the school setting.
"Unrated"		"Unrated" video media may be shown if approved by the principal. Parent/Guardian permission may also be necessary as determined by the building principal.
TV Viewing Restrictions		
TV PARENTAL GUIDELINES RATING		**APPROPRIATE GRADE LEVEL**

TV-Y		All students
TV-Y7		Grade 2 and above
TV-G		All students
TV-PG		Grades 6-8 and above
TV-14		Grades 9-12
TV-MA		Not approved for any students without Superintendent and parent/guardian approval.

Staff members requesting video media approval are responsible for providing the principal with an accurate description of the content. The use of the District's video streaming media will not be subject to this approval process due to the pre-screening that is done with this media. Staff members making video media selections for classroom use should determine that the material is part of face-to-face teaching and as part of the District curriculum to meet provisions of copyright law (PL 94-553, Section 110(1)).

Staff members are encouraged not to show students video media of network or cable television performances which the students have probably already seen at home. If such TV recordings are to be shown to students the teacher must comply with all copyright requirements and adhere to the TV Viewing Restrictions within.

Students may watch live TV with the understanding that the televised event meets the appropriate developmental level of the students while being sensitive to the impact of

such a viewing upon students.

In accordance with this policy building administrators shall establish guidelines for its implementation in their respective buildings.

Manitowoc Public School District

po2522

LIBRARY MEDIA CENTERS

2522 **- LIBRARY MEDIA CENTERS**

The Board believes that school library media centers are a fundamental part of the educational process by providing a place to foster independent and collaborative learning and information-seeking skills in students and staff. This is accomplished through timely access to services and resources that both reflect the student body, the cultural diversity and pluralistic nature of American society, and represent perspectives held in the world more broadly. Therefore, the Board shall provide sufficient materials and staff for a library media center in each school in the District.

The District Administrator shall designate a licensed library media professional to direct or coordinate the District's library media program. The Board shall adopt a long-range plan for library media services developed by teachers and library and audiovisual personnel and administrators. The plan shall be reviewed periodically. The plan and any materials selection or review process shall be in accordance with Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity.

The major goals of the District's school library media centers are:

A. To support and enrich the District's standards and benchmarks;

B. To provide for personal interests, professional, educational, and recreational reading while promoting an appreciation of literature;

C. To provide a comprehensive and coordinated collection of current and accurate resources so that students and staff will conveniently and effectively use a wide variety of materials, including print and non-print media;

D. To provide the appropriate technology and equipment for information retrieval, resource sharing, classroom instruction, and student and teacher use;

E. To promote and support the appropriate use of technology for accessing, interpreting and communicating intellectual content;

F. To provide instruction that advances student and staff literacy of print, digital, and other emerging information resources;

G. To provide equitable and timely access to resources that support students' personal, academic, and life-long learning;

H. To foster a love of reading, curiosity, and investigation by providing a space that is well-maintained, up-to-date, welcoming, and safe for all users.

The District Administrator, in collaboration with the District's library media specialist, shall establish procedures consistent with the District's long-range plan for library services development related to the selection of materials, removal (weeding) of materials, inventory, and repair and/or replacement of materials. The use of the District's allocation from the Common School Fund for acquisitions, in accordance with DPI regulations, shall be a component of the foregoing procedures.

Gifts and Donations

Gifts and donations shall be handled in accordance with Policy 7230 - Gifts, Grants, and Bequests.

Reconsideration of School Library Materials

Parents of children attending school in the District and District residents may request formal reconsideration of the inclusion of specific material in a school library. Requests made under this policy relate to library materials only and not to curriculum-related materials. Complaints concerning curriculum-related materials, such as textbooks, are governed by Policy 9130 - Public Requests, Suggestions, or Complaints.

All requests for reconsideration of library materials under this policy shall be addressed as follows:

A. Concerns about specific library materials should be raised first with the library media specialist, then with the building principal, if necessary, in an effort to resolve the matter informally. If a satisfactory resolution is not reached, requests for consideration of removal of any library materials shall be submitted in writing to the District Administrator.

B. The request to the District Administrator shall be made in writing and shall include the following information:

    1. author;

    2. title;

    3. publisher;

4. the individual's familiarity with the material, including how much of the entire book/resource being challenged has been read by the complainant;

5. for requests to reconsider materials, provide specific concerns upon which the request to reconsider is based. This should include a specific description of the offending material (e.g. contains content that is harmful to minors or prohibited under State law, violates the District's policy on nondiscrimination, is not age-appropriate for the grade level for which the material is used, or some other specified reason). This should include specific references to the text of the material by page number and excerpted text if known.

C. A Reconsideration Committee will be appointed by the District Administrator, upon receipt of the formal complaint, which shall consist of the following members:

1. a building level administrator;

2. a teacher;

3. a school librarian;

4. a reading specialist or language arts teacher; and

5. a member of the community.

D. The procedures for the Reconsideration Committee will be as follows:

1. The chairperson will be the building-level principal or designee. The secretary of the committee will be elected at the first meeting.

2. The chairperson will call the meeting within ten (10) business days of the formation of the committee, which shall comply with the open meetings law.

3. The committee shall read and/or examine the challenged resource, read the written reconsideration form, and read copies of the professionally prepared reviews and list of awards provided by the school librarian on the committee. The chairperson should forward these materials to the committee members prior to the committee's initial meeting or as soon thereafter as pertinent materials become available.

4. The requestor may make an initial verbal presentation concerning the request or may choose to rely on the written request already submitted. The complainant is asked to provide sources for quotes used during this presentation.

5. During the initial or subsequent meetings, the committee will issue a majority approved recommendation to the District Administrator whether to retain the materials, move the resources to a different level, or remove the resource.

6. The committee's recommendation shall be reported to the District Administrator in writing within five (5) business days following the committee's decision.

   The District Administrator will advise the requestor, in writing, of the committee's recommendation and the District Administrator's decision. The District Administrator shall also advise the Board of the committee's recommendation and the decision.

E. The requestor may submit an appeal of the District Administrator’s decision in writing to the Board President within twenty (20) business days of the date the decision is transmitted to the requestor. The written appeal and all written material relating to it shall be referred to the Board for consideration. The Board will review the appeal and may choose to receive additional information or to proceed on the record provided to it.

F. The decision of the Board is final.

Material being reviewed based on a request under this policy shall remain available in the library during the review process unless the District Administrator determines that subject material does pose a threat of harm to students considering the grade level involved and provided the determination is not made solely because it presents ideas that may be unpopular or offensive to some. Any temporarily removed materials will be promptly returned if the final determination is to retain the material. Any action to remove material following a request reviewed under this policy will be explained in the review process records.

Decisions on reconsidered materials will stand for five (5) years before new requests for reconsideration of those items will be entertained.

Criteria for the Selection of Materials

Initial purchase suggestions for library materials may come from all personnel--teachers, coordinators, and administrators. Students will also be encouraged to make suggestions. The recommended purchase of library materials will be made by the library media specialist. The District Administrator will approve funds to be spent on materials.

The following criteria will be considered in reviewing suggestions for library materials or in evaluating whether to accept donations of materials. Some criteria may not apply in each situation and not all criteria need to be met in order to acquire and incorporate library materials. Materials should:

A. support and enrich the curriculum and/or students' personal interests and learning;

B. meet high standards in literacy, artistic, and aesthetic quality; technical aspects; and physical format;

C. be appropriate for the subject area and for the age, emotional development, ability level, learning styles, and social, emotional, and intellectual development of the students for whom the materials are selected;

D. incorporate accurate and authentic factual content from authoritative sources;

E. earn favorable reviews in reviewing sources viewed as authoritative by library professionals;

F. exhibit a high degree of potential user appeal and interest;

G. represent differing viewpoints on issues of interest;

H. provide a global perspective and promote cultural diversity and reflect the pluralistic nature of American society by including materials by authors and illustrators of all cultures;

I. include a variety of resources in physical and virtual formats including print and non-print such as electronic and multimedia (i.e. online databases, e-books, educational games, and other forms of emerging technologies) in accordance with technology software selection as per Policy 7540.03 - Student Technology Acceptable Use and Safety Policy;

J. demonstrate physical format, appearance, and durability suitable for their intended use;

K. balance cost with need.

Selection is an ongoing process that should include removing materials that are no longer used or needed (weeding), adding materials, and replacing lost and worn materials that still have educational value.

Parental/Police Access to Library Media Center Information

The Board respects the privacy rights of parents and their children. The Board is also committed to ensuring that parents are permitted to obtain information about the instructional material, resources, and services students choose to use at the District's library media centers.

Parents of a student under the age of sixteen (16) have the right to review, upon request (see Form 2416.01 F1), library media center records relating to the use of the documents or other materials, resources, or services by the student.

Upon request from a law enforcement officer investigating criminal conduct alleged to have occurred at a school library, the library media center shall disclose to the officer records produced by a surveillance device under the control of the library that are pertinent to the alleged criminal conduct.

Other than the exceptions noted above, records indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or to persons authorized by the individual to inspect such records.

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po2531

COPYRIGHTED WORKS

2531 - **COPYRIGHTED WORKS**

The Board of Education directs its staff and students to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school districts and the staff and students must, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff and students abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide administrative guidelines regarding the copying and distribution of copyrighted materials for instructional purposes and for the appropriate use of copyrighted materials on the Board's web site.

Because the Board hosts a web site and stores information on it at the direction of users, it is classified as an on-line service provider for copyright purposes. In order to limit the Board's liability risk relating to material/information residing, at the direction of a user, on its system or network, the Board directs the Superintendent to annually appoint an individual as the agent to receive notification of claimed infringement. A link to the agent's name, mailing address, telephone number, fax number, and e-mail address shall appear on the home page of the Board's web site. Such contact information, along with the appropriate filing fee, shall also be provided to the Copyright Office of the Library of Congress.

The agent shall be responsible for investigating and responding to any complaints.

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po2623

STUDENT ASSESSMENT

2623 - **STUDENT ASSESSMENT**

The Board of Education shall assess student achievement and needs in all areas of the curriculum in order to determine the progress of students and to assist them in attaining District goals.

Each student's proficiencies and needs will be assessed by staff members upon his/her entrance into the District and annually thereafter. Procedures for such assessments will include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs, student portfolios, and physical examinations.

The Superintendent shall develop and present to the Board annually a program of testing and assessment that includes:

A. State-required tests;

B. curriculum-based written and oral examinations which include use of alternative questions, demonstrations, writing exercises, individual and group projects, performances, portfolios, and samples of best work;

C. assessment tests;

D. aptitude tests;

E. achievement tests;

F. vocational inventories;

G. tests of mental ability.

The Board requires that:

A. tests be administered by persons who are qualified under State law and regulation;

B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;

C. data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;

All students shall participate in State-wide or District-wide assessments, and any student with a disability shall be provided appropriate accommodation and/or alternate assessments where necessary as indicated in the student’s I.E.P. or Section 504 plan.

Parental Opt Out of Assessments (students)

The Board shall excuse any student from the State examination administered in 4th grade, 8th grade, 9th grade, 10th grade, or 11th grade whether the test administered is the one developed by the Department of Public Instruction or the District's own test developed and approved by the DPI and the U.S. Department of Education. To opt out of these examinations, the student's parent must submit a statement in writing to the building Principal stating that the parent is opting out of the examination(s).

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po2700.01

SCHOOL PERFORMANCE AND STATE ACCOUNTABILITY REPORT CARDS

2700.01 - SCHOOL PERFORMANCE AND STATE ACCOUNTABILITY REPORT CARDS

The Board believes that a vital component of the District's educational programs is ensuring that parents and other individuals are informed of the performance of the schools and the School District. To this end, the Board has adopted this policy.

School Performance Report (SPR)

The Board will publish an annual school and school district performance report including all information prescribed by statute. By January 1st of each year, the Board shall notify the parents of each student enrolled in the District of the right to request a school and school district performance report.

Per the Wisconsin Department of Public Instruction, the District shall use links to the WISEdash Public Portal to meet the electronic State School Performance Report requirements.

Title I Provisions of the School/District Accountability Report Card

In any year that the District receives Title I funding, its school/District accountability report card(s) must also include the information regarding the delivery of Title I services as described in Policy 2261.03.

State Accountability Report Card

A copy of each school's accountability report card, as prepared by the Wisconsin Department of Public Instruction, shall be provided by the District to the parent of each student enrolled in or attending the school on an annual basis. The report shall be provided with the Notification of Educational Options.

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po3120

EMPLOYMENT OF PROFESSIONAL STAFF

3120 - **EMPLOYMENT OF PROFESSIONAL STAFF**

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

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

The Superintendent may establish the terms of employment and description of job duties for each professional staff member employed by this District and shall recommend to the Board for approval contracts for any teachers employed by the District. The Board shall be solely responsible for the approval of the employment of any administrator or teacher as required by State law and shall be employed only by a majority vote of the full membership of the Board. Compensation shall be fixed by an established compensation structure or Board action.

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

Relatives of staff members may be employed by the Board, however, arrangements should be made so that the staff member being employed is not placed in a position in which s/he would be supervised directly by, or supervise directly, the relative staff member.

Any professional staff member's intentional misstatement shall be considered by this Board to constitute grounds for dismissal.

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

No candidate for employment to the professional staff shall receive a recommendation for such employment without having provided visual evidence of proper certification or that application for such certification is in process.

For those staff members who will be instructing children in reading and/or language arts in pre school and/or grades kindergarten through sixth grade, their certificate must verify successful completion of instruction that includes the teaching of phonics.

There must also be verification that a satisfactory background check has been conducted by the Department of Public Instruction or appropriate State agency.

Any person who signs a contract to teach in the District must, within ten (10) days after signing the contract, file in the office of the District Administrator a statement showing the date of expiration and the grade and character of the certificate or license held, or evidence of a timely filed extension of such certification with the Department of Public Instruction. Only teachers that hold the appropriate license, permit or accepted application for extension of certificate for the subject matter and grade level taught shall be considered qualified.

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

DISTRICT SUPPORTED ALTERNATIVE LICENSING PROGRAMS

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

EXPERIENCED-BASED LICENSURE FOR TECHNICAL AND VOCATIONAL EDUCATION

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

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

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

A. The following points for experience in a technical field (must comprise at least twenty-five (25) of the required 100 points):

1. For a bachelor's degree in any science, technology, engineering, or mathematics field and any teaching license or permit, or in a field related to the vocational subject, 100 points.

2. For a bachelor's degree in any science, technology, engineering, or mathematics field, or in a field related to the vocational subject seventy-five (75) points.

3. For a bachelor's degree in a field other than those described in numbers 1. and 2., above, sixty-five (65) points.

4. For industry or vocational certification, ninety (90) points.

5. For industry experience in a trade or technical field or vocation, five (5) points per forty (40) hours worked up to a maximum of ninety (90) points.

6. For an internship in a trade or technical field or in the vocation, twenty-five (25) points.

7. For being mentored in a trade or technical skill or in the vocation by a colleague or a Wisconsin Technology Education Association or a recognized vocational association approved mentor, twenty-five (25) points.

8. For an apprenticeship in a trade or technical field or in the vocation, five (5) points per forty (40) hours worked up to a maximum of ninety (90) points.

B. The following points for pedagogical experience (must be at least twenty-five (25) out of the 100 required points):

1. For a bachelor's degree in technical or technology education, 100 points.

2. For a bachelor's degree in a field other than any science, technology, engineering, mathematics, or technical or technology education field, or in a subject related to the vocation and any teaching license or permit, seventy-five (75) points.

3. For credit earned at an accredited institution of higher education or technical college, three (3) points per credit up to a maximum of seventy-five (75) points for technical or technology education courses and science, technology, engineering, or mathematics courses or any field related to the vocation and three (3) points per credit up to a maximum of seventy-five (75) points for education and pedagogical courses.

4. For completing at least 100 hours of training in pedagogy, five (5) points per fifty (50) hours up to a maximum of seventy-five (75) points.

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

PROFESSIONAL TEACHING PERMIT

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

A. The District is experiencing a shortage in the availability of teachers with professional teaching certification in the subject area and is unable to fill a position with an acceptable licensed teacher.

B. The individual holds at least a bachelor's degree in engineering, mathematics, science, computer science, art, music, or world languages.

C. The individual possesses at least five (5) years of verifiable industry experience in the same field as the bachelor's degree.

D. The individual has completed at least 100 hours of pedagogical training in an alternative teacher licensing program approved by DPI.

E. The Superintendent shall implement a plan to provide supervision of the teacher by a teacher that holds regular professional teaching licensure during the two (2) year period of the permit.

F. The hiring of the teacher under this alternative licensure program will not displace a regularly licensed teacher in the District.

See also AG 3120E

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JOB DESCRIPTIONS

3120.01 - **JOB DESCRIPTIONS**

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

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

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

Each job description shall contain the following provision:

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

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

Job descriptions shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

Each job description shall include the requirement that the staff member serve as a positive role model for students in how to conduct themselves as citizens and as responsible, intelligent human beings. In particular, each job description shall indicate the staff member's responsibility to help instill in students the belief in and practice of ethical principles and democratic values.

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

During the hiring process, the current job description for the position for which the individual(s) is interviewing shall be provided to the candidate. T

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

Revised 12/12/17

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EMPLOYMENT OF SUBSTITUTES

3120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Board recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel. This policy does not apply to regular contracted teachers hired to serve as permanent substitute teachers and whose employment is governed by Policy 3120 - Employment of Professional Staff.

The Superintendent shall make appropriate arrangements to assure the availability of substitutes for assignment as services are required to replace temporarily absent regular staff members and to temporarily fill new positions. Such assignment of substitutes may be terminated, including permanent removal from the substitute teaching roster, when their services are no longer required or for other reasons as determined by the Superintendent that are not arbitrary, capricious, or discriminatory.

Substitutes must possess appropriate certification to teach as a substitute. The Superintendent may determine what licensure is required and make allowances for the use of alternative forms of certification, emergency certification, and other such options as permitted by law. There must also be verification that a satisfactory background and criminal history check has been conducted by the Department of Public Instruction (DPI), an appropriate State agency, authorized District personnel, or contracted vendor.

In order to retain well-qualified substitutes for service in this District, the Board will offer compensation at a rate set annually by the Board. A person will be considered a long-term substitute if the person is appropriately certified and the staff member for whom the person has been hired to replace has a leave that extends for more than four (4) consecutive school days. The long-term substitute position will be terminated by the end of the school year, subject to issuance of reasonable assurances to the substitute

teacher regarding intent to provide substitute teaching assignments in the subsequent school year, whether in the same or different assignment.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which they are supervised directly by a staff member who is related.

Prior to the end of the school year, District employed substitutes, who the District intends to employ for the ensuing school year, will receive a letter of reasonable assurance of continued employment.

Revised 3/12/24
Revised 2/11/25

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po3120.06

SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS

3120.06 - **SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS**

The Board of Education encourages cooperation with State-approved colleges and universities in the training of student teachers and administrative interns because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom, but certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a student teacher or administrative intern.

The Director of Human Resources shall make the final placement of student teachers or administrative interns.

Professional staff members who agree to serve as supervisors of student teachers or administrative interns may accept honoraria or stipends directly from the college/university for those services rendered outside the regular school day and above and beyond the duties and responsibilities specified in their contracts.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate a teaching program if one (1) or more aspects of the program are not of high quality or meeting District needs or expectations.

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VOLUNTEERS

3120.09 - **VOLUNTEERS**

The Board of Education recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the professional staff responsible for the conduct of those programs and activities.

Administrators shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. S/He shall not be obligated to make use of volunteers whose abilities are not in accord with Agency needs.

Any volunteer who works with or has access to students shall submit to a criminal history records check, prior to being allowed to participate in any activity or program.

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JOB SHARING

3120.10 - **JOB SHARING**

The Board recognizes the value to the District to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills part-time through a job-sharing process.

The District will consider job share requests that are in the District's best interests considering the educational program, and whether the cost (including benefits) of employing two (2) staff members on a part-time basis exceeds the cost of employing one full-time staff member.

Part-time positions may be approved in which two (2) currently employed staff members will be allowed to share one (1) full-time position.

The Board authorizes the Superintendent to create a job-sharing program provided it does not impact adversely on the District or any current staff member.

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CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS

3121 - **CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS**

Criminal History Record Check

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the Superintendent recommends for employment on the District's professional staff. Any contracts with outsourced services, employment agencies, or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District and for volunteers assisting District staff.

The Superintendent shall establish the necessary procedures for obtaining any criminal history on the applicant.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

Employee Self-Reporting Requirement

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

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

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

Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

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NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

3122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Board of Education 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, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices.

District Compliance Officer

The Board designates the following individual to serve as the District's "Compliance Officer" (hereinafter referred to as the "CO".)

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

The name, title, and contact information of this individual will be published annually on the School District's website.

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

Reports and Complaints of Unlawful Discrimination and Retaliation

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

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

The CO will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The CO shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community

(District employees, students, parent(s), and members of the Board), resident of the District, or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin an investigation, or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

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

Investigation and Complaint Procedure (See Form 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 below. The complaint procedures involve an investigation of the individual’s claims and a process for rendering a decision regarding whether the charges are substantiated.

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

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the

United States Department of Education Office for Civil Rights, the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission ("EEOC").

Complaint Procedure

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

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

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

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

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

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

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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

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

The decision of the Superintendent shall be final.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

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

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

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general.

Revised 12/9/08
Revised 4/13/10
Revised 8/23/11
Revised 2/12/13
Revised 4/8/13
Revised 2/10/15
T.C. 6/11/21
T.C. 1/7/25
T.C. 2/10/26

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po3122.01

DRUG-FREE WORKPLACE

3122.01- **DRUG-FREE WORKPLACE**

The Board believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain a drug-free workplace.

Prohibited Acts

The Board prohibits any member of the District's staff from any of the following at any time while on or in District property or while performing duties at a District-related activity or event:

A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;

B. using, distributing, or possessing drug paraphernalia; or

C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over-the-counter medication.

Permitted Acts

Staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over-the-counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over-the-counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over-the-counter medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken only in private, out of the view of students.

Each staff handbook will include a summary of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff; furthermore, staff members shall be informed that compliance with this requirement is mandatory.

Reasonable Suspicion Testing

Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.

Disciplinary Action

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or rehabilitation programs and/or may refer the matter to law enforcement.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements under the Drug-Free Workplace Act of 1988 and shall provide these to staff. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 3161 - Unrequested Leaves of Absence/Fitness for Duty.

Off Work Conduct

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs on social media or other outlets in a fashion that tends to provoke public scrutiny, damage the staff member's credibility, depict inappropriate involvement of minors, or in some fashion diminish the staff member's ability to safely and effectively perform his/her duties. If the District administration becomes aware of such circumstances, it will investigate the matter even though the events occurred on one's personal time and not on District property or at a District event.

Use of Resources for Treatment

The District makes available resources to assist staff members in overcoming substance abuse. However, the decision to seek diagnosis and accept treatment for substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

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po3122.02

NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

3122.02 **- NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information also is prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 3122 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the District and published in any District statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the District as required by Federal and State law and on the District website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq., and 29 C.F.R. Part 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for

employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a Board employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Board.

The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits its employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall be redacted immediately and not shared beyond the point of first receipt.

As used in this policy, "genetic information" means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the Board's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The Compliance Officer (See Policy 3122 - Nondiscrimination and Equal Employment Opportunity) is responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer shall also verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Board, from requesting or requiring genetic information of an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions

concerning compliance with the requirements of GINA may be directed to the Compliance Officer at 920-686-4787.

The grievance procedure for complaints of discrimination in Policy 3122 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if a District employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

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po3124

EMPLOYMENT CONTRACT

3124 - **EMPLOYMENT CONTRACT**

It will be the responsibility of the Superintendent to ensure that all members of the professional staff execute a written employment contract in accordance with the legal requirements related to their position in the District.

The Superintendent is authorized to execute employment contracts for the Board of Education upon approval of employment by the Board.

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po3125

EDUCATOR LICENSING

3125- **EDUCATOR LICENSING**

The Board 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 this end, the Board requires that the District seek to hire the most qualified and experienced staff available and that all staff be licensed as required by law.

Attaining and maintaining proper State licensure under P.I. 34, which describes the requirements for attaining and maintaining educator's licensing for practicing in the State, 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.

Any teacher employed by the District while holding a Tier II license, and who has fewer than three (3) years of full-time teaching experience, shall be provided all of the following:

A. Ongoing orientation and support which is collaboratively developed by teachers, administrators, and other School District stakeholders.

B. A licensed mentor who successfully completed a mentor training program approved by the Wisconsin Department of Public Instruction.

The building administrator is responsible for providing any mentoring, or other support services required for any teacher employed by the District while holding a Tier I license.

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po3130

ASSIGNMENT AND TRANSFER

3130 - **ASSIGNMENT AND TRANSFER**

The Board of Education believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District.

The Superintendent shall be responsible for the proper assignment and transfer of all professional staff members and shall attempt to effect the optimum assignment of the professional staff in conformance with any applicable contractual or legal requirements and certification requirements. S/He shall establish an audit procedure to ensure that each instructional staff member's teaching certificate is currently in compliance with appropriate State certification criteria and has not been nullified.

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po3131

REDUCTION IN STAFF

3131- **REDUCTION IN STAFF**

It is the responsibility of the Board to provide the staff necessary for the implementation of the educational program of the District and the operation of the schools and to do so efficiently and economically.

The Board reserves the right to abolish positions in the District and to reduce the staff whenever reasons of decreased enrollment of students, return to duty of regular professional staff members after leaves of absence, suspension of schools or territorial changes affecting the District, or other warranted circumstances.

The Superintendent shall develop administrative guidelines for the reduction of staff based on the best interests of the District and consistent with the terms of any applicable interdistrict agreements, and applicable law.

Where appropriate, attrition may be used to achieve the necessary number of position reductions.

The Superintendent shall determine the appropriate employees for reduction considering all factors deemed important and in the best interests of the District, including the following :

A. qualifications of the employees being considered for reduction

B. performance of employees, based on performance evaluations

C. input from direct supervisors

D. length of service to the District

No employee whose position has been eliminated shall have any right to be contacted by the District in the event that a vacancy opens in the future for which the laid off employee may be qualified. Likewise, no such employee is entitled to a future position or is provided any preference over other applicants. Any employee whose position was eliminated under this policy may file a grievance under Policy 3340. Staff whose employment ended with the District due to a reduction in force, shall not be prevented from applying for future positions with the District.

Staff Furloughs

A furlough is a temporary reduction in hours for individuals or groups of employees that is intended to be of a short and predetermined duration, either in terms of days, weeks, or until the resumption of school operations. Furloughs differ from lay-offs in that a lay-off is of an indefinite, potentially permanent nature.

In the event of a temporary disruption to school services due to unforeseen circumstances, such as a public health emergency, natural disaster, or some other disruption to school programmingthe Board may authorize the Superintendent to temporarily furlough employees by reducing employee hours, provided that a plan is presented to the Board for consideration

Furloughs may be targeted to a particular department, building, or program. Furloughs may be used to reduce all employees' hours consistent with the District's needs while minimizing the impact on individual staff members. Generally speaking, furloughs should be administered in a way to avoid any employee from serving a furlough period of a full week or more in a row, wherever possible. This may involve distributing furlough days or blocks of days shorter than a full week, spread out over a period of several weeks or months.

Furloughs may be unpaid if based on budgetary concerns, or employees may be allowed to use available accrued paid time off. Furloughs shall be used only in a manner consistent with any individual contract requirements, or other employee rights or benefits, such as FMLA benefits.

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VACANCIES

3132 - **VACANCIES**

It shall be the policy of the Board to employ the person best suited to perform the duties of a particular District vacancy at any level.

Vacancies shall be announced in accordance with the District's established procedures.

The Superintendent shall establish procedures to facilitate the identification and evaluation of candidates for administrative, supervisory, and other leadership positions.

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po3139

STAFF DISCIPLINE

3139 **- STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the workforce. When the discipline of a staff member becomes necessary, such action shall be consistent with the requirements of any applicable Board policy, and State and Federal law. The Superintendent may issue discipline when deemed appropriate; however, student performance on examinations may not form the basis for staff discipline. This policy does not cover decisions to terminate or nonrenew a staff member's employment or accepting a staff member's resignation (see Policy 3140 - Non-Renewal, Resignation, and Termination).

Investigation of Possible Criminal Activity

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

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

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

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

B. written warning;

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

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

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

Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance

improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy 3340 - Grievance Procedure.

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

Revised 4/13/10
Revised 3/13/12

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po3140

NON-RENEWAL, RESIGNATION, AND TERMINATION

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

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

Full-Time Teachers

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

A. **Non-Renewal**

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

Teacher contracts may be non-renewed upon a majority vote of the full membership of the Board.

B. **Termination**

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

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

C. **Resignation**

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

Part-Time Teachers

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

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

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

Administrators

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

A. **Statutory Administrators**

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

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

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

The Superintendent shall be responsible for assuring compliance with the procedures necessary for Board action to terminate or to non-renew an administrator's contract. In the case of the Superintendent's contract, Policy 1241 - Non-Renewal or Termination of the Superintendent's Contract applies.

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

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

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

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

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

Such an administrative employee's employment may be terminated by the Superintendent.

Such an administrative employee's resignation may be accepted by the Superintendent.

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

Revised 3/13/12

Revised 12/12/17

Revised 8/13/24
T.C. 4/9/25

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po3160

PHYSICAL EXAMINATION

3160 - **PHYSICAL EXAMINATION**

The Board requires any candidate who has been offered employment in a position that involves contact with children or the preparation of food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire. Additional testing may be required to assure freedom from tuberculosis in communicable form.

The Superintendent may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job-related and out of necessity for safe and proper performance of job duties.

Freedom from tuberculosis in a communicable form is a condition of employment.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator to speak to the health care provider who conducted the medical examination in order to get clarification.

Reports of all such examinations or evaluations shall be delivered to the Superintendent who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02, the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the Board to conduct the examination, are directed not to collect

genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA).

The results of any physical examination conducted in the course of the employment process shall be solely for the purpose of determining employment eligibility or as may otherwise be required by law. Consideration of physical information in employment shall be consistent with the Americans with Disabilities Act (ADA) as amended and the Wisconsin Fair Employment Act (WFEA).

The Board shall assume any fees for required examinations.

Revised 2/8/11
Revised 2/12/13

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po3161

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

3161 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board to protect students and employees from the effects of contagious diseases and other circumstances that render professional staff members unable to perform their duties.

The Board authorizes the Superintendent to place a professional staff member on unrequested leave of absence for physical or mental inability to perform assigned duties in conformance with the law.

The Superintendent may require that the professional staff member submit to an appropriate examination by a healthcare provider of the professional staff member's choice, a healthcare provider designated and compensated by the District, or both.

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

As required by Federal law and regulation and Board Policy 3122.02 - Nondiscrimination Based on Genetic Information of the Employee, the District Administrator shall direct the provider designated by the Board to conduct the

examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

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

If, as a result of such examination, the professional staff member is found to be unable to perform assigned duties, the professional staff member shall be placed on leave of absence pending further determination of ability to perform duties, including evaluation of any reasonable accommodations in the event of the existence of a disability.

Should a professional staff member refuse to submit to the examination requested by the Superintendent such refusal shall subject the professional staff member to disciplinary action.

The Superintendent may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 3430.01 - Family & Medical Leave of Absence ("FMLA") as provided by law.

Revised 12/12/17
T.C. 7/9/24

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po3170

SUBSTANCE ABUSE

3170 - **SUBSTANCE ABUSE**

The Board of Education recognizes alcoholism and drug abuse as treatable illnesses. When such illnesses impair the performance of professional staff members, the Board recognizes the responsibility to assist in a manner recommended by appropriate specialists in the treatment of those illnesses.

A professional staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to professional staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected alcohol or drug problem rests with the professional staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board. The Board will assist an employee with an alcohol or drug problem in developing reasonable accommodations so that the employee may perform his/her work, consistent with State and Federal law. Existence of a substance abuse problem does not excuse misconduct in employment or violation of Board policy.

No professional staff member will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

Professional staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

This policy shall be administered in accordance with the Americans with Disabilities Act of 1990 and applicable State laws.

po3170.01

EMPLOYEE ASSISTANCE PROGRAM (EAP)

3170.01 - **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Manitowoc Public School District cares about the well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Through its Employee Assistance Program (EAP), the District provides access to professional counseling services for its employees.

The Manitowoc Public School District recognizes that it has no right to interfere with employees' personal lives unless those personal problems adversely affect their job performance or are contrary to school policy. Consequently, a supervisor or District representative may encourage an employee to utilize the EAP if the supervisor or District representative believes an employee's job performance is affected by a personal problem.

Employees should be aware that they will be responsible for complying with the EAP service's recommendations and treatment plans. An employee's continued refusal to accept referral and treatment will be handled by dealing with the job problem according to normal disciplinary procedures.

Employees are expected to perform their job in a satisfactory manner. Failure to utilize the services of the EAP will not excuse an employee from performing their job duties in a acceptable manner. Similarly, enrollment in or treatment by the EAP will not excuse an employee from adhering to school employment standards.

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po3210

STAFF ETHICS

3210 - **STAFF ETHICS**

An effective educational program requires the services of employees of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board expects all professional staff members to maintain high standards in their working relationships, and in the performance of their professional duties, to:

A. recognize basic dignities of all individuals with whom they interact in the performance of duties;

B. represent accurately their qualifications;

C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;

D. seek and apply the knowledge and skills appropriate to assigned responsibilities;

E. keep in confidence legally-confidential information as they may secure;

F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;

G. avoid accepting anything of value offered by another for the purpose of influencing judgment;

H. adhere to the policies of the Board;

I. refrain from using position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen.

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po3211

WHISTLEBLOWER PROTECTION

3211 - **WHISTLEBLOWER PROTECTION**

The Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies, and administrative procedures. The Board expects employees to report to their immediate supervisors any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare. Additionally, employees are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of the employee's immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made such a report based on a reasonable and good faith belief that the report is accurate and not based on the employee’s intent to harm, harass, intimidate, or retaliate against another individual.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member, the employee shall report to the Superintendent who is authorized to engage the Board's legal counsel to manage an investigation concerning the matter. If the report concerns the Superintendent, the employee shall make the report to the Board President, who is authorized to engage the Board's legal counsel to manage the investigation.

Upon receipt of a report made by a staff member pursuant to this policy, an investigation shall be commenced as soon as possible and shall be handled expeditiously.

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po3213

STUDENT SUPERVISION AND WELFARE

3213 - **STUDENT SUPERVISION AND WELFARE**

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

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

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

Each District employee shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities which include, but are not limited to the following standards:

A. A professional staff member shall report immediately any accident or safety hazard about which they are informed or detect to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.

B. A professional staff member shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or threat of these activities, by students to the

Superintendent and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety.

C. A professional staff member should not volunteer to assume responsibility for duties that they cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.

D. A professional staff member shall provide proper instruction in the safety matters presented in assigned course guides.

E. A professional staff member shall not send students on any personal errands.

F. A professional staff member shall not associate with students at any time in a manner which gives the appearance of impropriety including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and District discipline, up to and including termination of employment.

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

G. A professional staff member shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.

H. A professional staff member shall not transport students for school-related activities in a private vehicle without the approval of their immediate supervisor and consistent with the provisions of Policy 8660 - Transportation by Private Vehicle for District-Sponsored Activities or Trips. This does not apply to any student who is a professional staff member's family member.

I. A student shall not be required to perform work or services that may be detrimental to their health.

J. Staff members shall not engage students in social media and online networking media (see also Policy 7544 - Use of Social Media), except for appropriate academic, extra-curricular, and/or professional uses consistent with Policy 7540 - Technology, Policy 7540.03 - Student Technology Acceptable Use and Safety, Policy 7540.04 - Staff Technology Acceptable Use and Safety.

K. Staff members are expressly prohibited from posting any picture, video, meme, or other visual depiction, or comment pertaining to any student on personal or unauthorized social networking media or similar forums. This provision of the policy does not apply to pictures and/or videos taken of public events that may involve or incidentally include depictions of students participating in or observing such events where the purpose of the photo or video is to depict the event, not a particular student. This section does not apply to depictions of a professional staff member's own child or other relative.

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

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

Revised 8/13/24
T.C. 1/7/25

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po3214

STAFF GIFTS

3214 - **STAFF GIFTS**

The Board generally discourages the presentation of gifts to staff members by students and their parents beyond nominal value to avoid the appearance of favoritism and to avoid the embarrassment of students who are unable or whose parents are unable or unwilling to provide professional staff with gifts.

Professional staff may only accept gifts of nominal value (the amount as defined in Policy 1130/Policy 3230 - Ethics and Conflict of Interest) from students and their parents, or token items often distributed by companies through their public relations or marketing programs. Other gifts must be declined for compliance with this policy.

It shall not be considered a violation of this policy for an employee to receive entertainment, food, refreshments, meals, health screenings, amenities, or beverages that are provided in connection with a conference sponsored by an established or recognized educational organization, or as may be approved by the Superintendent.

Gifts that are intended for the benefit of the District shall be referred to the Superintendent for proper processing in accordance with Policy 7230 - Gifts, Grants, and Bequests.

The Superintendent may approve acts of generosity to individual staff members in special situations.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of recognition gifts to members of the staff who have rendered service for a period of time.

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T.C. 11/11/25

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po3215

USE OF TOBACCO AND NICOTINE BY PROFESSIONAL STAFF

3215 - **USE OF TOBACCO AND NICOTINE BY PROFESSIONAL STAFF**

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any professional staff of the District to use, consume, display, promote, or sell any tobacco products, tobacco industry brand, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA-approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen years and older. Staff using such products and bringing them to any school property or school-sponsored activity are responsible for safekeeping of these products at all times and are responsible for assuring that no students are able to obtain access to these products.

Policy Specific Definitions

The term “any time” means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term “electronic smoking device” means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term “imitation tobacco product” means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate

cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term “off-campus, school-sponsored event” means any event sponsored by the school or School District that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term “school property” means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff, and visitors.

The term “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant-derived substances, whether or not legally sold in Wisconsin, including CBD products, Delta 8 THC, Delta 9 THC, or any other variation thereof. “Smoking” also includes carrying or using an activated electronic smoking device.

The term 'tobacco products retailer' means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term “tobacco industry” means manufacturers, distributors, or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term “tobacco industry brand” means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

Revised 3/13/12

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po3217

WEAPONS

3217- **WEAPONS**

The Board prohibits professional staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle, to the extent permitted by law.

This prohibition does not apply to unloaded firearms in a locked vehicle or locked firearms case, or to separately stored ammunition, that is on any part of school grounds used as a parking facility provided, however, that the firearm case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk or, if not possible, covered with a blanket or in some fashion shielded from vision.)

Concealed Carry Permit Holders

Nothing in this policy prohibits an employee with a properly issued permit to carry a concealed weapon from exercising his/her rights consistent with Wisconsin's concealed carry law and the State and Federal gun-free school zones laws. However, a staff member who is the holder of a concealed carry permit license issued or recognized by the State of Wisconsin may not, by virtue of Wis. Stat. 948.605(2)(b)1r, possess a concealed weapon anywhere in or on school grounds, including parking areas.

A staff member who is a concealed carry permit licensee may not carry a concealed weapon or otherwise store a weapon or ammunition in his or her personal vehicle while transporting students for school-sponsored events or school-related purposes in

his/her own vehicle. This does not apply to the transportation of students related by blood or marriage to the staff member if only such students are being transported.

Definition of "Weapon"

For this policy, the term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms (including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives (subject to the exceptions below), razors with unguarded blades, clubs, electric weapons (as defined in 941.295(1c)(a), Wis. Stats.), metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

Exceptions to this policy include:

A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off-duty law enforcement officers, or out-of-state law enforcement officers;

B. items approved by a Principal as part of a class or individual presentation under adult supervision, including but not limited to hunters' education courses, if used for the purpose of and in the manner approved (working firearms, except those protected at all times by a cable or trigger lock, and live ammunition shall never be approved);

C. theatrical props used in appropriate settings; and

D. starter pistols used in appropriate sporting events.

The Superintendent may refer a staff member who violates this policy to law enforcement officials. The staff member may also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Any staff member who has reason to believe that a person has or will violate this policy shall report to the school Principal or their supervisor immediately. Failure to report such information may subject the staff member to disciplinary action, up to and including termination. The staff member may also confront the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

This policy shall be published and distributed to staff members annually. Publication is not a precondition to enforcement of this policy.

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Revised 8/12/14
Revised 3/10/15

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po3220

STAFF EVALUATION AND EDUCATOR EFFECTIVENESS

3220 - **STAFF EVALUATION AND EDUCATOR EFFECTIVENESS**

The Board is responsible for the employment of all personnel. To carry out this responsibility, it delegates to the Superintendent the function of developing professional staff job descriptions for Board approval in accordance with Policy 3120.01 - Job Descriptions. The Superintendent is responsible for implementing approved job descriptions, a program of personnel assessment that identifies specific criteria and a systematic procedure to evaluate staff. This procedure shall include an appropriate and approved Educator Effectiveness program for the evaluation of teachers and Principals in the District.

It is the purpose of the program of staff assessment to:

A. strive for the improvement of the total District program;

B. stress the importance of personal improvement on the part of individual professional staff members so that each student may be provided a quality education;

C. ensure the continuous improvement of administrative and supervisory services provided professional staff members;

D. evaluate the renewal or non-renewal of individual contracts and to assist in staff assignments;

E. aid in the establishment of individual staff member compensation.

The staff evaluation program shall aim at the early identification of specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal, or non-renewal procedures may be invoked. In such an instance, all relevant evaluation documents may be used in the proceedings.

A professional staff member shall be given a copy of any documents relating to his/her performance that will be placed in the personnel file.

Licensed Teachers and Principals

Evaluations shall be conducted in the first year of employment and at least every third year thereafter, or more frequently as determined by the administration or the protocols of the Educator Effectiveness program adopted and used by the Board. Pursuant to Wisconsin's Educator Effectiveness law, the Board delegates to the Superintendent the task of selecting and implementing an approved Educator Effectiveness program such that the District is in compliance with State law.

The Board will use the educator effectiveness model available from CESA 6 and will assess, upon the recommendation of the Superintendent, whether to use an alternative program.

Evaluations shall be conducted based on the model in place at the time and consistent with applicable State law and the District's guidelines.

The administration is authorized to implement additional evaluation procedures for specific personnel in need of additional or alternative evaluation in addition to the educator effectiveness program. A positive rating from the educator effectiveness model does not necessarily preclude the District from taking adverse employment action towards an employee for other performance or conduct-related reasons, or from implementing remedial or performance improvement measures.

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Revised 3/10/15

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po3230

ETHICS AND CONFLICT OF INTEREST

3230- **ETHICS AND CONFLICT OF INTEREST**

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

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

A. No professional employee, officer, or agent shall engage in or have a personal or financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, officer's, or agent's duties and responsibilities in the school system. Specifically, professional employees must perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in an amount that exceeds $15,000, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private pecuniary interest and/or benefit.

B. Professional employees, officers, or agents shall not directly supervise a relative employed by the District or employed in a position contracted for by the District.

C. Professional employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, anything of substantial value, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any employee, student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.

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

1. the provision of any private lessons or services for a fee, unless the provision of services is arranged outside of school and is separate from and in addition to regular support provided to students as part of the professional staff member's regular duties;

2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees;

3. the use, sale, or improper divulging of any privileged information about a student or client granted in the course of the employee’s, officer’s or agent’s employment or professional relationship with the School District through their access to School District records;

4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;

5. the requirement of employees, students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

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

E. Professional employees, officers, and agents shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

F. Professional employees, officers, and agents shall not participate in the selection, award, and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit, or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee’s spouse; unemancipated child, stepchild, or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual’s support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee’s dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

Professional employees, officers, and agents may not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to

subcontracts.

G. Professional employees, officers, and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

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

H. Professional employees, officers and agents found to be in violation of this conflict of interest policy will be subject to discipline as specified in the Employee Handbook.

No professional staff employee may accept or engage in any employment, consulting, advising, or other professional activity with any organization other than the District, whether the employee will receive compensation for such outside activity or not, without first obtaining the approval of the Superintendent.

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

It is a violation of this policy to take action or to refrain from taking action, or for an employee to otherwise use the employee's public position to obtain a financial gain or anything of substantial value for oneself or the employee's immediate family, as defined in 19.42(7), Wis. Stats.

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po3242

PROFESSIONAL GROWTH REQUIREMENTS

3242 - **PROFESSIONAL GROWTH REQUIREMENTS**

The Board of Education believes that study is a prerequisite for professional growth of staff and, therefore, encourages the participation of professional staff members in in-service and other training programs.

The Superintendent shall plan programs of staff development for professional staff members. Such staff development programs should be designed to address the professional development needs of staff members who are working at a particular level, involved in a particular course or subject, or need to be prepared for a new assignment. The development plan should be designed to meet the needs of staff members or curriculum areas in each school.

Professional staff members are expected to comply with the Professional Development Plan requirements of their license and provide timely verification of progress towards fulfilling this responsibility.

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po3281

PERSONAL PROPERTY OF STAFF MEMBERS

3281 - **PERSONAL PROPERTY OF STAFF MEMBERS**

Employees may bring personal property, including personal communication devices, to school either for reasons associated with employment responsibilities or for use during off-duty time in accordance with the Employee Handbook.

The owner of the personal property bears all responsibility for documentation of ownership and assumes all risk for loss, damage, or misuse of said personal property while it is on District property. Administrators shall direct employees to remove inappropriate or unauthorized personal property from District premises.

T.C. 11/11/25

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po3310

EMPLOYEE EXPRESSION IN NONINSTRUCTIONAL SETTINGS

3310 - **EMPLOYEE EXPRESSION IN NONINSTRUCTIONAL SETTINGS**

The Board acknowledges the right of its professional staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, including matters related to the performance of their job duties or responsibilities, the professional staff member's expression must be balanced against the interests of this District.

The following employee expectations are adopted by the Board to help clarify and, therefore, avoid situations in which the professional staff member's expression could conflict with the District's interests. In such situations, the employee should:

A. state clearly that the expression represents personal views and not necessarily those of the School District;

B. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;

C. not make threats or abusive or personally-defamatory comments about co-workers, administrators, or officials of the District;

D. refrain from making public expressions that the employee knows to be false or are made without regard for truth or accuracy.

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po3340

GRIEVANCE PROCEDURE

3340- **GRIEVANCE PROCEDURE**

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. Each employee of the District shall be provided an opportunity to understand and resolve certain matters affecting employment that the employee believes to be unjust. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees.

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as a matter relating to workplace safety.

A grievance shall mean a dispute concerning an employee's discipline or termination of employment or a dispute concerning workplace conditions that affect workplace safety. Only one (1) subject matter shall be covered in any one (1) grievance. A written grievance shall contain:

A. the name and position of the grievant;

B. a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);

C. the issue involved;

D. the relief sought;

E. the date the incident or violation took place;

F. the specific section of the Policy Manual alleged to have been violated;

G. the signature of the grievant and the date.

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) business days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

A. **Principal/Supervisor:**

If an employee believes they have a matter subject to the grievance procedure, the employee shall present the grievance to their immediate supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) business days, inform the employee in writing of their decision.

B. **District Administrator:**

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) business days of the date the Principal's/Supervisor's written decision is issued, present their grievance in writing to the Superintendent. This grievance shall fully state the details of the problem and suggest a remedy. The Superintendent shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step

does not apply to any grievance related to action by the Board that directly affects the grievant.

C. **Hearing Before an Impartial Hearing Officer:**

In the event the matter is not resolved to the employee's satisfaction by the Superintendent, the employee may, within five (5) business days of the date of the written decision of the Superintendent, request in writing that the matter be referred for a hearing before an Impartial Hearing Officer. The Board shall appoint a Hearing Officer for the purpose of conducting the hearing. If the Superintendent denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline, or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determines the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a Hearing Officer or panel of potential Hearing Officers from which to select an officer for this purpose, either on an ad hoc basis or by resolution adopted for a school year, and delegate to the Superintendent the responsibility to arrange for such hearing with one (1) of the selected officers. When the grievant is the Superintendent, the Board's legal counsel shall be responsible for the selection of the Hearing Officer and arranging a hearing.

Each grievance shall be heard by a single Hearing Officer and such hearings shall be private. The employee and the District may present witnesses and each side may select one (1) individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the Impartial Hearing Officer shall be paid by the District.

D. **Board:**

In the event that either party is dissatisfied with the Hearing Officer's decision, that party may, within ten (10) business days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) business days after its

receipt unless postponed by mutual agreement. The Board shall review the decision of the Impartial Hearing Officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by a majority vote of a quorum present, which shall be final.

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with the administration, and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by the administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

A. Workplace safety means those conditions related to physical health and safety of employees enforceable under Federal or State law or District rule related to the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence, and accident risks.

B. Termination does not include voluntary resignation or retirement or the nonrenewal of an employment contract pursuant to 118.22 and 118.24 Wis. Stats., nor does it include position elimination due to a reduction in force under Policy 3131 - Reduction in Staff

C. Employee discipline refers to unpaid suspensions, written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file.

D. Business day means weekdays, excluding any District recognized holiday that falls on a weekday, but does not exclude weekdays during scheduled break periods.

Revised 2/10/15

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po3362

EMPLOYEE ANTI-HARASSMENT

3362 - **EMPLOYEE ANTI-HARASSMENT**

Prohibited Harassment

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

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

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

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

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the District, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property.)

Definitions

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

A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;

C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

Sexual Harassment

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

A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;

B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;

C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;

D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment;

E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where

such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;

F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

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

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. physical and/or sexual assault;

C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;

D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;

E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

I. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; and

J. verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping that does not involve conduct of a sexual nature.

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

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

Boundary Invasions

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate, and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

A. hugging, kissing, or other physical contact with a student;

B. telling sexual jokes to students;

C. engaging in talk containing sexual innuendo or banter with students;

D. talking about sexual topics that are not related to curriculum;

E. showing pornography to a student;

F. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");

G. initiating or extending contact with students beyond the school day for personal purposes;

H. using e-mail, text messaging, or websites to discuss personal topics or interests with students;

I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;

J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker room, asking about bra sizes or previous sexual experiences);

K. going to a student's home for non-educational purposes;

L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);

M. giving gifts or money to a student for no legitimate educational purpose;

N. accepting gifts or money from a student for no legitimate educational purpose;

O. being overly "touchy" with students;

P. getting a student out of class to visit with the staff member;

Q. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;

R. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);

S. being alone with a student behind closed doors without a legitimate educational purpose;

T. telling a student "secrets" and having "secrets" with a student.

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

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating

an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

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

Age Harassment

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

Race/Color Harassment

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

Disability Harassment

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

Reports and Complaints of Harassing Conduct

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

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

Reporting procedures are as follows:

A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

B. Teachers, administrators, and other school officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.

C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.

D. Appropriate school officials are as follows:

1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the Superintendent, who shall assume the role of the District Compliance Officer for such complaints.

2. Any complaint under this policy regarding the Superintendent or Board Member that is received by the District Compliance Officer shall be referred to the School Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.

E. The reporting party or complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting

forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the Superintendent.

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

District Compliance Officer

The Board designates the following individual to serve as the District's "Compliance Officer" (hereinafter referred to as the "CO").

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

The name, title, and contact information of this individual will be published annually on the School District's website.

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

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

Investigation and Complaint Procedure

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

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

Complaint Procedure

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

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

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

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

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deemed appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the complainant or respondent.

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

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

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

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness that is reasonably believed to be

relevant to the allegations.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the complainant has been subject to harassment. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

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

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

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

The Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or third party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in

accordance with this policy or in such other manner as deemed appropriate by the Board.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

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

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

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the Superintendent shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Allegations Constituting Criminal Conduct

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

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

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

Reprisal

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

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

Miscellaneous

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

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the Board in consultation with the Superintendent, determines is necessary or appropriate.

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

Revised 4/13/10
Revised 2/8/11
Revised 4/8/14
Revised 2/10/15
T.C. 6/11/21
T.C. 1/7/25
T.C. 2/10/26

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THREATENING BEHAVIOR TOWARD STAFF MEMBERS

3362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

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

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

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

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COMPENSATION FOR PART-TIME STAFF

3410.01 - **COMPENSATION FOR PART-TIME STAFF**

The Board requires that part-time professional staff members be compensated in an amount appropriate to the position's duties and responsibilities and the portion of time worked, whether it be a fraction of a day or a fraction of a year. The District Administrator shall ensure that such arrangements are consistent with any terms of the employee handbook, or as applicable, to the collective bargaining agreement, if a member of a certified bargaining unit.

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GROUP HEALTH PLANS

3419 - **GROUP HEALTH PLANS**

The Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide certain health benefits to employees as permitted by law.

The Board has elected to provide health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

Revised 07/11/2017

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PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS AND RELATED BENEFITS

3419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS AND RELATED BENEFITS**

The Board provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans and related benefits:

A. Medical Plan;

B. Prescription Drug Plan;

C. Dental Plan.

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Director of Business Services to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic protected health information. The Board hereby appoints the Director of Business Services to serve as the Security Official of the group health plans.

The Board's Security Official shall conduct a risk analysis and develop, propose to the Board, and implement internal policies and procedures for the group health plan(s) relating to the security of electronic protected health information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative procedures in effect from time to time. The Privacy Official and/or Security Official shall report his or her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and the Security Official in connection with the performance of their delegated duties for the group health plans except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official and/or Security Official as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and Accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

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Revised 8/12/14

Revised 3/10/15

Revised 7/11/17

Revised 7/9/24
T.C. 11/11/25

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PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

3419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Vision Plan

B. Employee Assistance Plan

C. Short-term and long-term disability plans

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic protected health information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Director of Business Services to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and/or controls all of the equipment and media used to create, maintain, receive, and transmit electronic protected health information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The U.S. Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or

eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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PATIENT PROTECTION AND AFFORDABLE CARE ACT

3419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the actions listed below.

A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Such notice shall be consistent with the sample notice language provided by the U.S. Department of Labor.

B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

   In the event the District concludes that it is fiscally advantageous to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

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T.C. 2/17/25

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LEAVES OF ABSENCE

3430 - **LEAVES OF ABSENCE**

Any professional staff member may request a discretionary voluntary leave of absence from the Superintendent. All requests shall state the reason for the leave and the expected duration of the leave.

The Board authorizes the Superintendent to approve a leave of absence pursuant to this policy; however, if a request for a leave of absence requires modification of a professional staff members employment contract which may by law only be modified by agreement of the Board, such request must be approved by the Board before it can be granted.

This policy governs leaves, in addition, to leave under Policy 3430.01 (FMLA) or other District leave policies; however, any leave under this policy that is also qualifying leave under Policy 3430.01 will be designated as such and count towards the employee's leave entitlement. Approved leave under this policy shall state the conditions applicable to the employee's return to work. Nothing in this policy shall serve as a guarantee of any job protection for leave beyond otherwise protected leave.

Any professional staff member granted a leave of absence by the Superintendent shall be considered to have stopped performance of all work with the District until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the District might be served.

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po3430.01

FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

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

Introduction

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

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

Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven (7) years andmust have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave.

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

Qualifying Reasons for Leave

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

A. for the birth of the eligible staff member's child and to care for a newborn child

B. for placement with the eligible staff member of a child for adoption or foster care

C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

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

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

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

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

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

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

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or

aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating

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

1. inpatient medical treatment, recuperation or therapy;

2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or

3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave

during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for their own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

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

Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, the staff member is entitled to a total of twelve (12) work weeks of leave in a fiscal year running from July 1 to the following June 30 for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

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

A. a total of six (6) weeks of leave for the birth of the natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;

B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and

C. a total of two (2) weeks of leave due to the staff member's serious health condition.

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

Definitions of Serious Health Conditions

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

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

A. **Hospital Care**

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

B. **Absence Plus Treatment**

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

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or

2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

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

C. **Pregnancy**

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

D. **Chronic Conditions Requiring Treatment**

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;

2. continues over an extended period of time (including recurring episodes of a single underlying condition); and

3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. **Permanent/Long-Term Conditions Requiring Supervision**

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

F. **Multiple Treatments (Non-Chronic Conditions)**

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

Required Staff Member Notice

The staff member must provide the Superintendent with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a

family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

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

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

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

Certification By Healthcare Provider

If a staff member requests leave due to their own serious health condition or the serious health condition of the staff member's spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service

member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

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

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

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

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

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

third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

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

Designation of Leave

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

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

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

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

Manner In Which Leave Can Be Taken

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

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

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

Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule governed only by the FMLA, which

would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave, must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

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

A. the leave is commenced more than five (5) weeks from the end of the term but the employee intends to return during the final three (3) weeks of the term and the leave is longer than three (3) weeks in duration;

B. the leave is commenced within five (5) weeks of the end of the term and the employee intends to return during the final two (2) weeks of the term and the leave period was at least two (2) weeks in duration; or

C. the leave commences within three (3) weeks of the end of a term and the leave was at least five (5) working days in duration.

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

for purposes of their leave.

Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member mustuse the following leaves provided by the Board, if available:

A. vacation or personal leave, if available, for any family or medical leave;

B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and

C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

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

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

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

Continuation of Benefits

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

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

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

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

If a staff member fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical

benefit coverage during the leave, unless the reason for the staff member's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.

Accrual of Benefits

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

Employment Restoration

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

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

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

Fitness For Duty Certification

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

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

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

With the staff member’s permission, the Board’s healthcare provider may contact the staff member’s healthcare provider to clarify and authenticate the certification, but no

additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

Confidentiality

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

No Discrimination

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

Miscellaneous

The Superintendent may designate another administrator to perform their duties under this policy.

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

The Superintendent shall see that the policy is posted properly.

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

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po3440

JOB-RELATED EXPENSES

3440 - **JOB-RELATED EXPENSES**

The Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any professional staff member of the District reasonably and necessarily incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board.

The validity of payments for job-related expenses shall be determined by the Principal.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall establish mileage rates in accordance with the Federal Internal Revenue Service prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include, but are not limited to, alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates 1) the participation in the event by the individual traveling is

necessary to the Federal award; and 2) the costs are reasonable and consistent with the District's travel policy.

The Board shall pay the expenses of professional staff members when they attend professional meetings approved in accordance with the policy of this Board and in accordance with the administrative guidelines of the District Administrator.

Whenever a staff member is unable to provide appropriate expense documentation, they may be reimbursed in an amount not to exceed $100 upon written approval of the expenses by the District Administrator.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds must meet the cost allowability standards within Board Policy 6110 - Grant Funds.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services or the President (or designee), must apply to travel under Federal awards.

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po3531

UNAUTHORIZED WORK STOPPAGE

3531 - **UNAUTHORIZED WORK STOPPAGE**

The Board is obligated and committed to provide certain basic services to students participating in District programs.

Recognizing the fact that the District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services.

Professional staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

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po3600

SOLICITATION BY STAFF

3600 - **SOLICITATION BY STAFF**

School employees shall not use school time or school facilities in connection with any personal activity for financial profit outside the regular school program.

No school employee shall use the name of the school or School District or his/her position in the School District to promote or solicit for the sale of school books, school supplies, or school equipment.

In general there shall be no solicitation of students by staff. Building principals may make arrangements for sale of school pictures, student accident insurance, graduation announcements, class rings, and other items approved by the Superintendent of Schools.

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po4120

EMPLOYMENT OF SUPPORT STAFF

4120- **EMPLOYMENT OF SUPPORT STAFF**

The Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent support staff.

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

The Board shall approve the employment, fix the compensation, and establish the term of employment for each support staff member employed by this District.

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

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

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which they would be supervised directly by the relative staff member.

Any support staff member's intentional misstatement of fact material to their qualifications for employment or the determination of salary shall constitute grounds for dismissal.

The employment of support staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in District operations. Employment shall be recommended to the Board at the next regular meeting.

No candidate for employment as a support staff member shall receive recommendation for such employment without having proffered visual evidence of proper certification, when appropriate, or that application for such certification is in process. There must also be verification that a satisfactory background check has been conducted in compliance with District procedures.

The Superintendent shall prepare procedures for the recruitment and selection of all support staff which include reporting newly hired employees to the Wisconsin Department of Workforce Development.

REQUIREMENTS FOR TITLE I PARAPROFESSIONALS

All paraprofessionals hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

A. Completed two (2) years study at an institution of higher education; or

B. Obtained at least an associates degree; or

C. Met a rigorous standard of quality and demonstrate through formal State or local academic assessment:

1. knowledge of and the ability to assist in instructing, reading, writing and mathematics; or

2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness and mathematics readiness, as appropriate.

Existing paraprofessionals – All current paraprofessionals working for a Title I supported program must:

A. Have a secondary school diploma or its recognized equivalent;

B. Meet the requirements for newly hired paraprofessionals as described above.

Exceptions – These requirements do not apply to a paraprofessional:

A. Who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or

B. Whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I supported program may be assigned to:

A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;

B. assist with classroom management, such as organizing instructional and other materials;

C. provide assistance in a computer laboratory;

D. provide support in a library or media center;

E. conduct parental involvement activities;

F. act as a translator;

G. provide instructional services to students, if working under the direct supervision of a teacher;

H. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

T.C. 9/10/24

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po4120.01

JOB DESCRIPTIONS

4120.01 - **JOB DESCRIPTIONS**

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

All support staff job descriptions shall be approved by the Human Resources Director and will be maintained Human Resources Department.

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

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

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

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

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee's immediate supervisor shall review this job description with the staff member as part of the employment orientation process.

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

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

The Superintendent shall prepare administrative guidelines necessary for the proper implementation of this policy.

Revised 12/12/17

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EMPLOYMENT OF SUBSTITUTES

4120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Board recognizes its responsibility to procure the services of substitute support staff in order to prevent the interruption of the operation of the schools.

The names of potential substitute personnel and the positions in which they may substitute shall be maintained by the Office of Human Resources.

Proper certification shall be on file if the position requires certification. A satisfactory background check shall be conducted consistent with Policy 4121 - Criminal History Record Check and Employee Self-Reporting Requirements.

Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which they are supervised directly by the staff member who is related.

Prior to the end of the school year, District-employed substitutes, who the District intends to employ for the ensuing school year, will receive a letter of reasonable assurance of continued employment.

Revised 7/9/24

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VOLUNTEERS

4120.09 - **VOLUNTEERS**

The Board of Education recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the support staff responsible for the conduct of those programs and activities.

Administrators shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. S/He shall not be obligated to make use of volunteers whose abilities are not in accord with Agency needs.

Any volunteer who works with or has access to students shall submit to a criminal history records check, prior to being allowed to participate in any activity or program.

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JOB SHARING

4120.10 - **JOB SHARING**

The Board recognizes the value to the District to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills part-time through a job-sharing process.

The District will consider job share requests that are in the District's best interests considering the educational program, and whether the cost of employing two (2) staff members on a part-time basis exceeds the cost of employing one full-time staff member.

Part-time positions may be approved in which two (2) currently employed staff members will be allowed to share one (1) full-time position.

The Board authorizes the Superintendent to create a job-sharing program provided it does not adversely affect the District or any of its current staff members.

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po4121

CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS

4121 - **CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS**

Criminal History Record Check

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's support staff. Any contracts with outsourced services, employment agencies, or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District.

The District Administrator shall establish the necessary procedures for obtaining any criminal history on the applicant.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

Employee Self-Reporting Requirement

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

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

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

Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

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po4122

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

Notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant: is the individual who alleges, or is alleged, to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or

is pursuing an informal resolution to the alleged discrimination/retaliation.

Day(s): Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

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 Wisconsin 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 duty listed above.

Respondent: is the individual who has been alleged to have engaged in discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community: means students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

District Compliance Officers

The Board designates the following individuals to serve as the District's Compliance Officers (also known as Civil Rights Coordinator; hereinafter referred to as the COs).

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

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

The CO is responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The CO shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

Reports and Complaints of Discrimination and Retaliation

Employees are required to report incidents of discrimination and/or retaliation to an administrator, supervisor, or other supervisory employees so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employees who receive such a report shall provide it to the CO within two (2) days

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

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

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

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. COs shall accept reports of discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), and the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigations.

The CO will provide a copy of this policy to the Complainant and the Respondent. All

members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any Board employee who directly observes discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one (1) of the COs within two (2) days. Additionally, any Board employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise the Complainant of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (See Form 4122 F2)

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to discrimination or retaliation may seek resolution of the complaint through the procedures described below. The complaint procedures involve an investigation of the individual’s claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

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

Complaint Procedure

A Complainant who alleges discrimination/retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) the CO; or 3) to the Superintendent or other supervisory employees. Any complaint received regarding the Superintendent or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

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

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

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the

Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) days of receiving the complaint, the CO or designee will initiate an investigation to determine by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and upon request provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint.

The investigation will include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may, in consultation with the Superintendent or Board President, if the matter involves the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the Superintendent either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A summary of

the Superintendent's final decision will be provided to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days, or as quickly as possible if additional time is necessary due to the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

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

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the

filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

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

Remedial Action Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation, or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or

interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy;

Q. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. copies of any notices sent to the Complainant and alleged perpetrator in advance of any interview or hearing;

U. copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

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

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

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Revised 4/13/10

Revised 2/08/11

Revised 8/23/11

Revised 2/12/13

Revised 4/08/14

Revised 2/10/15

T.C. 6/11/21

Revised 5/19/23

T.C. 1/7/25

Revised 5/13/25

T.C. 2/10/26

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DRUG-FREE WORKPLACE

4122.01 - **DRUG-FREE WORKPLACE**

The Board believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain a drug-free workplace.

Prohibited Acts

The Board prohibits any member of the District's staff from any of the following at any time while on or in District property or while performing duties at a District-related activity or event:

A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;

B. using, distributing, or possessing drug paraphernalia; or

C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over-the-counter medication.

Permitted Acts

Staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over-the-counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over-the-counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over-the-counter medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken in private, out of the view of students.

Each staff handbook will include a summary of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff; furthermore, staff members shall be informed that compliance with this requirement is mandatory. The use of marijuana and/or products containing tetrahydracannibonols (THC), other than products expressly excluded from the definition of a schedule drug (hemp-derived CBD oil, etc.), is still prohibited under Wisconsin law and Board policy. Use of such products even in states which have passed state laws permitting usage is still unlawful under Federal law and Wisconsin law and is not an exception to the drug-free workplace policy. CBD products are prohibited on District grounds and at school events.

Reasonable Suspicion Testing

Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.

Disciplinary Action

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or rehabilitation programs and/or may refer the matter to law enforcement.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements under the Drug-Free Workplace Act of 1988 and shall provide these to staff. Nothing in this policy shall prohibit the Superintendent from evaluating a staff member's fitness for duty pursuant to Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty.

Off Work Conduct

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs on social media or other outlets in a fashion that tends to provoke public scrutiny, damage the staff member's credibility, depict inappropriate involvement of minors, or in some fashion diminish the staff member's ability to safely and effectively perform his or her duties. If the District administration becomes aware of such circumstances, it will investigate the matter even though the events occurred on one's personal time and not on District property or at a District event.

Use of Resources for Treatment

The District makes available resources to assist staff members in overcoming substance abuse. However, the decision to seek diagnosis and accept treatment for substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Revised 8/11/09

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po4122.02

NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

4122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information also is prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the District and published in any District statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the District as required by Federal and State law and on the District website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq., and 29 C.F.R. Part 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for

employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a Board employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Board.

The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits its employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall immediately be redacted and not shared beyond the point of first receipt.

As used in this policy, "genetic information" means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for or receipt of genetic services or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.

As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the Board's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The District's Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) is responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer also shall verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Board, from requesting or requiring genetic information of an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions

concerning compliance with the requirements of GINA may be directed to the GINA Compliance Officer at 920-686-4787.

The grievance procedure for complaints of discrimination in Policy 4122 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if a District employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

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po4124

NOTICE OF REASONABLE ASSURANCE OF EMPLOYMENT

4124 - **NOTICE OF REASONABLE ASSURANCE OF EMPLOYMENT**

Prior to the conclusion of each school year, support staff employed in instructional year positions shall be notified, in writing, of reasonable assurance of continued employment for the subsequent school year when such employment is anticipated.

A school year employee of an educational institution who performs services other than in an instructional, research, or principal administrative capacity is ineligible for benefits based on such services performed for the District during any week of unemployment that occurs between two (2) successive academic years or terms. This applies if the employee performed such services in the first year or term and has reasonable assurance of performing them in the second.

Issuance of a notice of reasonable assurances to any employee as described in this policy shall not constitute a guarantee of employment in any successive academic term.

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po4130

ASSIGNMENT AND TRANSFER

4130 - **ASSIGNMENT AND TRANSFER**

The Board believes that the careful placement of support staff within the District is vital to the utilization of qualified and competent support staff for the successful functioning of the District.

Responsibility for the assignment and transfer of support staff members shall be vested in the Superintendent.

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po4132

VACANCIES

4132 - **VACANCIES**

It shall be the policy of the Board to employ the person best suited to perform the duties of a particular District vacancy at any level.

Vacancies shall be announced in accordance with established District procedures.

The Superintendent shall establish procedures to facilitate the identification and evaluation of candidates for supervisory and other leadership positions.

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po4139

STAFF DISCIPLINE

4139 - **STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary such action shall be consistent with the requirements of any applicable Board policy, and State and Federal law. The Superintendent may issue discipline when deemed appropriate. This policy does not cover decisions to terminate a staff member's employment or accepting a staff member's resignation (see Policy 4140 - Termination and Resignation).

Investigation of Possible Criminal Activity

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

Staff may be disciplined for violations of Board policy or for other failure to meet the expectations and obligations of their position. No staff member may be subject to

arbitrary or capricious disciplinary action, or disciplinary action that is otherwise in violation of law.

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

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

B. written warning

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

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

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

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

Revised 3/13/12

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po4140

TERMINATION AND RESIGNATION

4140 - **TERMINATION AND RESIGNATION**

TERMINATION

Employment of support staff employees may be terminated by the Superintendent.

Support staff employees subject to termination may be given an opportunity to resign.

RESIGNATION

A support staff member may resign by filing a written resignation with the Superintendent.

The Superintendent may act for the Board in the acceptance of a resignation.

Revised 3/13/12
Revised 10/14/25

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po4160

PHYSICAL EXAMINATION

4160 - **PHYSICAL EXAMINATION**

The Board requires any candidate who has been offered employment in a position that involves contact with children or preparation of food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire. Additional testing may be required to assure freedom from tuberculosis in communicable form. Such examinations shall be done in accordance with 118.25 Wis. Stats., the Superintendent's guidelines, and/or the terms of the collective bargaining agreement.

The Superintendent may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job-related and out of necessity for safe and proper performance of job duties.

Freedom from tuberculosis in a communicable form is a condition of employment.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 4160 F2).

Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, the successful candidate who is required to submit to a medical examination, as well as the medical health care provider that is designated by the Board to conduct the examination, are directed not

to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance, the Superintendent shall base a nonemployment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities. Freedom from tuberculosis in a communicable form is a condition of employment.

The Board shall assume any fees for required examinations.

Revised 2/8/11
Revised 2/12/13

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po4161

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

4161 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board to protect the students and employees of this District from the effects of contagious diseases and other circumstances that render support staff members unable to perform their duties.

The Board authorizes the Superintendent to place a support staff member on sick leave or suspend a support staff member for physical or mental disability to perform assigned duties in conformance with the law.

The Superintendent may require that the support staff member submit to an appropriate examination by a healthcare provider designated by the support staff member, a healthcare provider designated and compensated by the District, or both.

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

As required by Federal law and regulation and Board Policy 4122.02 - Nondiscrimination Based on Genetic Information of the Employee, the Superintendent shall direct the provider designated by the Board to conduct the examination not to

collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

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

If, as a result of such examination, the support staff member is found to be unable to perform assigned duties, the support staff member shall be placed on leave of absence pending further determination of ability to perform duties, including evaluation of any reasonable accommodations in the event of the existence of a disability.

Should a support staff member refuse to submit to the examination requested by the Superintendent, such refusal shall subject the support staff member to disciplinary action.

The Superintendent may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 4430.01 - Family & Medical Leave of Absence ("FMLA") as provided by law.

T.C. 11/12/24

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po4170

SUBSTANCE ABUSE

4170 - **SUBSTANCE ABUSE**

The Board of Education recognizes alcoholism and drug abuse as treatable illnesses. When such illnesses impair the performance of support staff members, the Board recognizes the responsibility to assist in a manner recommended by appropriate specialists in the treatment of those illnesses.

A support staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to support staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected alcohol or drug problem rests with the support staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board. The Board will assist an employee with an alcohol or drug problem in developing reasonable accommodations so that the employee may perform his/her work, consistent with State and Federal law. Existence of a substance abuse problem does not excuse misconduct in employment or violation of Board policy.

No support staff member will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

Support staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

This policy shall be administered in accordance with the Americans with Disabilities Act of 1990 and applicable State laws.

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po4170.01

EMPLOYEE ASSISTANCE PROGRAM (EAP)

4170.01 - **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Manitowoc Public School District cares about the well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Through its Employee Assistance Program (EAP), the District provides access to professional counseling services for its employees.

The Manitowoc Public School District recognizes that it has no right to interfere with employees' personal lives unless those personal problems adversely affect their job performance or are contrary to school policy. Consequently, a supervisor or District representative may encourage an employee to utilize the EAP if the supervisor or District representative believes an employee's job performance is affected by a personal problem.

Employees should be aware that they will be responsible for complying with the EAP service's recommendations and treatment plans. An employee's continued refusal to accept referral and treatment will be handled by dealing with the job problem according to normal disciplinary procedures.

Employees are expected to perform their job in a satisfactory manner. Failure to utilize the services of the EAP will not excuse an employee from performing their job duties in a acceptable manner. Failure to utilize the services of the EAP will not excuse an employee from performing their job duties in an acceptable manner. Similarly, enrollment in or treatment by the EAP will not excuse an employee from adhering to school employment standards.

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po4210

SUPPORT STAFF ETHICS

4210 - **SUPPORT STAFF ETHICS**

An effective educational program requires the services of employees of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Education expects all staff members to maintain high standards in their working relationships and in the performance of their duties to:

A. recognize basic dignities of all individuals with whom they interact in the performance of duties;

B. represent accurately their qualifications;

C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;

D. seek and apply the knowledge and skills appropriate to assigned responsibilities;

E. keep in confidence legally-confidential information;

F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private interests;

G. avoid accepting anything of value offered by another for the purpose of influencing judgment;

H. adhere to the policies of the Board;

I. shall not use position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen.

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po4211

WHISTLEBLOWER PROTECTION

4211 - **WHISTLEBLOWER PROTECTION**

The Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies, and administrative procedures. The Board expects employees to report to their immediate supervisors any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare. Additionally, employees are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of the employee's immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made such a report based on a reasonable and good faith belief that the report is accurate and not based on the employee's intent to harm, harass, intimidate, retaliate against another individual.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member, the employee shall report to the Superintendent, who is authorized to engage the Board's legal counsel to manage an investigation concerning the matter. If the report concerns the Superintendent, the employee shall make the report to the Board President, who is authorized to engage the Board's legal counsel to manage the investigation.

Upon receipt of a report made by a staff member pursuant to this policy, an investigation shall be commenced as soon as possible and shall be handled expeditiously.

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po4213

STUDENT SUPERVISION AND WELFARE

4213 - **STUDENT SUPERVISION AND WELFARE**

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

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

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

Each District support staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities which include, but are not limited to, the following standards:

A. A support staff member shall report immediately any accident or safety hazard about which they are informed or detect to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.

B. A support staff member shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or threat of these activities, by students to the District Administrator and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety. Additionally, each support staff member shall also promptly report to the Principal any knowledge of threats of violence by students.

C. Support staff should not volunteer to take on responsibilities they are not reasonably qualified or able to perform. Voluntarily assuming such duties carries the same level of accountability as formally assigned responsibilities.

D. A support staff member shall not send students on any personal errands.

E. A support staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and District discipline, up to and including termination of employment.

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

F. A support staff member shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.

G. A support staff member shall not transport students for school-related activities in a private vehicle without the approval of their immediate supervisor and consistent with the provisions of Policy 8660 - Transportation by Private Vehicle for District-Sponsored Activities or Trips. This does not apply to any student who is a support staff member's family member.

H. A student shall not be required to perform work or services that may be detrimental to their health.

I. Staff members shall not engage students in social media and online networking media (see also Policy 7544 - Use of Social Media), except for appropriate academic, extra-curricular, and/or professional uses consistent with Policy 7540 - Technology, Policy 7540.03 - Student Technology Acceptable Use and Safety, and/or Policy 7540.04 - Staff Technology Acceptable Use and Safety.

J. Staff members are expressly prohibited from posting any picture, video, meme, or other visual depiction, or comment pertaining to any student on personal or unauthorized social networking media or similar forums. This provision of the policy does not apply to pictures and/or videos taken of public events that may involve, or incidentally include, depictions of students participating in or observing such events where the purpose of the photo or video is to depict the event, not a particular student. This section does not apply to depictions of a support staff member's own child or other relative.

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

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

Revised 8/13/24

T.C. 1/7/25

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po4214

STAFF GIFTS

4214 - **STAFF GIFTS**

The Board generally discourages the presentation of gifts to staff members by students and their parents beyond nominal value to avoid the appearance of favoritism and to avoid the embarrassment of students who are unable or whose parents are unable or unwilling to provide support staff with gifts.

Support staff may only accept gifts of nominal value (the amount as defined in Policy 4230 - Ethics and Conflict of Interest) from students and their parents, or token items often distributed by companies through their public relations or marketing programs. Other gifts must be graciously declined for compliance with this policy.

It shall not be considered a violation of this policy for an employee to receive entertainment, food, refreshments, meals, health screenings, amenities, or beverages that are provided in connection with a conference sponsored by an established or recognized educational organization, or as may be approved by the Superintendent.

Gifts that are intended for the benefit of the District shall be referred to the Superintendent for proper processing in accordance with Policy 7230 - Gifts, Grants, and Bequests.

The Superintendent may approve acts of generosity to individual staff members in special situations.

Upon the recommendation of the Superintendent, the Board shall consider, as appropriate, the presentation of recognition gifts to members of the staff who have rendered service for a period of time.

Revised 4/8/25
T.C. 11/11/25

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po4215

USE OF TOBACCO AND NICOTINE BY SUPPORT STAFF

4215 - **USE OF TOBACCO AND NICOTINE BY SUPPORT STAFF**

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any support staff of the District to use, consume, display, promote, or sell any tobacco products, tobacco industry brand, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen years and older. Staff using such products and bringing them to any school property or school-sponsored activity are responsible for safekeeping of these products at all times and are responsible for assuring that no students are able to obtain access to these products.

Policy Specific Definitions

The term “any time” means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term “electronic smoking device” means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term “imitation tobacco product” means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate

cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term “off-campus, school-sponsored event” means any event sponsored by the school or School District that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term “school property” means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff and visitors.

The term “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant-derived substances, whether or not legally sold in Wisconsin, including CBD products, Delta 8 THC, Delta 9 THC, or any other variation thereof. “Smoking” also includes carrying or using an activated electronic smoking device.

The term 'tobacco products retailer' means retailers whose primary business is tosell tobacco and/or tobacco-related products.

The term “tobacco industry” means manufacturers, distributors or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term “tobacco industry brand” means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

Revised 3/13/12

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po4217

WEAPONS

4217 - **WEAPONS**

The Board prohibits support staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle, to the extent permitted by law.

This prohibition does not apply to unloaded firearms in a locked vehicle or locked firearms case, or to separately stored ammunition, that is on any part of school grounds used as a parking facility provided, however, that the firearm case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk or, if not possible, covered with a blanket or in some fashion shielded from vision.)

Concealed Carry Permit Holders

Nothing in this policy prohibits an employee with a properly issued permit to carry a concealed weapon from exercising his/her rights consistent with Wisconsin's concealed carry law and the State and Federal gun-free school zones laws. However, a staff member who is the holder of a concealed carry permit license issued or recognized by the State of Wisconsin may not, by virtue of Wis. Stat. 948.605(2)(b)1r, possess a concealed weapon anywhere in or on school grounds, including parking areas.

A staff member who is a concealed carry permit licensee may not carry a concealed weapon or otherwise store a weapon or ammunition in his or her personal vehicle while transporting students for school-sponsored events or school-related purposes in

his or her own vehicle. This does not apply to the transportation of students related by blood or marriage to the staff member if only such students are being transported.

Definition of "Weapon"

For this policy, the term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to firearms (including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives (subject to the exceptions below), razors with unguarded blades, clubs, electric weapons (as defined in 941.295(1c)(a), Wis. Stats.), metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

Exceptions to this policy include:

A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off duty law enforcement officers, or out-of-state law enforcement officers;

B. items approved by a Principal as part of a class or individual presentation under adult supervision, including but not limited to hunters' education course, if used for the purpose of and in the manner approved (working firearms, except those protected at all times by a cable or trigger lock, and live ammunition shall never be approved);

C. theatrical props used in appropriate settings; and

D. starter pistols used in appropriate sporting events.

The Superintendent may refer a staff member who violates this policy to law enforcement officials. The staff member may also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Any staff member who has reason to believe that a person has or will violate this policy shall report to the school Principal or their supervisor immediately. Failure to report such information may subject the staff member to disciplinary action, up to and including termination. The staff member may also confront the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

This policy shall be published and distributed to staff members annually. Publication is not a precondition to enforcement of this policy.

Revised 2/12/13
Revised 8/12/14
Revised 3/10/15

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po4220

EVALUATION OF SUPPORT STAFF

4220 - **EVALUATION OF SUPPORT STAFF**

The Board recognizes the importance of implementing a program of support staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for support staff are:

A. to improve and reinforce the skills, attitudes, and abilities that enable a support staff member to be effective in achieving assigned job goals;

B. to identify and remediate weaknesses that prevent a support staff member from achieving the goals of assigned duties.

The Superintendent shall develop and implement a plan for support staff member evaluations.

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po4230

ETHICS AND CONFLICT OF INTEREST

4230 - **ETHICS AND CONFLICT OF INTEREST**

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

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

A. No support employee, officer, or agent shall engage in or have a personal or financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, officer's, or agent's duties and responsibilities in the school system. Specifically, support employees must perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in an amount that exceeds $15,000, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private pecuniary interest and/or benefit.

B. Support staff employees, officers, or agents shall not directly supervise a relative employed by the District or employed in a position contracted for by the District.

C. Support employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, anything of substantial value, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any employee, student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.

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

1. the provision of any private lessons or services for a fee, unless the provision of services is arranged outside of school and is separate from and in addition to regular support provided to students as part of the staff member's regular duties ;

2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees;

3. the use, sale, or improper divulging of any privileged information about a student or client granted in the course of the employee’s, officer’s or agent’s employment or professional relationship with the School District through their access to School District records;

4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;

5. the requirement of employees, students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

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

E. Support employees shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

F. Support employees, officers, and agents shall not participate in the selection, award, and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit, or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild, or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

Support employees, officers, and agents may not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to

subcontracts.

G. Support employees, officers, and agents must disclose any potential conflict of interest that may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

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

H. Support employees, officers and agents found to be in violation of this conflict of interest policy will be subject to discipline as specified in the Employee Handbook

No support staff employee may accept or engage in any employment, consulting, advising, or other professional activity with any organization other than the District, whether the employee will receive compensation for such outside activity or not, without first obtaining the approval of the Superintendent.

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

It is a violation of this policy to take action or to refrain from taking action, or for an employee to otherwise use the employee's public position to obtain a financial gain or anything of substantial value for oneself or the employee's immediate family, as defined in 19.42(7), Wis. Stats.

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po4281

PERSONAL PROPERTY OF STAFF MEMBERS

4281 - **PERSONAL PROPERTY OF STAFF MEMBERS**

Employees may bring personal property, including personal communication devices, to school either for reasons associated with work responsibilities or for use during off-duty time (see Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices) in accordance with the Employee Handbook.

The owner of the personal property bears all responsibility for documentation of ownership and assumes all risk for loss, damage, or misuse of said personal property while it is on District property. Administrators shall direct employees to remove inappropriate or unauthorized personal property from District premises.

T.C. 11/11/25

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po4310

EMPLOYEE EXPRESSION IN NONINSTRUCTIONAL SETTINGS

4310 - **EMPLOYEE EXPRESSION IN NONINSTRUCTIONAL SETTINGS**

The Board acknowledges the right of its support staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, including matters related to the performance of their job duties or responsibilities, the support staff member's expression must be balanced against the interests of this District.

The following employee expectations are adopted by the Board to help clarify and, therefore, avoid situations in which the support staff member's expression could conflict with the District's interests. In such situations, the employee should:

A. state clearly that the expression represents personal views and not necessarily those of the School District;

B. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;

C. not make threats or abusive or personally-defamatory comments about co-workers, administrators, or officials of the District;

D. refrain from making public expressions that the employee knows to be false or are made without regard for truth or accuracy.

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po4340

GRIEVANCE PROCEDURE

4340 - **GRIEVANCE PROCEDURE**

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. Each employee of the District shall be provided an opportunity to understand and resolve certain matters affecting employment that the employee believes to be unjust. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees.

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as a matter relating to workplace safety.

A grievance shall mean a dispute concerning an employee's discipline or termination of employment or a dispute concerning workplace conditions that affect workplace safety. Only one (1) subject matter shall be covered in any one (1) grievance. A written grievance shall contain:

A. the name and position of the grievant;

B. a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);

C. the issue involved;

D. the relief sought;

E. the date the incident or violation took place;

F. the specific section of the Policy Manual alleged to have been violated;

G. the signature of the grievant and the date.

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) business days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

A. **Principal/Supervisor:**

If an employee believes they have a matter subject to the grievance procedure, the employee shall present the grievance to the Principal/Supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) business days, inform the employee in writing of their decision.

B. **Superintendent:**

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) business days of the date the Principal's/Supervisor’s written decision is issued, present their grievance in writing to the Superintendent. This grievance shall fully state the details of the problem and suggest a remedy. The Superintendent shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant.

C. **Hearing Before an Impartial Hearing Officer:**

In the event the matter is not resolved to the employee's satisfaction by the Superintendent, the employee may, within five (5) business days of the date of the written decision of the Superintendent, request in writing that the matter be referred for a hearing before an Impartial Hearing Officer. The Board shall appoint a Hearing Officer for the purpose of conducting the hearing. If the Superintendent denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline, or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determines the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a Hearing Officer or panel of potential Hearing Officers from which to select an officer for this purpose, either on an ad hoc basis or by resolution adopted for a school year, and delegate to the Superintendent the responsibility to arrange for such hearing with one (1) of the selected officers. When the grievant is the Superintendent, the Board's legal counsel shall be responsible for the selection of a Hearing Officer and arranging a hearing.

Each grievance shall be heard by a single Hearing Officer and such hearings shall be private. The employee and the District may present witnesses and each side may select one (1) individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the Impartial Hearing Officer shall be paid by the District.

D. **Board:**

In the event that either party is dissatisfied with the Hearing Officer's decision, that party may, within ten (10) business days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) business days after its receipt unless postponed by mutual agreement. The Board shall review the decision of the Impartial Hearing Officer and may either issue a decision or

determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by a majority vote of a quorum present, which shall be final.

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with the administration, and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by the administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

A. Workplace safety means those conditions related to physical health and safety of employees enforceable under Federal or State law or District rule related to the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence, and accident risks.

B. Termination does not include voluntary resignation or retirement.

C. Employee discipline refers to suspensions, written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file.

D. Business day means weekdays, excluding any District recognized holiday that falls on a weekday, but does not exclude weekdays during scheduled break periods.

Revised 3/10/15

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po4362

EMPLOYEE ANTI-HARASSMENT

4362 - **EMPLOYEE ANTI-HARASSMENT**

Prohibited Harassment

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

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

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

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

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with the District, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Definitions

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

A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;

C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

Sexual Harassment

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

A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;

B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;

C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;

D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;

E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where

such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;

F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

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

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. physical and/or sexual assault;

C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;

D. unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;

E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

I. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; and

J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

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

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

Boundary Invasions

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

A. hugging, kissing, or other physical contact with a student;

B. telling sexual jokes to students;

C. engaging in talk containing sexual innuendo or banter with students;

D. talking about sexual topics that are not related to curriculum;

E. showing pornography to a student;

F. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");

G. initiating or extending contact with students beyond the school day for personal purposes;
.

H. using e-mail, text messaging or websites to discuss personal topics or interests with students;

I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;

J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);

K. going to a student's home for non-educational purposes;

L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);

M. giving gifts or money to a student for no legitimate educational purpose;

N. accepting gifts or money from a student for no legitimate educational purpose;

O. being overly "touchy" with students;

P. getting a student out of class to visit with the staff member;

Q. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;

R. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);

S. being alone with a student behind closed doors without a legitimate educational purpose;

T. telling a student "secrets" and having "secrets" with a student.

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

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating

an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

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

Age Harassment

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

Race/Color Harassment

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

Disability Harassment

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

Reports and Complaints of Harassing Conduct

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

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

Reporting procedures are as follows:

A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

B. Teachers, administrators, and other school officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.

C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.

D. Appropriate school officials are as follows:

1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the Superintendent who shall assume the role of the District Compliance Officer for such complaints.

2. Any complaint under this policy regarding the Superintendent or Board Member that is received by the District Compliance Officer shall be referred to the School Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.

E. The reporting party or complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting

forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the Superintendent.

District Compliance Officer

The Board designates the following individual to serve as the District's "Compliance Officer" (hereinafter referred to as the "CO").

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

The name, title, and contact information of this individual will be published annually on the School District's website.

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

The CO is assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such

recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.

Investigation and Complaint Procedure

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

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

Complaint Procedure

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

Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal,

Superintendent or other Supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

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

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

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deemed appropriate in consultation with the Superintendent. No temporary arrangements shall be disciplinary to either the complainant or respondent.

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

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

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

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation

and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the complainant has been subject to harassment.

The COs recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

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

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

The decision of the Superintendent shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 4340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

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

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

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

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

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the Superintendent shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Allegations Constituting Criminal Conduct

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

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

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

Reprisal

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

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

Miscellaneous

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

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the Board in consultation with the Superintendent determines is necessary or appropriate.

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

Revised 4/13/10
Revised 2/8/11
Revised 4/8/14
Revised 2/10/15
T.C. 6/11/21
T.C. 1/7/25
T.C. 2/10/26

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po4362.01

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

4362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

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

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

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

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COMPENSATION FOR PART-TIME STAFF

4410.01 - **COMPENSATION FOR PART-TIME STAFF**

The Board requires that part-time support staff be compensated in an amount appropriate to the position's duties and responsibilities and the portion of time worked, whether it be a fraction of a day or a fraction of a year. The Suerintendent shall ensure that such arrangements are consistent with any applicable terms of the employee handbook, or as applicable, to the collective bargaining agreement, if a member of a certified bargaining unit.

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GROUP HEALTH PLANS

4419 - **GROUP HEALTH PLANS**

The Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide certain health benefits to employees as permitted by law.

The Board has elected to provide health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

Revised 7/11/17

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PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS AND RELATED BENEFITS

4419.01 - **PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS AND RELATED BENEFITS**

The Board provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans and related benefits:

A. Medical Plan;

B. Prescription Drug Plan;

C. Dental Plan.

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule. Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Director of Business Services to serve as the Privacy Official of the group health plans. The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law

The Board also acknowledges that the HIPAA Security Rule requires the group health plans to implement various security measures with respect to electronic protected health information. The Board hereby appoints the Director of Business Services to serve as the Security Official of the group health plans.

The Board's Security Official shall conduct a risk analysis and develop, propose to the Board, and implement internal policies and procedures for the group health plan(s) relating to the security of electronic protected health information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.

The Board delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the HIPAA administrative procedures in effect from time to time. The Privacy Official and/or Security Official shall report his or her progress to the Board.

The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and the Security Official in connection with the performance of their delegated duties for the group health plans except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official and/or Security Official as defined by law.

The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and Accompanying regulations.

The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.

Revised 7/9/24
T.C. 11/11/25

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PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

4419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Vision Plan

B. Employee Assistance Plan

C. Short-term and long-term disability plans

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic protected health information in accordance with the HIPAA Security Rule.

The Board hereby appoints the Director of Business Services to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and/or controls all of the equipment and media used to create, maintain, receive, and transmit electronic protected health information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

The U.S. Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.

The fully insured group health plans established by the Board shall:

A. Refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.

B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or

eligibility of benefits.

C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.

B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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PATIENT PROTECTION AND AFFORDABLE CARE ACT

4419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the actions listed below.

A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Such notice shall be consistent with the sample notice language provided by the U.S. Department of Labor.

B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

   In the event the District concludes that it is fiscally advantageous to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

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T.C. 2/17/25

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po4430

LEAVES OF ABSENCE

4430 - **LEAVES OF ABSENCE**

Any support staff member may request a discretionary voluntary leave of absence from the Superintendent. All requests shall state the reason for the leave and the expected duration of the leave.

The Board authorizes the Superintendent to approve a leave of absence pursuant to this policy.

This policy governs leaves, in addition, to leave under Policy 4430.01 (FMLA) or other District leave policies, however, any leave under this policy that is also qualifying leave under Policy 4430.01 will be designated as such and count towards the employee's leave entitlement. Approved leave under this policy shall state the conditions applicable to the employee's return to work. Nothing in this policy shall serve as a guarantee of any job protection for leave beyond otherwise protected leave.

Any support staff member granted a leave of absence by the Superintendent shall be considered to have stopped performance of all work with the District until the completion of the leave. Exceptions may be made by the Superintendent in cases where the best interest of the District might be served.

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po4430.01

FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

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

Introduction

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

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

Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven (7) years andmust have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave.

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

Qualifying Reasons for Leave

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

A. for the birth of the eligible staff member's child and to care for a newborn child

B. for placement with the eligible staff member of a child for adoption or foster care

C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

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

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

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

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

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

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

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

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

1. inpatient medical treatment, recuperation or therapy;

2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or

3. assignment to the temporary disability retired list.

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

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

Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, the staff member is entitled to a total of twelve (12) work weeks of leave in a fiscal year running from July 1 to the following June 30 for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

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

A. a total of six (6) weeks of leave for the birth of the staff member's natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;

B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and

C. a total of two (2) weeks of leave due to the staff member's serious health condition.

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

Definitions of Serious Health Conditions

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

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

A. **Hospital Care**

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

B. **Absence Plus Treatment**

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

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or

2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

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

C. **Pregnancy**

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

D. **Chronic Conditions Requiring Treatment**

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;

2. continues over an extended period of time (including recurring episodes of a single underlying condition); and

3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. **Permanent/Long-Term Conditions Requiring Supervision**

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

F. **Multiple Treatments (Non-Chronic Conditions)**

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

Required Staff Member Notice

The staff member must provide the Superintendent with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted

for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

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

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

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

Certification By Healthcare Provider

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

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

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

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

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

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

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

Designation of Leave

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

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

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

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

Manner In Which Leave Can Be Taken

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

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

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

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

Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member mustuse the following leaves provided by the Board, if available:

A. vacation or personal leave, if available, for any family or medical leave;

B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and

C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

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

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

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

Continuation of Benefits

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

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

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

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

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

Accrual of Benefits

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

Employment Restoration

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

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

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

Fitness For Duty Certification

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

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

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

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

Confidentiality

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

No Discrimination

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

Miscellaneous

The Superintendent may designate another administrator to perform their duties under this policy.

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

The Superintendent shall see that the policy is posted properly.

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

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Revised 8/12/14

Revised 3/10/15

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po4440

JOB-RELATED EXPENSES

4440 - **JOB-RELATED EXPENSES**

The Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any support staff member of the District reasonably and necessarily incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board.

The validity of payments for job-related expenses shall be determined by the Principal.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall establish mileage rates in accordance with the Federal Internal Revenue Service prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that

would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis.

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

The Board shall pay the expenses of support staff members when they attend professional meetings approved in accordance with the policy of this Board and in accordance with the administrative guidelines of the Superintendent.

Whenever a staff member is unable to provide appropriate expense documentation, they may be reimbursed in an amount not to exceed $100 upon written approval of the expenses by the Superintendent.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds must meet the cost allowability standards within Board Policy 6110 - Grant Funds.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11 ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services or the President (or designee), must apply to travel under Federal awards.

Revised 7/9/24

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po4531

UNAUTHORIZED WORK STOPPAGE

4531 - **UNAUTHORIZED WORK STOPPAGE**

The Board is obligated and committed to provide certain basic services to students participating in District programs.

Recognizing the fact that a District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services.

Support staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

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po4600

SOLICITATION BY STAFF

4600 - **SOLICITATION BY STAFF**

School employees shall not use school time or school facilities in connection with any personal activity for financial profit outside the regular school program.

No school employee shall use the name of the school or School District or his/her position in the School District to promote or solicit for the sale of school books, school supplies, or school equipment.

In general there shall be no solicitation of students by staff. Building principals may make arrangements for sale of school pictures, student accident insurance, graduation announcements, class rings, and other items approved by the Superintendent of Schools.

Manitowoc Public School District

po5111

ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

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

A. The Board will educate, tuition-free, students who are residents of the District. Proof of residency will be required for registration in the District. If residency is with individuals other than a parent, the living arrangement may not be solely for purposes of attending the District's schools.

B. The District shall not make residency determinations on the basis of an individual's alienage.

C. The District shall consider those students who are homeless or in foster placement to be residents unless residency is determined to be in another district.

D. Upon request of a student's parent, or the request of an adult student, students who have gained twelfth-grade status and who no longer reside within the District shall be permitted to complete their high school education tuition-free.

E. Resident students in grades nine (9) through twelve (12) who attend a tribal school, private school, or home-based private educational program shall be accepted into the District's educational programs for up to two (2) classes if the student satisfies the high school admission standards and sufficient space is available in the classes.

F. Students enrolled in a home-based private educational program in grades kindergarten through eight (8) who meet the minimum standards for admission to a course offered by the District shall be accepted into the District's educational programs for up to two (2) classes if the Board determines there is sufficient space in the classes.

G. A high school student who now resides in a different school district as a result of a reorganization under Chapter 117 and who has completed 9th and 10th grade at his/her former school district shall be allowed to complete his/her education at the former school district. The school board of residence shall pay the student's tuition, and if the parent has paid such tuition, the resident board shall reimburse the parent, upon request of the parent, within three (3) years. The school of attendance shall count the student in its membership.

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

I. Children of joint custody orders may attend school without payment of tuition if the student otherwise meets residency requirements unless a court order specifies a different District of attendance.

J. Foreign students, participating in a bona fide foreign-exchange program, may be admitted consistent with Federal law.

K. Students whose parents reside in the State but do not reside within the District, but who present evidence that they will move into the District within nine (9) school weeks, may enroll in the schools of this District as tuition students for the time not in residence. Tuition will be refunded in accordance with State law.

L. Minor students residing in the District, but not living with a parent, may be required to provide information sufficient to allow the administration to

properly determine resident status under law.

M. Tuition students may be accepted in accordance with State law and the approval of the Superintendent.

N. Nonresidents may be accepted into the District's Adult Education classes upon payment of the appropriate fees.

O. Nonresident students may be accepted into the District's Summer or Interim Session School Program upon payment of appropriate fees.

P. Nonresident students may be accepted into the District's program under the Part-Time or Full-Time Open Enrollment Programs. Nonresident students accepted into the District's Part-Time Open Enrollment Program may attend no more than two (2) courses at any time if the Board determines there is sufficient space in the classroom.

Q. Students who have begun the school year as residents and who no longer reside in the District may be permitted to complete the school year tuition-free.

R. The following provisions apply to any student who has been expelled from another school or district and seeks to enroll in the District during the term of the expulsion order:

1. If the student has been expelled from another Wisconsin public school district, the student is not entitled to enroll. The Superintendent maychoose whether to enroll the student.

2. If the student has been expelled by a public school in another state or by a Wisconsin charter school, the Superintendent may choose to enroll the student, but if the decision is not to enroll the student, the Board must determine that the conduct giving rise to expulsion would have been grounds for expulsion from the District under Policy 5610. The student, or if the student is a minor, the student's parent, shall request that the governing body of the charter school or the public school in another state provide the Board with a copy of the expulsion findings and order, a

written explanation of the reasons why the student was expelled, and the term of the expulsion.

3. Conditional Enrollment

If a student has been expelled by another Wisconsin or out-of-state public school district, and will not be otherwise enrolled under this policy, the student may be enrolled during the period of expulsion if the Board, following input from the Superintendent, sets forth one (1) or more conditions of enrollment that are related to the reasons for the student's expulsion, and which are agreed to by the student, or if the student is a minor, the student's parents. Acceptance of the enrollment conditions is evidenced by continued enrollment during the period of expulsion. The Board may specify in a written order one (1) or more enrollment conditions instead of, or in addition to, any early reinstatement conditions, if any, imposed by the board that expelled the student instead of, or in addition to, any conditions imposed, if any, by the out-of-state public school that expelled the student. Any enrollment conditions must relate to the reasons for the student's expulsion and may not extend the term of expulsion specified in the expulsion order. The School District Clerk shall mail two (2) copies of the order to the student or, if the student is a minor, to the student's parent. The expelled student or, if the student is a minor, the student's parent shall sign and return one (1) copy of the order to the Board. Within fifteen (15) days after the date on which the order is issued, the expelled student or, if the student is a minor, the student's parent may appeal the determination regarding whether an enrollment condition specified in the order is related to the reasons for the student's expulsion to the Board. The decision of the Board regarding that determination is final and not subject to appeal. If the Superintendent determines that the student has met the enrollment conditions established in a written order, the Superintendent may grant the student conditional enrollment in a school in the District. The determination of the Superintendent is final.

a. If a student granted conditional enrollment violates an enrollment condition that the student was required to meet after his/her conditional enrollment, but before the expiration of the term of expulsion, the Superintendent may revoke the student’s conditional enrollment. Before revoking the student's conditional enrollment, the Superintendent shall advise the student of the reason for the proposed revocation, including the enrollment condition alleged to have been violated, provide the student an

opportunity to present his/her explanation of the alleged violation, and make a determination that the student violated the enrollment condition and that revocation of the student's conditional enrollment is appropriate. If the Superintendent revokes the student's conditional enrollment, the Superintendent shall give prompt written notice of the revocation and the reason for the revocation, including the enrollment condition violated, to the student and, if the student is a minor, to the student's parent. Within five (5) school days after the revocation of a student's conditional enrollment, the student, or if the student is a minor, the student's parent may request a conference with the Superintendent who shall be someone other than a principal, administrator, or teacher in the student's school. If a conference is requested, it shall be held within five (5) school days following the request. If, after the conference, the Superintendent finds that the student did not violate an enrollment condition or that the revocation was inappropriate, the student shall be enrolled in school under the same enrollment conditions under the order previously issued and the conditional enrollment revocation shall be expunged from the student's record. If the Superintendent finds that the student violated an enrollment condition and that the revocation was appropriate, s/he shall mail separate copies of the decision to the student and, if the student is a minor, to the student's parent. The decision of the Superintendent is final.

b. If a student's conditional enrollment is revoked, the student's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the student or, if the student is a minor, the student's parent and the school board that expelled the student, or the independent hearing panel or independent hearing officer, or the out-of-state public school, agree, in writing, to modify the expulsion order.

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po5111.01

HOMELESS STUDENTS

5111.01 - **HOMELESS STUDENTS**

Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The District shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those who may be a member of any of the Protected Classes (Policy 2260).

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

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

B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations

C. live in emergency or transitional shelters

D. are abandoned in hospitals

E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or

F. live in a car, park, public space, abandoned building, substandard housing[1], bus or train station, or similar setting

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

Services to Homeless Children and Youth

The District will provide services to homeless students that are comparable to other students in the District, including:

A. transportation services;

B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:

1. programs for children with disabilities;

2. programs for English learners (ELs) (i.e. students with limited English proficiency (LEP));

3. programs in career and technical education;

4. programs for gifted and talented students;

5. school nutrition programs; and

6. before - and after-school programs.

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths. For more information on the role of the Liaison, refer to AG 5111.01.

School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the District must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The District must:

A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or

B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated

receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, the District must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The District also considers the school placement of siblings when making this determination.

If the District finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the District must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

Immediate Enrollment

The District has an obligation to remove barriers to the enrollment and retention of homeless students. A school chosen on the basis of a best interest determination must immediately enroll the homeless student, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate or previous academic records. The homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness or has outstanding fines or fees.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian or unaccompanied youth to the local liaison, who will help obtain the immunizations, screenings or other required health records. Records usually

maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or district. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, the District will also make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available).

Transportation

The District provides homeless students with transportation services that are comparable to those available to non-homeless students. The District also provides or arranges for transportation to and from the school of origin at the parent or guardian's request, or the liaison's request in the case of an unaccompanied youth. Transportation is arranged promptly to allow for immediate enrollment and will not create barriers to a homeless student's attendance, retention, and success.

A. If the homeless student continues to live in the District, where the school of origin is located, transportation will be provided or arranged for the student's transportation to or from the school of origin.

B. If the homeless student moves to an area served by another district, though continuing his/her education at the school of origin (which is in the District), the District and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the districts cannot agree upon such a method, the responsibility and costs will be shared equally.

C. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The District determines the mode of transportation in consultation with the parent or guardian and based on the best interest of the student.

In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The District will work with the State to resolve transportation disputes with other districts. If the disputing district is in another State, the District will turn to the State for assistance as Federal guidance says that both States should try to arrange an agreement for the districts.

Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the District must follow its dispute resolution procedures, consistent with the State established procedures. If such a dispute occurs, the District will immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved.

Pursuant to State, District and Board of Education policies, the District will provide the parent, guardian or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the school, District, or State, along with a written explanation of appeal rights.

The District's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding

eligibility, school selection, or enrollment, including 1) a description of the proposed or refused action by the school, 2) an explanation of why the action is proposed or refused, 3) a description of other options the school considered and why those options were rejected, 4) a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and 5) an appropriate timeline to ensure deadlines are not missed. The District must also include contact information for the Liaison and the State Coordinator, and a brief description of their roles. The District will also refer the parent, guardian or unaccompanied youth to the Liaison, who will carry out the dispute resolution process.

The District ensures that all decisions and notices are drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities. For children and youth and/or parents or guardians who are English learners or whose dominant language is not English, the District will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to Federal laws. The District will also provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, including Head Start programs, administered by the District. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the District takes into account the same factors as it does for any student, regardless of age. It also considers preschool-age-specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school.

The District must also provide transportation services to the school of origin for a homeless child attending preschool. It is the District's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the District moves to another district that does not provide widely available or universal preschool.

Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the District shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the District shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries in a manner and form understandable to the parents and guardians and unaccompanied youths.

Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The District shall incorporate practices to protect student privacy as described in AG 5111.01, AG 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

Note:

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

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

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po5111.02

EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

5111.02 - **EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Children of an active duty member of the United States armed services shall be entitled to all of the rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children (Compact).

The intent of this policy is to minimize the potential challenges to educational success for children of military families because of frequent moves and deployment of their parents by:

A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;

B. facilitating the on-time graduation of children of military families; and

C. providing for the uniform collection and sharing of information between and among schools and military families.

A student whose parent is an active duty member of the uniformed services and has been called to duty for, is on leave from, or returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the Superintendent to visit with his/her parent relative to such leave or deployment of the parent. The additional excused absences granted by the

Superintendent, to visit with a parent who has returned from deployment, is only required if the return was within the past thirty (30) days.

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po5112

ENTRANCE AGE

5112 - **ENTRANCE AGE**

The Board shall establish student entrance age requirements which are consistent with Wisconsin Law and sound educational practice and which ensure equitable treatment.

A. **Kindergarten**

1. A child is eligible for entrance into four (4) year old kindergarten if the child attains the age of four (4) on or before September 1st of the school year in which the child is being enrolled and meets the residency requirements.

2. A child is eligible for five (5) year old kindergarten when the child attains the age of five (5) on or before September 1st of the school year in which the child is being enrolled and meets the residency requirements. The child may not be placed in an alternative program without the permission of the parent.

B. **First Grade**

A child must be six (6) years of age on or before September 1st in the school year in which the student enrolls. The student must also have completed a kindergarten program or received a waiver of this requirement.

Any student who has not completed a five (5) year old kindergarten program, but seeks to enroll into first grade must receive a waiver of the requirement. The following students are eligible to receive a waiver:

1. Any student who has moved to the District from another state or country where completion of a five (5) year old kindergarten program is a

prerequisite to enrollment in first grade and that student has received a waiver of the requirement in the prior state or country.

2. Any student who has moved to the District from another state or country that does not require the completion of five (5) year old kindergarten prior to enrollment in first grade.

3. Any student who, at the discretion of the Principal, in consultation with the first grade teacher(s) of the District, determines that, notwithstanding that the student has not completed a five (5) year old kindergarten program, the student has demonstrated sufficient aptitude in all core competencies normally required of kindergarten students in the District upon completion of the kindergarten program.

   The Principal shall perform any required testing to establish the student's academic capabilities and shall prepare a written evaluation that either grants or denies the waiver and provides an explanation as to the decision.

C. **Appeal of Denial of Waiver**

The parents of any student denied a waiver under this section by the Principal may appeal that decision to the Superintendent by submitting a written request to the Superintendent within ten (10) calendar days of the decision of the Principal.

The decision of the Superintendent is final.

D. **Initial Entry**

Children entering the District for the first time must comply with State law. Students must have an immunization record or a properly submitted waiver on file at the school. Any student who does not have the proper immunization records or appropriate waiver within thirty (30) school days of enrollment may be excluded or permitted to remain in school pursuant to Policy 5320 - Immunization.

Any student, and/or the student's parent(s), who enters the District for the first time must disclose prior or pending school expulsions at the time of enrollment.

E. **Verification of Residence**

Verification of a parent's residence shall be required at the time the child registers in a District school. Verification of residence may also be required at any other time at the discretion of the Superintendent.

F. **Verification of Age**

Verification of a child's age shall be required at the time the child enrolls.

G. **Early Admission**

The District shall prescribe procedures, conditions, and standards for early admission to five (5) year old kindergarten, and first grade.

The District does not allow early entrance to four (4) year old kindergarten.

H. **Older Students**

A person who is a resident of the District and over twenty (20) years of age may enroll provided the Superintendent does not think such enrollment will interfere with the education of the other students.

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po5113

OPEN ENROLLMENT PROGRAM (INTER-DISTRICT)

5113 - **OPEN ENROLLMENT PROGRAM (Inter-District)**

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

DEFINITIONS

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

A. **Nonresident District**

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

B. **Nonresident Student**

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

C. **Tuition Student**

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

D. **Full-Time Enrollment**

A student is enrolled for the entire school day and receives all required education in this District.

E. **Class Size**

The District's determination of the maximum number of students who can be accommodated properly in a particular classroom without jeopardizing the quality of the instructional program and mitigating circumstances for a particular school, class, or program, including enrollment projections established by the District Administrator.

F. **Program Size**

The enrollment or size restrictions in a specific program within a class or building. The District reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and maintain a proper learning environment, and comply with contracts, grants, and applicable laws and regulations.

G. **Resident Student**

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

H. **Absences (Excused and Unexcused)**

See Policy 5200 - Attendance.

I. **Truancy and Habitual Truancy**

See Policy 5200 - Attendance.

J. **Part of the School Day**

See Policy 5200 - Attendance.

K. **Tardiness**

See Policy 5200 - Attendance.

FULL-TIME OPEN ENROLLMENT

A. **Annual Space Determinations**

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

1. District practices, policies, procedures, or other factors regarding class size ranges for particular programs or classes.

2. District practices, policies, procedures, or other factors regarding faculty-student ratio ranges for particular programs, classes, or buildings.

3. Enrollment projections, which account for factors that include but are not necessarily limited to, likely short and long term economic development in the community, housing starts, current and future needs for special programs, laboratories, or other initiatives.

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

4. If the Board determines that no special education space is available in any grade or program, the District must still review each student's IEP in its entirety to determine the following:

    a. whether the District has space available in the special education and related services required in the student's IEP;

    b. whether the District has special education and related services available as required in the student's IEP.

B. **Processing of Open Enrollment Applications**

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

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

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

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

1. Specific reason(s) for denial

2. Notice of the parents' right to appeal, the address to send the appeal, and information on where to locate the form required for appeal.

Application of Space Determinations and Random Selection Process

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

1. Preferences

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

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

    If in any selection process there are more students eligible for preferred treatment than there are spaces available, the Board shall conduct random selection from among the students granted preference. Both currently attending students and siblings of currently attending students who are not guaranteed approval shall be granted equal preference.

2. The sibling of a student selected in the random selection process shall be granted preference to any spaces available that the sibling has applied for, but the sibling may not be approved if there are no remaining spaces for the sibling.

C. **Decisional Criteria for Nonresident Applications**

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

1. Space availability as defined in this policy.

2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school operated day care program resides in a district which offers the program for which application is made.

3. Whether the nonresident student is currently under an order of expulsion for any reason; or has been expelled from any school district within the current school year or the two (2) preceding school years but the period of expulsion has ended, or is pending any disciplinary proceeding, based on any of the following activities:

    a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by means of explosives.

    b. Engaging in conduct while at school or under school supervision that endangered the health, safety, or property of others.

    c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety, or property of others at school or under the supervision of a school authority or of any school employee or Board member.

    d. Possessing a dangerous weapon (as defined in 939.22(10), Wis. Stats.) while on school property or under school supervision.

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

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

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

4. Whether the special education program or related services described in the nonresident student's Individualized Education Program ("IEP") are available in the District. Whether a service is available depends on whether existing staff in the District are qualified to provide the service or whether the District has facilities and/or equipment required for the service. A service is not available in the District if that service is currently provided to resident students through contract with a third party. Whether a service is available is not a function of whether there is space available in any program or service. A service may be unavailable even if no space limitations have been established.

5. Whether there is space available in the District to provide the special education or related services identified in the nonresident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.

6. Whether the nonresident student has been referred to the nonresident student's resident board under 115.777(1), Wis. Stats. or identified by the nonresident student's resident school board under 115.77(1m)(a), Wis. Stats., but not yet evaluated by an individualized education program team.

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

8. If the Board has made a determination that a nonresident student attending the District under the Open Enrollment Program is habitually truant from the District during either semester of the current school year, the Board may prohibit the student from attending in the succeeding semester or school year, after complying with the requirements of PI 36.09(2).

   The habitual truancy determination shall be made on the sole basis of enrollment in the nonresident district. Open enrollment may not be denied based on the student's truancy from any other district.

D. **Reapplication Procedures**

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

E. **Termination of Open Enrollment**

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

If the parent or nonresident student believes the student has been marked absent, tardy, or truant in error, the parent or student may contact the school attendance officer and provide a written explanation of the circumstances believed to be in error. The attendance officer shall review the matter and provide a response to the parent or student either correcting the attendance record, confirming the accuracy of the record, or requesting additional information upon which a decision will then be made. If additional information

is requested, it must be provided within five (5) school days of the request or no additional information will be considered in the decision.

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

F. **Transportation**

The parents of a student attending a nonresident school district will be solely responsible for providing transportation to and from the school site The District will provide transportation for a nonresident student with an identified disability for whom transportation is required by the student's IEP.

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

ALTERNATIVE APPLICATION PROCEDURES

The parent of a nonresident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under the alternative application procedure if the student satisfies at least one (1) of the statutory criteria and has not applied to more than three (3) nonresident school districts. (See AG 5113 and AG 5113B – Open Enrollment for Students with Disabilities.)

Applications from a nonresident student under the alternative application procedures received after the Board's January meeting, at which it sets open enrollment space availability numbers for the subsequent year, may be approved for the current year if the Board has not imposed a space limitation for the student's current year grade level and also has not imposed a space limitation for the subsequent school year in the student's subsequent grade level. Alternative applications received prior to the 3rd

Friday in September may be approved if the Board has approved all applications for that grade level that were received during the regular period, including the offer of enrollment to applicants placed on the waiting list, if any.

DELEGATION TO DISTRICT ADMINISTRATOR

The Board delegates to the District Administrator the authority to approve or deny open enrollment applications consistent with the criteria in this policy and based on the Board's space determinations approved in January of each year.

REVIEW AND REVISION OF POLICY

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

General Provisions

The District's Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to all applicants under this program. In addition, the District will not discriminate on the basis of an applicant's intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability, except as provided for in the statute authorizing this program.

Application of Emergency Orders

All timelines or other procedures described in this policy and in any implementing administrative guidelines are subject to modification in the event that the State or Federal government issues emergency or other temporary orders affecting any of the subject matter of this policy. The policy automatically incorporates the contents of any such order or proclamation, including any discretionary authority provided, and delegates by policy the authority to exercise that discretion to the District Administrator.

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PART-TIME OPEN ENROLLMENT

5113.01 - **PART-TIME OPEN ENROLLMENT**

The Board will provide students enrolled in the District including nonresidents enrolled through a whole grade sharing agreement with the student's resident school district with the ability to take up to two (2) courses at any given time in a nonresident public school district. Likewise, the Board will consider the enrollment of a nonresident student in up to two (2) courses per term under the criteria set forth in this policy and any criteria required by law.

Resident Student Applications for Part-Time Open Enrollment

A. **General Procedures**

The parent of any student enrolled as a resident of the District or a nonresident enrolled through a whole grade sharing agreement with the student's resident school district who wishes to attend one (1) or two (2) courses at a nonresident school district under this policy shall make a written application to such nonresident district no less than six (6) weeks prior to the beginning of the term in which the course(s) are offered. The application:

1. must be on a form provided by the Wisconsin Department of Public Instruction;

2. must be copied to the Board at the same time as the application is made to the nonresident school district.

B. **Decisional Criteria for Resident Applications**

The Board shall review all applications received under this policy to attend

courses at a nonresident school district under the criteria below. Both the nonresident school district of proposed attendance and the Board must approve the course.

Acceptance or denial of any resident student's application shall be made no later than one (1) week prior to the start of the course. Rejection of a student's application to attend such courses shall be made in writing and shall provide an explanation of the reason for rejecting the application. One of the following reasons must be the basis for such rejection:

1. *Individualized Education Program (IEP)*. If the Board determines that the proposed course conflicts with the student's IEP, the Board shall reject the course.

2. *Undue Financial Burden*. The Board may reject an application if the cost of the course would impose an undue financial burden on the District considering the totality of the District's economic circumstances, including applicable revenue limits, ability to pay the cost of tuition, and the per student cost of educating all District students.

If the District determines that the course does not satisfy the District's high school graduation requirements, it shall notify the student in writing of this determination at least one (1) week prior to the start date of the course. This notice shall be provided whether the application is approved or rejected.

Nonresident Student Applications for Part-Time Open Enrollment

A. General Procedures

The parent of any nonresident student that wishes to attend one (1) or two (2) courses offered by the District shall make a written application to the Board no less than six (6) weeks prior to the beginning of the term in which the course(s) are offered. The application:

1. must be on a form provided by the Wisconsin Department of Public Instruction;

2. must be copied to the student's resident School Board at the same time as the application is made to the nonresident School Board.

B. **Decisional Criteria**

The Board will determine acceptance or rejection of a nonresident student's application to attend courses in the District using the same criteria and policies for entry into the course that apply to resident students, except that preference for attendance shall be given to resident students. Applications from nonresident students who are already accepted into two (2) courses in a particular term will be rejected on that ground. If a particular course has limited enrollment, those spots not taken by resident students will be allocated to nonresident applicants under this policy who otherwise qualify for enrollment on a randomly selected basis.

The parents and the resident school district are to be notified, in writing, no later than one (1) week prior to the commencement of the course whether the application has been accepted or rejected. If accepted, the notification is to include the name of the school the student is to attend and that the enrollment is valid only for the forthcoming semester or school year or special time period during which the course(s) will be offered. If rejected, the notice shall state the reason for the rejection.

General Requirements

A. **Notice of Intent to Enroll**

The parents of the student must notify both the resident school district and the district in which the student has applied for part-time open enrollment of the student's intent to enroll after receipt of the decision to accept the application but before the beginning of the applicable course.

B. **Transportation**

By enrolling in a course under this policy either as a resident or nonresident, the parent understands that the parent is responsible for transporting the student to and from any courses attended under this policy, unless the Department of Public Instruction agrees to reimburse the parent directly for such costs.

C. **Tuition for Attendance at Another School District**

Tuition costs shall be paid for by the resident school district in an amount equal to the cost of the course(s) as determined by the Department of Public Instruction.

D. **Appeal of Rejection**

Any application that is rejected under this policy may be appealed to the State Superintendent of Public Instruction within thirty (30) days of the decision. The State Superintendent's decision is final and will only reverse the initial decision if that decision was arbitrary or unreasonable.

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INTRA-DISTRICT SAFE SCHOOL TRANSFERS OPTIONS

5113.02 - **INTRA-DISTRICT SAFE SCHOOL TRANSFERS OPTIONS**

The Board of Education shall allow a student to attend another appropriate grade level public school within the School District, including a public charter school, if either of the following applies to the student:

A. Persistently Dangerous School – The student attends a school identified as persistently dangerous by the Department of Public Instruction; or

B. Victim of Violent Criminal Offense – The student has been a victim of a violent criminal offense under either of the two (2) following circumstances and reports the incident to the appropriate law enforcement agency and to the building principal:

1. The student has been a victim of a violent criminal offense while on the school grounds that the student attends during school hours, or during a school-sponsored event at the school that the student attends that does not occur during school hours; or

2. The student has been a victim of a violent criminal offense while being transported to school for the purpose of attending curricular programs during school hours or from school to home immediately following school hours on a school bus owned, leased, or contracted by the School District or by a motor vehicle operated as an alternative method of transportation under Sec. 121.555, Wis. Stats. For a student who has

been a victim of a violent criminal offense while being transported to or from a school by a common carrier in a School District providing transportation under Sec. 121.54(1), Wis. Stats., the Board shall make transfer decisions on a case-by-case basis.

The Board is not required to offer a transfer to a student who is a victim of a violent criminal offense under the following circumstances:

a. while away from school s/he attends, but during a school sponsored activity or field trip

b. while traveling on the school bus to or from a school sponsored activity or field trip

c. while on school grounds of the school s/he attends, but not during school hours or during a school sponsored event

If there is not another appropriate grade level public school within the School District, including a public charter school, the Board shall not be required to offer the student the option to transfer.

Persistently Dangerous School

The Board, upon written notification from the department that a school in the District has been identified as persistently dangerous shall do the following:

A. Within ten (10) working days of receiving the notice provide written notice to the parents or guardians of the students attending the school that the school has been identified as persistently dangerous and that students attending the school may transfer to another appropriate grade level public school operated by the School District, including a public charter school.

B. Within thirty (30) working days of receiving the notice, complete the transfer of those students who accept the offer to be transferred.

C. Within thirty (30) days of receiving the notice submit to the department the school's safety plan, a summary of local efforts to address the school's safety concerns, current available data deemed relevant by the Board that is not reflected in the school performance report and, upon the Department's request, other information deemed relevant by the Department.

D. Within thirty (30) working days of receiving the notice submit a corrective action plan to the Department including, for example, the following corrective actions:

1. providing additional personnel to supervise children

2. providing conflict resolution instructional programs

3. collaborating with local law enforcement agencies

4. providing school discipline enforcement training for school staff

5. providing additional security measures

Upon receipt of notice from the Department that a school is no longer persistently dangerous, the Board shall notify parents and guardians of students that the Department no longer considers the school persistently dangerous.

Victims of a Violent Criminal Offense

The Board, or the Board's designee, upon written notification from a student to a building principal that s/he has been the victim of a violent criminal offense, shall, within ten (10) working days of the report of the incident determine, in consultation with law enforcement officers (if necessary) and the building principal, if the incident is a violent criminal offense under the Appendix to P.I. 23. The alleged offender need not be convicted for the Board to find that a violent criminal offense has occurred.

If the incident is a violent criminal offense, the Board shall also do the following:

A. Within ten (10) working days of the report of the incident notify in writing the parents or guardians of the student of the choice to transfer to another appropriate grade level public school operated by the School District, including a public charter school.

B. Within thirty (30) working days of the student accepting the offer to transfer, complete the transfer.

This policy is implemented pursuant to the Elementary and Secondary Education Act of 1965 and Department of Public Instruction Administrative Rule, Section P.I. 23 – ESEA Intra-District Safe School Transfer Options. The provisions of this policy are intended to

comply with P.I. 23. To the extent that this policy is ambiguous or inconsistent with P.I. 23, P.I. 23 shall govern.

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po5114

NONIMMIGRANT STUDENTS AND VISITOR PROGRAMS

5114 - **NONIMMIGRANT STUDENTS AND VISITOR PROGRAMS**

The Board recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having exchange students as members of the student body of this District's high school(s).

An exchange visitor student is a foreign national who has been selected by a sponsor who has been approved by the United States Department of State (USDOS) to participate in an exchange visitor program and who is seeking to enter or has entered the United States temporarily on a J-1 visa.

Exchange Visitor Program for Nonimmigrant Students with J-1 Visas

The Board authorizes the Superintendent to consider a request to admit an exchange visitor student who meets the USDOS requirements and applies for admission through a sponsoring organization, and to determine whether or not that student should be accepted.

In accordance with Federal law, an exchange visitor student will be selected and sponsored by an organization that has been approved by the USDOS. The Board, pursuant to Federal law, requires the sponsoring agency to secure prior written acceptance of the Superintendent for the placement of an exchange visitor student in any District high school.

After written acceptance of school placement is secured, the sponsoring agency should issue the certificate of eligibility for J-1 Visas to the exchange visitor student who meets the criteria established in Federal law for participation in an EVP.

Pursuant to Federal law the sponsoring agency is also responsible for selecting a host family for each exchange visitor student.

Lastly, pursuant to Federal law, a sponsoring agency can place no more than five (5) exchange visitor students per District high school.

However, with Board approval, the Superintendent may request, in writing, the placement of more than five (5) students from a sponsoring agency in the high school.

Other Nonimmigrant Students

This policy does not apply to nonimmigrant students with citizenship in countries other than the United States who are not participating in an approved exchange visitor program at a District school.

All other nonimmigrant students with citizenship in countries other than the United States who seek to enroll in the District's schools are subject to State law and the District's policies regarding enrollment and, if applicable, tuition.

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WITHDRAWAL/DROPOUT FROM SCHOOL

5130 - **WITHDRAWAL/DROPOUT FROM SCHOOL**

The Board affirms that, while Wisconsin law requires attendance of each student until eighteen (18) years of age, it is in the best interests of both students and the community that all students complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.

When a student wishes to withdraw from school, efforts should be made to determine the underlying reasons for withdrawal. District resources should be used, when and as appropriate, to assist students in reaching their career goals and for compliance with compulsory attendance requirements.

No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent and the approval of the Superintendent. The withdrawal of any student under the age of eighteen (18) must comply with the requirements for participation in a program leading to the child's high school graduation or leading to a high school equivalency diploma, consistent with State law.

The District has established the following procedures for making reasonable attempts to locate or contact students who have lost contact with the District, but not formally withdrawn:

A. letter sent home from District;

B. parent meeting request letter sent to the home address on file;

C. home visit conducted by staff;

D. removal of the student from the Individual Student Enrollment System (ISES) after completion of these steps.

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po5135

STUDENT IDENTIFICATION NUMBERS AND CARDS

5135 - **STUDENT IDENTIFICATION NUMBERS AND CARDS**

Each student enrolled in the District shall be provided a unique identification number. The identification number shall not be identical to or incorporate the student's Social Security number.

The Board authorizes the Superintendent to issue identification cards to students.

If identification cards are issued, each identification card shall include the telephone number for the National Suicide Prevention Lifeline or one of its affiliate crisis centers or, if the National Suicide Prevention Lifeline ceases operations, another national network of local crisis centers that provides free and confidential emotional support to individuals in suicidal crisis or emotional distress twenty-four (24) hours a day and seven (7) days a week.

Identification cards may also include the following information, if available:

A. a statement that the text-based emotional support service of the Crisis Text Line may be accessed by texting HOPELINE to 741741 or, if applicable, by specifying any successor method;

B. instructions for contacting a text-based state or national organization, other than the National Suicide Prevention Lifeline or a successor organization, that

provides free support to individuals in crisis twenty-four (24) hours a day and seven (7) days a week;

C. the telephone number for a local suicide prevention hotline.

The Superintendent shall take appropriate steps to comply with this statutory requirement whenever student identification cards are issued by the District.

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WIRELESS COMMUNICATION DEVICES IN SCHOOLS

5136 **- WIRELESS COMMUNICATION DEVICES IN SCHOOLS**

Definitions

A "wireless communication device" (WCD) is defined as a portable wireless device that has the capability to provide voice, messaging, or other data communication between two or more parties and includes cellular phones, tablet computers, laptop computers, smart watches and gaming devices. For the purposes of this policy, "instructional time" refers to any period during the school day when students are engaged in learning activities directed by school staff.

Permissible Levels and Guidelines

Complete Ban (during instructional time): Students may not be in possession of are generally not permitted to use WCDs during instructional time.

A. Guidelines: WCDs must be powered off and stored out of sight during instructional time unless an exception applies. [This could involve storing devices in lockers, personal lockable pouches (if implemented}, or designated classroom phone caddies.]

B. Exceptions:

1. **Emergencies and Perceived Threats:** WCD use is permitted in the event of an emergency or a perceived threat.

2. **Health Care Management:** WCD use is permitted to manage a student's health care.

3. **IEP/504 Plan Use:** WCD use may be is permitted if included in a student's Individualized Education Program (IEP) or a plan developed under Section 504 of the federal Rehabilitation Act of 1973, as the result of an underlying health condition

4. **Building Admin Teacher-Authorized Educational Purposes:** WCD use is permitted when explicitly authorized by a teacher building administrator for educational purposes directly related to the classroom curriculum. Examples include using calculator or calendar functions, accessing specific websites at a teacher's request, or engaging in research activities.

Responsibilities and Expectations

A. Students are personally and solely responsible for the care and security of their WCDs. The school assumes no responsibility for theft, loss, damage, or vandalism.

B. No expectation of confidentiality or privacy will exist in the use of WCDs on school premises/property. The school reserves the right to search a privately owned electronic device if there is reasonable suspicion of a violation of school policies or the law. Any search will be conducted in accordance with the school's search and seizure policy.

C. Parents/Guardians are advised that communication through wireless communication devices with their child is not permitted during instructional

time. They are encouraged to notify the office for emergency situations. Students may use school phones to contact parents/guardians.

D. Students using personal devices on the school network must adhere to the school's Acceptable Use Policy.

Disciplinary Consequences

Violations of this policy may result in disciplinary action, including but not limited to loss of privilege, warnings, detention, suspension, expulsion, and/or confiscation of the WCD. Discipline will be imposed on an escalating scale based on the number of previous violations and the nature of the violation. Confiscated WCDs will be released/returned to the student's parent/guardian after the student complies with any imposed disciplinary consequences. The administration may also refer the matter to law enforcement if the violation involves illegal activity, such as child pornography or sexting. If multiple offenses occur, a student may be prohibited from possessing a WCD at school for a designated time or permanently.

Reporting Violations

A person who discovers a student using a WCD in violation of this policy is required to report the violation to the building principal or designated staff.

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po5200

ATTENDANCE

5200 - **ATTENDANCE**

The Board will enforce regular student attendance in the District's program in which each student is enrolled as required pursuant to State law. Further, the Board recognizes that the District's educational program is predicated upon the participation of each student in the program of instruction in which the student is enrolled and required to attend. Student success requires continuity of instruction and program participation. For purposes of this policy, the regular period and hours of instruction, including both those periods and hours a student's program require that they are in school as well as any attendance requirements defined as part of a course of virtual instruction, or a combination of the more than one type of instructional delivery.

All children between six (6) and eighteen (18) years of age shall attend school regularly during the full period and hours, religious holidays excepted, that the school in which the child is enrolled is in session until the end of the term, quarter, or semester of the school year in which the child becomes eighteen (18) years of age unless they fall under an exception under State law, this policy, or administrative guideline issued under this policy. A child who is enrolled in five (5) year-old kindergarten shall attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session until the end of the school term.

Parent Notification of Absence Required

The Superintendent shall require, from the parent of each student or from an adult student, who has been absent for any reason either a written or oral notification stating the reason for the absence and the time period covered by the absence, except a parent-excused, pre-planned absence requires written notification as indicated below. The Board reserves the right to verify such statements and to investigate the cause of each single absence;

School Attendance Officer

The Superintendent shall designate an administrator at each school to be the School Attendance Officer. The School Attendance Officer shall perform any duties and responsibilities as required by State law, this policy, and any administrative guidelines issued by the school. The duties of the School Attendance Officer shall include, but not be limited to, the following:

A. Determining daily from attendance reports submitted by teachers which students enrolled in the school are absent from school, or failed to fulfill the attendance requirements of a virtual instruction program component, and whether the absence is excused.

B. Submitting to the Superintendent, on or before August 1st of each year, a report of the number of students enrolled in the school who were absent in the previous year and whether the absences were excused. The Superintendent shall then submit this information to the State Superintendent.

C. Providing student attendance information to individuals and agencies for purposes authorized by State law and the Board's Policy 8330 - Student Records.

Excused Absences

As required under State law, a student shall be excused from school for the following reasons:

A. **Physical or Mental Condition**

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

B. **Obtaining Religious Instruction**

To enable the student to obtain religious instruction outside the school during the required school period (see Policy 5223 - Absences for Religious Instruction).

C. **Parent-Excused Pre-Planned Absence**

The student has been excused in writing by their parent before the absence for any reason. A student may not be excused for more than ten (10) days per school year under this paragraph and must complete any coursework missed during the absence. Examples of reasons for being absent that should be counted under this paragraph include, but are not limited to, the following:

1. professional and other necessary appointments (e.g., medical, dental, and legal) that cannot be scheduled outside of the school day;

2. to attend a funeral;

3. legal proceedings that require the student's presence;

4. college visits;

5. job fairs;

6. vacations.

D. **Religious Holiday**

For observance of a religious holiday consistent with the student's creed or belief.

E. **Suspension or Expulsion**

The student has been suspended or expelled.

F. **Program or Curriculum Modification**

The Board has excused the student from regular school attendance to participate in a program or curriculum modification leading to high school graduation or a high school equivalency diploma as provided by State law.

G. **High School Equivalency – Secured Facilities**

The Board has excused a student from regular school attendance to participate in a program leading to a high school equivalency diploma in a secured correctional facility, a secured child caring institution, a secure detention facility, or a juvenile portion of a county jail, and the student and the student's parent(s) agree that the student will continue to participate in such a program.

H. **Child at Risk**

The student is a "child at risk" as defined under State law and is participating in a program at a technical college on either a part time or full-time basis leading to high school graduation, as provided under State law.

I. **Election Day Official**

A high school student, including students enrolled in private schools and students enrolled in home-based private education, age sixteen (16) or seventeen (17) is permitted to be excused to serve as an election official provided that the following criteria are met: (1) the student has the permission of their parent to serve as an election official on election day; (2) the student has signed up and the municipal clerk has informed the principal that the student has been assigned to serve in this capacity; and (3) the student has at least a 3.0 grade point average or equivalent, or has met alternative criteria established by Board, if any. The principal shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as

an election official if the child no longer has at least a 3.0 grade point average or the equivalent, or no longer meets the established alternative requirements. A student's absence to serve as an election official under this policy shall be treated as an excused absence. Where possible, students are encouraged to provide advance notice as much as possible. Students are responsible for completing any missed school work and responsible for making appropriate arrangements to do so.

J. **Virtual Access**

The student is unable to access virtual instruction programming due to a temporary disruption in the student's access to necessary technological systems (i.e. internet outage, computer failure, software malfunction, etc.) as communicated by the student's parent.

A student may be excused from school, as determined by the School Attendance Officer, or the School Attendance Officer's designee, for the following reasons:

A. **Quarantine**

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

B. **Illness of an Immediate Family Member**

The illness of an immediate family member.

C. **Emergency**

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

Unexcused Absences

Unexcused absences are absences from school for part or all of one (1) or more days from school without an acceptable excuse. Unexcused absences demonstrate a deliberate disregard for the educational program and are considered a serious matter. The District Administrator shall develop administrative guidelines to address unexcused absences.

Definitions

A. Truancy

A student will be considered truant if the student is absent part or all of one (1) or more days from school during which the School Attendance Officer, principal, or a teacher has not been notified of the legal cause of such absence by the parent of the absent student. A student who is absent intermittently for the purpose of defeating the intent of the Wisconsin Compulsory Attendance Statute 118.15, Wis. Stats., will also be considered truant.

B. Habitual Truant

A student will be considered a habitual truant if the student is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

C. Part of a School Day

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

Tardiness/Late Arrival and Early Dismissal

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

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

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

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

Truancy Plan

The Board will issue a Truancy Plan based upon the recommendations of the County Truancy Committee convened under State law, the Board's policies and procedures, and applicable provisions of State law. The Board will review and, if appropriate, revise the Truancy Plan at least once every two (2) years.

The Truancy Plan will include, at a minimum, the following:

A. procedures to be followed for notifying the parents of the unexcused absences of a student who is truant or a habitual truant and for meeting and conferring with such parents;

B. plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned;

C. methods to increase and maintain public awareness of and involvement in responding to truancy within the School District;

D. a provision addressing the immediate response to be made by school personnel when a truant child is returned to school;

E. the types of truancy cases to be referred to the District Attorney and the time periods within which the District Attorney will respond to and take action on the referrals;

F. plans and procedures to coordinate the responses to the problems of habitual truants, as defined under 118.16(1)(a), Wis. Stats., with public and private social services agencies;

G. methods to involve the truant child's parent in dealing with and solving the child's truancy problem.

Notice of Truancy

The School Attendance Officer shall notify a truant student's parent of the student's truancy and direct the parent to return the student to school no later than the next day on which school is in session or to provide an excuse for the absence. The notice under this paragraph shall be given before the end of the second school day after receiving a report of an unexcused absence. The notice may be made by electronic

communication, personal contact, telephone call, or 1st class mail, and a written record of this notice shall be kept. This notice must be given every time a student is truant until the student becomes a habitual truant.

Notice of Habitual Truancy

When a student initially becomes a habitual truant, the School Attendance Officer shall provide a notice to the student's parent, by registered or certified mail, or by 1st class mail. The School Attendance Officer may simultaneously notify the parent of the habitually truant student by an electronic communication. The notice must contain the following:

A. a statement of the parent's responsibility under State law to cause the student to attend school regularly;

B. a statement that the parent or student may request program or curriculum modifications for the student under State law and that the student may be eligible for enrollment in a program for children at risk;

C. a request that the parent meet with the appropriate school personnel to discuss the student's truancy;

The notice shall include the name of the school personnel with whom the parent should meet, a date, time, and place for the meeting, and the name, address, and telephone number of a person to contact to arrange a different date, time, or place. The date for the meeting shall be within five (5) school days after the date that the notice is sent, except that with the consent of the student's parent the date for the meeting may be extended for an additional five (5) school days.

D. a statement of the penalties, under State law or local ordinances that may be imposed on the parent upon failure to cause the child to attend school regularly as required by State law;

E. if the student is attending the District through the Open Enrollment Program, each notification shall also inform the parent: (1) that the student's open enrollment may be terminated if the student is habitually truant; and (2) the process described in Board Policy 5113 - Open Enrollment Program (Inter-District), which the parent or student may follow if they believe the student was erroneously marked truant.

The School Attendance Officer will also continue to notify the parent of a habitual truant's subsequent unexcused absences.

Referral to the District Attorney

Truancy cases will be referred to the District Attorney as provided in the County Truancy Committee Plan. The School Attendance Officer will ensure that appropriate school personnel have done the following before any case is referred to the District Attorney:

A. met with the student's parent to discuss the student's truancy or attempted to meet with the student's parent and received no response or were refused;

B. provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the student's truancy and have curriculum modifications under State law;

C. evaluated the student to determine whether learning problems may be a cause of the student's truancy and, if so, have taken steps to overcome the learning problems, except that the student need not be evaluated if tests administered to the student within the previous year indicate that the student is performing at grade level;

D. conducted an evaluation to determine whether social problems may be a cause of the student's truancy and, if so, have taken appropriate action or made appropriate referrals.

Note that paragraph A. is not required if the meeting between school personnel, the student, and the student's parent, which was requested in the Notice of Habitual Truancy to the parent, did not occur within ten (10) school days after the Notice was sent. Paragraphs B., C., and D. are not required if appropriate school personnel were unable to carry out the activity due to the student's absences from school.

Excused Absences

A student whose absence from school was excused, except for an expelled student, shall be permitted to make up coursework and any quarterly, semester, or grading period examinations missed during the absences when they return to school. It is the student's responsibility to contact their teachers to determine what coursework and examinations must be made-up. Teachers shall have the discretion to assign substitute coursework and examinations. Teachers shall also have the discretion to specify where and when examinations and coursework shall be completed, including outside regular school hours. The time for completing the work shall be commensurate with the length of the absence unless extended by the principal based upon extenuating circumstances.

Unexcused Absences

Credit in a course or subject shall not be denied solely because of a student's unexcused absences from school.

Students with unexcused absences shall be permitted to make-up coursework and any quarterly, semester, or grading period examinations missed during the absence if the student is at risk of receiving no credit in a course or subject if the work is not made up.

Subject to the immediately preceding two (2) paragraphs, credit may, but is not required to be given for the completion of make-up work. Further, credit for make up work may be given only after the student has satisfied consequences imposed for unexcused absences. The extent to which make-up credit is given shall be determined on a case-by-case basis by the principal and the respective teachers.

If make-up work has been assigned, it is the student's responsibility to contact their teachers to determine what coursework and examinations must be made up. Teachers shall have the discretion to assign substitute coursework and examinations. Teachers shall also have the discretion to specify where and when examinations and coursework shall be completed, including outside regular school hours. The time for completing the work shall be commensurate with the length of the absence unless extended by the principal based upon extenuating circumstances.

Revised 2/12/13

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po5200.01

FULL-TIME STUDENT

5200.01 - **FULL-TIME STUDENT**

The Board defines a full-time student as a student enrolled in a Board-approved program in accordance with other statutory required programs and exceptions; a student enrolled in six (6) class periods per day (Grades 6-12); unless the student is enrolled in a Board-approved Early College Credit Program, Start College Now program, special education program identified in an IEP, an alternative education program; modified program authorized for medical, emotional/social or disciplinary reasons, or an alternative education program.

Students who do not meet one (1) of the standards identified above will be classified as part-time students.

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T.C. 11/11/25

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po5215

MISSING AND ABSENT CHILDREN

5215 - **MISSING AND ABSENT CHILDREN**

It is the intent of this Board to cooperate with local, State, and National efforts to decrease the number of missing children. For purposes of this policy, the following definitions apply:

"Absent child" means a child that left the child's parents or approved placement through social services and whose whereabouts are known, but who refuses to return. This involves children who are runaways, but not known to be missing.

"Missing child" means a child whose whereabouts are unknown, which may include abducted children who have been abducted by a non-custodial parent, a victim of human trafficking, or another unknown circumstance.

The Superintendent and/or Principals shall permit during the school day the entrance into the school a student lacking records or identification as a student, and shall allow the child to remain in the building office area until law enforcement or social services is notified and takes custody of the child. Such a procedure reduces the risk of removal of a missing or absent child from the area before intervention by law enforcement or social services.

Procedures in this policy are to be implemented in coordination with Policy 5111.01 - Homeless Students.

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po5223

ABSENCES FOR RELIGIOUS INSTRUCTION

5223 - **ABSENCES FOR RELIGIOUS INSTRUCTION**

The Board of Education desires to cooperate with those parents who wish to provide for religious instruction for the children but also recognizes its responsibility to enforce the attendance requirements of the State.

The Board shall permit students, with written parental permission, to be absent from school during required school periods at least sixty (60) minutes but not more than 180 minutes per week to obtain religious instruction outside of school.

A student must be properly registered and a copy of such registration must be filed with the principal. The supervisor of the religious instruction must report monthly to the District the names of the students who are attending the weekly instruction.

The District will assume no liability for a student while attending religious instruction nor will it provide transportation for such instruction.

No solicitation for attendance at religious instruction shall be permitted on District premises. No member of the staff shall encourage nor discourage participation in any religious instruction program.

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po5230

RELEASE OF STUDENTS TO AUTHORIZED PERSONS

5230 - **RELEASE OF STUDENTS TO AUTHORIZED PERSONS**

If only one (1) parent is permitted to make educational decisions or to approve absences of the student by Court order, the responsible parent shall provide the school with a copy of the Court order. Absent such notice, the school will presume that the student may be released into the care of either parent.

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

No student shall be released to anyone who is not authorized by a parent with authority to do so.

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po5310

HEALTH SERVICES

5310 - **HEALTH SERVICES**

The Board of Education may require students to submit to periodic health examinations to:

A. protect the school community from the spread of communicable disease;

B. determine that each student's participation in health, safety, and physical education courses meets his/her individual needs;

C. determine that the learning potential of each child is not lessened by a remediable, physical disability.

The District shall specify the need for health services which may include, but not be limited to:

A. student physical examinations;

B. athlete physical examinations;

C. dental examinations;

D. vision screening;

E. audiometric screening.

Any health services program should also include instruction to staff members on the observance of students for conditions that indicate signs of physical health conditions which may be pertinent to the student's ability to fully access the District's programming.

The Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if the examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student, or other students.

The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

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EMERGENCY NURSING SERVICES/PLAN

5310.01 - **EMERGENCY NURSING SERVICES/PLAN**

To provide for the health and safety of students, the District shall develop an emergency nursing services plan (also known as protocols). This plan shall be in accordance with statutory requirements for the provision of emergency nursing services and shall include the following requirements:

A. The school nurse (a registered nurse) has developed and reviewed all relevant policies providing for the provision of emergency nursing services to students in cooperation with other School District personnel and representatives from community health agencies and services designated by the Board upon the recommendation of the nurse.

   Such Board policies, consistent with the District's emergency nursing services plan, provide for the management of illness (see Policy 5310 - Health Services, Policy 5335 - Care of Students with Chronic Health Conditions, Policy 8450 - Control of Casual Contact Communicable Diseases, and Policy 8453 - Direct Contact Communicable Diseases), accidental injury (see Policy 5340 - Student Accidents/Illnesses/Concussion & Sudden Cardiac Arrest), and the administration of medication and emergency care (see Policy 5330 - Administration of Medication/Emergency Care). These Board policies and their respective protocols and administrative guidelines shall be incorporated into the District's emergency nursing services plan.

B. The District's emergency nursing services plan and the District's administrative guidelines shall include specific protocols for dealing with student accidental injury, illness, and administration of medication at all school-sponsored activities, including but not limited to curricular, co-curricular and extra-curricular activities, and a method to record each incident of service provided.

C. Arrangements shall be made with a licensed physician to serve as medical advisor for the District's emergency nursing services plan.

The Superintendent shall annually designate the District's medical advisor.

D. The District shall make emergency nursing services available during the regular school day, including summer or interim school, and during all school-sponsored student activities.

The emergency nursing services plan shall indicate how such services shall be made available by the District during such times. The District may provide for such emergency nursing services through District staff or through outside services such as local emergency response resources.

E. The District's emergency nursing services plan shall specify how the District is providing for student emergency information, equipment, supplies, and space for the emergency nursing services that are appropriate and readily accessible to facilitate the provision of such services consistent with the services developed through this policy.

F. The nurse shall review and evaluate the District's emergency nursing services each year, including a review of the policies referenced above, and shall report to the Board regarding such services.

At any time deemed necessary and appropriate, the nurse shall bring proposed revisions of any policies to the Superintendent, who will review them and forward them to the Board for consideration.

Revised 10/24/23

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po5320

IMMUNIZATION

5320 - **IMMUNIZATION**

The Board of Education requires that all students be properly immunized pursuant to the Wisconsin Statutes and regulations of the Wisconsin Department of Health Services (DHS).

All students shall be required to provide written evidence establishing that they have completed the first immunization for each vaccine required for the student's grade and are on schedule for the remainder of the basic and recall (booster) immunizations, pursuant to the DHS immunization requirements, or submit a written waiver of those requirements not later than the 30th school day from the beginning of the school year or initial enrollment in the District, for students transferring into the District. All students shall be required to provide written evidence establishing that they have received the second dose of each vaccine required for that student's age or grade, or submit a written waiver of those requirements, not later than the 90th school day from the beginning of the school year or initial enrollment in the District, for students transferring in the District. Within thirty (30) school days after having been admitted to the District for the following school year, each student who has not submitted a waiver form shall provide written evidence of having completed all other required doses and/or vaccines, pursuant to the DHS immunization requirements.

The parent of any student for whom record of proper immunization or a written waiver is not on file shall be given written notification of this requirement by the 15th school day and the 25th school day following enrollment. The notice shall:

A. state the immunization requirements, including a list of missing immunization;

B. state that Court action and civil forfeiture penalty can result due to noncompliance;

C. explain the reasons for the immunization program and provide information on how and where to obtain immunizations;

D. inform the parent of the right to request a waiver of the immunization requirement based on reasons of health, religion, or personal conviction.

Waivers of the immunization requirements shall be granted only for medical, religious, or personal convictions.

The District may exclude any student who fails to satisfy the requirement to provide written evidence within thirty (30) school days after the date on which the student is admitted of having completed the first immunization for each vaccine required for the student's grade and being on schedule for the remainder of the basic and recall immunizations, pursuant to the DHS immunization requirements, or fails to submit a written waiver. In addition, if DHS determines that the District's compliance level from the previous school year is less than ninety-nine percent (99%), the District shall exclude any student enrolled in grades kindergarten (five (5) years old to six (6) through Grade 5) who fail to satisfy this requirement.

No student may be excluded for more than ten (10) consecutive school days unless, prior to the 11th consecutive school day of exclusion, the Board provides the student and the student's parent, guardian or legal custodian with an additional notice, a hearing and the opportunity to appeal the exclusion, as provided under Wis. Stats. 120.13(1)(c)3.

The Superintendent shall establish administrative guidelines to implement this policy and comply with State law.

Revised 2/10/15

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po5330

ADMINISTRATION OF MEDICATION/EMERGENCY CARE

5330 - **ADMINISTRATION OF MEDICATION/EMERGENCY CARE**

The Board shall not be responsible for the diagnosis and treatment of student illness. The administration of medication to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication were not administered during school hours, or a student with disabilities requires medication to benefit from the student's educational program.

For purposes of this policy, the following definitions shall be used:

"Practitioner" shall include any physician, naturopathic doctor, dentist, podiatrist, optometrist, physician assistant, and advanced practice nurse prescriber who is licensed in any state.

"Medication" shall include all drugs including those prescribed by a practitioner and any nonprescription drug products.

"Administer" means the direct application of a nonprescription drug product or prescription drug, whether by injection, ingestion, or other means, to the human body.

"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.

Administration of Prescription Drug Products by School Staff

Before any prescribed medication may be administered to any student during school hours, the Board shall require the written instructions from the child's practitioner accompanied by the written authorization of the parent. Such documentation shall be kept on file in the school office and/or the nurse's office. Prescription medication must be provided in the original container with the prescription label showing the name and telephone number of the pharmacy, the student’s name, the name of the physician, the name of the drug, and the dosage to be administered.

All prescription medication shall be secured and appropriately stored (allowing for quick access and retrieval before, during, and after school hours), unless the medication is an emergency medication that the student is authorized to carry
by Administration and self-administer by authorization of both the student's parent(s) and practitioner, and the possession of such medication by the student in school is not prohibited by law or regulation.

Administration of Nonprescription Drug Products by School Staff

Nonprescription drug products may be administered to any student during school hours only with the prior written consent of the parent. Such documentation shall be kept on file in the school office and/or the nurse's office. Substances, that are not FDA approved (i.e., natural products, food supplements) will require the written instruction of a practitioner and the written consent of the parent. Nonprescription drugs that are provided by the parent may be administered by school staff only if the nonprescription drugs are supplied in the original manufacturer's package which lists the ingredients, recommended therapeutic dosage in a legible format, and the student's name. Any dosage of nonprescription medication other than that listed on the medication’s packaging must be authorized in writing by a medical practitioner.

Student Possession of Medication

Students are prohibited from possessing, using, carrying, or distributing in school, at school-sponsored events, or on school grounds any drugs or other products which, even though not defined as a drug, are used or marketed for use for medicinal purposes, such as to relieve pain or to relieve the symptoms of an underlying medical condition (including aspirin, ibuprofen, dietary supplements, CBD oil products, etc.).

The provisions of this policy are to be viewed together with the Board Policy 5530 - Student Use or Possession of Intoxicants, Drugs, or Paraphernalia.

Lawful, Hemp-derived CBD products may be stored at school in a specific location, in its original packaging and allowed for self-administered use under the supervision of school staff and subject to appropriate physician's certificate and parent documentation.

Use of Essential Oils

Students are prohibited from using essential oils at school.

General Provisions

No student is allowed to provide or sell any type of medication to another student. Violations of this rule will be considered violations of the Student Code of Conduct and Policy 5530 - Student Use or Possession of Intoxicants, Drugs, or Paraphernalia.

Any bus driver, staff member or volunteer, authorized in writing by the Board,the Superintendent, or a principal, , is immune from liability for their acts or omissions in administering medication including, but not limited to glucagon, an opioid antagonist, and epinephrine, unless the act or omission constitutes a high degree of negligence and, in the case of any staff member or volunteer who administers an opioid antagonist, the staff member or volunteer contacts emergency medical services as soon as practicable after administering the drug to report the suspected overdose. Such immunity does not apply to health-care professionals.

The Board shall permit the administration by staff of any medication requiring a delivery method other than oral ingestion when both the medication and the procedure are prescribed by a practitioner and the delivery is under the supervision of a licensed nurse, provided that the staff member has completed any necessary training and that staff member voluntarily agrees to deliver the medication. No staff member, other than a health care professional, may be required to administer medications that are administered by means other than oral ingestion.

Any staff member or volunteer who, in good faith, renders emergency care to a student is immune from civil liability for their acts or omissions in rendering such emergency care.

Any administrator or principal who authorizes an employee or volunteer to administer a nonprescription drug product or prescription drug to a student is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence or the administrator or principal authorizes a person who has not received the required Department of Public Instruction training to administer the nonprescription drug product or prescription drug to a student. School nurses, as District employees, are regulated by the Wisconsin Nurse Practice Act and are therefore not necessarily immune from civil liability.

Any time a student, or a group of students, participates in a school event not on District premises, District staff responsible for organizing and/or supervising the event will take

steps so that Emergency Medical Information Forms, Health Plans, or Section 504 Plans are available in the event of an emergency. This includes, and is not limited to, all school-sponsored or school-related activities, including music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

The school nurse(s)providing services or consultation on the District's Emergency Nursing Services Plan has provided assistance in the development of this policy and will also provide a periodic review of the written instructions, consent forms, and the Medications Administration Daily Log(s).

Opioid Antagonist Plan

The District's Emergency Nursing Service Plan shall provide for District acquisition and maintenance of opioid antagonists for use in the event an authorized employee or volunteer observes an apparent overdose.

Epinephrine Auto-Injectors

The Board intends to adopt and maintain a plan for managing students with life-threatening allergies so as to permit each school to obtain a school prescription for epinephrine auto-injectors and to permit each school nurse and designated school personnel to administer them. Accordingly, the Board directs the school nursing staff, in consultation with the Superintendent, to develop a plan that meets the following:

A. specifies those designated school personnel who have agreed to receive training and who will be trained and authorized to perform the functions of the plan;

B. identifies the specific training program that will be implemented to prepare each school nurse and designated school personnel to identify the signs of

anaphylaxis and to provide or administer epinephrine auto-injectors accordingly;

C. delineates the permissible scope of usage to include providing District-owned epinephrine auto-injectors to students who have a prescription on file with the school in the event the student is experiencing an anaphylactic event and/or administering epinephrine auto-injectors to such students, and/or administering epinephrine auto-injector treatment to any student, regardless of whether the student has a prescription on file or the staff member so trained is not aware of whether the student has a prescription on file, but believes in good faith the student is suffering from anaphylaxis, provided that the staff member immediately contacts emergency medical services;

D. identifies the number and type of epinephrine auto-injectors each school will keep on-site and identifies a member of the nursing staff or other school official who will be responsible for maintaining the epinephrine auto-injectors supply;

E. is approved by a physician licensed in the State of Wisconsin;

F. notes that the school and any school nurse or designated school personnel that provide or administer epinephrine auto-injectors under this plan are immune from civil liability for any harm that may result, regardless of whether there is a parental or medical provider authorization, unless the administration was a result of gross negligence or willful or wanton misconduct;

G. is published on the District's website or the website of each school

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po5335

CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

5335 - **CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS**

Students with chronic health conditions will be provided with a free appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they will be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (i.e. the school setting) with every effort made to provide them with the same access to an education as students without disabilities. Such accommodations/modifications/interventions will be provided pursuant to a Section 504 Plan (Form 2260.01A F13).

Chronic health conditions, for the purposes of this policy, shall include, but not be limited to:

A. "peanut" and other food allergies;

B. allergies;

C. asthma;

D. diabetes; and

E. seizure disorder.

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Policy 8330 - Student Records and Policy 8350 - Confidentiality.

The District will coordinate school health practices for the management of a chronic health condition and shall provide for:

A. identification of individuals with chronic health conditions;

B. development of Individual Health Plans (IHP) and/or Emergency Action Plans (EAP) as appropriate;

C. coordination of health care management activities by school staff;

D. communication among school staff who interact with children with chronic health conditions;

E. development of protocols to prevent exposure/episodic reactions;

F. awareness and training of school staff regarding Board policy on acute and routine management of chronic health conditions, information on signs and treatment of chronic health conditions, medication and administration, and emergency protocols for dealing with reactions in "unusual" situations such as field trips.

School health practices shall provide students with chronic health conditions the opportunity for:

A. full participation in physical activities when students are well;

B. modified activities as indicated by the student's EAP, IHP, 504 plan, or Individualized Education Plan ("IEP");

C. access to preventative medications before activity (as prescribed by their medical providers) and immediate access to emergency medications during activity;

D. communication regarding student health status between parents, physicians, teachers (particularly physical education teachers), and coaches.

Healthcare management activities shall include:

A. procedures to obtain, maintain, and utilize written EAP and/or IHP, signed by the child's parents and a physician, for each student with a chronic health condition;

B. a standard emergency protocol in place for students experiencing a distress reaction if they do not have a written EAP and/or IHP on-site;

C. established communication strategies for students to use to tell an adult they may be having a health-related problem;

D. procedures for students to have immediate access to medications, in accordance with Policy 5330 - Administration of Medication/Emergency Care and AG 5330 - Administration of Medications, that allow students to self-care and self-administer medications, inhalers, and epinephrine auto-injectors, as prescribed by a medical professional and approved by parents;

E. prevention strategies to avoid causal elements;

F. case management for students with frequent school absences, school health office visits, emergency department visits, or hospitalizations due to chronic health conditions;

G. management and care of the student's chronic health condition in the classroom, in any area of the school or school grounds, or at any school-related activity or event.

Staff will be trained about chronic health conditions and their control at least annually in each school in which there is a student with a chronic health condition.

Designated staff who have responsibility for specialized services such as giving inhaler treatments or injections, or conducting glucose and/or ketone tests shall be provided training specific to the procedures, at least annually, by a licensed health professional.

T.C. 7/9/24

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po5340

STUDENT ACCIDENTS/ILLNESS/CONCUSSION & SUDDEN CARDIAC ARREST

5340 - **STUDENT ACCIDENTS/ILLNESS/CONCUSSION & SUDDEN CARDIAC ARREST**

The Board believes that school personnel have certain responsibilities in case of accidents, illness or concussions that occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administration personnel, notification of parents, and the filing of accident reports.

Accidents

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident. However, any staff member or volunteer who, in good faith, renders emergency care to a student is immune from civil liability for their acts or omissions in rendering such emergency care.

The Superintendent may provide for an in-service program on first aid and CPR procedures.

The administrator in charge must submit an accident report to the business office and/or school office on all accidents.

Illness

School personnel shall not diagnose illness or administer medication of any kind except in accordance with Policy 5330 - Administration of Medication/Emergency Care.

Concussion

A concussion is a type of traumatic brain injury. Concussions occur when there is a forceful blow to the head or body that results in rapid movement of the head and causes any change in behavior, thinking, or physical functioning. Concussions are not limited to situations involving loss of consciousness. Some symptoms of a concussion include headache, nausea, confusion, memory difficulties, dizziness, blurred vision, anxiety, difficulty concentrating, and difficulty sleeping.

At the beginning of a season of any athletic sport, the Athletic Director shall distribute a concussion and head injury information sheet to each coach and to each student participant. No student will be permitted to participate in any athletic activity unless that student, or if the student is under age nineteen (19) then the student's parent, has returned a signed concussion and head injury information sheet. A student is only required to return one (1) signed sheet per school year in order to participate in athletics.

A teacher or coach shall remove a student from the class, practice, activity, or game if the teacher or coach determines the student is exhibiting signs, symptoms, or behavior consistent with a concussion or head injury. The student will not be permitted to return to full participation until the student is evaluated by a healthcare professional experienced in concussion management and receives written clearance for full participation from the healthcare professional. Limited physical activity in the physical education context may eventually be permitted, depending on the recommendation of the healthcare professional.

Parents who inform coaches or other school officials that their child is being treated by a healthcare professional for a concussion must provide written clearance from that healthcare professional for full or limited participation in class, practice, activity, or competition. Prior to receiving written clearance from a healthcare professional, students who have sustained a concussion may not participate in any school-related physical activities.

Parents shall be notified about the possible concussion and given information on concussions and the need for medical attention.

Coaches and physical education staff will be trained in concussion recognition and response. Specifically, training will include information on how to recognize the signs and symptoms of a concussion, how to obtain proper medical treatment in cases of suspected concussions, and return-to-play standards.

Sudden Cardiac Arrest

Sudden cardiac arrest is a medical event that involves a sudden increase in the heart's ventricular beat that prevents the heart from distributing blood to the brain, lungs, and other organs. It occurs without warning and in youth athletics participants who appear healthy and have passed pre-participation physical examinations. Severe damage and death can occur very quickly without immediate treatment.

In an effort to educate parents, students, and coaches regarding this condition, information regarding sudden cardiac arrest shall be included along with distribution of the required information concerning concussions and shall be distributed to all participants age twelve (12) and older and to coaches prior to participation on youth athletic activity. The information shall contain the following information as provided by the Wisconsin Department of Public Instruction (DPI) and Wisconsin Interscholastic Athletic Association (WIAA):

A. information about the risks associated continuing to participate in a youth activity after experiencing one (1) or more symptoms of sudden cardiac arrest, including fainting, difficulty breathing, chest pains, dizziness, and abnormal racing heart rate;

B. information about electrocardiogram testing, including the potential risks, benefits, and evidentiary basis behind electrocardiogram testing; and

C. information how to request, from a student's health care provider, the administration of an electrocardiogram in addition to a comprehensive physical examination.

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po5350

SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION

5350 - **SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION**

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

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

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

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

Prevention and Instruction

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

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

Developmentally appropriate, student-centered education materials will be integrated into the curriculum of all K-12 health classes. The content of these materials will:

A. encourage positive social and emotional development.

B. teach life skills such as problem-solving and sound decision-making.

C. provide knowledge of the relationship between youth suicide and the use of alcohol and controlled substances.

D. promote awareness of the warning signs of suicide, how to respond to potential suicidal persons and available community counseling and mental services.

E. stress the importance of safe and healthy choices and coping strategies.

F. instruct how to recognize risk factors and warning signs of mental disorders and suicide in oneself and others.

G. facilitate help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help. In addition, schools may provide supplemental small-group suicide prevention programming for students.

Staff Development

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

A. the role of protective factors with an emphasis on school climate, connectedness, caring staff, and positive student relationships, and building support for these protective factors within staff and community as a positive purpose of suicide prevention.

B. research identifying risk factors, such as previous suicide attempt(s), history of depression or mental illness, substance use problems, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, and other factors.

C. warning signs that may indicate suicidal intentions include changes in students' appearance, personality, or behavior. Warning signs of this nature should receive particular attention when displayed by an individual in one or more of the following groups:

1. Youth bereaved by suicide

2. Youth with disabilities, mental illness, or substance abuse

3. Homeless youth

4. LGBTQ youth

5. Youth in the juvenile justice or welfare system

6. Native American youth

7. Youth on the fringes of mainstream social groups

D. research-based instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health.

E. school and community resources and services.

F. District procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide.

Training will be provided annually for all teachers and staff.

Suicide Intervention; Civil Liability Exemption

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

Postvention

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

Confirming the News and Convening the Education Support Team

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

The Principal will:

A. contact the Superintendent.

B. contact key staff who will comprise the support team; i.e., teaching and classified staff, parents, students, and/or community members.

C. compose a potential "shared statement" for students and staff so the same message is disseminated to everyone. This statement should not be read over the intercom but delivered in person by a teacher who has a relationship with the students. This is very important in grades where the deceased student had close connections to his/her classmates.

D. compose a potential public statement to notify the community at large what the school is experiencing and that the school is focused on providing support to the students. This may be beneficial in the event that the matter becomes publicly discussed, including on social media.

E. will convene the educational support team which may include:

1. administrators

2. school counselor(s)

3. school psychologist(s)

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

Publication and Distribution

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

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po5410

PROMOTION, PLACEMENT, AND RETENTION

5410 - **PROMOTION, PLACEMENT, AND RETENTION**

The Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth appropriate for each student's development.

Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

Definitions

Promotion: Occurs when a student is doing the quality of work that indicates the student has met the criteria established in this policy and AG 5410 - Promotion, Placement, and Retention and shall be moved forward to the next grade.

Placement: Occurs when a student is not doing the quality of work that indicates the student shall be promoted to the next grade, but a determination has been made that it is in the student's best interest to move forward to the next grade. A placement determination is made by the Principal.

Retention: Occurs when a student is not doing the quality of work that indicates the student should move forward to the next grade, and the student should repeat the current grade. A retention decision is made by the Principal with the concurrence of the Principal.

A student will be promoted to the succeeding grade level when the student has:

A. completed the course requirements at the presently assigned grade;

B. in the opinion of the professional staff, achieved the instructional objectives set for the present grade;

C. demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade;

D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

For consideration of promotion or retention for students from grade three (3) to grade four (4) with respect to reading, see Policy 5411 - Third Grade Promotion and Retention: At-Risk Students.

Following sound principles of child guidance, the Board discourages the skipping of grades.

The Superintendent shall develop administrative guidelines for promotion, placement, and retention of students which:

A. ensure students who are falling seriously behind their peers or who may not be promoted receive the special assistance they may need to achieve the academic outcomes of the District's core curriculum;

B. require the recommendation of the relevant staff members for promotion, placement, or retention;

C. require that parents are informed in advance of the possibility of retention of a student at a grade level;

D. assure that efforts are made to remediate the student's difficulties before the student is retained;

E. assign to the principal the final responsibility for determining the promotion, placement, or retention of each student.

Promotion from Grade 4 and Grade 8

Students in grades 4 and 8 will be promoted if they score at least at the "Approaching" level on all of the subtests of the Wisconsin statewide grade 4 or grade 8 assessment, respectively.

If a student scores at the "Developing" level on one or more subtests of the Wisconsin statewide grade 4 or grade 8 assessment, or if the student was excused from taking the assessment, or if the District has not yet received individual student scores for grade 4 or grade 8 students by May 1, then the promotion decision will be based on the student’s grade 4 or grade 8 academic performance. A grade 4 student who has demonstrated satisfactory grade level achievement in the subtest areas as evidenced by a passing grade in each of the subtest areas will be promoted to grade 5. A grade 8 student who has demonstrated satisfactory grade level achievement in the subtest areas as evidenced by a passing grade in each of the subtest areas will be promoted to grade 9.

If a student has not demonstrated satisfactory grade level achievement in the subtest areas as evidenced by a report card grade as indicated above in each of the subtest areas, then the promotion decision will be based on recommendations of teachers which are based solely on the student's academic performance. The Principal will convene a meeting of the child's teacher(s), school counselor, Principal, and any others who the Principal believes may contribute to the promotion determination. The assembled promotion team will receive the teacher's recommendation which shall be based on academic indications such as prior classroom, District, and statewide assessment scores, the student's academic progress, portfolio, or any other measures of the student's ability or achievement deemed to be appropriate. After the teacher's recommendation is provided and any further analysis or discussion is considered, the team will either endorse the teacher's decision regarding promotion or make an alternate recommendation to the Principal.

If the promotion team makes an alternate recommendation to the Principal, then the Principal shall make the promotion decision based on the best interests of the child. Contingent conditions (e.g., summer school performance, tutoring, online coursework) may be part of the Principal's promotion decision.

Appeal Process

Any person appealing a decision regarding promotion to grade five or grade nine under this policy shall submit a written appeal to the Superintendent within five (5) business days of notification. The person must state in writing the portion of this policy they believe was administered in error including the reasons supporting that belief and the proposed remedy for the alleged error.

The Superintendent will meet with the parties involved and will issue a written decision within ten (10) business days. The decision of the Superintendent is final.

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po5411

THIRD GRADE PROMOTION AND RETENTION: AT-RISK STUDENTS

5411 - **THIRD GRADE PROMOTION AND RETENTION: AT-RISK STUDENTS**

Introduction

This policy governs the promotion of students from 3rd grade to 4th grade in accordance with 118.33, Wis. Stats. The policy applies to all students being considered for promotion from 3rd to 4th grade, effective on August 1, 2025**.**

The District intends to make promotion decisions based on a thorough and equitable process that considers individual student needs in reading. For any student who has not completed their personal reading plan by the end of 3rd grade, a team will determine whether retention or promotion to 4th grade, with intensive instructional support, progress monitoring, and supports to remediate the identified areas of deficiency, is in the student's best interest. The determination process will consider relevant factors such as reading proficiency, social and emotional development, and available supports.

Definitions

“Personal Reading Plan” means a reading plan provided for five (5) year-old-kindergarten to third grade students that are identified as at risk based on a universal screening assessment or diagnostic assessment, in accordance with 118.016(5), Wis. Stats.

“Limited English-Proficient Student” means a student whose ability to use the English language is limited because of the use of a non-English language in the student's family or the student's daily, non-school surroundings, and who has difficulty in performing ordinary classwork in English as a result of such limited English proficiency.

"Completed" - means a 3rd grade student who has a personal reading plan is considered to have completed the personal reading plan if the student’s parent and the student’s school agree that the student has met the goals outlined in the personal reading plan and the student scores at grade-level in reading on a summative assessment, as defined by the Department of Education (DPI).

Promotion of Third Grade Students with Personal Reading Plans

For any student who has not completed their personal reading plan by the end of the student’s third grade year, the District will engage in a process to determine whether to promote that student to the fourth grade. The District will not promote a student from third grade to fourth grade who has not completed their personal reading plan by the end of third grade unless the District, in consultation with the student’s parent(s), believes retention is not in the best interest of the student.

In reaching the decision to promote or retain the student, the District will carefully consider all relevant factors, including but not limited to:

A. Whether a team of interested individuals, including the parent(s) of the student and school representatives who have knowledge of the reading instruction, supports, and interventions provided to the student, believe promotion is in the best interest of the student;

B. All relevant and available data demonstrating the student’s response or progress to reading instruction and intervention, and data demonstrating the student's

progress towards meeting personal reading plan goals;

C. Why the student has not completed their personal reading plan;

D. Whether or which alternatives to retention can help support the student to achieve reading proficiency;

E. Any other factor(s) relevant in deciding whether to retain or promote a student;

F. The potential long-term adverse risks and/or benefits of retention.

Based on the comprehensive evaluation of factors above, the District will make one of the following determinations:

A. Promotion: Promotion to fourth grade with applicable supports and services is more appropriate than retention in third grade.

B. Promotion: The student's non-completion of their personal reading plan was not primarily due to the student's lack of reading proficiency.

C. Promotion: The District recommends retention with applicable supports and services, but the student's parent(s) do not agree with the District's recommendation.

D. Retention: The District determined that, in consultation with the student's parent(s), retention with applicable supports and services is more appropriate than promotion to fourth grade.

Promoting Students with Incomplete Personal Reading Plans

If the District promotes a third-grade student who has not completed their personal reading plan by the end of third grade, the District shall conduct all of the following post-promotion requirements:

A. In the following and subsequent school year(s), provide intensive instructional services, progress monitoring, and supports to remediate the identified areas of deficiency until the student scores at grade level in reading on a summative assessment;

B. Notify the student's parent(s), in writing, that the student did not complete their personal reading plan, including a description of the instructional services and supports that will be provided to the student to remediate the identified areas of deficiency; and

C. Provide the student with an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment.

Exceptions to Post-Promotion Requirements

The following are good cause exceptions. Any student who meets one (1) or more of the following good cause exceptions may be exempt from the promotion policy, the intensive summer reading program, and/or the intensive reading intervention requirements:

A. The student is identified as a Limited-English Proficient student as per the definition included in this policy;

B. The student has an individualized education plan (IEP) that indicates that neither taking the universal reading screener nor the State summative assessment in

reading is appropriate for the student;

C. The student scores as proficient in reading on the alternative Statewide standardized summative assessment;

D. The student has an IEP or Section 504 plan under the Rehabilitation Act of 1973 that indicates that the student has received intensive intervention in reading for more than two (2) years if the student continues to demonstrate a deficiency in reading and was previously retained in 5K, grades one, two, or three (3);

E. The student has received intensive reading interventions for two (2) or more school years, continues to demonstrate a deficiency in reading, and was previously retained in 5K, grades one (1), two (2), or three (3) for a total of two (2) years.

Mid-Year Enrollment/Transfers

Any student who enrolls as a third-grade student late in the school term without any accompanying record of a personal reading plan shall be promoted to fourth grade under the criteria that the student did not have a personal reading plan in effect at the end of third grade.

If a student transfers into a school enrolled as a fourth-grade student and the provided records indicate the student may have met requirements to be retained in third grade (e.g., incomplete personal reading plan), the District shall provide all supports and services that the student would have otherwise received as a post-promotion requirement, including intensive instructional services, progress monitoring and supports to remediate the identified areas of deficiency, parent notification, and an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment.

Parental Notification

No later than fifteen (15) days after the reading readiness assessment is scored, the Board shall provide the results of the reading readiness assessment, in writing containing at least all of the following information to the student's parent in the parent's native language:

A. the student's score on the reading readiness assessment;

B. the student's score in each early literacy skill category assessed by the assessment;

C. the student's percentile rank score on the reading readiness assessment, if available;

D. the definition of "at-risk" and the score on the reading readiness assessment that would indicate the student is at-risk;

E. a plain language description of the literacy skills the reading readiness assessment is designed to measure.

If the diagnostic assessment indicates that a student is at-risk, the Board shall include information about how to make a special education referral under 115.777, Wis. Stats., with the diagnostic assessment results provided.

If the Board is required to assess a student's early literacy skills using a diagnostic assessment, the Board shall provide all of the following, in writing, to the student's parent:

A. a description of the common indicators and characteristics of dyslexia;

B. information about appropriate interventions and accommodations for students with characteristics of dyslexia.

The Board shall post its early literacy remediation plan (including the parent notification policy) on the School District website.

If a student is identified as at risk based on a universal or diagnostic assessment, the Board shall:

A. provide a copy of the student's personal reading plan to the student's parent and obtain a copy of the personal reading plan signed by the student's parent (acknowledgement rather than consent);

B. after ten (10) weeks of providing the student with the interventions in the student's personal reading plan, notify the student's parent of the student's progress, as determined under the student's personal reading plan.

Appeal Process

Any person appealing a decision regarding promotion to grade four (4) under this policy shall submit a written appeal to the Superintendent within five (5) business days of notification. The person must state, in writing, the portion of this policy they believe was administered in error, including the reasons supporting that belief and the proposed remedy for the alleged error.

The Superintendent will meet with the parties involved and will issue a written decision within ten (10) business days. The decision of the Superintendent is final.

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po5420

REPORTING STUDENT PROGRESS

5420 - **REPORTING STUDENT PROGRESS**

The Board believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include written or electronic reports, parent conferences with teachers,

and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent, in conjunction with appropriate staff members, shall develop procedures for reporting student progress to parents which:

A. use various methods of reporting appropriate to grade level and curriculum content;

B. provide to both student and parent ample warning of a pending grade of "failure" or one that would adversely affect the student's status;

C. enable the scheduling of parent-teacher conferences at such times and in such places that will likely result in maximum participation by parents;

D. specify the issuance of report cards at intervals determined by the Board;

E. engage in a continual review and improvement of methods of reporting student progress to parents.

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T.C. 2/17/25

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po5430

CLASS RANK

5430 - **CLASS RANK**

The Board acknowledges that students may need their computed class rank for reasons related to post-secondary opportunities, including the Academic and Technical Excellence Scholarships, and the University of Wisconsin Guaranteed Admission Program.

The Board authorizes a system of class ranking, by grade point average, for students following the completion of grades 9, 10, 11, and 12.

The Superintendent shall develop procedures for the computation of grade point averages and the assignment of class rank to implement this policy which shall include:

A. a provision for students completing graduation requirements before their class;

B. a system for fairly averaging makeup courses;

C. a statement of the methods for such computation and assignment to be made available for those to whom a student's grade point average or rank in class is released;

D. whether the GPA will be unweighted or will use weighting for certain classes in recognition of the heavier burden of certain work, classes, courses, etc., and if weighted, a description of the criteria and classes afforded different weight;

E. the subjects, if any, that are excluded from the GPA;

F. how pass/fail grades are calculated in the GPA;

G. how grades from study abroad, alternative, and home schools are calculated in the GPA;

H. how grades from another country earned by students are calculated in the GPA.

The class rank for students completing 11th grade shall be based on the GPA calculated pursuant to this policy and shall identify students in the top five percent (5%) and the top ten percent (10%) of the class. Once the class rank is established, the Superintendent shall notify each student ranked in the top ten percent (10%) of their ranking in either the top five percent (5%) or ten percent (10%) of the class and shall note the applicable ranking on the student's transcript as of the completion of grade 11.

Grade point average for purposes of the Wisconsin Academic Scholarship program will be calculated using the determinations made in this policy and in Policy 5451.01 – Wisconsin Academic Excellence Scholarship.

A system using GPA and other factors may be established by the Superintendent for the purpose of identifying the student(s) afforded cum laude honors. The system may consider GPA, extra-curricular activities, leadership roles, and other factors in determining honors under this section. No criteria may be based on any discriminatory or otherwise unlawful criteria.

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po5451.01

WISCONSIN ACADEMIC EXCELLENCE SCHOLARSHIP

5451.01 - **WISCONSIN ACADEMIC EXCELLENCE SCHOLARSHIP**

Wisconsin's Academic Excellence Scholarship is a State-supported program, jointly administered by the Department of Public Instruction (DPI) and the Higher Education Aids Board (HEAB). The program offers scholarship recipients an exemption from specified tuition and fees for post-high school education at eligible higher education institutions in Wisconsin.

By February 25th of each school year, the School Board will designate the appropriate number of senior(s) from each high school with the highest grade point average in all subjects as scholars eligible to receive an Academic Excellence Scholarship.

The following standards must be met to qualify for the Academic Excellence Scholarships. The student and alternates must:

A. be a resident of the United States who is either a U.S. citizen or an alien lawfully admitted for permanent residence;

B. be a Wisconsin resident as defined in 36.27 Wis. Stats.;

C. have achieved senior status and have been in attendance for three (3) consecutive semesters, during their junior, and senior year(s);

D. be selected based on the Grade Point Average (GPA) on the student's official transcript as of the last day of the semester which ended just prior to February 25th.

The grade point average (GPA) computation will be in accord with School Board Policy 5430 - Class Rank. In selecting the scholarship recipient(s) for the Academic Excellence Scholarship, unweighted grades for seven (7) semesters will be used to compute grade point averages.

Students enrolled under full-time public school Open-Enrollment Program and the Chapter 220 Program who qualify based on the standards identified above are eligible for the Academic Excellence Scholarship in the school they actually attend.

The designation of scholar will be awarded to the qualifying student(s) with the highest grade point average.

In the event of a tie involving the GPAs:

A. the first tiebreaker will be the ACT composite score;

The scholar with the highest ACT composite score will be selected.

B. the second tiebreaker will be the highest sub-score on the ACT Test;

A student may select English, mathematics, reading or science to determine the highest sub-score. The next tiebreaker will be the second, third and fourth highest sub-scores in that order.

C. in the event there is still a tie, a coin flip will determine the scholar.

Except for the limitation on the number of designated scholars, the faculty of the high school shall select the applicable number of seniors for designation as scholars and shall certify, in order of priority, any remaining seniors with the same grade point average as alternates for the scholars or, if there is no remaining senior with the same grade point average, any remaining seniors with the next highest grade point average, but not less than 3.800 or the equivalent, as alternates for the scholars.

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po5451.02

TECHNICAL EXCELLENCE HIGHER EDUCATION SCHOLARSHIPS

5451.02 - **TECHNICAL EXCELLENCE HIGHER EDUCATION SCHOLARSHIPS**

Wisconsin's Technical Excellence Higher Education Scholarship is a State-supported program, jointly administered by the Department of Public Instruction (DPI) and the Higher Education Aids Board (HEAB). The program offers scholarship recipients scholarships for post-high school education at eligible technical education institutions in Wisconsin.

By February 25th of each school year, the School Board will designate the appropriate number of senior(s) from each high school with the highest levels of proficiency in technical education subjects as scholars eligible to receive a Technical Excellence Higher Education Scholarship.

The following standards must be met to qualify for the Technical Excellence Higher Education Scholarships. The student and alternates must:

A. be a resident of the United States who is either a U.S. citizen or an alien lawfully admitted for permanent residence;

B. be a Wisconsin resident as defined in 36.27 Wis. Stats.;

C. have achieved senior status and have been in attendance for three (3) consecutive semesters during their junior, and senior year(s);

D. be selected based on the highest levels of technical proficiency as of the last day of the semester which ended just prior to February 25th.

Additional Eligibility Requirements

A. A student must exhibit interest in and planning for a technical career as demonstrated by having an academic and career plan leading to a career in a technical field.

B. A student must also have completed at least one (1) of the following eligibility items.

1. be a CTE Concentrator, which is a high school student who has completed at least three (3) high school CTE courses (career and technical education courses) in program area(s) leading to a degree or diploma in the student's chosen pathway

    a. A student may be enrolled in (rather than have completed) the third course at the time of their nomination for TES.

    b. "CTE course" is: a secondary-level course offered through the DPI-recognized program areas of Agriculture and Natural Resources Education, Business and Information Technology Education, Family and Consumer Science Education, Health Science Education, Marketing Education, or Technology and Engineering Education; such courses must be taught by a CTE instructor licensed for that specific discipline, except that courses in Health Science Education may also be taught by a health education instructor and/or a science licensed instructor.

2. participated in a Youth Apprenticeship Program under the supervision of the Wisconsin Department of Workforce Development

3. participated in a Technical High School Diploma program as certified by the DPI

4. participated in a Career and Technical Training pathway as defined by the DPI

5. completed (or be on track to complete) an industry-recognized certification program approved under Wis. Stats. 115.367 (2).

6. participated in a Skills Standard Program offered by the Wisconsin Department of Public Instruction (DPI)

7. participated in a Career and Technical Student Organization (CTSO) in Wisconsin: DECA, FBLA, FCCLA, FFA, HOSA, or SkillsUSA

8. completed a technical training program for high school students if the program is offered by a UW System school, a Wisconsin Technical College System school, a Tribal College in Wisconsin, or a private nonprofit college or university located in Wisconsin. Examples include but are not limited to:

    a. Medical College of Wisconsin Summer Enrichment Programs

b. UW-Madison's Summer Science Institute at WIScience

c. Marquette University's K-12 Engineering Academies

d. MSOE summer programs for K-12 students

Selecting Student Nominees

Students will be ranked in technical education, and the top-ranked students will be nominated for the scholarship. The Board will use the following system to rank students for purposes of nominating students for the scholarship.

HEAB's recommended ranking system consists of ranking eligible students according to a point system reflective of coursework and technical education experience. Under the recommended point system:

A. One (1) point is given to a student for each credit earned in high school in CTE courses, as defined above.

B. One (1) point is given to a student for each year of activity in a Career and Technical Student Organization in Wisconsin. For activity in multiple CTSOs, one point is to be given for each year of participation in each CTSO.

C. For the purpose of assigning a ranking among eligible candidates, credit hours in process at the time of nomination should be counted toward the number of credits the student has earned.

In the event of a tie, CTE grades become the tie-breaker. The grades used for this purpose are only those grades earned in CTE courses, not a student's overall grade point. A student's CTE grade point shall be calculated in the same fashion as the overall grade point average.

A. The second tiebreaker will be the ACT sub-score of the student's choosing.

   A student may select English, mathematics, reading or science to determine the highest sub-score. The next tiebreaker will be the second, third and fourth highest sub-scores in that order.

B. In the event there is still a tie, a coin flip will determine the scholar.

Except for the limitation on the number of designated scholars, the faculty of the high school shall select the applicable number of seniors for designation as scholars and shall certify, in order of priority, any remaining seniors with the same level of proficiency as alternates for the scholars or, if there is no remaining senior with the same level of proficiency, any remaining seniors with the next highest level of proficiency as alternates for the scholars.

Revised 3/10/15

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po5460

GRADUATION REQUIREMENTS

5460 - **GRADUATION REQUIREMENTS**

It shall be the policy of the Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of District goals and objectives as well as personal proficiency by the awarding of a diploma at fitting graduation ceremonies.

A student must earn 24credits, including the credit requirements set by State statute, to be eligible to receive a diploma, provided all other requirements as determined by the State and the Board are met. The Board requires the following credit requirements for a diploma:

English	4 credits
Mathematics	3 credits
Science	3 credits
Social Studies	3 credits
Health	0.5 credits
Physical Education	1.5 credits

Personal Financial Literacy	0.5 credits (Class of 2028 and beyond)
Electives	8.5 credits

In order to earn a high school diploma, a student must successfully complete a civics assessment in accordance with State statute.

A student graduating prior to 2028 must also have participated in curriculum relating to financial literacy in order to earn a diploma.

In accordance with State law, a Board may not grant a high school diploma to any student unless, during the high school grades, the student has been enrolled in a class or has participated in an activity approved by the Board during each class period of each school day, or the student has been enrolled in an alternative education program (defined in 115.28(7)(e)1), Wis. Stats.) or is participating in a Board-approved program that allows a student enrolled in the high school grades who has demonstrated a high level of maturity and personal responsibility to leave the school premises for up to one (1) class period each day if the student does not have a class scheduled during that class period.

A student must successfully complete the community service requirement in order to receive a high school diploma.

The Board may approve a course or courses in career and technical education that it determines may satisfy up to a total of one (1) credit of mathematics and/or science credit.

The Board may waive graduation requirements, except for the core requirements, in exceptional cases to suit the needs of a student subject to Wis. Admin Code, §§ PI 18.03

and PI 18.04.

Graduation Credit as a Middle School Student

The Board permits students in 7th or 8th grade to earn credit towards a high school diploma in any class taken that is approved by the Board for such purpose, provided that the student is academically prepared based on performance on approved student assessments. Any course designated for high school credit at the middle school level must be taught by a teacher with high school certification in the subject matter and must be taught using curriculum and assessments equivalent to those used in the subject at the high school level.

Credit may be earned in any of the core required course areas of English, social studies, mathematics, science, physical education, or health.

Courses taken by middle school students for high school credit shall appear on the students' high school transcript, along with the grade received however, the grade and class will not be factored into the students' high school grade point average.

When classes are held at the high school, appropriate transportation shall be arranged by the District prior to a student being enrolled in an approved course at the high school.

The Board directs the Superintendent to develop appropriate courses after determining annually whether sufficient student interest and appropriate staffing justifies offering such course(s). The Superintendent shall establish procedures to determine whether a middle school student is academically prepared to take any course approved for high school credit.

Board resolution adopted JULY 8, 2025, permits students to earn credit by demonstrating competency or by creating a learning portfolio. If a student meets the criteria established, the course will be listed on the student's high school transcript and be used to meet the requirements for high school graduation.

A student may not earn more than half (1/2) of the credits required for high school graduation through this process.

The Superintendent shall develop procedures for how students may qualify for credit under this process.

Alternative Education Diploma

The Board authorizes the Superintendent to establish an alternative diploma program for students who meet the requirements of State law but not the additional elective credit requirements established for attainment of a regular high school diploma from the District. An alternative education program is defined as an instructional program, approved by the Board, that utilizes successful alternative or adaptive school structures and teaching techniques and that is incorporated into existing, traditional classrooms, or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. "Alternative educational program" does not include a private school or a home-based private educational program. (See Policy 2451 - Program or Curriculum Modifications)

The IEP team and any other necessary members will review the student's academic progress and the alternative achievement standards for graduation criteria.

Students With Disabilities

Students with disabilities who properly complete the programs specified in their I.E.P. and have received the recommendation of the I.E.P. Committee may participate in graduation activities and may be awarded a diploma (provided the student satisfied the District's high school graduation requirements). (see Policy 5460.01 - Diploma Deferral) a certificate of attendance. (see Policy 5460.01 - Diploma Deferral)

GED Option 2 Program (GEDO #2)

An alternate path to a District diploma is the completion of the high school's GED Option 2 program. This program has strict enrollment requirements and allows a student who is at least seventeen (17) years of age to work towards successful completion of the GED testing program. Once the student completes all of the requirements, the student is awarded a District diploma and is eligible to participate in the subsequent graduation ceremony. Participation in this program is contingent upon DPI approval of the District's program and compliance with the requirements of Wis. Admin Code PI 5.

Graduation Activities and Ceremony

A student may be denied participation in graduation activities for disciplinary reasons and/or for non-payment of fees. The Superintendent and high school principal may establish additional requirements for participation in the graduation activities and may organize said activities to have the appearance and decorum deemed reflective of the District.

Graduation Activities and Ceremony

The principal of the high school shall prepare a report describing the District's policies on high school graduation standards, including a list of courses required under State law and the number of hours in each school term required to earn one (1) credit for

those courses. Additionally, any change to the District's policies shall also be reported to the Department of Public Instruction or other appropriate agency after it has been approved by the Board and signed by the Board president, the Superintendent, and the principal.

It shall be the policy of the Board to periodically review and revise this policy specifying the criteria for awarding a diploma.

Revised 8/12/14
Revised 1/13/15

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po5460.01

DIPLOMA DEFERRAL

5460.01 - **DIPLOMA DEFERRAL**

Social graduation is an opportunity for students with individualized education programs ("IEPs") to participate in high school graduation ceremonies without obtaining an official diploma. Students with IEPs who have completed all academic requirements for high school graduation, but who have not yet completed their transition-related IEP goals may be eligible for social graduation. Students may participate in social graduation only upon the recommendation of their respective IEP teams. If social graduation is recommended, the student may engage in all aspects of the graduation celebration (e.g., wearing a cap and gown; sitting with the graduating class; having his/her name printed in the program and read aloud at the ceremony; walking across the stage to receive a faux diploma). Instead of receiving an official diploma, however, the student will receive an unsigned diploma or a certificate of participation.

The determination of whether social graduation is recommended for any particular student will be made on an individual basis during the first semester of any year in which the student's chronological peer group is eligible to receive a high school diploma. The IEP team may raise the issue, or the student and/or his/her parent may raise the issue. The IEP team members should consider whether social graduation is appropriate to further the student's progress with regard to IEP goals. The team may also consider any objectives the student will be required to accomplish before s/he is eligible to participate. Finally, the team should determine additional arrangements or preparations, if any, that will need to be made to enable the student to participate in the ceremony. If the team determines that social graduation is recommended, the Superintendent shall be notified. The IEP team makes the final decision with regard to social graduation, in accordance with the student's IEP goals, Federal and State laws and regulations and Board policies. Students for whom participation in graduation ceremonies is precluded for disciplinary issues (when the discipline was not a manifestation of the student's disability) or nonpayment of school fines may not participate in social graduation.

After participating in the ceremony, the student is expected to continue working on his/her IEP transition goals and objectives. The student will also continue to receive services to address his/her transitional, vocational, and/or independent living skills as delineated in his/her IEP. An official high school diploma will be granted to the student when the IEP team determines that the transition goals have been met.

When the student turns twenty-one (21) during the school year, s/he will be permitted to complete the current school year.

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po5463

CREDITS FROM NONPUBLIC SCHOOLS

5463 - **CREDITS FROM NONPUBLIC SCHOOLS**

In recognizing its responsibility to uphold the minimum educational standards of the State of Wisconsin, the Board establishes the following policy and criteria regarding the acceptance of credits for students transferring to the high school from nonpublic schools, whether they are private schools, as defined by law, or other types of schools.

For credit or coursework to be accepted for courses taken in such schools, assurance of compliance with minimum requirements established by the State must be provided. Recognition of credits or coursework shall be granted when the proper assurance and the student's transcript has been received.

Accepted credits from nonpublic schools will be entered on the student's transcript with a notation of the school at which the credits were earned.

Grades in courses from nonpublic schools, other than home-based schools, that have been accepted for credit will be entered on the student's transcript. Such grades will be considered for grade point average and class ranking.

Credits and grades from home-based schools shall follow the provisions set forth in AG 9270 – Home-Based Private Education Students.

The District reserves the right to assess such transfer students in order to determine proper placement and to be assured the student can demonstrate academic proficiencies which are prerequisite to a placement.

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po5464

EARLY GRADUATION

5464 - **EARLY GRADUATION**

The Board acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.

Application for early graduation will be submitted to the high school Principal in accordance with school regulations.

The District may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements. The high school Principal shall make the final decision regarding an application for early graduation.

The student may participate in the graduation ceremonies with the student's designated class. If the student will be participating in any District activities or programming, including the District's graduation ceremony, then the student must abide by all Board policies and school rules.

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po5500

STUDENT CODE OF CLASSROOM CONDUCT

5500 - **STUDENT CODE OF CLASSROOM CONDUCT**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty should be maintained in the schools of this District.

The Superintendent shall establish procedures to carry out Board policy and philosophy, and shall hold all school personnel, students, and parents responsible for the conduct of students in schools, on school vehicles, and at school-related events.

Student conduct on or adjacent to school premises, on school vehicles, and at school-related events and activities shall be governed by the rules and provisions of the Student Code of Classroom Conduct. This Code of Classroom Conduct shall include the following items:

A. specification of what constitutes dangerous, disruptive, or unruly behavior that interferes with the ability of the teacher to teach effectively, which therefore permits the teacher to remove the student from class;

B. other student conduct that may be used by a teacher as a basis to remove a student from class; and

C. procedures for notifying the parent of a student's removal and procedures for placement of a student that has been removed from class.

The Code of Conduct, developed by a committee created by the Board for that reason consisting of parents, students, Board members, school administrators, teachers, student services professionals, and other appointed residents, and, once created, shall be reviewed by the Board periodically.

Removal of a student from a class that is consistent with the Code of Conduct does not constitute a report under Policy 8462.01 - Threats of Violence. If the staff member believes in good faith that the threat represents a serious and imminent threat to the health or safety of students, staff, or others, and the threat is a threat of violence made in or targeted at a school, staff must still report such threats as described in Policy 8462.01 - Threats of Violence.

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T.C. 11/11/25

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po5512

USE OF TOBACCO AND NICOTINE BY STUDENTS

5512 - **USE OF TOBACCO AND NICOTINE BY STUDENTS**

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any student of the District to possess, use, consume, display, promote, or sell any tobacco products, tobacco industry brand, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events. The Board authorizes the Superintendent to take reasonable measures related to the Board's expectation that the promotion and display of tobacco and related products on school property or at off-campus, school-sponsored events is prohibited.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

The prohibition on the use of other products containing nicotine including, but not limited to, nicotine patches and nicotine gum may be removed when a parent or “adult” student provides documentation from a licensed medical practitioner that the student's use of non-tobacco nicotine products is being medically supervised for the cessation of a nicotine addiction and the student complies with Policy 5330 - Administration of Medication/Emergency Care.

Instruction in the history and purpose of traditional tobacco that has been used as a part of faith and tradition in the Native American and American Indian communities is an exception to this policy. Nothing in this policy is intended to infringe upon the legitimate exercise of cultural beliefs or ceremonial representations. In the event of a potential conflict between the Board's policy prohibiting the use or possession of nicotine containing products and a student's exercise of cultural traditions, the administration shall consult with appropriate community representatives to apply this policy in a manner that respects such cultural significance.

Response to Policy Violations

Separate from disciplinary sanctions imposed for violations of this policy, the District shall address violations of this policy by students with the application of supportive disciplinary practices designed to promote recovery and reduction of tobacco and nicotine addictions and dependence. .

The District recognizes the use of in-school or out-of-school suspension for tobacco and nicotine addiction increases the likelihood of negative educational outcomes, and thereby **(** X**)** discourages exclusionary practices for students who violated this policy, including suspension and expulsion.

Policy Specific Definitions

The term “any time” means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term “electronic smoking device” means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term “imitation tobacco product” means any edible non-tobacco product designed to resemble a tobacco product or a non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include, but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term “off-campus, school-sponsored event” means any event sponsored by the school or School District that is not on school property including, but not limited to, sporting events, day camps, field trips, entertainment seminars, dances, or theatrical productions.

The term “school property” means all facilities and property including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff, and visitors.

The term “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant derived substances, whether or not legally sold in Wisconsin, including CBD products, Delta 8 THC, Delta 9 THC, or any other variation thereof. “Smoking” also includes carrying or using an activated electronic smoking device.

The term “supportive disciplinary practices” means disciplinary practices that incorporate opportunities for students to understand the root causes of their behavior, develop positive coping strategies, and support efforts to cease the problematic conduct.

The term “tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to, cigarettes; electronic smoking devices; cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; pouches, snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco.

The term "tobacco products retailer" means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term “tobacco industry” means manufacturers, distributors, or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term “tobacco industry brand” means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

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Revised 4/23/24

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po5513

CARE OF DISTRICT PROPERTY

5513 - **CARE OF DISTRICT PROPERTY**

Basic to the philosophy of the Board is a respect for the rights of others. Students are urged to exercise this respect in regard to the belongings of others, including District property. Each student should realize that vandalism to District property is costly to repair.

Attempts should be made to teach students respect for property which can be done in connection with the care of textbooks and the use of District materials and equipment.

In accordance with law, students who cause damage to District property shall be subject to disciplinary measures including suspension and expulsion. Also, their parents shall be financially liable for such damage to the extent of the law.

The Board authorizes the imposition of fines for the loss, damage, or destruction of District-owned, borrowed or leased equipment, computing devices, school records, apparatus, musical instruments, library materials, textbooks, and for damage to District buildings or facilities. (See Policy 6152 - Student Fees, Fines, and Charges.)

The Superintendent may report to the appropriate authorities any student whose damage of District property has been serious or chronic in nature. Any such referral shall be consistent with Policy 5540 - The Schools and Governmental Agencies.

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po5514.02

STUDENT USE OF SERVICE ANIMALS

5514.02 - **STUDENT USE OF SERVICE ANIMALS**

Service Animals

Service animals used by students requiring this type of assistance shall be permitted in all District facilities and at all school events.

The student and/or the student's parent(s), if the student is a minor, shall provide evidence of the medical necessity of the service for the student and evidence of the animal's certification or appropriate evidence of the animal's training to provide the required assistance, as well as certification that all required immunizations are current.

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po5515

STUDENT USE AND PARKING OF MOTOR VEHICLES

5515 - **STUDENT USE AND PARKING OF MOTOR VEHICLES**

The Board will permit the operation and parking of motor vehicles on District property by students, in accordance with the rules of this District, provided that such students are licensed drivers and have been granted permission by the Principal to park a motor vehicle on school grounds.

Students may only bring onto District property vehicles that are owned by the student or vehicles for which the student has express permission to operate. Bringing other vehicles onto District property shall be considered a violation of school rules and this policy; school officials may contact law enforcement, as appropriate, when vehicles are brought onto District property without legal authorization.

At no time may a student enter a vehicle without the owner's consent, or the driver's consent if the owner has granted the driver express permission to operate the vehicle. School officials may contact law enforcement for unauthorized entry of a vehicle.

School officials may search a vehicle located on District property in accordance with Board Policy 5771 - Search and Seizure.

The Board will not be responsible for motor vehicles that are stolen or damaged on District property.

The Superintendent shall establish standards for the granting of parking permits which shall contain the warning that infraction of the rules may result in the revocation of the permit.

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po5516

STUDENT HAZING

5516 - **STUDENT HAZING**

The Board believes that hazing activities of any type are inconsistent with the educational process and may in some circumstances be a violation of State law. It prohibits all such activities at any time in school facilities, on school property, and at any District-sponsored activity or event.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the District shall be alert to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Principal or to the District Administrator. The individual informed of the situation shall immediately do the following:

A. Write all information concerning the reported activity or planned activity received from the person reporting the incident to create a complete record of the initial contact with the administration.

B. Determine if any potential criminal activity has occurred and if so contact law enforcement immediately.

C. Determine whether the information received illustrates hazing behavior that is based on the student's or any group of students characteristics protected by Federal or State Civil Rights Laws (Protected Classes). If the conduct reported appears to be based on one (1) or more Protected Class, or information surfaces in that regard, the administrator shall inform the District Compliance Officer and refer to Policy 5517 – Student Anti-Harassment and proceed accordingly.

D. If the hazing or planned hazing does not appear to be based on any Protected Classes, then the administrator shall proceed to conduct an investigation consistent with the procedures found in Policy 5517.01 - Bullying.

Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties. Disciplinary action for students may include, but is not limited to, suspension and/or expulsion. Disciplinary action for staff members may be issued up to and including termination from employment. (See Policy 3139 – Staff Discipline, Policy 3140 - Non-renewal, Resignation, and Termination, Policy 4140 - Termination and Resignation, or Policy 4139 – Staff Discipline).

The Superintendent shall distribute this policy to all students and District employees and shall incorporate it into the building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

Revised 3/10/15
T.C. 7/9/24

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po5517

STUDENT ANTI-HARASSMENT

5517 - **STUDENT ANTI-HARASSMENT**

Prohibited Harassment

It is the policy of the Board to maintain an educational environment that is free from all forms of harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to conduct occurring in any manner or setting over which the Board can exercise control, including on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will not tolerate any form of harassment and will take all necessary and appropriate actions to eliminate it, including suspension or expulsion of students and disciplinary action against any other individual in the School District community. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our students.

The Board will vigorously enforce its prohibition against harassment based on the traits of sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the Board prohibits harassing behavior directed at students, including at a group of students, for any reason, even if not based on one of the Protected Classes, through its policies on bullying (See Policy 5517.01 – Bullying).

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

Other Violations of the Anti-Harassment Policy

The Board will also take prompt steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation;

B. Filing a malicious or knowingly false report or complaint of harassment;

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment complaints comprises part of one's duties

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Notice

Notice of the Board's policy on anti-harassment in the educational environment and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant is the individual or group of students who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

Day(s) means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays) unless expressly stated otherwise herein.

Respondent is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means individuals, students, administrators, teachers, and staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Bullying

Bullying is prohibited by Board Policy 5517.01 – Bullying. It is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional well-being. Bullying need not be based on any Protected Class. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student's sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, physical, mental, emotional, or learning disability, or any other characteristic protected by Federal or State civil rights. Complaints brought under this policy that are more appropriately handled under the Bullying policy shall be referred for investigation consistent with the procedures in that policy.

Bullying that rises to the level of Sexual Harassment is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, and is not included in this policy. Allegations of such conduct shall be addressed by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or

group of students based on one or more of the student's or group of students' Protected Class that:

A. places a student or group of students in reasonable fear of harm to their person or damage to their property;

B. has the effect of substantially interfering with a student's or group of students' educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

"Harassment" also includes "hate speech" directed against a student or group of students —the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

A. making statements that promote violence toward a racial or ethnic group;

B. drawing, displaying, or posting images or symbols of prejudice.

Sexual Harassment

For purposes of this policy only and not sexual harassment under Title IX, addressed in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities,

"sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

A. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of access to educational opportunities or program;

B. submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education;

C. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. unwelcome verbal harassment or abuse;

B. unwelcome pressure for sexual activity;

C. threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;

D. unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls and obscene gestures;

E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals;

F. unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;

G. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;

H. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status;

I. unwelcome behavior or words directed at an individual because of gender;

Examples are:

1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;

2. rating a person's sexuality or attractiveness;

3. staring or leering at various parts of another person's body;

4. spreading rumors about a person's sexuality;

5. letters, notes, telephone calls, or materials of a sexual nature;

6. displaying pictures, calendars, cartoons, or other materials with sexual content.

J. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life;

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

1. hugging, kissing, or other physical contacts with a student;
2. telling sexual jokes to students;
3. engaging in talk containing sexual innuendo or banter with students;
4. talking about sexual topics that are not related to the curriculum;
5. showing pornography to a student;
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
7. initiating or extending contact with students beyond the school day for personal purposes;
8. using e-mail, text messaging or websites to discuss personal topics or interests with students;
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;

10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);

11. going to a student's home for non-educational purposes;

12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of a student);

13. giving gifts or money to a student for no legitimate educational purpose;

14. accepting gifts or money from a student for no legitimate educational purpose;

15. being overly "touchy" with students;

16. favoring certain students by inviting them to come to the classroom at non-class times;

17. getting a student out of class to visit with the staff member;

18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;

19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);

20. being alone with a student behind closed doors without a legitimate educational purpose;

21. telling a student "secrets" and having "secrets" with a student;

22. other similar activities or behavior.

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

K. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;

L. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

M. verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, or persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a

hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

It is further the policy of the Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the workplace, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's physical, mental, emotional or learning disability and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as the District's Compliance Officers (also known as "Anti-Harassment Compliance Officers"; hereinafter referred to as the "COs").

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

Katherine Eichmann
Director of Secondary Curriculum and Instruction/Student Services
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4740
eichmannk@mpsd.school

The names, titles, and contact information of these individuals will be published annually in the School District's Annual Report to the public.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

Reporting procedures are as follows:

A. Any student who believes they have been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employees.

B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator or Superintendent.

C. Teachers, administrators, and other school employees who have the knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall report the alleged harassment to one (1) of the Compliance Officer(s) and the building principal or Superintendent within two (2) days.

D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator or other employees.

E. The reporting party or Complainant shall be encouraged to use a report form available from the principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing.

F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the Board has designated both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individuals shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

A CO will be available during regular school/work hours to discuss concerns related to harassment and to assist students, other members of the School District community,

and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) days. Thereafter, the COs must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if under age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer to conduct an investigation following all the procedures outlined in the complaint procedures.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a Third Party, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will contact the Complainant and begin either an informal or formal process (depending on the request of the Complainant or the nature of the alleged harassment), orthe CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. The CO will prepare recommendations for the Superintendent. In the case of a complaint against the Superintendent or a Board member, the CO will prepare recommendations for the Board Attorney who has been designated to serve as the decision-maker for such complaints. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) days of learning of the incident.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias, or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may, in consultation with the Superintendent, or Board President if the matter involves the Superintendent, engage outside legal counsel to conduct the investigation consistent with this policy.

Filing a Complaint and Initial Processing of a Complaint

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any student, or the student's parent/guardian, who believes that the student has been subjected to harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights ("OCR") and/or other applicable government agency. The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: http://www.ed.gov/ocr.

If at any time during the investigation process the investigator determines that the complaint is properly defined as Bullying, under Policy 5517.01 - Bullying and not Harassment under this Policy, because the conduct at issue is not based on a student’s Protected Characteristics, the investigator shall transfer the investigation to the appropriate building principal.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment, in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile educational environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior, and/or harassment to one (1) of the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy

5517.01- Bullying investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266 -Nondiscrimination on the Basis of Sex in Education Program or Activities. The Compliance Officer shall keep the Principal informed of the status of the investigation under this policy and provide the Principal with a copy of the resulting report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities grievance process.

Complaint and Investigation Procedure

A Complainant may file a complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the CO, Superintendent, or other District official who works at another school or at the District level. Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District official at the student's school, the CO, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) days.

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

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); and a list of potential witnesses.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and

the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant or the Respondent, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the Superintendent prior to any action being taken, except for complaints against the Superintendent in which case the Board President should be consulted. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform the Respondent that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the Respondent at that time. The Respondent must also be provided an opportunity to respond to the complaint.

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

Generally, within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

The investigation generally will include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO shall prepare and deliver a report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in harassment/retaliation of the Complainant. In determining if harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

Generally, within five (5) days of receiving the report of the CO or designee, the Superintendent, or in the case of a complaint against the Superintendent or a Board member, the person designated to serve as the decision-maker for the complaint either must issue a written decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Superintendent's final decision will be

delivered to both the Complainant and the Respondent. The Superintendent may redact information from the decision consistent with applicable law. The Board authorizes the Superintendent to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the Complainant or Respondent.

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

The decision of the Superintendent shall be final. If the Complainant feels that the decision does not adequately address the complaint they may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction ("DPI"), Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

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

To the extent required by law or permitted by the District, the parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the

filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Additional School District Action

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or Superintendent shall report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

Any reports made to the local child protection service or to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations. Confidentiality cannot be guaranteed, however. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will instruct each person who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to Third Parties any information that is learned or provided during the course of the investigation.

Directives During Investigation

The CO may recommend to the Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO shall make such recommendation to the Board. For example, administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation may be required to answer questions that could also involve criminal investigations or sanctions, including the existence of a co-occurring law enforcement investigation are still required to answer questions concerning the District's investigation, but are entitled to do so without waiving their Constitutional right against self-incrimination that applies during a criminal investigation. Employees should be advised of this right, through what is often referred to as a "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. (see Form 5517 F3 - "Garrity" Warning)

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation which may include but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and

expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

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

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

Revised 12/9/08
Revised 4/13/10
Revised 2/8/11
Revised 4/8/14
Revised 2/10/15
Revised 11/12/24
T.C. 6/11/21
T.C. 1/7/25
T.C. 2/10/26

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po5517.01

BULLYING

5517.01 - **BULLYING**

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

Definitions

"Bullying"

Bullying is deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a

student's educational, physical, or emotional well-being. The behavior may be motivated by an actual or perceived distinguishing characteristic such as, but not limited to: age; national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic, or family status; however, this type of prohibited bullying behavior need not be based on any of those particular or other particular characteristics. It includes, but is not necessarily limited to, such behaviors as stalking, cyberbullying, intimidating, menacing, coercing, name-calling, taunting, making threats, and hazing.

Some examples of Bullying are:

A. Physical – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.

B. Verbal – taunting, malicious teasing, insulting, name-calling, making threats.

C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation.

D. ""Cyberbullying" – the use of information and communication technologies, such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal websites, and defamatory online personal polling websites, to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others."

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

   1. cyberbullies more easily hide behind the anonymity that the Internet provides;

   2. cyberbullies spread their hurtful messages to a very wide audience with remarkable speed;

3. cyberbullies do not have to own their own actions, as it is usually very difficult to identify cyberbullies because of screen names, so they do not fear being punished for their actions; and

4. the reflection time that once existed between the planning of a prank – or a serious stunt – and its commission has all but been erased when it comes to cyberbullying activity;

5. cyberbullies hack into or otherwise gain access to another's electronic accounts (e-mails, social media, etc.) and posing as that individual with the intent to embarrass or harm the individual.

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

1. posting slurs or rumors or other disparaging remarks about a student on a website or on weblog;

2. sending e-mails or instant messages that are mean or threatening, or so numerous as to drive up the victim's cell phone bill;

3. using a camera phone to take and send embarrassing photographs of students;

4. posting misleading or fake photographs of students on websites.

"Harassment" includes, but is not limited to, any act that subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, or physical nature on the basis of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, physical, mental, emotional, or learning disability, or any other

characteristic protected by Federal or State civil rights laws. Harassment is prohibited by Policy 5517 – Student Anti-Harassment.

"Staff" includes all school employees and Board members.

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

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

Complaint Procedures

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

Complaints against a Board member shall be filed with the Board President unless the complaint is against the President in which case the complaint shall be filed with either another Board member or with the Superintendent depending on the complainant's preference, who is authorized to contact District legal counsel for assistance in handling the complaint.

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

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

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

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

If, during an investigation of a reported act of bullying in accordance with this Policy, the Principal determines that the reported misconduct may have created a hostile learning environment, discrimination, and/or may have constituted harassment based on sex (transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, physical, mental, emotional, or learning disability, or any other characteristic protected by Federal or State civil rights laws, the Principal will report the act of bullying to one (1) of the Compliance Officers who shall assume responsibility to investigate the allegation in accordance with Policy 5517 – Student Anti-Harassment or Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. Additionally, complaints alleging sexual harassment on the basis of sex are also covered by and subject to the investigation procedures in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. If the investigation under Policy 5517 - Student Anti-harassment, Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity, or Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities does not substantiate harassment based on one (1) or

more of the Protected Classes, the complaint of bullying shall still be investigated under this Policy.

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

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

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

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

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is

conducted at appropriate times and places during the school day and is protected by State or Federal law).

Retaliation/False Reports

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

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

Privacy/Confidentiality

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

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

Notification

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

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

Records and Reports

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

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

Education and Training

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

Revised 8/23/11
Revised 2/10/15
Revised 7/18/22

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po5520

DISORDERLY CONDUCT

5520 - **DISORDERLY CONDUCT**

The Board recognizes the right of each student to attend school for the purpose of receiving an education. Students involved in the disruption of the educational program of the schools by disorder or any other purposeful activity may be subject to disciplinary consequences, including, but not limited to, suspension and expulsion.

For purposes of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, which is reasonably likely to disrupt the normal operation of the school.

The Board, having the responsibility for providing an educational program for the students of this District, shall have the authority to preserve order for the proper functioning of its program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

The Superintendent shall develop administrative guidelines for the implementation of this policy.

Revised 7/18/22

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po5530

STUDENT USE OR POSSESSION OF INTOXICANTS, DRUGS, OR PARAPHERNALIA

5530 - **STUDENT USE OR POSSESSION OF INTOXICANTS, DRUGS, OR PARAPHERNALIA**

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community.

As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

A. all dangerous controlled substances as so designated and prohibited by Wisconsin statute;

B. all chemicals which release toxic vapors;

C. all alcoholic beverages;

D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;

E. "look-alikes";

F. anabolic steroids;

G. any misuse of over-the-counter drugs or medications;

H. any other illegal substance so designated and prohibited by law;

I. any substance, no matter its chemical composition, that is represented as or packaged in such a manner so as to give the appearance that the substance is a drug otherwise defined in this policy.

The Board prohibits the use, possession, concealment, or distribution of any drug and any drug-paraphernalia at any time on District property or at any District-related event.

The Superintendent shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools, including education, prevention and standards of conduct. Education shall be intended to develop awareness of: drug abuse, including prescription drug abuse, and prevention; the relationship between highway safety and the use of alcohol and controlled substances, including prescription drugs; and the relationship between youth suicide and the use of alcohol and controlled substances, including prescription drugs.

Revised 9/12/17
Revised 7/9/24

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po5540.01

INVESTIGATIONS INVOLVING SUSPECTED CHILD ABUSE

5540.01 - **INVESTIGATIONS INVOLVING SUSPECTED CHILD ABUSE**

In the event of a law enforcement or social services investigation involving allegations of child abuse under Chapter 48 of the Wisconsin Statutes, school officials shall permit access to any student with whom the law enforcement officer or social services agent determines s/he must speak.

Office staff shall notify the Superintendent or the building administrator of any such investigation and shall keep a log of activities by the agency conducting the investigation, noting the date, and time of any interviews and the students involved.

The school administration may notify the student's parents after being advised by the agency conducting the investigation that parental contact will not impede their investigation. In some instances, such investigations may involve allegations against the student's parent(s), and the investigating agency may instruct the administration not to contact the parents unless and until they are authorized to do so by the investigating agency. The administration shall cooperate with such a request.

If the investigating agency determines that it must remove the student from school in the course of their investigation, the administrator should make a record of when the student was released, the agency to which the student was released, and the name of the individual agent that removed the student.

This policy should be viewed in conjunction with Policy 8462. Nothing in this policy affects District staff responsibilities as mandatory reporters of suspected child abuse.

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po5600

STUDENT DISCIPLINE

5600 - **STUDENT DISCIPLINE**

The Board of Education acknowledges that conduct is closely related to learning and that an effective instructional program requires an orderly school environment, which is, in part, reflected in the behavior of students.

The Board shall require each student of this District to adhere to the Code of Conduct promulgated by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

A. conform to reasonable standards of socially-acceptable behavior;

B. respect the person and property of others;

C. preserve the degree of order necessary to the educational program in which they are engaged;

D. respect the rights of others;

E. obey constituted authority and respond to those who hold that authority.

The Superintendent shall promulgate administrative guidelines for student conduct which carry out the purposes of this policy and:

A. are not arbitrary but bear a reasonable relationship to the need to maintain a school environment conducive to learning;

B. do not discriminate among students;

C. do not demean students;

D. do not violate any individual rights constitutionally guaranteed to students.

The Superintendent shall designate sanctions, excluding corporal punishment, for the infractions of rules which shall:

A. relate in kind and degree to the infraction;

B. help the student learn to take responsibility for his/her actions.

The Board shall attempt to provide, as resources permit, alternative programs and activities for disruptive students as a means to prevent or reduce discipline problems. In planning such programs, the Superintendent shall include procedures which ensure cooperation with those community agencies and organizations which can provide assistance to such students.

The Superintendent shall publish to all students the rules of this District regarding student conduct, the sanctions which may be imposed for breach of those rules, and the due process procedures that will be followed in administering the Code of Conduct.

The principal shall have the authority to assign discipline to students, subject to District administrative guidelines and the student's due process right to notice, hearing, and appeal.

Teachers and other employees of this Board having responsibility for the supervision of students shall have the authority to take such means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Board.

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SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES

5605 - **SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES**

In matters relating to the disciplining of students with disabilities, the Board shall abide by Federal and State laws.

The Superintendent shall establish administrative guidelines and provide the laws are properly implemented when disciplining any student with disabilities.

Revised 7/9/24
T.C. 1/7/25

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po5610

SUSPENSION AND EXPULSION

5610 - **SUSPENSION AND EXPULSION**

The Board recognizes that exclusion from educational programs of the School District, by suspension or expulsion, is a substantial sanction and that such action must comply with the student's due process rights. Exclusionary discipline is appropriate to address serious misconduct or when alternatives, such as in-school discipline or restorative practices, have been ineffective to address a student's repeated refusal or neglect to obey school rules.

SUSPENSION

For purposes of this policy, "suspension" shall be the short-term exclusion of a student from a regular District program.

The Superintendent, any principal, or a teacher designated by the Superintendent may suspend a student for up to five (5) school days or, if a notice of expulsion hearing has been sent, for up to fifteen (15) consecutive school days. Students identified with a disability may be suspended in accordance with AG 5605 - Disciplining Students with Disabilities.

The suspension must be reasonably justified based upon the grounds authorized under 120.13, Wis. Stats., which include, but are not limited to: noncompliance with school rules or Board rules; knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; conduct by the student while at school or while under the supervision of a school authority that endangers the property, health, or safety of others; conduct while not at school or while not under the supervision of a school

authority that endangers the property, health, or safety of others at school or under the supervision of a school authority; or conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of any employee or Board member of the District in which the student is enrolled.

The Superintendent any principal, or a teacher designated by the Superintendent shall suspend a student if the student possessed a firearm, as defined in 18 U.S.C. 921(a)(3), while at school or while under the supervision of a school authority.

The parent of a suspended minor must be given prompt notice of the suspension and the reason for the suspension. The student's suspension from school shall be entered in the student's record as required by the rules adopted by the Board concerning the content of student records. The suspended student or the student's parent may, within five (5) school days following the commencement of the suspension, have a conference with, Superintendent or designee, who shall be someone other than a principal, administrator, or teacher in the suspended student's school, to discuss removing reference to the suspension from the student's records. Reference to the suspension on the student's school record shall be removed if the designated administrator finds that the student was suspended unfairly or unjustly; the suspension was inappropriate, given the nature of the alleged offense; or the student suffered undue consequences or penalties as a result of the suspension. The Superintendent or designee shall make a finding within fifteen (15) days of the conference.

A suspended student shall not be denied the opportunity to take any quarterly, semester, or grading period examinations or to complete coursework missed during the suspension period. Such work shall be completed pursuant to the procedures established by the Board.

In the event a student is classified as homeless, the building principal shall consult with the Homeless Coordinator to determine whether the conduct is a result of homelessness. The Homeless Coordinator will assist administration and the student's parents in correcting conduct subject to disciplinary action that is caused by homelessness.

EXPULSION

Under this policy, expulsion shall mean the Board will not permit a student to attend school at all, including any school-sponsored events or activities, for a specified period of time. If the student is expelled, the Board will determine the length of the expulsion period, which may extend at a maximum to the student's 21stbirthday. The Board's expulsion order may include the opportunity for the student to return to school prior to the expiration of the term of expulsion under a specified set of early reinstatement condition(s) which are related to the conduct for which the student was expelled. The condition(s), once set forth in an expulsion order, shall be administered at the discretion of the Superintendent who shall have the authority to deny early reinstatement if any early reinstatement condition is not met prior to reinstatement or to revoke it for the remainder of the expulsion period if any enrollment conditions applicable to the student's attendance during a period of expulsion under early reinstatement, or conditional enrollment, are deemed by the Superintendent to have been violated. The decision to revoke a student's conditional enrollment shall be explained in writing. The student or student's parent may request a conference with the Superintendent within five (5) school days of a decision to revoke early reinstatement. The Superintendent shall meet with the student and/or parents within five (5) school days of a request. The Superintendent's decision is final.

The Superintendent may designate another School District employee to perform the functions pertaining to a student's early reinstatement, but may not designate someone that is an administrator or teacher in the student's school.

The Board may expel a student only when it is satisfied that the interest of the school demands the student's expulsion and only when the student: repeatedly refused or neglected to obey the rules established by the School District; knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; engaged in conduct while at school while under the supervision of a school authority that endangered the property, health, or safety of others; engaged in conduct while not at school or while not under the supervision of a school authority that endangered the property, health, or safety of others at school or under the supervision

of a school authority or endangered the property, health, or safety of any employee or Board member of the District in which the student is enrolled; or was at least sixteen (16) years old and had repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct did not otherwise constitute grounds for expulsion. For purposes of this policy, conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

The Board shall hold an expulsion hearing in the event a student is in possession of a firearm while at school or under the supervision of school authorities and shall expel a student from school for not less than one (1) year whenever it finds that the student brought a firearm to school or, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 U.S.C. 921(a) (3), unless the Board finds that the punishment should be reduced based upon the circumstances of the incident. Any such finding by the Board shall be in writing. This does not include any circumstance in which a student possessed a firearm while lawfully hunting on school forest land.

The District shall refer any student who brings a firearm (as defined in 18 U.S.C. 921(a) (3)) or a weapon to school to law enforcement

As required by 20 U.S.C. 7151, the Superintendent will ensure that the following information is sent to the Wisconsin Department of Public Instruction: a copy of this policy; a description of the circumstances surrounding any expulsion(s) for violating the above-stated firearms policy; the name of the school; the number of students expelled; and the types of firearms involved.

Prior to expelling a student, the Board shall provide the student with a hearing. Prior written notice of the hearing must be sent separately to both the student and if the student is a minor, to their parent(s). The notice must be sent at least five (5) days prior to the date of hearing, not counting the date notice is sent. The notice must also satisfy the requirements of 120.13(1) (c)4, Wis. Stats.

An expelled student or, if the student is a minor, the student's parent(s) may appeal the Board's expulsion decision to the Wisconsin Department of Public Instruction. An appeal from the decision of the Department may be taken within thirty (30) days to the circuit court for the county in which the school is located.

In the event a student is classified as homeless, the building principal shall consult with the Homeless Coordinator to determine whether the conduct is a result of homelessness. The District will not expel a homeless student for conduct that is caused by the student's homelessness. The Homeless Coordinator will assist the administration and the student's parents in correcting conduct subject to disciplinary action that is caused by homelessness. If the conduct in question is determined not to be caused by the student's homelessness, the District shall proceed with expulsion proceedings as outlined in this policy.

ADMINISTRATIVE GUIDELINES

The Superintendent shall develop administrative guidelines to implement this policy, which shall include, at a minimum:

A. strategies for providing special assistance to students who are in danger of being expelled and are not achieving the goals of the educational program;

B. procedures that ensure compliance with State and Federal law including, but not limited to, due process rights;

C. provision for completing school work when appropriate.

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po5623

MEDICALLY FRAGILE CHILDREN

5623 - **MEDICALLY FRAGILE CHILDREN**

Students who are identified as medically fragile will be provided "related services" as it pertains to a child's Free Appropriate Education (FAPE) pursuant to the Individuals with Disabilities Education Act.

Medically Fragile Students are those students in need of both a medical device to compensate for the loss of a vital body function and substantial and on-going nursing care to avert increased health problems or further disability.

Supervision and care will be provided for students who have a medical problem that requires or might require regular or emergency treatment. When such a student is enrolled within the District, the level of supervision and possible treatment is to be determined at a meeting attended by the parent or guardian, the teacher of the student, the principal of the school concerned, school psychologist, and District medical designee. A signed statement by the student's physician stating his/her recommendations regarding treatment and supervision will be made available to the participants at this meeting.

An Individualized Health Plan (IHP) will be attached to each student's Individualized Education Plan (IEP). Information regarding necessary training for Exceptional Educational Needs (EEN) teachers for implementation of the IHP will be attached to the IEP. Related services will be provided under the Department of Public Instruction (DPI) rules for special education and under guidelines by the DPI in April, 1992.

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po5630

CORPORAL PUNISHMENT

5630 - **CORPORAL PUNISHMENT**

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline. In accordance with State law, corporal punishment shall not be permitted.

No official, employee, or agent of the Board may subject a student enrolled in the School District to corporal punishment, including resorting to physical force or violence to compel obedience. If all other means fail, officials, employees, or agents of the Board may always resort to the removal of the student from the classroom or school through suspension, expulsion, or other disciplinary intervention.

Officials, employees, or agents of the Board may use:

A. reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person;

B. reasonable and necessary force to obtain possession of a weapon or other dangerous object within a student's control;

C. reasonable and necessary force for the purpose of self-defense or the defense of others under 939.48, Wis. Stats.;

D. reasonable and necessary force for the protection of property under 939.49, Wis. Stats.;

E. reasonable and necessary force to remove a disruptive student from a school premises or motor vehicle, as defined in 125.09(2)(a)1. and 4., Wis. Stats., or from school related activities;

F. reasonable and necessary force to prevent a student from inflicting harm on himself/herself;

G. reasonable and necessary force to protect the safety of others;

H. incidental, minor, or reasonable physical contact designed to maintain order and control.

If any official, employee, or agent of the Board intentionally inflicts, or causes to be inflicted, physical pain by hitting, paddling, spanking, slapping, forcing prolonged maintenance of physically-painful positions, or makes use of any other kind of physical force as a means of disciplining a student, s/he may be subject to discipline up to and including discharge by this Board and possibly criminal assault charges as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

In determining whether or not a person was acting within the exceptions noted above, if appropriate, deference may be given to reasonable, good faith judgments made by District employees or agents.

The corporal punishment policy and statute shall be interpreted in a manner that is consistent with the State law and policy governing the use of seclusion and restraint.

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po5630.01

USE OF SECLUSION AND PHYSICAL RESTRAINT WITH STUDENTS

5630.01 - **USE OF SECLUSION AND PHYSICAL RESTRAINT WITH STUDENTS**

It is the policy of the Board to permit the use of seclusion and physical restraint only when a student's behavior presents a clear, present and imminent risk to the physical safety of the student or others, it is the least restrictive intervention feasible and it is performed in a manner consistent with this policy and law. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others.

All employees and "covered individuals" shall comply with State and Federal law regarding the use of seclusion and physical restraint.

"Incident" is defined as an occurrence of a covered individual or a law enforcement officer using seclusion or physical restraint on a student. It is considered one incident if immediately following the use of seclusion or physical restraint on a student, the student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others, and a covered individual or law enforcement officer resumes the use of seclusion or physical restraint.

Seclusion is defined in the law as the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving.

Individuals covered by the law include employees of a public or charter school and student teachers. The law specifically includes individuals contracted with the school to provide services, such as CESA employees and student teachers.

The "covered individuals" (school employees and contracted individuals who provide services for a public or charter school) may use seclusion with a student only if all of the following apply:

A. The student's behavior presents a clear, present, and immediate risk to the physical safety of the student or others, and it is the least restrictive intervention feasible.

B. The duration of the seclusion is only as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.

C. A covered individual maintains constant supervision of the student.

D. The seclusion room or area is free of objects or fixtures that may injure the student.

E. The student has adequate access to bathroom facilities, drinking water, necessary medication, and meals.

F. No door connecting the seclusion room or area to other rooms or areas is capable of being locked or has a lock on it.

Physical restraint is defined as a restriction that immobilizes or reduces the ability of a student to freely move his/her torso, arms, legs, or head. The "covered individuals" may only use physical restraint on or with a student only if all of the following apply:

A. The student's behavior presents a clear, present, and immediate risk to the physical safety of the student or others and it is the least restrictive intervention feasible.

B. The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the risk.

C. There are no medical contraindications to the use of physical restraint.

D. None of the following maneuvers or techniques are used:

1. those that do not give adequate attention and care to protecting the student's head

2. those that cause chest compression

3. those that place pressure or weight on the student's neck or throat

4. those that constitute corporal punishment as defined in 118.31(1), Wis. Stats.

5. those that place the student in a prone position

Mechanical or chemical restraint cannot be used on the student. The following does not constitute the use of mechanical restraint:

A. the use of supportive equipment to properly align a student's body, assist a student to maintain balance, or assist a student's mobility, under the direction and oversight of appropriate medical or therapeutic staff;

B. the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Actions that are specifically excluded from the definitions of seclusion and physical restraint above include: 1) if a student is not confined to an area from which s/he is physically prevented from leaving; 2) directing a disruptive student to temporarily separate himself/herself from the general activity in the classroom to allow the student to regain control or for the teacher to maintain or regain classroom order; 3) directing a student to temporarily remain in the classroom to complete tasks; or 4) briefly touching or holding a student's hand, arm, shoulder, or back to calm, comfort or redirect the student.

Parental Notice and Written Report Requirements

A parent is specifically defined as parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Whenever a covered individual or a law enforcement officer uses seclusion or physical restraint with or on a student, the Principal shall notify the student's parent as soon as

practicable but no later than one (1) business day after the incident. The notice shall advise the parent of the incident and of the availability of the written report.

Written notification to the parent and documentation to the student official school record shall include the following:

A. the name of the student;

B. name of the staff member(s), any law enforcement officers present for and/or administering the seclusion or physical restraint;

C. date of the seclusion or physical restraint and the time that the seclusion or physical restraint began and ended;

D. location of the seclusion or physical restraint;

E. narrative that describes antecedents, triggers, problem behavior(s), rationale for application of the restraint and the efforts made to de-escalate the situation and alternatives to seclusion or physical restraint that were attempted; and

F. documentation of all parental contact and notification efforts.

The Principal shall prepare this written report, in consultation with the individuals involved, and any law enforcement officials present during the incident, within two (2) business days of the incident. The written report shall include details of the student and

staff involved in the incident, the description of the incident and the actions of the student before, during and after the incident.

The Principal shall meet with the individuals who participated in the incident to discuss the following:

A. the events preceding, during and following the use of seclusion or physical restraint;

B. how to prevent the need for seclusion or physical restraint, including the factors that may have contributed to the escalation of behaviors;

C. alternatives to physical restraint, including de-escalation techniques and interventions and other strategies.

The written report shall be retained as a record by the school district within three (3) business days of the incident, and the report shall be sent to the student's parent by 1st class mail, by electronic transmission, or hand-delivered to the student's parent.

In addition, the Director of Pupil Services will be required to prepare and present an annual report to the Board by October 1, of the number of incidents involving seclusion or physical restraint, the total number of students involved and the number of students with disabilities involved in such incidents.

Annually, by December 1, the Board shall submit its report to the State Superintendent.

Individual Education Program (IEP) Requirements

The law requires that for students with identified disabilities under the Individuals with Disabilities in Education Act (IDEA), the second time that seclusion or physical restraint is used on a "child with a disability," within the same school year, the student's Individual Education Program (IEP) team must convene as soon as possible after the incident, but no later than ten (10) days after the incident. The IEP team shall review the student's Individualized Education Plan to ensure that it contains appropriate positive behavioral interventions and supports to address behaviors and any and all intervention and supports to assist related to that behavior that are of concern and to revise the IEP if necessary.

Mandatory Training for Staff

Staff who engage in the lawful use of physical restraint shall obtain training as to the methods of preventing the need for physical restraint, identification of dangerous behaviors that may indicate the need for physical restraint and the methods of evaluating risk of harm such that physical restraint is warranted, experience in administering and receiving various types of restraint, instruction on the effects of restraint, monitoring signs of distress during restraint, obtaining medical assistance and demonstrating proficiency in administering physical restraint.

Pursuant to State law, the Superintendent shall create and maintain a record of the training received by the employees and school staff covered by the State law governing seclusion and restraint.

Limited Training Requirement Exception

Training for staff in the use of physical restraint is required unless the situation is an emergency and a trained individual is not immediately available due to the "unforeseen nature of the emergency." However, at a minimum the school in which physical restraint is used must ensure that at least one (1) employee has been trained in its use.

Disciplinary Action for a Violation of This Policy

In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that a Board employee who intentionally, knowingly or recklessly violates this policy is subject to disciplinary action up to and including dismissal. A Board employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

Retaliation for Fully Implementing or Reporting Violations

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

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po5720

STUDENT ACTIVISM AND EXPRESSION

5720 - **STUDENT ACTIVISM AND EXPRESSION**

It is the policy of the Board to encourage students to express opinions and ideas, take stands, and support policies, publicly or privately, orally and in writing. Students may be given this opportunity for expression through established school media. Such expression should not interfere with the educational program, present a health or safety hazard, or violate Board policy. Students may advocate change of law or school regulations and pursue their advocacy through lawful means.

Students may not use obscenity, slanderous or libelous statements, or disruptive tactics, or advocate violation of the law or school policies or guidelines. (See Policy 5520 - Disorderly Conduct)

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po5730

EQUAL ACCESS FOR NONDISTRICT SPONSORED, STUDENT CLUBS AND ACTIVITIES

5730 - **EQUAL ACCESS FOR NONDISTRICT SPONSORED, STUDENT CLUBS AND ACTIVITIES**

The Board of Education will generally not permit the use of school facilities by nondistrict-sponsored student clubs and activities or District- sponsored, extra-curricular clubs and activities during instructional hours, unless the activity will not interfere with instructional time for participating students. During noninstructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

An application for permission for Nondistrict-Sponsored student clubs and activities to meet on school premises shall be made to the Principal, who shall grant permission provided that s/he determines that:

A. the activity has been initiated by students;

B. attendance at the meeting is voluntary;

C. no agent or employee of the District will promote ,or lead;

D. the meeting does not unduly disrupt the orderly conduct of instructional activities in the school;

E. nonschool persons do not direct, conduct, control, or regularly attend the activity.

A student-initiated group granted permission to meet on school premises shall be provided the same rights and access and shall be subject to the same administrative guidelines that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's race; creed; color; pregnancy; marital or parental status; religion; age; gender or gender orientation; physical, mental, emotional, or learning disability; national origin; ancestry; or social or economic status.

The Board will not permit the organization of a fraternity, sorority, or secret society. The Superintendent may exclude nonstudents from directing, controlling, or attending any such meetings of students.

A professional staff member may be assigned to attend a student initiated meeting in a custodial capacity but shall not be required to participate in the activity. No professional staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

Adults or community organizations who wish to sponsor a meeting or activity for students shall follow the procedure established in Policy 7510 – Use of District Facilities to request permission to use the District's facilities for such a meeting or activity. Adults who make such a request shall be required to provide a general description of the purpose of the meeting or activity, and participation in such a meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's race, color, creed, religion, gender, national origin, disability, or social or economic status. Furthermore, conducting such a meeting or activity during the school day may be permitted, provided it occurs during non- instructional time for any student wishing to participate.

Revised 4/13/10

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po5751

SCHOOL-AGE PARENTS AND MARRIED STATUS OF STUDENTS

5751 - **SCHOOL-AGE PARENTS AND MARRIED STATUS OF STUDENTS**

A student's marital status shall not be a basis for discrimination or other restriction in that student's educational programming. Likewise, the Board of Education supports the provision of modifications and other services to enable resident school-age parents to continue their education.

School-age parents include any person under the age of twenty-one (21) who is not a high school graduate and is a parent, expectant parent, or a person who has been pregnant within the immediately preceding 120 days.

The school may request medical verification of a pregnant student's ability to continue in all classes in her program. A school-age parent, however, may not be compelled to withdraw from his/her regular education program.

Revised 4/13/10

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po5771

SEARCH AND SEIZURE

5771 - **SEARCH AND SEIZURE**

The Board has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

School Property

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Desks and lockers are public property and school authorities may make reasonable regulations regarding their use. The District retains ownership and possessory control of student desks and lockers and the same may be searched at random by school personnel at any time. A showing of reasonable cause or suspicion is not a necessary precondition to a search under this paragraph. Students shall not have an expectation of privacy in lockers, desks, or other school property as to prevent examination by a school official. The Board directs the Principal to provide students with written notice of this policy at least annually, and that routine inspections be done at least annually of all such storage places.

The Board directs that the searches may be conducted by the

A. District Administrator,

B. building principals,

C. assistant principals,

D. School Resource Officer,

E. Dean of Students.

Student Person and Possessions

The Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion that the search will turn up evidence that the student has violated or is violating either a particular law or a particular rule of the school. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted. The extent of the search will be governed by the seriousness of the suspected infraction, the student's age and gender, the student's disciplinary history, and any other relevant circumstances or information.

The Principal may arrange for a breath test for blood-alcohol to be conducted on a student whenever they have individualized reasonable suspicion to believe the student has consumed or is under the influence of an alcoholic beverage while on school premises or while participating in a school-sponsored activity. If the result indicates a violation of school rules as described in the student handbook, the disciplinary procedure described in the student handbook will be followed. If the student refuses to take the test, the Principal will inform the student that refusal to participate implies an admission of guilt leading to disciplinary action consistent with the student handbook.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

In a situation in which a search of a student's person or possessions is appropriate, school administrators should first attempt to contact the school resource officer to conduct the search under the administrator's direction. If the school does not have a school resource officer or if the officer is not available, the administrator may proceed with the search, unless the information justifying the search suggests that the student is in possession of dangerous materials whereby the expertise of law enforcement is necessary. In such a case, the school official shall contact law enforcement and request their assistance.

Under no circumstances shall a school official ever conduct a strip search of a student.

Except as provided below (Use of Dogs), a request for the search of a student or a student's possessions will be directed to the Principal or an available Administrator. The Administrator shall attempt to obtain the freely-offered, consent, in writing if possible, of the student to the inspection; however, provided there is reasonable suspicion pursuant to the above paragraphs, the search may be conducted without such consent. Whenever possible, a search will be conducted by the Principal in the presence of the student and a staff member other than the administrator conducting the search. A search prompted by the reasonable suspicion that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and in a manner that is minimally intrusive to the student based on the reasonable suspicion justifying the search.

Parking Permit Required

Permission for a student to bring a vehicle on school property shall be conditioned upon written consent of the search of the vehicle and all containers inside the vehicle by an Administrator with reasonable suspicion to believe the search will produce

evidence of a violation of a particular law, a school rule, or a condition that endangers the safety or health of the student driver or others. If an Administrator determines a search is necessary, he or she should request consent to search the vehicle and all containers inside the vehicle. If consent is not given, an Administrator may proceed with the search. An Administrator may contact the school resource officer or law enforcement agency for assistance in conducting a search.

Use of Dogs

The Board authorizes the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

A. the presence of the dogs on school property is authorized in advance by the Superintendent, except in emergency situations, or is pursuant to a court order or warrant;

B. the dog must be handled by a law enforcement officer or certified organization specially trained to safely and competently work with the dog;

C. the dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.

The Principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent may request the assistance of a law enforcement agency in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Superintendent, the search shall be conducted by the law enforcement officers at the direction of a District official. Law enforcement searches conducted independently of any District official request or direction shall be conducted based on standard applicable to law enforcement.

Anything found in the course of a search pursuant to this policy which constitutes evidence of a violation of a particular law or school rule or which endangers the safety or health of any person shall be seized and properly cataloged for use as evidence if appropriate. Seized items shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items that may not lawfully be possessed by the owner shall be turned over to law enforcement.

The Superintendent shall provide students and staff with written notice of this policy and guidelines at least annually.

Revised 8/12/14
Revised 10/24/23

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po5772

WEAPONS

5772 - **WEAPONS**

The Board prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle, to the extent permitted by law.

The term 'weapon' means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms (including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives (subject to the exceptions below), razors with unguarded blades, clubs, electric weapons (as defined in 941.295(1c)(a), Wis. Stats.), metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

The Superintendent will refer any student who violates this policy to the student's parents and may also make a referral to law enforcement. The student may also be subject to disciplinary action, up to and including expulsion.

Policy exceptions include:

A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off-duty law enforcement officers, or out-of-state law enforcement officers;

B. items pre-approved by a principal, as part of a class or individual presentation under adult supervision, including, but not limited to Hunters' Education courses, if used for the purpose and in the manner approved (working firearms and live ammunition will never be approved);

Any student who has reason to believe that a person has or will violate this policy shall report to the Superintendent or the supervisor of the activity immediately. The report should include as much detail as possible concerning the person(s) involved, the weapon, the location of the person(s), and how this information was obtained.

No student is to confront the person possessing the weapon, but a staff member has the option of confronting the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

Revised 2/12/13

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po5780

STUDENT/PARENT RIGHTS

5780 - **STUDENT/PARENT RIGHTS**

The Board of Education recognizes that students possess not only the right to an education but the rights of citizenship as well.

In providing students the opportunity for an education to which they are entitled, the District shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. At the same time the Board recognizes that no student may be deprived of the basic right to equal access to the educational program and his/her constitutional right to due process and free expression and association as appropriate for the school environment.

Attendant to the rights afforded to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the guidelines and rules of the District.

The Board realizes that as students differ in age and maturity, so they differ in the ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with the guidelines and District rules.

Administrators, counselors, and teachers shall not provide a supporting affidavit for students who have petitioned the court to grant them the status of emancipated minors unless prior approval has been obtained from the Superintendent.

Parents also have rights in the school system to know about their student’s educational experience. Specific rights are listed in topic areas of these policies.

In addition, parents have the right to inspect any instructional materials used as part of the educational curriculum for their student. Instructional materials means instructional content, regardless of format, that is provided to the student, including printed

or representational materials, audio-visual materials, and materials available in electronic or digital formats (such as materials accessible through the Internet). Instructional material does not include academic tests or academic assessments.

The Superintendent shall, in consultation with parents, develop a procedure addressing the rights of parents and procedures to assure timely response to parental requests to review instructional material. The procedure shall also address reasonable notification to parents and students of their rights to review these materials. See AG 9130A and Form 9130 F3.

A student who is still a dependent for Federal tax purposes, but who has reached the age of majority may, by written request, restrict his/her parent's access to personally identifiable information from his/her student records.

When a student with a disability reaches the age of eighteen (18), with the exception of a student with a disability who has been found incompetent in this State, the District must provide any required notices to both the student and the student's parents, and all other rights accorded to the student's parents under Subchapter 5 of Chapter 115, Wis. Stats., transfer to the student.

This policy shall be applied consistent with the Family Education Rights and Privacy Act and applicable State student records law.

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po5830

STUDENT FUND-RAISING

5830 - **STUDENT FUND-RAISING**

The Board acknowledges that the solicitation of funds from students must be limited since compulsory attendance laws make the student a captive donor and may also disrupt the program of the schools.

For purposes of this policy "student fund-raising" shall include the solicitation and collection of money from students for any purpose and shall include the collection of money in exchange for tickets, papers, or any other goods or services for approved student activities.

Student-Led Fund-Raising for School-Related Organizations

The Board will permit student fund-raising by students in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools. The Board requires that fund-raisers by student clubs and organizations that involve the sale, to students, of food and/or beverage items that will be consumed on campus, the food and/or beverage items to be sold comply with the current USDA Dietary Guidelines for Americans and the Smart Snack Rules. Each student organization shall be permitted two (2) fund-raising exceptions per school year where foods and beverages that are not allowable under the Smart Snack Rules can be sold. If approved, fund-raisers that involve the sale, to students, of food items or beverages to be consumed on District property shall not compete directly with the sale of reimbursable meals. Each exempt fund-raiser cannot be longer than two (2) consecutive weeks.

Fund-raising by approved school organizations, those whose funds are managed by the District, may be permitted in school by the Principal.

Fund-raising off school grounds may be permitted by the Superintendent.

Fund-raising by students on behalf of school-related organizations whose funds are not managed by the District may be permitted on school grounds by the Superintendent. If the fund-raising activity will involve students under age nine (9), such students' parents must provide written permission for the student to participate in the fund-raising activity. Any student under nine (9) years of age, or each group containing one (1) or more students under nine (9) years of age, must be physically accompanied by a parent or a person at least sixteen (16) years of age.

All other fund-raising shall be done in accordance with Board Policy 9700.

The Superintendent shall establish administrative guidelines for the solicitation of funds which shall:

A. specify the times and places in which funds may be collected;

B. describe permitted methods of solicitation which do not place undue pressure on students;

C. limit the kind and amount of advertising for solicitation;

D. ensure proper distribution or liquidation of monies remaining in a student activity account when the organization is defunct or disbanded;

E. limit the number of fund-raising events.

The Superintendent shall distribute this policy and any administrative guidelines that implement it to each organization granted permission to solicit funds.

Revised 3/10/15

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po6108

AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS

6108 - **AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS**

The Board authorizes electronic fund transfers (EFTs), including any Automated Clearing House (ACH) transactions, for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provisions of Wisconsin's Uniform Electronic Transactions Code, Chapter 137, Subchapter II. Upon the recommendation of the Business Manager, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Business Manager, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Administrative Code that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;

B. the manual signatures of the Board President,Superintendent, Business Manager, and the employees authorized to initiate EFTs shall be contained therein;

C. a requirement that the District maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;

D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;

E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgments, or canceled warrants, shall be provided so that it may be kept in the official files of the District, which shall be maintained in a manner which facilitates easy review and validation of transactions.

All District staff shall comply with the provisions of this policy when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

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po6110

GRANT FUNDS

6110 - **GRANT FUNDS**

It is the objective of the Board to provide equal educational opportunities for all District students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance educational opportunities, the educational environment, and the physical and mental growth for each student.

The Superintendent shall review new Federal education legislation and prepare proposals for programs the Superintendent deems would be of aid to the students of this District. The Superintendent shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accord with Federal guidelines on discrimination. All Federal funds received by the District will be used in accordance with the applicable Federal regulations and guidelines. The Superintendent shall ensure that each draw of Federal monies is as close as administratively feasible to the related program expenditures.

No Federal funds received by the District shall be used (1) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; (2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; (3) to provide sex education or HIV-prevention education in schools unless the instruction is age-appropriate and includes

the health benefits of abstinence; or (4) to operate a program of contraceptive distribution in the schools.

Grant Proposal Development

A. All grant proposals must support at least one (1) District goal or priority.

B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

A. Each grant proposal shall be reviewed and approved by the Superintendent prior to submission to the funding source.

B. The Superintendent shall present the following proposals to the Board for approval: government-funded proposals, regardless of the amount.

Mandatory Disclosures

The District must promptly disclose whenever they have credible evidence of a violation of Federal criminal law potentially affecting the Federal award including, but not limited to, any fraud, embezzlement, bribery, gratuity violations, identity theft, or sexual assault and exploitation, or a violation of the Civil False Claims Act (2 C.F.R. 200.113) regarding the obligation to report credible information related to conduct prohibited by the Trafficking Victims Protection Act, 22 U.S.C. 7104c.

The disclosure must be made in writing to the Federal agency and the agency's Office of Inspector General, and to the pass-through entity, such as the Department of Public Instruction.

Whistleblower Protections

An employee of the District may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information to the appropriate agency or individual that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract or grant. See Policy 1211/Policy 3211/Policy 4211 - Whistleblower Protection and Policy 8900 - Fraud.

Grant Administration

A. The administration of grants will adhere to all applicable Federal, State, local and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as District policies and administrative guidelines.

B. The Superintendent is responsible for the efficient and effective administration of grant awards through the application of sound management practices.

C. The Superintendent is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations and objectives, and the terms and conditions of the grant award.

D. The District, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including organizational and management strategies necessary to assure proper and efficient administration of grant awards.

E. All Federal funds received by the District will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The Superintendent shall require that each draw of Federal monies be aligned with the District's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

   Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The District shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

F. The Superintendent is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.

Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local and grantor rules, regulations, and assurances as well as District policies and administrative guidelines.

The Superintendent shall provide for the following:

A. Identification of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number, the year the Federal award was issued, and name of the Federal agency or pass-through entity.

B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.

Maintaining records that sufficiently identify the amount, source, and expenditure of Federal funds for Federal awards. These records must contain information necessary to identify Federal awards, authorizations, financial obligations, unobligated balances, as well as assets, expenditures, income, and interest. All records must be supported by source documentation.

C. Effective control over and accountability for all funds, property, and other assets.

The District must adequately safeguard all assets and ensure they are used solely for authorized purposes.

Further, the District must:

1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;

2. comply with the U.S. Constitution, Federal statutes, regulations and the terms and conditions of the Federal award;

3. evaluate and monitor the District's compliance with statutes, regulations and the terms and conditions of the Federal award; and

4. take prompt action when instances of noncompliance are identified.

D. Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information the Federal awarding agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.

E. Actual expenditures or outlays must be compared with budgeted amounts for each Federal award.

F. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability including, but not limited to the following areas:

1. cash management in accordance with 2 C.F.R. 200.305

2. allowability of costs in accordance with subpart E and the terms and conditions of the Federal award

3. conflict of interest

4. procurement

5. equipment management

6. conducting technical evaluations of proposals and selecting recipients

7. compensation and fringe benefits

8. travel

G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding

agency or pass-through agency in accordance with applicable Federal policy.

H. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

Audit Requirements

A single or program-specific audit (2 C.F.R. 200.514, 2 C.F.R. 200.507) is required for any year if the District expends $1,000,000 or more in Federal awards during the District's fiscal year. When Federal awards expended are less than $1,000,000, the District may be exempt from Federal audit requirements (2 C.F.R. 200.501) for that year. However, in all instances, the District's records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the Government Accountability Office (GAO).

The District shall:

A. arrange for the audit required in accordance with 2 C.F.R. 200.509 and make sure that the audit is properly performed and submitted in accordance with 2 C.F.R. 200.512;

B. prepare financial statements including the schedule of expenditures of Federal awards in accordance with 2 C.F.R. 200.510;

C. promptly follow up and take corrective action on audit findings, including preparing a summary schedule of prior audit findings and a corrective action plan (2 C.F.R. 200.511); and

D. provide the auditor access to personnel, accounts, books, records, supporting documentation, and any other information needed for the auditor to perform the audit.

Certifications and Records Retention

Financial reports must include a certification, signed by an official who is authorized to legally bind the District. The certification should state:

> "I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to, violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812"

Each certification must be maintained pursuant to the requirements of 2 C.F.R. 200.334. The District shall retain all Federal award records for three (3) years from the date of submission of the final financial report or longer if required by the Board-adopted retention schedule.

Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as

otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and similar revenues raised by a recipient are not program income. Proceeds from the sale of real property, equipment or supplies are not program income. Finally, license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under the Federal award subject to 37 C.F.R. Part 401 are not program income.

Unless the District has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal agency or pass-through entity.

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po6111

INTERNAL CONTROLS

6111 - **INTERNAL CONTROLS**

The Superintendent shall establish, document, and maintain effective internal controls over Federal awards that provide reasonable assurance that the District is managing all Federal awards in compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the awards. The District will have a process that provides reasonable assurance regarding the achievement of the following objectives:

A. effectiveness and efficiency of operations;

B. reliability of reporting for internal and external use; and

C. compliance with applicable laws and regulations.

These internal controls should comply with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the

terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the District's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The District shall:

A. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;

B. evaluate and monitor its compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the award;

C. take prompt action when instances of noncompliance are identified; and

D. take reasonable cybersecurity and other measures to safeguard protected information, including protected "personally identifiable information" (PII) and other types of information. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

   PII is defined at 2 C.F.R. Section 200.1 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual."

   However, the definition of PII is not attached to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

Suggested Resources:

A. "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States;

B. "Internal Control Integrated Framework" (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;

C. "Compliance Supplement" issued by the U.S. Office of Management and Budget; and

D. Internal control guidance issued by the U.S. Department of Education.

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po6112

CASH MANAGEMENT OF GRANTS

6112 - **CASH MANAGEMENT OF GRANTS**

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the Superintendent shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the Federal agency or the Department of Public Instruction (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The District shall request grant funds payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The Superintendent is authorized to submit payment requests as often as necessary when electronic fund transfers are used or at least monthly when electronic transfers are not used. See Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

A. The timing and amount of the advance payment requested must be as close as is administratively feasible to the actual disbursements by the District for direct program or project costs and the proportionate share of any allowable indirect costs.

B. The District shall make timely payments to contractors in accordance with contract provisions.

C. Whenever possible, advance payment requests by the District must be consolidated to cover anticipated cash needs for all Federal awards received by the recipient from the awarding Federal agency or Wisconsin Department of Public Instruction (DPI).

D. If available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on Federal funds before requesting additional cash payments.

E. The District shall account for the receipt, obligation, and expenditure of funds.

F. Advance payments will be deposited and maintained in insured accounts whenever possible.

G. Advance payments will be maintained in interest-bearing accounts unless the following apply:

1. The District receives less than $250,000 in Federal funding per year.

2. The best available interest-bearing account would not reasonably be expected to earn interest in excess of $500 per year on Federal cash balances.

3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

4. A foreign government or banking system prohibits or precludes interest-bearing accounts.

5. An interest-bearing account is not readily accessible (for example, due to public or political unrest in a foreign country).

H. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to $500 per year for administrative costs. Any additional interest earned on Federal funds must be returned annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either the Automated Clearing House (ACH) network or a Fedwire Funds Service payment.

I. All interest in excess of $500 per year must be returned to PMS regardless of whether the District was paid through PMS. Instructions for returning interest can be found at https://pms.psc.gov/grant-recipients/returning-funds-interest.html.

J. All other Federal funds must be returned to the payment system of the Federal agency. Returns should follow the instructions provided by the Federal agency. All returns to PMS should follow the instructions provided at https://pms.psc.gov/grant-recipients/returning-funds-interest.html.

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po6114

SPENDING FEDERAL FUNDS

6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The Superintendent is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State, and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

Cost Principles

A cost is reasonable if it does not exceed an amount that a prudent person would incur under the circumstances prevailing when the decision was made to incur the cost. Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

   To determine whether a cost is reasonable, consideration shall be given to:

   1. whether a cost is generally recognized as ordinary and necessary for the operation or the proper and efficient performance of the Federal award;

   2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal, and other laws and regulations;

3. market prices for comparable costs for the geographic area;

4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students or membership (if applicable), the public at large, and the Federal Government; and

5. the degree to which the cost represents a deviation from the Board's established written policies and procedures for incurring costs.

While Federal regulations do not provide specific descriptions of what satisfies the necessary element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;

2. the cost is identified in the approved budget or application;

3. there is an educational benefit associated with the cost;

4. the cost aligns with identified needs based on results and findings from a needs assessment;

5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

This standard is met if the cost:

1. is incurred specifically for the Federal award;

2. benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; or

3. is necessary to the overall operation of the District and is assignable, in part, to the Federal award in accordance with these cost principles.

B. Conform to any limitations or exclusions set forth in the cost principles 2 C.F.R. Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment or as a substantial or essential component of any system or as critical technology as part of any system. Such prohibition also applies to funds generated as program income, indirect cost recoveries, or to satisfy cost share requirements.

C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.

D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.

E. Be determined in accordance with generally accepted accounting principles.

F. Be representative of actual cost, net of all applicable credits, or offsets.

The term applicable credits refers to those transactions that offset or reduce direct or indirect costs allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; insurance refunds or rebates; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the District relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

G. Be not included as a match or cost-share requirements of any other Federally-financed program in either the current or a prior period, unless the specific Federal program authorizes Federal costs to be treated as such.

H. Be adequately documented:

1. in the case of personal services, the Superintendent shall implement a system for District personnel to account for time and efforts expended on grant-funded programs to document that only permissible personnel expenses are allocated;

2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

I. Administrative closeout costs may be incurred until the due date of the final report(s). If incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.

All other costs must be incurred during the approved budget period. At its discretion, the Federal agency is authorized to waive prior written approvals to carry forward unobligated balances to subsequent budget periods.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to incur financial obligations of the funds awarded, including any funds carried forward or other revisions pursuant to 2 C.F.R. 200.308. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

Selected Items of Cost

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

A. Capital expenditures for general-purpose equipment, buildings, and land are allowable as direct charges, but only with the prior written approval of the Federal agency or pass-through entity.

B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of $10,000 or more have the prior written approval of the Federal agency or pass-through entity.

C. Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are allowable as a direct cost but only with the prior written approval of the Federal agency, or pass-through entity.

D. All Federally-funded contracts in excess of $2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 C.F.R. 200.436 and 2 C.F.R. 200.465.

F. When approved as a direct cost by the Federal agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal agency.

G. The District may claim the unamortized portion of any equipment written off as a result of a change in capitalization levels by continuing to claim the otherwise allowable depreciation on the equipment, or by amortizing the amount to be written off over a period of years negotiated with the cognizant agency for indirect cost.

H. If the District is instructed by the Federal agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

I. Equipment and other capital expenditures are unallowable as indirect costs.

Statutory requirements may limit the allowability of costs. Any costs that exceed the maximum amount allowed by statute may not be charged to the Federal award. Only the amount allowable by statute may be charged to the Federal award.

Payments made for costs determined to be unallowable by the Federal agency, cognizant agency for indirect costs, or pass-through entity must be refunded (with interest) to the Federal Government.

Prior Written Approval

To avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, the District may seek the prior written approval of the Federal agency (or, for indirect costs, the cognizant agency for indirect costs) before incurring the cost. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that cost unless prior approval is specifically required for allowability.

Cost Compliance

The Superintendent shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

Determining Whether a Cost is Direct or Indirect

The association of costs with a Federal award (rather than the nature of the procurement transaction) determines whether costs are direct or indirect. Costs incurred for the same purpose in like circumstances must be treated consistently as direct or indirect.

A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally

funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than $10,000.

If a cost benefits two (2) or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit.

B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the Superintendent, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.

2. Individuals involved can be specifically identified with the project or activity.

3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.

4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Wisconsin Department of Instruction (DPI) or the pass-through entity (Federal funds subject to 2 CFR Part 200 pertaining to determining indirect cost allocation).

Timely Obligation of Funds

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment under a Federal award that will result in expenditures by a recipient or subrecipient under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.

B. Personal services by an employee of the District - when the services are performed.

C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.

D. Performance of work other than personal services - on the date when the District makes a binding written commitment to obtain the work.

E. Public utility services - when the District receives the services.

F. Travel - when the travel is taken.

G. Rental of property - when the District uses the property.

H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

Period of Performance

All financial obligations must occur during the period of performance. Period of performance means the time interval between the start and end date of a Federal award, which may include one (1) or more budget periods. Identification of the period of performance shall be specific to the Federal award and consistent with 2 C.F.R.

200.211 and does not commit the Federal agency to fund the award beyond the currently approved budget period. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN. Note, however, that certain Federal awards have specific requirements that restrict the use of funds beyond the initial period of performance.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the agency or the pass-through entity (e.g., Wisconsin Department of Public Instruction) to reimburse for pre-approval expenses.

If a Federal agency or pass-through entity approves an extension, or if the District extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all financial obligations incurred under the award not later than ninety (90) calendar days after the conclusion of the period of performance of the award (or an earlier date as agreed upon by the DPI and the District). Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

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po6116

TIME AND EFFORT REPORTING

6116 - **TIME AND EFFORT REPORTING**

As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation-fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

A. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and

B. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

Time and Effort Reports

Unless specifically authorized by the Department of Public Instruction (pass-through entity), including during unexpected or extraordinary circumstances, all salaries and wages charged to Federally-sponsored projects must be based on records (time and effort reports) that accurately reflect the work performed by the employee. A time and effort report is required regardless of whether such time is paid by a Federally-sponsored agreement, a private foundation, or is an unpaid contribution, i.e. cost-share match. Committed cost sharing, either voluntary or mandatory, must be included in effort reports.

Employee Compensation During Unexpected or Extraordinary Circumstances

Under unexpected or extraordinary circumstances, such as a public health emergency, the District shall continue to charge the compensation (including but not necessarily limited to salaries, wages, and fringe benefits) of its employees who are paid by a currently active Federal grant consistent with the organization's policies and procedures for paying compensation from all funding sources, Federal and non-Federal.

In the event of an extended school closure, if the District chooses to continue to pay similarly situated employees whose compensation is paid with non-Federal funds, those paid with Federal grant funds may also continue to be paid.

The Superintendent will assure that the procedures for documenting time and effort per the Federal Uniform Grant Guidance include documenting the funding source of the personnel before the circumstance and the funding source of the personnel during the extended closure. This documentation will be maintained for auditing or monitoring purposes.

Through the process of documenting time and effort under unexpected or extraordinary circumstances, the District Administrator will verify that employees who are being paid with Federal grant funds while the program grant activities are closed in

whole or in part due to the circumstance are not additionally being paid for working on other activities that are not closed down.

The procedures and requirements for charging compensation to grant funds described in this policy shall be subject to modification as necessary to provide for application consistent with Federal or State agency requirements or guidance as may be revised during any unexpected or extraordinary circumstance which justifies or necessitates a deviation from required Federal grant procedures.

The reports:

A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;

B. are incorporated into the official records of the District;

C. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;

D. encompass both Federally assisted and other activities compensated by the District on an integrated basis;

E. comply with the District's established accounting policies and practices;

F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award; a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The Payroll Office is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

Reconciliations

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

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po6144

INVESTMENT INCOME

6144 - **INVESTMENT INCOME**

The Board authorizes the Superintendent or Director of Business Services to make investments of available monies from the funds of the District on a competitive basis in:

A. time deposits in any credit union, bank, savings bank, trust company, or savings and loan association which is authorized to transact business in the State, if the time deposits mature in not more than three (3) years;

B. bonds or securities issued or guaranteed as to principal and interest by the Federal government or by a commission, board, or other instrumentality of the Federal government;

C. bonds or securities of any county, city, drainage district, technical college district, village, town, or school district in the State;

D. other securities authorized by 66.0603, Wis. Stats.;

E. the local government pooled-investment fund;

F. in federally insured financial institutions through a re-deposit agent designated by the Board, pursuant to 34.05, Wis. Stats.

The purpose of the investments is to maximize the returns on the District's cash balances consistent with safety of those monies and with the desired liquidity of the investments.

Investments in U.S. Treasury securities and those other securities completely guaranteed by the Treasury as to payment of principal and interest may be purchased in any dollar amount or up to 100% of the available reserves.

The Director of Business Services is authorized to contract with a depository for the operation of a cash management system under the following conditions:

A. the contract is in writing

B. the contract provides for the investment of funds by the depository with the written approval

C. the depository keeps all records concerning investment cash management

D. the investments are made in accordance with State law with maturities not to exceed three (3) years

E. the contract, which cannot exceed three (3) years, is awarded using the District's bidding procedure

The School Board may request, no more often than four (4) times per year, that each public depository report the amount of monies deposited by the Director of Business Services and the total value of the pool of securities pledged to secure the monies of this District held by the depository.

The Director of Business Services shall include in the monthly report to the Board all cash in all accounts on deposit as well as the investment assets of the Board.

The Board also requires the Director of Business Services to report to the Board monthly:

A. the types and amounts of each investment and the interest earned on each;

B. the transactions occurring since the last report.

Withdrawal of funds will be in accord with the law. The Director of Business Services, acting in accord with the law, may sell negotiable instruments prior to maturity.

Interest derived from an investment shall be deposited, except as otherwise provided by law, in the District's General Fund.

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T.C. 11/11/25

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po6145

BORROWING

6145 - **BORROWING**

Upon a two-thirds (2/3's) affirmative vote of the Board of Education, the Director of Business Services shall prepare the data and applications regarding the borrowing of funds needed for the immediate operation of the District. Such borrowing shall be in accordance with the provisions of 67.12(8).

Quotations shall be solicited for all short term loans which the Board has authorized. Funds shall be borrowed from the responsible organization offering the most favorable terms, as approved by the Board.

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POST-ISSUANCE TAX-EXEMPT BOND COMPLIANCE

6146 - **POST-ISSUANCE TAX-EXEMPT BOND COMPLIANCE**

The Board may from time-to-time issue bonds and other obligations. These interests are excludable from gross income for Federal income tax purposes or are excludable from interest that is paid in whole or in part by the Federal government or which bonds otherwise enjoy certain preferential treatment under the Internal Revenue Code of 1986, as amended, (the "code") or regulations developed implementing the Code (the "regulations"). Such obligations may include tax-exempt obligations and/or obligations eligible for tax credits (direct subsidies to the School District or tax credits to bond owners). All such tax-exempt obligations or tax-advantaged obligations are referred to herein as "Obligations," whether in the form of general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, lease-purchase obligations, installment-purchase obligations, or otherwise.

This policy documents practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continues to be eligible to be excluded from gross income for Federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The Federal tax law requirements applicable to each issue of Obligations will be detailed in the non-arbitrage or tax compliance certificate prepared by bond counsel (the "Tax Certificate") and signed by officials of the District and the post-closing compliance checklist provided by bond counsel with respect to such issue. This policy establishes a permanent, ongoing structure of practices and procedures that will facilitate compliance with the Code, Treasury Regulations and SEC Rule 15c2-12 (the "Rule").

The Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an ongoing process, necessary during the entire term of the

Obligations, and is an integral component of the District's debt management. Accordingly, the analysis of those facts and implementation of this Policy will require ongoing monitoring and consultation with an attorney experienced in legal work relating to the issuance of tax-exempt obligations or tax-advantaged obligations ("Bond Counsel") and the District's accountants.

This policy doesn't address any post-issuance compliance requirements under State law. Nor is this policy a substitute, or a replacement, for any Tax Certificate or a post-issuance compliance checklist relating to specific Obligations. The District is responsible for compliance with any such Tax Certificate or post-issuance compliance checklist.

This policy may be modified, expanded, abridged, or otherwise amended only by the Board upon consultation with the District's attorney and Bond Counsel, but without any notice to or consent from any trustee, bondholder, or any other person.

The general purpose of the policies set forth herein is to ensure compliance with post-issuance Federal tax requirements generally falling into the following two (2) categories:

A. Qualified Use of Proceeds and Financed Property

Qualified use requirements generally require monitoring of the various direct and indirect uses of bond-financed property over the life of the bonds and calculations of the percentage of nonqualified uses.

B. Arbitrage Yield and Rebate

Arbitrage requirements also require monitoring over the life of the bonds to determine whether the yield on investments acquired with bond proceeds are properly restricted and the District must file Form 8038-T to pay a yield reduction payment and/or rebate payment.

Responsible Official

The Board designates the Business Manager as the Bond Compliance Officer with primary responsibility in post-issuance compliance. The compliance officer is authorized to obtain the assistance of the following in carrying out necessary functions under this policy:

A. Bond Counsel – the District's legal counsel that assists in the bond issuance

B. External Financial Advisors – the District's accounting firm or other financial advisor

C. Bond Paying Agent/Trustee

D. Rebate Analyst

All personnel that are responsible for ensuring post-issuance compliance with the tax rules must receive training or educational resources, as determined appropriate by the Bond Compliance Officer.

Post-Issuance Duties

The Bond Compliance Officer will engage in a detailed review of post-issuance tax compliance with the tax rules to identify instances of noncompliance and prevent violations from occurring, or timely correct identified violations, if possible. When failures to comply with post-issuance compliance requirements are identified, the Bond

Compliance Officer will promptly consult with bond counsel to determine if remedial action is available or if some other action is required.

Private Use

Bond-financed projects are subject to rules and limitations on private use. Private use includes non-governmental activity through leases, management agreements, research agreements, and other types of activity in which a non-governmental entity obtains a benefit or interest in the bond-financed project beyond that normally provided to the public. In the event such special usage is contemplated, the Bond Compliance Officer must assure compliance with applicable tax regulations.

Use of Bond Proceeds

The Bond Compliance Officer shall assure that bond funds are used for the purpose for which the bond issue is authorized and that any project with a combination of authorized expenses from bond proceeds and other funds results in expenses paid for with bond proceeds that are clearly identified and properly recorded.

The Bond Compliance Officer must assure that investment activities are conducted at fair market value and may employ bidding procedures to establish a safe harbor. The Bond Compliance Officer shall be aware of any yield restrictions on any bond issue and monitor such. In the event that reimbursement is required, the Bond Compliance Officer shall work with the District's advisors to complete and record those transactions and to assure proper filings with the IRS.

Recordkeeping Requirements

The Bond Compliance Officer is responsible for the maintenance of records relating to the bond financings and for the transfer of all such records to their successor. In the event that different persons are responsible for different aspects of compliance with the tax rules (for example, the investment of bond proceeds and expenditure of bond proceeds on projects), the Bond Compliance Officer will assure coordination with all involved and retention of complete records. The following records, as applicable, shall be retained:

A. audited financial statements of the School District throughout the period of the bond issue

B. appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation, or purchase of bond-financed facilities

C. all public discourse concerning the bonds, including informative materials distributed by the District, as well as other publications, such as third party studies, newspaper articles, etc.

D. paying Agent or trustee statements

E. all records regarding the management of bond funds, including investments and the gains (or losses) from such investments; and including specifically trustee statements regarding investments, investment contracts, or other such instruments

F. Board resolutions authorizing reimbursement of bond funds or earned interest, and accounting of any such disbursements

G. ledger of bond expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills, and canceled checks with respect to such expenditures)

H. records of the sale of any bond-financed facilities, including Board resolutions, sales documents, and accounting of proceeds, from such sale

I. record of any private business uses of bond-financed facilities after the issue, including leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements which provide special legal entitlements to nongovernmental persons or entities

J. arbitrage rebate reports and records of rebate and yield reduction payments, if any

K. resolutions or minutes of Board meetings at which any action was taken by the Board pertaining to the bond issue or subsequent treatment, including any formal elections under the Code or Regulations

L. copies of each Form 8038-T and Form 8038-R filed with the IRS and any other forms or documents filed with the IRS, and

M. any other documents or Board minutes regarding the Bond issue, financing, facilities, investments, reimbursements, governmental review reports, etc.

Records of appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation, or purchase of bond-financed facilities, as applicable, shall be retained.

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DEBT MANAGEMENT

6147 - **DEBT MANAGEMENT**

Statement of Purpose

The purpose of the Debt Management Policy is to establish and maintain well defined debt management guidelines for issuing new debt as well as managing outstanding debt to sustain a strong debt management program.

Scope

The Debt Management Policy applies to all debt instruments issued by the District regardless of the purpose for which issued or the funding source for repayment.

Objective

The primary objective is to ensure prudent debt management practices which:

A. maintain financial stability;

B. preserve public trust;

C. minimize or stabilize costs to taxpayers;

D. preserve access to financial markets;

E. demonstrate adequate administrative oversight of debt program to credit rating agencies.

Types of Authorized Debt

The Constitution and laws of the State of Wisconsin limit the power of the District to issue obligations and to contract indebtedness. The District may not borrow money or issue notes or bonds therefore for any purpose except those specified by statute and may only incur indebtedness as prescribed by law.

Bond or Note Anticipation Notes

In anticipation of issuing general obligation bonds or notes, the District is authorized to borrow money using bond or note anticipation notes. The bond or note anticipation notes shall in no event be general obligations of the District, and do not constitute an indebtedness of the District, nor a charge against its general credit or taxing power. The bond or note anticipation notes are payable only from (a) proceeds of the bond or note anticipation notes set aside for payment of interest on the bond or note anticipation notes as they become due, and, (b) proceeds to be derived from the issuance and sale of general obligation bonds or notes which proceeds are pledged for the payment of the principal of and interest on the bond or note anticipation notes. The maximum term of any bond or note anticipation notes (including any refunding) is five (5) years.

General Obligation Bonds

The principal amount of every sum borrowed by the District and secured by an issue of bonds may be payable at one time in a single payment or at several times in two (2) or

more installments; however, no installment may be made payable later than the termination of twenty (20) years immediately following the date of the bonds. The Board is required to levy a direct, annual, irrepealable tax sufficient in amount to pay the interest on such bonds as it falls due and also to pay and discharge the principal thereof at maturity. Bonds issued by the District to refinance or refund outstanding notes or bonds issued by the District may be payable no later than twenty (20) years following the original date of such notes or bonds.

Refunding Bonds

In addition to being authorized to issue bonds, the District is authorized to borrow money using refunding bonds for refunding existing debt. To evidence such indebtedness, the District must issue to the lender its refunding bonds (with interest) payable within a period not exceeding twenty (20) years following the initial date of the debt to be refunded. Such refunding bonds constitute a general obligation of the District. Refunding bonds are not subject to a referendum.

Promissory Notes

In addition to being authorized to issue bonds, the District is authorized to borrow money using notes for any public purpose. To evidence such indebtedness, the District must issue to the lender its promissory notes (with interest) payable within a period not exceeding ten (10) years following the date of said notes. Such notes constitute a general obligation of the District. Notes may be issued to refinance or refund outstanding notes. However, such notes may be payable not later than twenty (20) years following the original date of such outstanding notes.

Temporary Borrowing

The Board may, on its own motion, borrow money in such sums as may be needed to meet the immediate expenses of maintaining the schools in the District during the then-current school year. No such loan or loans shall be made to extend beyond November

1 of the following year or in any amount exceeding one-half (1/2) of the estimated receipts for the operation and maintenance of the District for the current school year in which the loan is made.

Debt Limit

The District has the power to contract indebtedness for purposes specified by statute.

Procedures for Borrowing

Whenever the Board engages in borrowing outside of borrowing authorized by referendum approved on the Board's initiative, the Board shall determine the method it will use for borrowing, including short-term borrowing, establishing a line of credit, or other forms of borrowing. The Board designates the Business Manager to prepare all necessary instruments and resolutions for Board approval. All procedures and required Board action shall be consistent with applicable legal authority for borrowing, including solicitations of bids from potential lenders. Such borrowing shall be in accordance with the provisions of 67.12(8) and require a two-thirds (2/3's) affirmative vote of the entire membership of the Board.

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TUITION INCOME

6150 - **TUITION INCOME**

The Board shall assess tuition for attendance in District schools by students who are not entitled to receive a free, public education in this District and whose enrollment has been approved by the Board.

Tuition charges must be based on a statutory formula or other methods approved by DPI. Rates will be available before the beginning of the school year or before the student's attendance commences.

The Director of Business Services shall be responsible for the assessment and collection of tuition. Tuition billing may be assessed daily in advance of the period for which the billing is made.

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STUDENT FEES, FINES, AND CHARGES

6152 - **STUDENT FEES, FINES, AND CHARGES**

The Board may levy certain charges to students to facilitate the utilization of adequate, appropriate learning materials used in the course of instruction. If the District determines that a student is in serious financial need, it may choose to provide any or all such materials free of charge. No student shall be denied any educational opportunity because of his/her inability to pay any fee or charge imposed. (See also Policy 6152. 01 - Waiver of School Fees or Fines; and DPI guidance (HTTP://www.dpi.wi.gov/sfs/finances/budgeting/school-fees) regarding school fees.)

Materials Charge

A charge shall not exceed the combined cost of the material used, freight and/or handling charges, and nominal add-on for loss. Money received from the resale of such material shall be returned to the school office with an accurate accounting of all transactions.

Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries is subject to appropriate fines.

Collection of Fees and Fines

Any fees (including trip fees) or fines collected by members of the staff should be handled pursuant to Policy 6630 - Cash Handling and Deposits.

The Superintendent may waive fines or fees upon request, consistent with Policy 6152.01 - Waiver of School Fees or Fines. In the event the above course of action does not result in the fee or fine being collected, the Board authorizes the Director of Business Services to take the student and/or the student's parents to Small Claims Court for collection. The District shall not permit or elicit the assistance of volunteers in efforts to collect unpaid student fees or expenses, including food service balances.

Student/Parent Rights

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

Students Experiencing Homelessness - McKinney-Vento Act

No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, attend school, achieve academic success, or be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding, the waiver of fines or fees for a student experiencing homelessness shall be extended to extra-curricular and co-curricular activities in addition to academic programming.

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WAIVER OF SCHOOL FEES OR FINES

6152.01 - **WAIVER OF SCHOOL FEES OR FINES**

The Board shall waive fees or fines assessed only for students whose parent(s) are unable to afford them and such fees and fines are barriers to the educational program. The Superintendent may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding requests for the waiver of fees.

Eligibility Standards

Subject to completion of required forms or direct certification through the Wisconsin Division of Children and Families database, students eligible for a waiver of school fees or fines include, but are not limited to, the following:

A. Students who qualify for free lunches or breakfasts under the School Free Lunch Program Act and after submission and approval of the income-based application or direct certification through the Division of Children and Families State database.

B. Students who are experiencing homelessness pursuant to Policy 5111.01 - Homeless Students.

C. Students who are eligible to receive reduced price lunch or breakfast.

D. Students whose families have suffered very significant losses of income due to severe illness or injury in the family or unusual expenses including, but not

limited to, fire, flood, or storm damage.

E. Other good and just reasons, as determined by the Superintendent.

Notification to Parents

A. Annually the substance of this policy shall be communicated in writing to the parent(s) of all students in the District.

B. The first bill or notice sent to parent(s) who owe fees shall state:

1. The District will waive fees or fines for persons unable to afford them in accordance with this policy.

2. The procedure for applying for a waiver, and the name, address, and telephone number of the person to contact for information concerning a fee waiver.

Procedures for Resolution of Disputes

A. An individual who cannot pay school fees or fines may write a letter requesting a waiver of fees to the Superintendent. The letter must contain the following:

1. name(s) of student(s)

2. name of parent(s)

3. address of parent(s)

4. phone number of parent(s)

5. school where child(ren) attend(s)

6. reason for request for waiver of fees

The Superintendent shall have the authority to review the waiver request and request such further information, if any, as deemed necessary in order to make a decision on that request.

B. No fee or fine shall be collected from any individual who is seeking a fee waiver in accordance with the District's policy until the District has acted on the initial request or appeal (if any is made), and the individual has been notified of the decision.

C. If the Superintendent denies a request for a waiver, then within fifteen (15) school days of receipt of the request, a copy of the decision shall be mailed or provided in an appropriate method for those without a fixed residence or experiencing homelessness.

The decision shall state the reason for the denial and shall include the right to appeal, including the process and timelines for that action. The denial notice shall also include a statement indicating that reapplication may be made for a waiver any time during the school year if circumstances change.

D. Students experiencing homelessness shall be immediately enrolled, scheduled for transportation, or otherwise registered for school programming regardless of outstanding fines or fees. The waiver review process shall be reviewed accordingly. If the imposition of a fine or fee is not a barrier to educational program access, the student may be assessed the fine or fee.

E. The decision of the Superintendent is final.

Nondiscrimination

The Board expects all staff members to exercise the utmost care to see that, as a result of their actions or comments, students cannot differentiate between those students whose parents are unable to purchase required instructional materials and pay required fees and/or fines, and those whose parents can.

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FISCAL PLANNING

6210 - **FISCAL PLANNING**

The Board of Education shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the School District and to plan for the financial needs of the educational program. The Board will strive toward maintaining both short and long-range projections of District financial requirements.

Accordingly, the Board directs the Director of Business Services to:

A. include cost estimates in all ongoing financial requirements;

B. prepare a long-range year-by-year plan for the maintenance and replacement of facilities and equipment;

C. maintain a plan of anticipated local, State, and Federal revenues;

D. report to the Board any serious financial implications that emerge from the District's ongoing fiscal planning.

In addition, the Board directs the Director of Business Services to maintain annually a detailed two (2) year forecast of estimated expenditures and revenues.

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po6220

BUDGET PREPARATION

6220 - **BUDGET PREPARATION**

The District's operation and educational plan is reflected in its budgets. Each year, the Board will review and approve the District budget which will be prepared in accordance with applicable law and regulations.

Each budget shall be designed to carry out District goals and operations in a thorough and efficient manner, maintain District facilities properly, and honor the continuing obligations of the Board.

The Board shall ensure that adequate funds are reserved for the General Fund in accordance with Policy 6235 - Fund Balance.

A proposed budget requires the critical analysis of every member of the Board prior to approval; once adopted, the budget deserves the support of all members of the Board regardless of their position before its adoption.

The Board directs the Director of Business Services to present the budgets to the Board along with all available information associated with each budget in sufficient time to allow for proper analysis and discussion prior to the hearing.

When presented to the Board for review and/or adoption, the information shall be presented as prescribed by State law, and in the format provided by the Wisconsin Department of Public Instruction.

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BUDGET HEARING

6230 - **BUDGET HEARING**

The annual budget adopted by the Board represents the Board's position on the allocation of resources required to operate an appropriate system of education. All reasonable means shall be employed by the Board to present and explain that position to all interested parties. A public budget hearing will be conducted prior to adoption of the final budget at which time a full itemized report of the District's finances shall be presented.

The report will include the budget summary required under 65.90, Wis. Stats.

Each member of the Board and each administrator in the District shall be sufficiently acquainted with the budget and its underlying purposes to answer questions from members of the public.

A simplified form of the budget may be prepared annually and may be sent to appropriate parties and distributed to each person attending the annual budget hearing.

A simplified budget may include the expenditure in each major category of current expense for the current year and the coming year and a summary of anticipated receipts as well as a brief explanation of significant increases and decreases from the preceding budget.

The final budget approved by the Board shall be made available to the public in the form and places as required by law.

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T.C. 2/17/25

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po6231

BUDGET IMPLEMENTATION

6231 - **BUDGET IMPLEMENTATION**

The Board places the responsibility of administering the budget, once adopted, with the Superintendent.

The Superintendent is authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the Board-approved budget, limitations stated in Board policies, and within legal authority expressed in State statutes.

Listings of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board to keep members informed as to the status of the budget and overall financial condition of the District. Once each month, the Board minutes shall include a statement of the receipts and expenditures in the aggregate and beginning and ending balances.

If, during the fiscal year, it appears to the Superintendent that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the fund were based, the Superintendent shall present to the Board recommended amendments to the budget that will prevent unplanned expenditures from Fund Balance. The Superintendent shall make recommendations in accordance with requirements of the law and provisions of negotiated agreements. Such budget amendments must be approved by a two-thirds (2/3's) affirmative vote of the entire membership of the Board.

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Revised 3/11/25

T.C. 11/11/25

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po6235

FUND BALANCE

6235 - **FUND BALANCE**

The Board places the responsibility of administering the budget, once adopted, with the Superintendent. The Superintendent shall monitor the Fund 10 fund balance and shall report the balance to the Board at the end of each budget year. The Fund 10 fund balance shall be maintained at a level sufficient to:

A. minimize or avoid short-term borrowing for cash flow purposes;

B. cover unforeseen expenditure needs or unrealized revenue sources; and

C. demonstrate financial stability to preserve or enhance the District's bond rating, thereby lowering debt issuance costs.

The Board will reserve adequate funds to maintain a secure financial position. The use of Fund Balance for recurring costs is discouraged.

The Fund 10 fund balance shall not fall below twenty percent (20%) of the preceding year's Fund 10 expenditures.

Budget preparation and management shall adhere to this fund balance expectation. (See Policy 6220 - Budget Preparation and Policy 6231 - Budget Implementation.)

Fund balances will be reported in the categories established by the Government Accounting Standards Board Statement 54 (GASB 54) and in consultation with District auditors and Business Manager. The Board will impose constraints on any funds placed in the committed and assigned classifications through consultation with the District's auditor and Business Manager. The applicable categories for fund balance designations are:

A. **Nonspendable Fund Balance** - amounts that cannot be spent because they are either (a) not in a spendable form (which includes items that are not expected to be converted to cash – e.g., inventories or prepaid amounts) or (b) legally or contractually required to be maintained intact (e.g., the corpus of an endowment fund).

B. **Restricted Fund Balance** - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.

C. **Committed Fund Balance** - amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint.

D. **Assigned Fund Balance** - amounts the Board *intends* to use for a specific purpose but are neither restricted nor committed; intent can be expressed by the Board or by an official or committee to which the Board delegates the authority.

E. **Unassigned Fund Balance** - amounts that are available for any purpose; these amounts are reported only in the general fund.

If during the fiscal year, it appears to the Superintendent that the fund balance will be less than estimated, the Superintendent will bring forward for Board consideration recommendations that will protect the fund balances. Such recommendations shall be in accordance with the requirements of the law.

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po6320

PURCHASING

6320 - **PURCHASING**

Procurement of all supplies, materials, equipment, and services paid for from District funds shall be made in accordance with all applicable Federal and State statutes, Board policies, and administrative guidelines. Standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts are established in Policy 1130/Policy 3230/Policy 4230 – Ethics and Conflict of Interest.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgment.

It is the policy of the Board that the Superintendent seek at least three (3) price quotations on purchases of more than $30,000 for a single item, except in cases of a single vendor, emergency, or when the materials purchased are of such a nature that price negotiations would not result in a savings to the District.

Competitive Bids

Purchase of and contract for projects will be subject to a competitive bid process as and when required by law. The Board reserves the right to reject any and all bids.

When the purchase of, and contract for, single items of supplies, materials, equipment, or services is reasonably anticipated to reach the amount of $100,000 or more, the

Business Office shall obtain competitive bids.

Purchasing Items with Federal Grant Funds (See also Policy 6325 - Procurement - Federal Grants/Funds)

When purchasing items with Federal funds, a District shall:

A. give consideration to whether separating or combining purchases will provide for a more cost-effective approach to avoid acquisition of unnecessary or duplicative items;

B. where appropriate, conduct an analysis of lease versus purchase options and the most economical and beneficial method shall be pursued;

C. conduct an evaluation of the availability and feasibility of entering into inter-governmental agreements to procure the goods or services required on a shared basis;

D. in the case of a time and material contract, make a determination that no other arrangement is suitable and that the contract places a ceiling price that protects the District.

The Board reserves the right to reject any and all bids.

The Board shall be informed of the terms and conditions of all competitive bids and shall award contracts as a consequence of such bids.

General Provisions

The Superintendent is authorized to purchase all items within budget allocations.

The Board should be advised, for prior approval, of all purchases of equipment, materials, and services when the purchase exceeds the line item by the $30,000.

The Superintendent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the schools in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped shall be made a part of the quotation specifications.

Before the Director of Business Services places a purchase order, the Director of Business Services_ shall check whether: (a) the proposed purchase is subject to bid; (b) sufficient funds exist in the budget; and (c)whether the goods or services might be available elsewhere in the District.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

A. items commonly used in the various schools or units thereof, be standardized whenever consistency with educational goals can be maintained;

B. opportunity be provided to as many responsible suppliers as possible to do business with the School District;

C. a prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters;

D. where the requisitioner has recommended a supplier, the Director of Business Services may suggest alternatives to the requisitioner if, in the _Director of Business Services's judgment, better service, delivery, economy, or utility can be achieved by using a different supplier;

E. upon the placement of a purchase order, the Director of Business Services shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations.

The Superintendent shall determine the maximum expenditure allowed without a properly signed purchase order.

Employees may be held personally responsible for anything purchased without a properly signed purchase order or authorization.

The Board may acquire office equipment by lease, installment payments, lease purchase agreements, or by lease with an option to purchase, provided the contract sets forth the specific terms, including price, of such a purchase.

Debarred Contractors Excluded

The District shall not award any contract, agreement or subcontract for goods or services to any party that has been suspended or debarred from receiving contracts or

subcontracts by the Federal Acquisition Regulations (FAR).

For any contract or subcontract with a value in excess of $25,000, the District shall verify that the contractor or subcontractor and any principle is not listed on the General Services Administration's list of debarred or suspended contractors in the Excluded Parties Listing System (EPLS) and that, if at any time during performance of the services or delivery of goods in the applicable contract, said contractor or subcontractor should be identified as a suspended or debarred entity by the General Services Administration, the contractor or subcontractor shall immediately notify the District of that fact, which shall serve as sufficient grounds to terminate the contract as the District determines is appropriate.

Revised 4/8/14
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Revised 8/13/24

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po6325

PROCUREMENT - FEDERAL GRANTS/FUNDS

6325 - **PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds including any District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board policies, and administrative procedures.

The Superintendent shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small businesses, minority business, women's business enterprises, veteran-owned businesses, and labor surplus area firms, for the administration and management of Federal grants and Federally-funded programs. The District shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing policy and administrative guidelines (Policy 6320 - Purchasing and AG 6320A - Purchasing).

When required by Federal program legislation, all Federally-funded contracts in excess of $2,000 related to construction, alteration, repairs, painting, decorating, etc., must comply with Davis-Bacon prevailing wage requirements.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130 – Ethics and Conflict of Interest, Policy 3230 – Ethics and Conflict of Interest, and Policy 4230 – Ethics and Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. When appropriate, an analysis shall be made between leasing and purchasing property or equipment to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements, where appropriate, for procurement or use of common or shared goods and services.

Competition

All procurement transactions under the Federal award paid for from Federal funds or District matching funds shall be conducted in a manner that provides full and open competition and that is in accordance with 2 C.F.R. Part 200, good administrative practice, and sound business judgment. To ensure objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids, from competition for such procurements.

Examples of situations that may restrict competition include, but are not limited to:

A. unreasonable requirements on firms for them to qualify to do business

B. unnecessary experience and excessive bonding requirements

C. noncompetitive pricing practices between firms or between affiliated companies

D. noncompetitive contracts to consultants that are on retainer contracts

E. organizational conflicts of interest

F. specification of only a "brand name" product instead of allowing for an "*or equal*" product to be offered and describing the performance or other relevant requirements of the procurement

G. any arbitrary action in the procurement process

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list annually.

The District shall require that all prequalified lists of persons, firms, or products that are used in procurement transactions are current and include enough qualified sources to provide maximum open competition. When establishing or amending prequalified lists, the District (or subrecipient) must consider objective factors that evaluate price and cost to maximize competition. The District shall not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the recipient or subrecipient, this subpart does not prohibit recipients or subrecipients from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. This subpart also does not prohibit recipients and subrecipients from making inquiries of

bidders about these subjects and 2 C.F.R. Revisions 2024: Unofficial Comparison Version assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable Federal statutes and regulations, and the terms and conditions of the Federal award.

Solicitation Language (Purchasing Procedures)

The District shall have written procurement procedures (in accordance with 2 C.F.R. 200.319(d)) that require that all solicitations incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the property, equipment, or service to be procured. When necessary, the description must set forth those minimum essential characteristics and standards to which the property, equipment, or service shall conform. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a "brand name or equivalent" description of features to provide procurement requirements may be used. The specific features of the named brand must be clearly stated and the District must identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

Procurement Methods

The District shall have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

A. **Informal Procurement Methods**

Informal procurement methods for small purchases expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under a Federal award does not exceed the simplified acquisition threshold, or a lower threshold established by the State. The informal procurement methods include:

1. **Micro-Purchases**

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed $_10,000. To the extent practicable, the District should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the Superintendent considers the price to be reasonable based on research, experience, purchase history or other relevant information and maintains documents to support its conclusion. The District shall maintain evidence of this reasonableness in the records of all purchases made by this method.

An eligible District may self-certify a threshold of up to $50,000 on an annual basis and must maintain documentation to be made available to the Federal agency or pass-through entity and auditors in accordance with 2 C.F.R. 200.334. The self-certification, in accordance with 2 C.F.R. 200.334, must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

a. a qualification as a low-risk auditee in accordance with the criteria in 2 C.F.R. 200.520;

b. an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or

c. for public institutions, a higher threshold is consistent with State law.

2. **Small Purchases**

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of $250,000. Small purchase procedures require that price or rate quotations shall be obtained from 3 qualified sources.

Districts are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations ("FAR"). When applicable, a lower simplified acquisition threshold used by the District must be authorized or not prohibited under State, local, or tribal laws or regulations.

B. **Formal Procurement Methods**

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

1. **Sealed Bids**

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than $250,000 and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility, the cost of which will exceed $50,000.

In order for sealed bidding to be feasible, the following conditions shall be present:

a. a complete, adequate, and realistic specification or purchase description is available;

b. two (2) or more responsible bidders have been identified as willing and able to compete effectively for the business; and

c. the procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally based on price.

When sealed bids are used, the following requirements apply:

a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from 3 qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.

b. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.

c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.

d. A firm fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts must only be used to determine the low bid when the District determines they are a valid factor based on prior experience.

e. The Board reserves the right to reject any or all bids but must document and provide a justification for all bids it rejects.

2. **Proposals**

Procurement by proposals is a method in which either a fixed-price or cost-reimbursement contract is awarded. This method is used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method.

If this method is used, the following requirements apply:

a. Requests for proposals require public notice and must identify all evaluation factors and their relative importance. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.

b. Proposals shall be solicited from 3 sources.

c. The District must have written procedures for conducting technical evaluations and for making selections.

d. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the District considering price and other factors.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method cannot be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

3. **Noncompetitive Procurement**

Procurement by noncompetitive proposals may be used only when one (1) or

more of the following circumstances apply:

a. the aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;

b. the procurement transaction can only be fulfilled by a single source;

c. the public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;

d. the District requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or

e. after soliciting several sources, competition is determined to be inadequate.

Domestic Preference for Procurement

The District should, to the extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards, contracts, and purchase orders under the Federal award.

Procurement of Recovered Materials

The District must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6962. These requirements include:

A. procuring only items designated in the guidelines of the Environmental Protection Agency ("EPA") at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000;

B. procuring solid waste management services in a manner that maximizes energy and resource recovery; and

C. establishing an affirmative procurement program for the procurement of recovered materials identified in the EPA guidelines.

The District should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable.

This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products.

Contract/Price Analysis

The District shall perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the Simplified Acquisition Threshold (currently $250,000). The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, the District should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the District must make independent estimates before receiving bids or proposals.

A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements. The District must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the District according to cost principle requirements.

Time and Materials Contracts

The District uses a time and materials type contract only 1) after a determination that no other contract is suitable; and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time-and-materials type contract means a contract whose cost to the District is the sum of the actual costs of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Because this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

Suspension and Debarment

The District will award contracts only to responsible contractors that possess the ability to perform successfully under the terms and conditions of the proposed contract. All

purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as 1) contractor integrity; 2) public policy; 3) compliance; 4) proper classification of employees; 5) record of past performance; and 6) financial and technical resources.

The District shall not subcontract with or award subgrants to any person or company that is debarred or suspended. For contracts over $25,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors, at www.sam.gov; collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

Bid Protest

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals ("RFPs") or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the Superintendent within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the Superintendent shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed shall constitute a waiver of proceedings.

Maintenance of Procurement Records

The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Records Retention

The District must retain all Federal award records for three (3) years from the date of submission of the final financial report, or as otherwise required pursuant to the Board-adopted records retention schedule, whichever is longer. For awards that are renewed quarterly or annually, the District must retain records for three (3) years from the date of submission of the quarterly or annual financial report, respectively, or as otherwise required pursuant to the Board-adopted records retention schedule, if longer. Records to be retained include, but are not limited to, financial records, supporting documentation, and statistical records. Other records retention requirements shall be in accordance with 2 C.F.R. 200.334 and the Board-adopted records retention schedule.

The District must collect, transmit, and store Federal award information in an open file, non-licensed, and machine-readable formats. The District may substitute electronic versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system.

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LEASING SCHOOL PROPERTY

6330 - **LEASING SCHOOL PROPERTY**

The Board is authorized to lease school sites, buildings, and equipment not needed for school purposes to any person for any lawful use at a reasonable rental fee. Lease assets held by the District shall be reported to the District's auditors for proper accounting.

Such action must be approved at an annual or special School District meeting of the electorate.

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USE OF DISTRICT CREDIT CARDS

6423 - **USE OF DISTRICT CREDIT CARDS**

The Board recognizes the value of an efficient method of payment and recordkeeping for certain expenses. The Board, therefore, authorizes the use of District credit cards.

Credit cards shall not be used to circumvent the general purchasing procedures established by Board policy. The Board affirms that credit cards shall only be used in connection with Board-approved or school-related activities and that only those types of expenses that are for the benefit of the District and serve a valid and proper public purpose may be paid for by credit card. The credit card may never be used to purchase alcohol or personal items or services, nor is the personal gain of credit card rewards such as bonus points, frequent flyer miles, or any other affinity program reward permitted under any circumstances.

Inappropriate or illegal use of the credit card and/or failure to strictly comply with the limitations and requirements may result in a loss of credit card privileges, disciplinary action, up to and including termination, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution.

The Board directs the Superintendent to determine and specify those employees authorized to use District credit cards. The Superintendent shall be responsible for giving direction to and supervising such employees' use of District credit cards.

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PURCHASING CARDS

6424 - **PURCHASING CARDS**

The Board recognizes that purchasing cards offer an alternative to existing procurement processes and provide a convenient, efficient method of purchasing minor goods and services Board employees authorized by the Business Manager may use purchasing cards only for school-related purposes in accordance with this policy and any related administrative guidelines. Purchasing cards shall not be used to circumvent the general purchasing procedures required by law and Board policy.

All approved cardholders must agree to abide by purchasing card procedures and regulations set forth in this policy and related administrative guidelines. All transactions must be made by the individual to whom the card is issued. To combat potential fraud, any employee who is issued a purchasing card must review all statements received within a reasonable period of time after receipt to assure that all purchases are ones that the employee made.

Purchasing card providers shall be provided no individual cardholder information (e.g., credit records or social security numbers) other than the individual cardholder's work address.

The Business Office shall conduct independent regular reviews of each cardholder's activity to verify that the purchasing card is being used in accordance with this policy and administrative guidelines.

Cardholders must use common sense and good judgment when using school resources. This policy and related administrative guidelines cannot cover every issue,

exception, or contingency that may arise during the cardholder's use of the purchasing card.

Cardholders will immediately surrender their cards upon request of the Business Manager, for administrative reasons, and shall surrender their cards upon separation from employment.

The purchasing card may never be used for alcohol, personal items or services, nor is the personal gain of credit card rewards such as bonus points, frequent flyer miles, or any other affinity program reward permitted under any circumstances.

T.C. 7/9/24

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po6460

VENDOR RELATIONS

6460 - **VENDOR RELATIONS**

The Board shall not enter a contract knowingly with any supplier of goods or services to this District under which any Board member or officer, employee, or agent of this School District has any pecuniary or beneficial interest, direct or indirect, unless the person has not solicited the contract or participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of any textbook of which s/he is the author and which has been properly approved for use in the schools of this District.

For the purpose of this policy "beneficial interest" shall be determined in accordance with 946.13.

Board members and school personnel shall not accept any gifts or favors from vendors which might, in any way, influence their recommendations on the eventual purchase of equipment, supplies, or services.

All salespersons, regardless of product, shall receive approval from the District Office before contacting any teachers, students, or other personnel of the School District. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with the policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal.

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PAYMENT OF INVOICES

6470 - **PAYMENT OF INVOICES**

The Board directs the prompt payment of legitimate invoices by suppliers of goods and services to the School District.

Each bill or obligation of this Board must be itemized fully, and verified before payment may be issued.

When an invoice is received, the Accounts Payable Specialist shall verify that a check voucher or record of electronic payment is submitted properly, that acceptable goods were received or satisfactory services rendered, that the expenditure is included in the Board's budget and funds are available for its payment, and that the amount of the invoice is correct.

Each verified invoice is to be paid within thirty (30) days.

All payments shall be submitted for Board review in the form of a listing that includes the vendor name; the number and amount of the check; and the description of the item.

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po6510

PAYROLL AUTHORIZATION

6510 - **PAYROLL AUTHORIZATION**

The Board recognizes its obligation to pay its employees for services rendered in accordance with State and Federal laws and District commitments.

Employment of all District personnel whether by the year, term, month, week, day, or hour in contract, temporary, or substitute form must be approved by the Board except where the authority to appoint certain personnel of the District has been delegated to the Superintendent.

Each motion of the Board to employ or reemploy a staff member shall include the name of the individual, the position title, and the compensation to be paid in accordance with base wage, salary, and/or compensation guidelines.

Revised 2/12/13

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po6520

PAYROLL DEDUCTIONS

6520 - **PAYROLL DEDUCTIONS**

The Board directs the Superintendent to ensure that deductions are made from an employee's paycheck as required by law (e.g., State and Federal withholding, employment taxes, garnishments, and child support. The Board also authorizes payroll deductions for the following purposes:

A. Wisconsin Retirement System (Standard Contribution)

B. Wisconsin Retirement System (Voluntary Additional Contribution)

C. Section 125 deductions (cafeteria plans including HRAs)

D. Health Savings Account (HSA) deductions

E. Employees who request a portion of their paycheck to be withheld and deposited into an HSA are responsible for meeting and maintaining all requirements for such an account and for complying with applicable tax rules.

F. contributions to charitable corporations, not-for-profit, and community fund organizations

G. payment of group insurance premiums for a plan in which District employees participate

H. payment for benefits of part-time employees who elect to participate in benefits provided to full-time staff

Any such deduction must be expressly authorized in writing by the employee.

The Board declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) or 457 of the Internal Revenue Code, and in accordance with the District's administrative guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the Superintendent's Office in writing if they wish to participate in such a program.

Revised 3/13/12

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po6605

CROWDFUNDING

6605 - **CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extra-curricular activity.

For purposes of this policy, "crowdfunding" is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the District. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free, appropriate, public education to any students in the classroom may be permitted, but only with the specific approval of the District Administrator.

All crowdfunding activities are subject to AG 6605 and other applicable Board policies including, but not limited to, Policy 5830 - Student Fundraising.

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po6610

NONDISTRICT-SUPPORTED STUDENT ACTIVITY ACCOUNTS

6610 - **NONDISTRICT-SUPPORTED STUDENT ACTIVITY ACCOUNTS**

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

Definitions

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

A. District-sponsored student activity: All student activities recognized by the District as approved co-curricular/extra-curricular activities are designated as District-sponsored, including both District-supported and nondistrict-supported student activities. (seeSeePolicy 2430 - District-Sponsored Clubs and Activities and Policy 6611 - District-Supported/Sponsored Student Activity Accounts)

B. District-supported student activity: The District provides financial support of the student activity and exercises administrative control over dispersal of the activity's funds. (See Policy 6611 - District-Supported/Sponsored Student Activity Accounts)

C. Nondistrict-supported student activity: The District does not provide financial support of the student activity and does not exercise administrative control over dispersal of funds.

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

Nondistrict-supported Student Activities

Nondistrict-supported student activity accounts are intended to provide a custodial account for an approved student activity for which the District does not provide funds (i.e., have financial involvement) or exercise administrative control over the funds. Such nondistrict-supported student activities may not be required by any course or provide any academic credit. These student activities are established for District students and may have a District-assigned and/or a District-compensated staff advisor/coach for supervisory purposes. While these student activities may use District facilities, equipment, and materials, the funds for these activities are self-managed by the students. Assistance from parents or other volunteers is permissible (see Policy 8120 - Volunteers). Fund-raising is permissible in accordance with District policies (see Policy 5830 - Student Fund-Raising and Policy 9700 - Relations with Non-School Affiliated Groups). Equal access shall be provided in accordance with Policy 5730 - Equal Access for Nondistrict-Sponsored Student Clubs and Activities. A District staff member may serve as an advisor/coach, but decisions regarding money must be made by the students, as long as such expenditures do not violate District policies (e.g., purchase of illegal items, purchase of nonconforming technology, purchase from a non-approved vendor). As a fiduciary in accordance with GASB 84, the District maintains custodial accounts for the student activity, but does not determine or approve how account monies are used since financial decisions are made by the students without administrative control or endorsement from District staff.

Criteria for Nondistrict-Supported Student Activity Accounts

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

A. The student activity account has been approved in accordance with this policy.

B. The activity's students or student officers make all decisions regarding revenues, budgeting, and expenditures.

C. Any request to expend money from the account must be endorsed in writing by the activity's President and Treasurer.

D. The activity's advisor/coach is NOT permitted to make decisions regarding money, nor may the advisor/coach initiate or endorse any expenditure request.

E. The student activity account is not under the District's control, nor subject to District oversight.

General Provisions

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

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

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

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

Discontinued Student Activities

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

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

Revised 8/11/09

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po6611

DISTRICT-SUPPORTED/SPONSORED STUDENT ACTIVITY ACCOUNTS

6611 - **DISTRICT-SUPPORTED/SPONSORED STUDENT ACTIVITY ACCOUNTS**

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

District-supported clubs, activities, and athletics are supported, at least in part, with District funds and are therefore subject to District oversight and management. In addition, any club, activity, or athletic team that does not directly receive designated District funds but is required for a course or provides academic credit is also considered District-supported and is subject to District oversight and management. Typically, District-supported student co-curricular activities have designated activity funds established either in Fund 10 or Fund 21 in accordance with GASB 84, DPI regulations, and auditor recommendations. Financial support includes, but is not limited to, budgeted funds allocated by the District or school, an advisor/coach paid for by the District or school who exercises control over the activity's fund, some activities offered to students paid for by the District or school, and transportation paid for by the District or school. Also, financial support includes indirect financial assistance as part of the District's educational program when student participation is required by a course or academic credit is awarded for participation in the activity.

Definitions

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

A. **District-sponsored student activity:** All student activities recognized by the District as approved co-curricular/extra-curricular activities are designated as District-sponsored, including both District-supported and District-supported student activities. (see Policy 2430 - District-Sponsored Clubs and Activities.)

B. **District-supported student activity:** The District provides financial support of the student activity and exercises administrative control over the dispersal of the activity's funds.

C. **Nondistrict-supported student activity:** The District does not provide financial support of the student activity and does not exercise administrative control over the dispersal of funds.

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

All activities described in this policy are sponsored by the District and are authorized to use the District name, logo, mascot, or any other name which would associate an activity with the District provided such use is consistent with other applicable District policy.

All monies accumulated in the account of a specific class or activity will be disposed of in accordance with the procedures set forth in the administrative guidelines established by the District Administrator.

Following graduation, the unexpended activity accounts of the Senior Class will be transferred to the Freshman Class.

After one (1) year of inactivity, the unexpended activity accounts of discontinued student organizations shall, on the recommendation of the principal and the approval of the District Administrator, be transferred to the General Fund.

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po6620

PETTY CASH

6620 - **PETTY CASH**

The Board recognizes the convenience afforded the day-by-day operation of the schools by the establishment of one (1) or more petty cash funds. The District Administrator shall be responsible for the implementation and maintenance of such controls and procedures to prevent abuse of petty cash funds.

No petty cash fund may be used to circumvent the purchasing procedures required by law and the policies of this Board. No petty cash fund shall exceed $100 unless approved by the Board.

All petty cash funds will be closed out for audit at the end of the school year, and unused funds will be returned to the General Fund.

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po6630

CASH HANDLING AND DEPOSITS

6630 - **CASH HANDLING AND DEPOSITS**

The Board requires that cash be handled in accordance with generally accepted accounting practices and specific recommendations provided by the District's independent auditor. Receipts and records of all cash transactions must be maintained for accounting and auditing.

Specifically, it is prohibited to leave cash in an unsecured location overnight. All collected money shall be submitted to the school office no later than the end of the day on which the money was collected, and the money shall be secured in a designated location or night depository. If there is not access to the school office and its designated secure location or night depository, then the money shall be secured overnight in accordance with the procedures established by the District. Cash may not be removed from District premises or retained overnight by a District employee or volunteer without permission of the Superintendent.

Cash shall be accounted for and deposited in a financial institution within one (1) week of being collected. Whenever possible, cash shall be counted and cross-checked by two (2) persons.

The Superintendent shall implement cash handling safeguards that include, but are not limited to, the following:

A. A Cash Count Sheet that provides the names of the people counting the cash and the cash breakdown of coins, currency, checks and credit card slips should always be used.

B. The Cash Count Sheet should always be signed by all people counting the cash.

C. Bank deposit slip amounts should match the Cash Count Sheets and the deposit receipt from the bank.

D. Copies of the Cash Count Sheet(s), deposit slip(s), and the bank deposit receipt(s) should all be retained together for auditing purposes.

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po6680

RECOGNITION

6680 - **RECOGNITION**

The purpose of this policy is to permit the Board of Education to honor its staff, former Board members, and other nonemployee persons with plaques, pins, token retirement gifts and awards, and other amenities.

The Board wishes to also honor staff, students, citizens, and advisory groups for their contributions with appropriate recognitions and authorizes administrators to purchase meals, refreshments, and/or other amenities to further the interests of the District.

The Board hereby affirms that the expenses incurred as listed above do serve a public purpose. The Board believes that "public purpose" serves for the promotion of education, rapport with the business community, community relations, and the encouragement of nonemployees to serve as volunteers as well as furthering other interest.

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po6700

FAIR LABOR STANDARDS ACT (FLSA)

6700 - **FAIR LABOR STANDARDS ACT (FLSA)**

It is the Board's policy to comply with the provisions of State and Federal Law and their respective implementing regulations, relating to minimum wages and overtime. To that end, the Board shall pay at least the minimum wage to all employees. Further, the Board recognizes the safe and efficient operation of the District may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Such employees shall be paid overtime compensation.

Work week is defined as the seven (7) day period of time beginning on Sunday at 12:00 a.m. and continuing to the following Saturday at 11:59 p.m. (or Monday at 12:00 a.m. and continuing to the following Sunday at 11:59 p.m.)

Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the Board) more than forty (40) hours in a given work week will receive overtime compensation at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) in the work week. Payment will be in the form of wages or, if the employee and the District Administrator or Board agree, in the form of compensatory time off in the amount of one and one-half (1 1/2) times the number of overtime hours worked.

The District Administrator or his/her designee shall determine the necessity and availability of overtime work.

Overtime may be authorized only by a supervisor and will be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who

work overtime without prior approval from the District Administrator or a supervisor will be subject to disciplinary action, up to and including termination.

Exempt employees are individuals who are exempt from the State and Federal overtime provisions. Generally, individuals employed in a bona fide executive, administrative, administrative academic, or professional capacity, and certain computer employees are considered exempt. To qualify for the exemption, employees generally must meet certain tests regarding their job duties and be paid on salary basis. The salary requirement does not apply to teachers. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to certain exceptions, an exempt employee must receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

The Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability

B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness

C. to offset amounts employees receive as jury or witness fees, or for military pay

D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule

infractions

E. for penalties imposed in good faith for infractions of safety rules of major significance

The Board shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the Business Manager, or his/her immediate supervisor.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the Board will make a good faith commitment to avoid any recurrence of the error.

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po6800

SYSTEM OF ACCOUNTING

6800 - **SYSTEM OF ACCOUNTING**

As specified by the Department of Public Instruction, the Board follows the Wisconsin Uniform Financial Accounting Requirements (WUFAR) as a listing of account classifications by which it keeps an accounting of all District funds. The Board has by resolution designated institutions to serve as depositories of all District funds and may, by resolution, designate additional or different institutions. The District's financial records shall show sources of revenue, amounts received, amounts expended, and the disposition of public property. The Business Manager shall complete an accounting of all capital assets to protect the financial investment of the District against catastrophic loss. Further, the Business Manager shall establish procedures and regulations necessary to properly account for capital assets and comply with generally accepted accounting principles (GAAP) and ensure that the District's capital assets are properly insured.

GASB 84

The District's system of accounting shall comply with all applicable requirements of the Governmental Accounting Standards Board, Statement No. 84 (GASB 84). In accordance with GASB 84, the District will report applicable fiduciary activities as identified in either the private purpose trust fund or the custodial fund. Typically, these activities include recognized student and school-related activity funds held in a bank account maintained by the District. These funds shall be subject to the accounting and requirements specified in the Wisconsin Uniform Financial Accounting Requirements. An activity not identified as a fiduciary activity under GASB 84 will be deemed a governmental activity and will be reported in a governmental fund.

GASB 54

The District's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board, Statement No. 54 (GASB 54). In accordance with GASB 54, the District will report its fund balances in the following categories:

A. **Nonspendable fund balance** - amounts that cannot be spent because they are either (a) not in a spendable form (which includes items that are not expected to be converted to cash – e.g., inventories or prepaid amounts) or (b) legally or contractually required to be maintained intact (e.g., the corpus of an endowment fund).

B. **Restricted fund balance** - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.

C. **Committed fund balance** - amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint.

D. **Assigned fund balance** - amounts the Board *intends* to use for a specific purpose but are neither restricted nor committed; intent can be expressed by the Board or by an official or committee to which the Board delegates the authority.

E. **Unassigned fund balance** - amounts that are available for any purpose; these amounts are reported only in the general fund.

The Board authorizes its auditors and directs its administrative staff to take all steps necessary to comply with the requirements of GASB 54. All revenue and funds will be designated to one of the above categories.

General Provisions

The Business Manager shall maintain a proper accounting of all District funds. They shall ensure that expenditures are budgeted under and charged against those accounts that most accurately describe the purpose for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts that most accurately describe the purposes for which such monies are to be or have been spent.

The Business Manager shall receive all vouchers for payments and disbursements made to and by the Board, and preserve them for the statutorily required period.

The Business Manager shall implement procedures and practices that will determine: (1) Capitalization policies for District assets (i.e., which assets will be capitalized and depreciated over their estimated useful life versus which assets will be expensed in year of purchase); (2) Methods for calculating annual and accumulated depreciation expense for assets including estimates for asset lives, residual asset values, and depreciation methodology; and (3) Procedures for recording gain or loss on sale of capital assets and proceeds from the sale of capital assets in compliance with GAAP Reporting of estimated cash values or replacement values to District insurance providers.

The Business Manager shall report to the Board on a monthly basis (or more often if required) the revenues and expenditures in the fund reporting categories established above. The Business Manager's statement shall show revenues and receipts from whatever source derived, the various appropriations made by the Board, the expenditures and disbursements therefrom, the purposes thereof, the balances remaining in each appropriation, and the District’s assets and liabilities. At the end of the fiscal year, such statement shall be a complete exhibit of the District’s financial affairs and may be published and distributed with approval of the Board.

The Business Manager is responsible for filing in a timely manner, on behalf of the Board, an annual report with the Department of Public Instruction, on prescribed forms, that states the following:

A. amount of collections and receipts, and accounts due from each source;

B. amount of expenditures for each purpose;

C. amount of the District's debt, the purpose for which each item of such debt was created, and the provision made for the payment thereof; and

D. other information as required by the Department, along with the audit report as approved by the Board.

The Board's annual financial statements shall also include information such as: 1) beginning and ending balances of capital assets; 2) beginning and ending balances of accumulated depreciation; and 3) total depreciation expense for the fiscal year.

Such reporting shall include description of significant capital asset activity during the fiscal year including: acquisitions through purchase or donation, sales or dispositions including the proceeds and gains or losses on the sale, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g., straight-line or other method).

Before implementing procedures or changing procedures, the Business Manager will review the proposed procedure with the auditor appointed by the Board to conduct the

Board's financial audit. The procedures established shall comply with all statutorily required standards and generally accepted accounting procedures.

Revised 1/13/15
T.C. 8/13/24

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po6830

AUDIT

6830 - **AUDIT**

The Board requires that, after the close of the fiscal year (June 30th), an audit of all accounts of the District be made annually by an independent, certified public accountant. The audit examination shall be conducted in accordance with generally accepted auditing standards and the Wisconsin Uniform Financial Accounting Requirements of the DPI (WUFAR). The audit shall include all funds over which the Board has direct or supervisory control.

The auditor shall prepare a detailed audit report which shall be submitted to the Board and the Department of Public Instruction. The auditor's report shall include:

A. the financial audit statement for the fiscal year;

B. a management letter;

C. the auditor's communication with those charged with governance, including any significant findings or issues from the audit; and

D. Federal and State program audit reports and schedules, as appropriate.

The Superintendent shall assure that the audit report is completed timely and submitted prior to the deadline established by DPI.

The Board minutes shall reflect receipt of the annual audit report by the Board and compliance with the above submission.

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po7217

WEAPONS

7217 - **WEAPONS**

The Board prohibits visitors and volunteers from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle to the extent permitted by law. Policies regarding staff members are found in Policy 3217 and Policy 4217. The policy pertaining to students is found in Policy 5772.

This prohibition for visitors and volunteers does not apply to unloaded firearms in a locked vehicle or locked firearms case, or to separately stored ammunition, that is on any part of school grounds used as a parking facility.

A volunteer may transport students for school-sponsored events or school related purposes in their own vehicle only if any and all firearms in said vehicle are cased, unloaded and in a trunk or separate compartment while transporting such students. This does not apply to the transportation of students related by blood or marriage to the volunteer member if only such students are being transported.

Concealed Carry Permit Holders

No parent or other volunteer may carry or in any fashion possess a concealed weapon, whether they hold a permit or not, while transporting students in a District-owned vehicle. Additionally, anyone, including a holder of a concealed carry permit license issued or recognized by the State of Wisconsin, is prohibited by virtue of 948.605(2)

(b)1r, Wis. Stats., from possessing a concealed weapon anywhere in or on school grounds including parking areas.

Definition of "Weapon"

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms (including, but not limited to firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives (subject to the exceptions below), razors with unguarded blades, clubs, electric weapons (as defined in 941.295 (1c)(a), Wis. Stats.), metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

Exceptions to this policy include:

A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off duty law enforcement officers, or out-of-state law enforcement officers;

B. contracted personnel that are authorized by law to carry weapons in the course of their professional duties and for which the District and the contracted entity have a contract that authorizes employees of the contracted entity to carry a weapon on school grounds and in school buildings in the performance of their duties (i.e. armored transport services);

C. items approved by a Principal, as part of a class or individual presentation under adult supervision, including, but not limited to hunters' education courses, if used for the purpose of and in the manner approved (working firearms, except those protected at all times by a cable or trigger lock, and live ammunition shall never be approved);

D. theatrical props used in appropriate settings; and

E. starter pistols used in appropriate sporting events.

The District Administrator may refer a visitor or volunteer who violates this policy to law enforcement officials. The visitor or volunteer may also be subject to other action such as loss of volunteer status at the sole discretion of the Board.

Any staff member who has reason to believe that a person has or will violate this policy shall report to the school Principal or their supervisor immediately. Failure to report such information may subject the staff member to disciplinary action, up to and including termination. The staff member may also confront the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

This policy shall be published and distributed to staff members annually. Publication is not a precondition to enforcement of this policy.

Revised 3/10/15
T.C. 7/9/24

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po7230

GIFTS, GRANTS, AND BEQUESTS

7230 - **GIFTS, GRANTS, AND BEQUESTS**

The Board is appreciative of public interest in, and good will toward the schools manifested through gifts, grants, and bequests. The Board reserves the right, however, to specify the manner in which gifts are made; to define the type of gift, grant, or bequest which it considers appropriate; and to reject those which it deems inappropriate or unsuitable. If accepted, the Board will attempt to carry out the wishes of the donor.

The Board shall not discriminate in the approval and administration of gifts, grants, and bequests on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex (including transgender status, change of sex, or gender identity), or physical, mental, emotional, or learning disability ('Protected Classes').

All labor donations shall be approved by the Director of Buildings and Grounds prior to any work being performed. The Director of Buildings and Grounds will consider if the District would incur any liability. This policy does not apply to routinely performed volunteer activity.

All gifts or bequests having a value of more than $5,000 shall be accepted by the Board. The Superintendent may accept for the Board gifts of lesser value.

The Board shall provide written acknowledgment to the donor of any accepted cash donation of $250 or more and any non-cash donation the value of which is $250 or more. Such acknowledgment shall include the amount of cash or a description of any

non-cash donation along with a good faith estimate of the value of such non-cash donation.

If the Board accepts donation of an automobile, the Board shall provide the donor with a completed IRS Form 1098-C, and otherwise comply with the requirements of the Internal Revenue Code.

Gifts, grants, and bequests shall become the property of the Board and will be subject to use by the District as determined by the policies and administrative guidelines applying to all properties, equipment, materials, and funds owned by the Board.

Any equipment purchased by a parent organization for use in the school, on District property, or at a District-related event shall be submitted to the Board, prior to purchase, so it can determine if the District would incur undue liability by its use.

The Board reserves the right to refuse to accept such liability and thus deny the use of the equipment by students or District employees.

Revised 5/12/09
Revised 4/13/10

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po7240

SITE ACQUISITION

7240 - **SITE ACQUISITION**

It is the policy of the Board of Education that real property acquisition price be based on a true value with regard for fair remuneration to the seller but not an enhancement of the value of the site to the seller.

The Superintendent shall be responsible for site acquisition negotiations. Negotiations for site acquisition shall be conducted as much as possible with the purchase price based on the last transaction price, taxes on the property after platting, and a reasonable interest earning on the investment based on the current cost of money.

Discussion of possible school sites may be carried on in a closed session of the Board to the extent permitted by law, but all official actions must be taken in an open, public meeting. Approval by the electorate at an annual or special meeting shall be obtained to the extent required by law. Official Board action is required to execute a valid contract, and a record of that action must be a part of the minutes of the Board. The process used in acquiring real property must be in accordance with law. Any deviation from the strict requirements of the law may render the transaction void.

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po7250

COMMEMORATION OF SCHOOL FACILITIES/NAMING RIGHTS

7250 - **COMMEMORATION OF SCHOOL FACILITIES/NAMING RIGHTS**

From time-to-time, the Board of Education may wish to commemorate a school or District facility by means of a plaque or naming the facility after a person. Such commemoration should be reserved only for those individuals who have made a significant contribution to the enhancement of education generally or the District in particular or to the well-being of the District, community, State or nation. All nominations for the naming of a district facility shall be forwarded to the Board Executive Committee and Superintendent for review and potential recommendation to the Board of Education.

Naming School District Facilities and/or Buildings

Naming of School District facilities and/or buildings is the responsibility of the School Board. A final decision shall be made by a majority vote of the entire Board.

Nominations for a Facility and/or Building Name

Nominations for a facility and/or building name shall be submitted in writing and shall contain the rationale for such nomination and may be solicited from the community. Once a facility has been officially named by the School District, it shall not be renamed except for compelling reasons to be determined by the Board.

Criteria that may be considered when naming a specific facility and/or building shall include the following:

A. It may be named after a geographic location and/or section of the District it services.

B. If the facility and/or building is to be named after a person, that person shall be of exemplary moral character; have made an outstanding contribution to education, humanity or the community; have displayed outstanding leadership; or be a person of historical significance.

C. A facility and/or building may also bear the name of a major donor in recognition of his/her contribution to the School District.

D. The name should not be in conflict with the name of another facility and/or building in the system or surrounding area.

Portions of a facility and/or building may also be named using the criteria outlined above.

Revised 8/13/24

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MEMORIALS FOR STAFF AND STUDENTS

7250.01 - **MEMORIALS FOR STAFF AND STUDENTS**

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

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

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

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po7300

DISPOSITION OF REAL PROPERTY

7300 - **DISPOSITION OF REAL PROPERTY**

The Board believes that the efficient administration of the District requires the disposition of property and goods no longer necessary for the maintenance of the educational program or the operation of the District.

"Real Property" means land, including land improvements, structures, and appurtenances thereto, but excludes moveable machinery and equipment.

"Personal Property" means tangible property other than real property. It may be tangible, having physical existence, or intangible and may include automotive vehicles, equipment, and materials. Disposition of personal property shall be determined in accordance with Policy 7310 - Disposition of Personal Property.

The Board shall direct the periodic review of all District property and authorize the disposition by sale, donation, trade, or discard of any property not required for school purposes. Approval of the electorate at an annual or special meeting shall be obtained to the extent required by law.

A. All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a Board meeting. A preliminary review of offers to purchase or lease shall include: source of offer, date of offer, expiration date of offer, and intended use of property.

B. Written offers shall be referred to the Board Finance Committee for review and recommendations. Offers, when received, will be distributed to the members of

the Board.

C. All property considered for (sale) disposition may be subjected to a current, outside, professional appraisal prior to the solicitation of offers.

D. All property considered for lease or sale shall be reviewed by the Board prior to solicitation of offers. The solicitation of offers by the Board shall include an expiration date.

E. The authorized agents of the Board to review all purchase or lease offers pertaining to sale or lease of property shall be the District Administrator and the Board Finance Committee. The Board shall give final approval of all contracts.

F. In consideration of the best interest of the District and of the residents and taxpayers, the Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.

G. Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.

H. Potential purchasers shall demonstrate reasonable likelihood of obtaining necessary city/township approvals and/or compliance with city/township zoning ordinances.

Revised 11/12/19

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DISPOSITION OF PERSONAL PROPERTY

7310 - **DISPOSITION OF PERSONAL PROPERTY**

The Board requires the Superintendent to review the personal property of the District periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy. The disposition of real property is governed by Policy 7300 - Disposition of Real Property.

"Personal property" means property other than real property. It may be tangible, having physical existence, such as vehicles, equipment, or instructional materials or intangible, such as intellectual property.

"Real property" means land, including land improvements, structures, and appurtenances thereto, but excludes moveable machinery and equipment.

A. **Instructional Material**

The District shall review instructional materials (i.e., textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum

2. information that may not be current, or

3. worn beyond salvage

B. **Equipment**

For purposes of this policy, equipment shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year, and a per-unit cost that equals or exceeds $5,000 to replace as a single unit and does not lose its identity when incorporated into a more complex unit.

The District shall inspect the equipment used in the educational program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available;

2. repair records indicate the equipment has no usable life remaining;

3. obsolete and/or no longer contributing to the educational program;

4. some potential for sale at a school auction; or

5. creates a safety or environmental hazard.

C. **Disposition**

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal in compliance with 2 C.F.R. 200.313(e) and 200.314. Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

When there is a residual inventory of unused supplies exceeding $10,000 in

aggregate value at the end of the period of performance and the supplies are not needed for any other Federal award, the District may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The aggregate value of unused supplies consists of all supply types, not just like-item supplies. The Federal agency or pass-through entity may be entitled to compensation in an amount prescribed in 2 C.F.R. 200.314.

When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, the District shall request disposition instructions from the Federal agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made in accordance with disposition instructions of the Federal agency.

Except as provided in §200.313 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current fair market value in excess of $10,000 (per unit) may be retained by the non-Federal entity or sold. The Federal agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale. If the equipment is sold, the Federal agency may permit the non-Federal entity to deduct and retain from the Federal share $1,000 or ten percent (10%) of the proceeds, whichever is less, to cover expenses associated with the selling and handling of the equipment.

The District may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the District shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

When included in the terms and conditions of the Federal award, the Federal agency may permit the District to retain equipment, or authorize the Wisconsin Department of Public Instruction (DPI) to permit the District to retain equipment, with no further obligation to the Federal Government unless prohibited by Federal statute or regulation.

Revised 11/12/19

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po7410

MAINTENANCE

7410 - **MAINTENANCE**

The Board recognizes that the capital assets of the District represent a significant investment of this community and the maintenance of those assets is of concern to the Board.

The Board directs the conduct of a continuous program of inspection, maintenance, and rehabilitation for the preservation of all school buildings, equipment, and District grounds. Wherever possible and feasible, maintenance shall be preventive.

The Superintendent shall develop, for implementation within budget allocations approved by the Board, a maintenance program that shall include:

A. a regular program of facilities repair and conditioning;

B. the maintenance of a critical spare parts inventory;

C. an equipment replacement program;

D. a long-range program of facilities refurbishment and modernization;

E. repair or replacement of equipment or facilities for energy conservation, safety, or other environmental factors.

The Superintendent shall develop and provide to the custodial and maintenance staff such administrative guidelines as may be necessary for the ongoing maintenance and good order of the physical plant and for the expeditious repair of those conditions which threaten the safety of the occupants or the integrity of the plant.

Disabled parking spaces and signs, in conformance with State law, shall be provided where deemed necessary.

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po7430

SAFETY STANDARDS

7430 - **SAFETY STANDARDS**

The Board believes that the employees and students of this District, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees.

The Superintendent shall be responsible for the maintenance of standards in the facilities to prevent accidents and to minimize their consequences. The Superintendent shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the District in accordance with the Federal OSHA standards adopted by the State, and take appropriate action on any violations discovered during such audits. Reports of violations and remediation actions shall be provided to the Superintendent who shall keep the Board informed of significant issues.

In the event an inspection is made by a representative of the State and a violation is indicated on the inspection report, the Superintendent shall report the violation(s) and corrective action(s) to the Board no later than at the meeting following the receipt of the State report.

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Revised 7/9/24

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po7434

USE OF TOBACCO AND NICOTINE ON SCHOOL PREMISES

7434 - **USE OF TOBACCO AND NICOTINE ON SCHOOL PREMISES**

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any visitor of the District to use, consume, or sell any commercial tobacco products, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events. The Board authorizes the District Administrator to take reasonable measures related to the Board's expectation that the promotion and display of tobacco and related products on school property or at off-campus, school-sponsored events is prohibited.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA-approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen years and older. Staff using such products and bringing them to any school property or school-sponsored activity are responsible for the safekeeping of these products at all times and are responsible for assuring that no students are able to obtain access to these products.

Instruction in the history and purpose of traditional tobacco that has been used as a part of faith and tradition in the Native American and American Indian communities is an exception to this policy.

Policy Specific Definitions

The term “any time” means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term “electronic smoking device” means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking

device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term “imitation tobacco product” means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term “off-campus, school-sponsored event” means any event sponsored by the school or school district that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term “school property” means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff and visitors.

The term “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant derived substances, whether or not legally sold in Wisconsin, including CBD production, Delta 8 THC, Delta 9 THC, or any other variation thereof. “Smoking” also includes carrying or using an activated electronic smoking device.

The term 'tobacco products retailer' means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term “tobacco industry” means manufacturers, distributors, or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

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po7440

FACILITY SECURITY

7440 - **FACILITY SECURITY**

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

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

Law enforcement shall be contacted and District officials shall fully cooperate with law enforcement's efforts to apprehend those who knowingly cause physical harm to students, staff, visitors, and Board property and to request prosecution of those who bring harm to persons and/or property.

The Board will seek to repair the damage or seek the payment of a fee to cover such repairs.

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

The District Administrator is authorized to utilize metal detectors (e.g., walk through detectors and hand-held wands), video surveillance/electronic monitoring equipment, and other security devices on school property in order to protect the health, welfare, and safety of students, staff, visitors and Board property on District property.

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

Public Access to School Facilities

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

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

B. All persons other than students and building staff shall check in with the school office of the building and shall complete a visitor log. Each visitor shall be given a visitor tag that shall be worn at all times while in the building.

C. Visitors that intend to visit a classroom during the instructional day must be escorted to the classroom by either a staff member or, if age-appropriate, a student from the class. School office staff must contact the classroom teacher to verify that the visitor is expected.

D. All visitors are expected to sign out prior to departing the building.

E. Outside of instructional times, no person other than a staff member may be in any school building except for attendance at a public function (such as a sporting event) or based on an approved facility use request pursuant to Policy 7510 - Use of District Facilities.

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

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

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

Parents as Visitors

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

A. Parents should make arrangements with their child's teacher or with the building administrator in advance of visiting their child at school unless that is not possible.

B. Parents, like any other visitor, must enter the building through only the approved visitor entrance and shall check in at the school office in the same fashion as a visitor.

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

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

Court Imposed Restrictions

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

member sees the individual on school premises that staff member shall immediately contact law enforcement and the school office.

Sex Offenders on School Property

Any person who is a registered sex offender under Wisconsin Law is required to notify the District Administrator of the specific date, time and place of the person's visit to any school facility and must notify the District Administrator of their status as a registered sex offender (school building, grounds, recreation, area or athletic field, or any other property owned, used, or operated for school administration)
Parents of students enrolled in the District must notify the District Administrator of their status as a registered sex offender and that they have a child enrolled in the District. Notification must occur at the beginning of each school year or at the time the individual is required to register or whenever the child is first enrolled, whichever occurs first.

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

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T.C. 11/12/24

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po7450

PROPERTY INVENTORY

7450 - **PROPERTY INVENTORY**

As steward of this District's property, the Board recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall maintain a continuous inventory of all District-owned equipment and supplies, including computing devices.

For purposes of this policy, equipment shall mean tangible personal property (including information technology systems), a unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which retains its shape and appearance with use, is nonexpendable, having a useful life of more than one (1) year and a per-unit cost that equals or exceeds $5,000 to replace as a single unit and does not lose its identity when incorporated into a more complex unit. When defining supplies for inventory purposes, no items will be counted whose total value is less than $5,000.

Capital assets include equipment as well as the following:

A. land, buildings (facilities), and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases

B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially

increase their value or useful life (not ordinary repairs and maintenance)

Capital expenditures, which are expenditures for capital assets, require prior written approval in order to be allowable in certain situations. General-purpose equipment, buildings, and land, as well as improvements to land, buildings, or equipment which materially increase their value or useful life, are unallowable as direct charges unless the Federal awarding agency or pass-through entity provides prior written approval. Whereas capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of $5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.

"Computing devices" are machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories for printing, transmitting and receiving, or storing electronic information. Examples of computing devices include laptops, smartphones, tablets, etc. Computing devices are classified as equipment if their acquisition cost meets the above-mentioned equipment threshold. Computing devices that do not meet the acquisition cost threshold are considered supplies. Regardless of whether a computing device is classified as an equipment or supply, it must be counted during the inventory.

It shall be the duty of the Superintendent, Business Manager, and Instructional Technology Coordinator to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

The District is responsible for maintaining and updating property records when there is a change in the status of the property.

Equipment and computing devices acquired in whole or in part under a Federal award will vest upon acquisition to the District, subject to the following conditions:

A. The equipment shall be used for the authorized purposes of the award project during the period of performance or until the equipment is no longer needed for the purposes of the project.

B. While the equipment is being used for the originally-authorized purpose, the District (or subrecipient) must not dispose of or encumber its title or other interests without the approval of the Federal agency or pass-through entity.

C. The equipment may only be used and disposed of in accordance with the provisions of the Federal agency or the pass-through entity and Policy 7300 - Disposition of Real Property/Personal Property and Policy 7310 - Disposition of Surplus Property .

D. The District must use equipment for the project or program for which it was acquired and for as long as needed, whether or not the project or program continues to be supported by the Federal award. The District must not encumber the equipment without prior approval of the Federal agency or pass-through entity.

E. When no longer needed for the original project or program, the equipment may be used in other activities in the following order of priority:

1. activities under other Federal awards from the Federal agency that funded the original program or project; then

2. activities under Federal awards from other Federal agencies. These activities include consolidated equipment for information technology systems.

F. During the time that equipment is used on the project or program for which it was acquired, the District must also make the equipment available for use on other programs or projects supported by the Federal Government, provided that such use will not interfere with the purpose for which it was originally acquired. First preference for other use of the equipment must be given to other programs or projects supported by the Federal agency that financed the equipment. Second preference must be given to programs or projects under Federal awards from other Federal agencies. Use for non-Federally funded projects is also permissible, provided such use will not interfere with the purpose for which it was originally acquired. The District should consider charging user fees as appropriate. If the District does use equipment to earn program income, it must not charge a fee that is less than a private company would charge for similar services unless specifically authorized by Federal statute.

G. When acquiring replacement equipment, the District may either trade-in or sell the equipment and use the proceeds to offset the cost of the replacement equipment.

H. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of funding for the equipment (including the Federal Award Identification Number ("FAIN")), title holder, acquisition date, cost of the property, percentage of Federal agency contribution towards the original purchase, the location, use, and condition of the property, and ultimate disposition data, including date of disposal and sale price of the property.

I. A physical inventory of the property must be conducted and results reconciled with property records at least once every two (2) years.

J. A control system shall be in place to provide safeguards for preventing loss, damage, or theft of the property. Any such loss, damage, or theft of the property must be investigated. The District must notify the Federal agency or pass-through entity of any loss, damage, or theft of equipment that will have an impact on the program.

K. Regular maintenance procedures shall be implemented to keep the property in proper working condition.

L. Proper sales procedures shall be established to ensure the highest possible return in the event the District is authorized or required to sell the equipment/property.

M. When equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal agency, the District shall request disposition instructions from the Federal agency or the pass-through entity if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of 2 C.F.R. 200.313.

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ACCOUNTING SYSTEM FOR CAPITAL ASSETS

7455 - **ACCOUNTING SYSTEM FOR CAPITAL ASSETS**

The Board shall maintain a capital asset accounting system. The capital asset system shall maintain sufficient information to permit the following:

A. the preparation of year-end financial statements in accordance with Generally Accepted Accounting Principles (GAAP);

B. adequate insurance coverage; and

C. control and accountability.

Capital assets are defined as those tangible assets of the District:

A. with a useful life in excess of one (1) year;

B. with an initial cost equal to or exceeding the amount determined periodically by the District in Policy 7450 - Property Inventory;

C. which are capitalized in accordance with GAAP; and

D. which the District intends to hold or continue in use for an extended period of time.

Further, some items may be identified as "controlled" assets that, although they do not meet all capital asset criteria, are to be recorded on the capital asset system to maintain control.

Capital assets shall be classified as follows:

A. land, buildings (facilities), equipment, and intellectual property (including software), whether acquired by purchase, construction, manufacture, exchange, or through a lease accounted for as a financed purchase under Government Accounting Standards Board (GASB) standards or a finance lease under Financial Accounting Standards Board (FASB) standards; and

B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

Leased capital assets and assets which are jointly-owned shall be identified and recorded on the capital asset system.

Capital assets shall be recorded at historical cost or, if that amount is not practicably determinable, at estimated historical cost. The method(s) to be used to estimate historical cost shall be established by the Director of Business Services.

The purchase of capital assets, the transfer of capital assets between buildings, and the disposal of capital assets shall be initiated by the Building Principal or Buildings and Grounds Manager and require the prior written approval of the Director of Business Services. An asset to be disposed of by sale shall be done in accordance with Policy 7300 - Disposition of Real Property or Policy 7310 - Disposition of Personal Property.

In accordance with GAAP, assets must be depreciated over their estimated useful lives and approved by the auditor.

Such useful lives by asset class, as per GASB, are as follows:

A. site improvement - 20 years;

B. buildings - 10-50 years;

C. furniture and equipment - 3-50 years;

D. leased equipment - 3-50 years.

Accumulated depreciation shall be calculated on a straight line basis and be recorded for general capital assets.

The following information shall be maintained for all capital assets:

A. description

B. asset classification (land, building, equipment, etc.)

C. location

D. purchase price

E. vendor

F. date purchased

G. voucher number

H. estimated useful life

I. estimated salvage value

J. replacement cost

K. accumulated depreciation

L. method of acquisition (purchase, trade-in, lease, donated, etc.)

M. appropriation

N. manner of asset disposal

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T.C 2/10/26

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po7460

CONSERVATION OF NATURAL AND MATERIAL RESOURCES

7460 - **CONSERVATION OF NATURAL AND MATERIAL RESOURCES**

The Board recognizes the need to manage costs of energy resources, explore opportunities to conserve energy usage, and to explore the use of renewable and sustainable energy resources. The District implements strategies which evaluate energy conservation and efficiency measures available in facilities' projects, including construction, renovation, or maintenance projects.

The District's efforts in energy conservation will prioritize sustainable energy when available at a comparable long-term cost. All such considerations must balance the value of energy efficiency, conservation, and renewable energy source usage with the needs of the District, both fiscally and programmatically.

The Board directs the District Administrator to develop and implement both immediate and long-range plans to evaluate District energy usage and needs and, where appropriate, propose measures to reduce such usage consistent with programming needs. It expects that the administrative guidelines and procedures established will be properly observed by all members of the staff and strongly supported both in the educational program and in staff interactions with students.

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po7510

USE OF DISTRICT FACILITIES

7510 - **USE OF DISTRICT FACILITIES**

The Board of Education believes that the school facilities of this District should be made available for lawful non-school purposes, provided that such use does not interfere with use for school purposes, by school related groups, or for school-related functions. No non-school related group or entity may promote an activity to occur on school grounds under this policy in any manner that conveys the impression that the School District supports, endorses, or is a partner with the group or individual's cause.

The Board will permit the use of school facilities when such permission has been requested in writing by a responsible, individual, organization or a group of citizens and has been approved by the District Administrator.

The use of District grounds and facilities shall not be granted for:

A. private social functions;

B. any purpose which is prohibited by law.

Recreational Activity

Any non-school sponsored group requesting to use District facilities for recreational activity must complete Form 7510 F3 prior to such usage. The District does permit to outside groups the use of the following equipment:

A. swimming pools with certified lifeguards

B. weight rooms with proper supervision

"Recreational activity" includes any indoor or outdoor physical activity, sport, team sport, or game, whether organized or unorganized, undertaken for the purpose of exercise, relaxation, diversion, education, or pleasure.

"Outdoor activity" includes hunting, fishing, trapping, camping, picnicking, exploring caves, nature study, bicycling, horseback riding, bird-watching, motorcycling, operating an all-terrain vehicle, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or removing wood, climbing observation towers, animal training, harvesting products of nature, sport shooting, or similar outdoor game, sport, or educational activity.

Should all or any part of the District's community be struck by a disaster, the Board shall make District grounds and/or facilities available, at no charge, for the housing, feeding, and care of victims or potential victims when requested by local, State, or Federal authorities. The Superintendent should meet with the County Executive and Mayor to establish a disaster preparedness plan in order to ensure that proper procedures are established to minimize confusion, inefficiency, and disruption of the educational program.

The Superintendent shall develop administrative guidelines for the granting of permission to use District facilities by non-school sponsored groups or for non-school sponsored activities, including a schedule of fees. Such guidelines are to include the following:

A. Each user may be required to present evidence of the purchase of organizational liability insurance to the limit prescribed by District administrative guidelines.

B. Use of school equipment in conjunction with the use of school facilities must be requested specifically in writing and may be granted by the procedure by which permission to use facilities is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where rules so specify, no item of equipment may be used except by a qualified operator.

C. Users shall be liable financially for damage to the facilities and for proper chaperonage.

No liability shall attach to this District, any employee, officer, or member of this District specifically as a consequence of permitting access to these facilities.

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po7510.001

PUBLIC ACCESS TO RUBICK FIELD AND STEINBECKER FIELD

7510.001 - **PUBLIC ACCESS TO RUBICK FIELD AND STEINBECKER FIELD**

The Board of Education believes that Rubick Field and Steinbecker Field (the "Athletic Fields") should be made available to the public for the public's use and enjoyment, provided that such use does not interfere with use for school purposes, by school-related groups, or for school-related functions, and that such public use does not interfere with the District's duty to ensure the maintenance and security of District owned buildings and facilities. This policy is intended to balance the interest of the public in the use and enjoyment of the Athletic Fields, against the District's obligations for maintenance, safety and security.

The Board of Education will not permit access to any District-owned buildings or facilities at the Athletic Fields, which shall include (but is not necessarily limited to) restrooms, locker rooms, storage facilities, press box(es), offices, concessions facilities, box office, maintenance offices, unless the use of any such improvements has been authorized pursuant to Board Policy 7510—Use of District Facilities.

Subject to the exceptions below, the Board of Education will generally permit public access to open areas of the Athletic Fields, which shall include (but is not necessarily limited to) the football field, track, baseball/softball diamonds, practice fields between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday.

Exceptions

Notwithstanding the above, the Board of Education reserves the right to prohibit public access to the open areas of the Athletic Fields as follows:

A. During school-related functions;

B. During uses of the Athletic Fields as authorized pursuant to Board Policy 7510—Use of District Facilities;

C. As necessary to enforce the provisions of Board Policy 7440—Facility Security;

D. Federal holidays that school is not in session;

E. Such times as is necessary to ensure the maintenance, safety and security of District facilities;

F. As may be directed by the Manitowoc Police Department or other City of Manitowoc authorities.

The Superintendent shall have the discretion to reasonably apply the exceptions above, and shall develop further administrative guidelines as necessary for the application and enforcement of these exceptions, which guidelines shall include:

A. Signage informing public of open hours;

B. Securing the Athletic Facilities during off hours;

C. Circumstances under which public access shall be further limited pursuant to Board Policy 7510, 7440, or to ensure the maintenance, safety and security of District facilities;

D. Method of informing public when public access will be limited pursuant to Board Policy 7510, 7440, or to ensure the maintenance, safety and security of District facilities;

E. Public users shall be financially liable for damage to the Athletic Fields.

No liability shall attach to the District, any employee, officer or member of this District specifically as a consequence of permitting access to the Athletic Fields.

po7530

LENDING OF DISTRICT-OWNED EQUIPMENT

7530 - **LENDING OF DISTRICT-OWNED EQUIPMENT**

The Board of Education believes that District-owned equipment is a valuable resource that may be loaned for community use under certain conditions only, provided that such use does not infringe on the original and necessary purpose of the equipment or interfere with the educational program of the District.

The Board may lend specific items of equipment on the written request of the user and approval granted by the Superintendent.

The user of District-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return.

District equipment may be removed from District property by students or staff members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the Superintendent is required for such removal.

Personal use of District equipment or facilities by staff or student will be in accordance with the Superintendent's administrative guidelines.

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BOARD-OWNED PERSONAL COMMUNICATION DEVICES

7530.01 - **BOARD-OWNED PERSONAL COMMUNICATION DEVICES**

The Board will provide personal communication devices ("PCDs" as defined in Bylaw 0100) to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official Board business. PCDs are provided as tools to conduct Board business and to enhance business efficiencies. Board-owned cell phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e., because some cellular telephone services plans are billed on a time-used basis, Board-owned cell phones should not be used if a less costly alternative method of communication is safe, convenient and readily available).

The District Administrator shall designate those staff members who will be issued a Board-owned cell phone and provided with a cellular telephone and/or wireless Internet/data service plan.

The Superintendent is responsible for verifying:

A. the need for each Board-owned cell phone and related service plan is clearly justified for Board business purposes;

B. alternative solutions for work production and communication are considered;

C. employees provided with cellular and/or wireless Internet/data service plans are notified of the purpose and limitations of usage;

D. cellular telephone and wireless Internet/data service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;

E. employees reimburse the Board for non-business use; and

F. a Board-owned cell phone is returned and the corresponding cellular telephone and/or wireless Internet/data service plan is terminated when it is no longer justified by business requirements, the employee leaves the Board's employment, and/or when the employee has demonstrated a disregard for the limitation of this policy.

Cellular and wireless Internet/data service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The service plan that is selected for an employee should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the employee's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and ability to access the Internet. If the service plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.

The Board shall approve the Superintendent's recommendation regarding the type and level of cellular telephone and wireless Internet/data service appropriate for each staff member listed above. In all cases, the Superintendent shall take the steps necessary to secure the most economical and responsible service available.

Possessing a Board-owned cell phone and/or other PCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost-effectiveness of their cell phone and/or PCD use by utilizing assigned landline and/or designated computers as available and appropriate. Employees should know that using a cell phone to place calls outside the immediate area might result in roaming charges, in addition to long-distance and regular charges, and that the Board is charged for both outgoing and incoming calls.

In order to continue to be eligible to receive a Board-owned cell phone, staff members are required to answer all calls on his/her Board-owned cell phone and promptly respond to any messages.

Safe and Appropriate Use of Board-Owned PCDs, Including Cell Phones

Employee safety is a priority of the Board, and responsible use of Board-owned PCDs, including cell phones, requires safe use. See Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices.

Employees may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their Board-owned PCDs. See Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices.

When the Board intends to dispose of, or otherwise stop using, a Board-owned PCD on which an employee has maintained public records, student records and/or ESI that is subject to a Litigation Hold, the District's IT department/staff shall verify such records are properly transferred to an alternative storage device, before disposing of, or otherwise ceasing to use, the PCD. The IT department/staff is responsible for securely deleting such records/ESI before disposing of, or ceasing to use, the Board-owned PCD. The IT department/staff is responsible for maintaining documentation concerning the actions it takes to comply with this requirement.

Employee's Responsibilities

Employees are responsible for the safekeeping, care and custody of the Board-owned PCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage or reckless loss of the Board-owned PCDs provided to them.

Reasonable precautions should be taken to prevent theft, loss or damage to, or misuse or unauthorized use/access to, Board-owned PCDs. Upon resignation or termination of employment, or at any time upon request, an employee may be asked to produce the Board-owned PCD issued to him/her for return or inspection. Employees unable to present the device in good working condition within the time period requested (e.g., twenty-four (24) hours) will be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Any employee who regularly places or receives personal calls, or uses their Board-owned cell phone to send/receive personal e-mails, text messages, or instant messages, shall be subject to disciplinary action. Use of a Board-owned PCD by an employee to access a personal e-mail account or connect to the Internet for personal business is strictly prohibited.

PCDs may not be transferred to any other employee without prior notification and approval of the Superintendent. Employees provided with a PCD understand that the PCD is owned by the Board. Any alteration or switching of PCDs must be approved in advance by the Superintendent.

The Board reserves the right to audit all Board-owned cell phones, which will include, but not be limited to, a review of the detailed monthly statement upon submission after the requisite review by the employee. The detailed monthly service statements for all Board-owned cell phones, as well as invoices and payment documents related to these accounts, are public records and, as such, may be subject to disclosure and review.

Use of Board-owned Cell Phones for Personal Calls

The Board recognizes that in rare circumstances it may be necessary for an employee to use a Board-owned cell phone for personal business. The Board generally prohibits such conduct as emphasized by this policy, but realizes there may be limited situations when such use is justified. Employees are advised not to take advantage of this provision and that repeated use of a Board-owned cell phone for personal business will result in disciplinary action.

If unforeseen circumstances develop where employees must use their Board-issued cell phone for personal reasons (e.g., to let family know that the employee will be home late, etc.) it is up to the Superintendent to determine whether the employee should reimburse the Board.

Potential Disciplinary Action/Cancellation of Board-Owned PCD

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the Board-owned PCD in any manner contrary to local, State, or Federal laws will constitute misuse, and will result in the Board canceling the

employee's privilege to use the PCD and requiring the employee to immediately return the device.

Employee Use of Board-Owned Cell Phones

The Board will provide Board-owned cell phones to certain employees who require specific equipment or similar technology to perform District functions (e.g., school safety, physical plant maintenance, etc.) and expect never to use these devices for personal use. The Superintendent must approve such exceptions. Employees who qualify for this exception must submit to the Treasurer's Office monthly documentation in the form of a copy of their respective cell phone usage logs, verifying business use. The log must note the date/time of the phone call, to whom the call was placed or from whom the call was received, a brief statement of the purpose of the call. The employee's immediate supervisor will be required to approve all charges, attesting that all calls were business-related, by initialing the copy of the usage logs. If an employee fails to keep current with this documentation requirement, the employee will be required to return the Board-owned cell phone.

Reimbursement for Business Calls on Personally-Owned Cell Phone

When authorized in writing by the Superintendent the cost of using a personally-owned cell phone for official business may be reimbursed to the employee. Having a personally-owned cell phone is a choice the employee makes, and if the device is used for business purposes, any reimbursement will be for reasonable costs in excess of the base service plan plus any additional charges such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instances will the employee be reimbursed more than the monthly cost to the employee. To receive the reimbursement, the employee must document the inbound/outbound telephone number, name of person called, texted, or e-mailed or the individual who called, texted or e-mailed the employee, and the date and purpose of the communication along with the original service plan bill.

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po7530.02

STAFF AND SCHOOL OFFICIALS USE OF PERSONAL COMMUNICATION DEVICES

7530.02 - **STAFF AND SCHOOL OFFICIALS USE OF PERSONAL COMMUNICATION DEVICES**

Use of personal communication devices ("PCD") (as defined in Bylaw 0100) has become pervasive in the workplace. Whether the PCD is Board-owned and assigned to a specific employee or school official or personally-owned by the employee or school official regardless of whether the Board pays the employee or school official an allowance for his/her use of the device, the Board reimburses the employee or school official on a per-use basis for their business-related use of his/her PCD, or the employee or school official receives no remuneration for his/her use of a personally-owned PCD, the employee or school official is responsible for using the device in a safe and appropriate manner and in accordance with this policy and its accompanying guideline, as well as other pertinent Board policies and guidelines.

Conducting District Business Using a PCD

Employees and school officials are permitted to use a Board-owned and/or personally-owned PCD to make/receive calls, send/receive e-mails, send/receive texts, and send/receive instant messages that concern District business of any kind.

Individuals are responsible for retaining text messages, instant messages, and other written communications that are not archived by the District; such records shall be retained in accordance with State requirements.

Safe and Appropriate Use of a PCD

Employees and school officials whose job responsibilities include regular or occasional driving and who use a PCD for business use are expected to refrain from using their device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees and school officials should pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Reading or sending a text message, instant message, or e-mail, or browsing the Internet using a PCD while driving is a violation of State law and is strictly prohibited. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options (e.g., headsets or voice activation) if available, refrain from the discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. In the interest of safety for employees, school officials, and other drivers, employees and school officials are required to comply with all applicable State laws and local ordinances while driving, including any laws that prohibit texting or using a cell phone or other PCD while driving.

Employees and school officials may not use a PCD in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated.

Duty to Maintain Confidentiality of Student Personally Identifiable Information - Public and Student Record Requirements

Employees and school officials are subject to all applicable policies and guidelines pertaining to the protection of the security, integrity, and availability of the data stored on a PCD, regardless of whether they are Board-owned and assigned to a specific employee or personally-owned by the employee.

PCD communications, including calls, text messages, instant messages, and e-mails sent or received, may not be secure. Therefore, employees should use discretion when using a PCD to relay confidential information, particularly as it relates to students.

Additionally, PCD communications, including text messages, instant messages, and e-mails sent and/or received by a public employee or school official using a PCD, may constitute public records.

Further, PCD communications about students, including text messages, instant messages, and e-mails sent and/or received by a District employee or school official using his/her PCD, may constitute education records if the content includes personally identifiable information about a student.

Communications, including text messages, instant messages, and e-mails sent and/or received by a District employee or school official using his/her PCD, that are public records or student records are subject to retention and disclosure, upon request, in accordance with Policy 8310 - Public Records. Cellular/Wireless communications that are student records should be maintained pursuant to Policy 8330 - Student Records.

It is the responsibility of the District employee or school official who uses a PCD for District business-related use to archive all text messages, instant messages, and e-mails sent and/or received using his/her PCD in accordance with the District's requirements.

Cellular/Wireless communications and other electronically stored information (ESI) stored on the staff member's or school official's PCD may be subject to a litigation hold pursuant to Policy 8315 - Information Management. Staff and school officials are required to comply with District requests to produce copies of cellular/wireless communications in their possession that are either public records or education records or that constitute ESI that is subject to a litigation hold.

At the conclusion of an individual’s employment (whether through resignation, nonrenewal, or termination), the employee is responsible for verifying that all public records, student records, and ESI subject to a litigation hold that are maintained on the employee’s PCD are transferred to the District’s custody (e.g., server, alternative storage

device). The District's IT department/staff is available to assist in this process. Once all public records, student records, and ESI subject to a litigation hold are transferred to the District's custody, the employee is required to delete the records/ESI from his/her PCD. The employee will be required to sign a document confirming that all such records/information has been transferred to the District's custody and deleted from his/her PCD.

Similarly, if an employee intends to dispose of, or otherwise stop using, a personally-owned PCD on which s/he has maintained public records, student records, and/or ESI that is subject to a litigation hold, the employee must transfer the records/ESI to the District's custody before disposing of, or otherwise ceasing to use, the personally-owned PCD. The employee is responsible for securely deleting such records/ESI before disposing of or ceasing to use the personally-owned PCD.

Failure to comply with these requirements may result in disciplinary action.

If a PCD is lost, stolen, hacked, or otherwise subjected to unauthorized access, the employee or school official must immediately notify the Superintendent so a determination can be made as to whether any public records, students' records, and/or ESI subject to a litigation hold has been compromised and/or lost. Pursuant to Policy 8305 - Information Security and its accompanying guideline, the Superintendent shall determine whether any security breach notification laws may have application to the situation. Appropriate notifications will be sent unless the records/information stored on the PCD was encrypted.

The Board prohibits employees and school officials from maintaining the following types of student, staff, or District records and/or information on their PCDs:

A. social security numbers

B. driver's license numbers

C. credit and debit card information

D. financial account numbers

E. student personally identifiable information

F. information required to be kept confidential pursuant to the Americans with Disabilities Act (ADA)

G. personal health information as defined by the Health Insurance Portability and Accountability Act (HIPAA)

Employees and school officials are responsible for making sure no third parties (including family members) have access to records and/or information, which is maintained on a PCD in their possession, that is confidential, privileged, or otherwise protected by State and/or Federal law.

Privacy Issues

Except in emergency situations or as otherwise authorized by the Superintendent or as necessary to fulfill their job responsibilities, employees and school officials are prohibited from using PCDs to capture, record, and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person in the school or while attending a school-related activity. Using a PCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, locker rooms,

shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The District Administrator and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Potential Disciplinary Action

Violation of any provision of this policy may constitute just cause for disciplinary action up to and including termination.

Use of a PCD in any manner contrary to local, State, or Federal laws may also result in disciplinary action up to and including termination.

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po7531

HOME COMPUTER PURCHASE PROGRAM

7531 - **HOME COMPUTER PURCHASE PROGRAM**

In order to encourage and facilitate computer literacy and the use of computers for improved student achievement, the Manitowoc Public School District will provide a home computer purchase program for District personnel. In this program, the Manitowoc Public School District will provide up to $3,000 to each employee who elects to participate in the program for the purchase of computer equipment. The employee will purchase the computer equipment which best meets his/her needs paying twenty-five percent (25%) down upon purchase and the District will loan the employee the remaining seventy-five percent (75%) of the purchase price of the equipment.

In order to participate in the program, the employee will execute a promissory note payable to the District in the amount of the cost of the loan. The note will be repaid over a two-year (2) period through equal payroll deductions. This note will be interest free and will be secured by a security interest (collateral) in the equipment. If the employment of a participant is terminated prior to the time that the promissory note is to be repaid, the employee will be expected to repay the balance by the last day of employment. If necessary, the Manitowoc Public School District may offset any other sums due the staff member to repay the promissory note. Annually, the Manitowoc Board of Education will establish a spending limit for this program. As a result, employees will participate in the program on a first-come-first serve basis. An employee who has already received a loan through this program will not be eligible for a second loan until the first loan is repaid.

Manitowoc Public School District

po7540

TECHNOLOGY

7540 - **TECHNOLOGY**

The Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of District operations.

Students' use of District technology resources (see definition in Bylaw 0100 - Definitions) is a privilege not a right. Students and their parents must comply with Policy 7540.03 - Student Technology Acceptable Use and Safety.

The Superintendent shall develop, recommend for approval by the Board, and implement a written District Technology Procedure (DTP). One of the primary purposes of the DTP is to evaluate new and emerging technologies and how they will play a role in student achievement and success and/or efficient and effective District operations.

The DTP shall set forth procedures for the proper acquisition of technology. The DTP shall also provide guidance to staff and students concerning making safe, appropriate and ethical use of District technology resources, as well as inform both staff and students about disciplinary actions that will be taken if Board technology and/or networks are abused in any way or used in an illegal or unethical manner. (See Policy 7540.03 and AG 7540.03 - Student Technology Acceptable Use and Safety, and Policy 7540.04 and AG 7540.04 - Staff Technology Acceptable Use and Safety)

The Superintendent, in conjunction with the District Technology Coordinator, shall review the DTP and report any changes, amendments, or revisions to the Board.

This policy, along with the Student and Staff Technology Acceptable Use and Safety policies, and the Student Code of Conduct, further govern students' and staff members' use of their personal communication devices (see Policy 5136 - Personal Communication Devices and Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices). Users have no right or expectation of privacy when using District technology resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

Further, safeguards shall be established so that the Board's investment in both hardware and software achieves the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media, which is defined in Bylaw 0100 - Definitions, to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of Board policy, and learning appropriate responses if they experience cyberbullying. Social media does not include sending or receiving e-mail through the use of District-issued e-mail accounts.

Equipment Security and Retention Procedures

The District invests significant resources in making current technology available for staff and students. Individual usage of devices that are not in a fixed location must be in accordance with these guidelines. The term "device" for purposes of this guideline includes District-owned computers, tablets, smart devices, and any other hardware or software systems or equipment owned or leased by the District.

A. **Identification:**

1. A label with the District's name and an identification number will be placed on each device owned by the District.

2. Records of the identification number, serial number, model, etc. for each device shall be maintained in the online management system.

3. District devices are assigned, identified, and tracked through an online management system.

B. **Use of District-owned Devices:**

All devices to be used either in the District or off-school premises shall be checked out through the online management system.

The person signing the request is responsible for the condition of the device until checked back in.

No device may be used to access any material that is prohibited by the District's technology usage policies, Policy 7540.03 - Student Technology Acceptable Use and Safety and Policy 7540.04 - Staff Technology Acceptable Use and Safety. Devices may not be used to access content that is unlawful or potentially harmful to the device and may never be used to access any "darkweb" content. Specifically, use of devices to access material that poses a risk of introducing viruses, malware, or other destructive content is strictly prohibited. Users are responsible for replacing devices that are inoperable due to the introduction of such malicious content while in the user's possession.

C. **Requests for Personal Use:**

Personal use of devices by students and staff shall be in accordance with Policy 7530 - Lending of District-Owned Equipment.

Additionally, a device shall not be used to access any material that is prohibited by the District's technology usage policies. (See Policy 7540.03 - Student Technology Acceptable Use and Safety and Policy 7540.04 - Staff Technology Acceptable Use and Safety)

If allowed for personal use, devices may not be used to access content that is unlawful or potentially harmful to the device and may never be used to access any "darkweb" content. Specifically, use of devices to access material that poses a risk of introducing viruses, malware, or other destructive content is strictly prohibited. Users are responsible for replacing devices that are inoperable due to the introduction of such malicious content while in the user's possession.

No business use shall be made of any borrowed devices. Software shall not be used in violation of any licensing agreement, nor shall it be copied.

No software or other applications may be downloaded onto any device except by the District's Technology Department and only as authorized by the District Administrator.

Users will be responsible for arranging safe transportation and housing for use off school premises.

D. **Staff Services:**

Media staff will instruct the user on the correct operation of devices. Media staff may assist other staff members in obtaining materials for instructional use by recording and/or copying within copyright guidelines.

E. **Equipment Inventory and Repair:**

All devices will be inventoried pursuant to Policy 7450 - Property Inventory.

If a piece of equipment requires repair, it will be sent to the Technology Department.

F. **Report of Loss:**

If any device is lost, the Principal and the Technology Department shall be notified. The Principal may notify the police if deemed appropriate.

Staff use of District-approved social media platforms/sites shall be consistent with Policy 7544 - Use of Social Media.

Students must comply with Policy 7540.03 - Student Technology Acceptable Use and Safety and Policy 5136 - Personal Communication Devices when using District technology resources to access and/or use District-approved social media platforms/sites.

Similarly, staff must comply with Policy 7544 - Use of Social Media, Policy 7540.04 - Staff Technology Acceptable Use and Safety, and Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices when using District technology resources to access and/or use District-approved social media platforms/sites.

Staff must comply with Policy 7544 - Use of Social Media, Policy 7540.04 - Staff Technology Acceptable Use and Safety, and Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices when using District technology resources to access and/or use social media for personal purposes.

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po7540.01

TECHNOLOGY PRIVACY

7540.01 - **TECHNOLOGY PRIVACY**

The Board recognizes its staff members' right to privacy in their personal lives. This policy serves to inform staff members of the Board's position with respect to staff-member privacy in the educational and workplace setting and to protect the Board's interests.

All Board-owned technology resources (as defined in Bylaw 0100) are to be used primarily for business and educational purposes. The Board retains the right to access and review all information resources (as defined in Bylaw 0100), including but not limited to electronic and voice mail, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the Board's computer system/network, telephone system, electronic mail system, and voice mail system. Staff members should have no expectation that any personal information/data maintained, stored, or transmitted on or through such systems is confidential or private. Board-owned technology resources may also be referred to as District technology resources and includes all those technology resources purchased by or authorized for acquisition and/or usage by the Board in the District's activities.

Review of such information may be done by the District with or without notice or the staff member's knowledge. The use of passwords does not guarantee confidentiality, and the Board retains the right to access information in spite of a password. A staff member's refusal to permit such access may be grounds for discipline up to and including discharge.

The administrators and supervisory staff members authorized by the Superintendent have the authority to search and access information electronically.

All District technology resources and District information resources are the property of the Board. Staff members shall not copy, delete, or remove any information/data contained on District technology resources without the express permission of the Superintendent or communicate any such information to unauthorized individuals. In addition, staff members may not copy software on to any District technology resources and may not bring software from outside sources for use on District technology resources without the prior approval of the IT Staff. Such pre-approval shall include a review of any copyright infringements or virus problems associated with such outside software.

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WEB CONTENT, APPS, AND SERVICES

7540.02 - **WEB CONTENT, APPS, AND SERVICES**

A. **Creation of Content for Web Pages/Sites, Apps, and Services**

The Board authorizes staff members and students to create content, apps, and services (see Bylaw 0100, Definitions) that will be hosted by the Board on its servers or District-affiliated servers and/or published on the Internet.

The content, apps and services must comply with applicable State and Federal laws (e.g., copyright laws, Children's Internet Protection Act (CIPA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Americans with Disabilities Act (ADA), and Children's Online Privacy Protection Act (COPPA)), and reflect the professional image/brand of the District, its employees, and students. Content, apps, and services must be consistent with the Board's mission statement and staff-created web content, services and apps are subject to prior review and approval of the Superintendent before being published on the Internet and/or used with students.

B. **Purpose of Content of District Web Pages/Sites, Apps, and Services**

The purpose of content, apps, and services hosted by the Board on its servers or District-affiliated servers is to educate, inform, and communicate. The following criteria shall be used to guide the development of such content, apps, and services:

1. **Educate**

   Content should be suitable for and usable by students and teachers to support the curriculum and the Board's objectives as listed in the Board's strategic plan.

2. **Inform**

Content may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

3. **Communicate**

   Content may communicate information about the plans, policies, and operations of the District to members of the public and other persons who may be affected by District matters.

The information contained on the Board's website(s) should reflect and support the Board's mission statement, educational philosophy, and the school improvement process.

When the content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances is District-created content, apps, and services to be used for commercial purposes, advertising, political lobbying or to provide financial gains for any individual. Included in this prohibition is the fact no content contained on the District's website may:

1. include statements or other items that support or oppose a candidate for public office, the investigation, prosecution or recall of a public official, or passage of a tax levy or bond issue;

2. link to a website of another organization if the other website includes such a message; or

3. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

Web content, apps, and services should reflect an understanding that both internal and external audiences will be viewing the information.

School web pages/sites, apps, and services must be located on Board-owned or District-affiliated servers.

The Superintendent shall prepare administrative procedures defining the rules and standards applicable to the use of the Board's website and the creation of web content, apps, and services by staff.

The Board retains all proprietary rights related to the design of web content, apps, and services that are hosted on Board-owned or District-affiliated servers, absent written agreement to the contrary.

Students who want their classwork to be displayed on the Board's website must have written parent permission and expressly license its display without cost to the Board.

Prior written parent permission is necessary for a student to be identified by name on the Board's website.

C. **Website Accessibility**

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The District is further committed to

ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered online.

The District adopts this policy to fulfill this commitment and affirm its intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, 34 C.F.R. Part 104, and Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. 12131 and 28 C.F.R. Part 35 in all respects.

1. **Technical Standards**

   The District will adhere to the technical standards of compliance identified at manitowocpublicschools.org. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, and the Web Accessibility Initiative - Accessible Rich Internet Applications Suite (WAI-ARIA 1.1) for web content.

2. **Web Accessibility Coordinator**

   The Board designates its Technology Director as the District's web accessibility coordinator(s). That individual(s) is responsible for coordinating and implementing this policy.

   See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator(s)' contact information.

3. **Third-Party Content**

   Links included on the Board's website(s), services, and apps that pertain to its programs, benefits, and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, and COPPA). While the District strives to provide access through its website to online content provided or developed by third

parties (including vendors, video-sharing websites, and other sources of online content) that is in an accessible format, that is not always feasible. The District's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The District's web accessibility coordinator or his/her designees will vet online content available on its website that is related to the District's programs, benefits, and/or services for compliance with this criteria for all new content placed on the District's website after adoption of this policy.

Nothing in the preceding paragraph, however, shall prevent the District from including links on the Board's website(s) to:

a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites), or

b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or services.

The Board recognizes that such third-party websites may not contain age-appropriate advertisements that are consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

4. **Regular Audits**

The District, under the direction of the web accessibility coordinator(s) or his/her/their designees, will, at regular intervals, audit the District's online content and measure this content against the technical standards adopted above.

This audit will occur no less than once every two (2) years.

If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

5. **Reporting Concerns or Possible Violations**

If any student, prospective student, employee, guest, or visitor believes that the District has violated the technical standards in its online content, s/he may contact the web accessibility coordinator with any accessibility concerns. S/He may also file a formal complaint utilizing the procedures set out in Board Policy 2260 and Policy 2260.01 relating to Section 504 and Title II.

D. **Instructional Use of Apps and Web Services**

The Board authorizes the use of apps and services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

A teacher who elects to supplement and enhance student learning through the use of apps and/or services is responsible for verifying/certifying to the Technology Director that the app and/or service has a FERPA compliant privacy policy, and it complies with all requirements of the Children's Online Privacy Protection Act (COPPA) and the Children's Internet Protection Act (CIPA) and the ADA.

E. **Annual Training**

The District will provide periodic training for its employees who are responsible for creating or distributing information with online content so that these employees are aware of this policy and understand their roles and responsibilities with respect to web design, documents and multimedia content.

F. **One-Way Communication Using District Web Content, Apps and Services**

The District is authorized to use web pages/sites, apps, and services to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via District web pages/sites, apps, and services to be one-way communication, public comments are not solicited or desired, and the website, app, or service is

to be considered a nonpublic forum.

If the District uses an app and/or web service that does not allow the District to block or deactivate public comments (e.g., Facebook, which does not allow comments to be turned off, or Twitter, which does not permit users to disable private messages or mentions/replies), the District's use of that apps and web service will be subject to Policy 7544 – Use of Social Media, unless the District is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records), but it will not review or consider those comments.

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STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.03 - **STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the Internet. The Board provides technology resources (as defined in Bylaw 0100 - Definitions) to support the educational and professional needs of its students and staff. With respect to students, District Technology Resources afford them the opportunity to acquire the skills and knowledge to learn effectively and live productively in a digital world. The Board provides students with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students. The District's computer network and Internet system do not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of District technology resources by principles consistent with applicable local, State, and Federal laws, the District's educational mission, and articulated expectations of student conduct as delineated in the Student Code of Conduct. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of District Technology Resources and students' personal communication devices when they are connected to the District computer network, Internet connection, and/or online educational services/apps, or when used while the student is on Board-owned property or at a Board-sponsored activity (see Policy 5136 - Personal Communication Devices).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like).

Because its Technology Resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using District Technology Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

The Board may not be able to technologically limit access to services through its technology resources to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or the Superintendent, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the District technology resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Board utilizes software and/or hardware to monitor online activity of students and to block/filter access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. "Harmful to minors" is a term defined by the Communications Act of 1934 (47 U.S.C. 254(h)(7)) as any picture, image, graphic image file, or other visual depiction that:

A. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

B. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;

C. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

At the discretion of the Board or the Superintendent, the technology protection measure may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measure may not be disabled at any time that students may be using the District technology resources, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The Superintendent or designee may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measure. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measure.

The Superintendent or designee may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

Parents are advised that a determined user may be able to gain access to services and/or resources on the Internet that the Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable or controversial. Parents of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

Pursuant to Federal law, students shall receive education about the following:

A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;

B. the dangers inherent with the online disclosure of personally identifiable information;

C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students online;

D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

Building Principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of District technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms, and cyberbullying awareness and response. All users of District technology resources (and their parents if they are minors) are required to confirm their agreement to abide by the terms and conditions of this policy and its accompanying guidelines during the annual student registration process.

Students will be assigned a school email account that they are required to utilize for all school-related electronic communications, including those to staff members, peers, and individuals and/or organizations outside the District with whom they are communicating for school-related projects and assignments. Further, as directed and authorized by their teachers, they shall use their school-assigned email account when signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes.

Students are responsible for good behavior when using District technology resources - i.e., behavior comparable to that expected of students when they are in classrooms, school hallways, and other school premises and school-sponsored events. Communications on the Internet are often public in nature. The Board does not approve any use of its technology resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District technology resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and designee as the administrator(s) responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of District technology resources.

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po7540.04

STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY

7540.04 - **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the Internet. The Board provides Technology and Information Resources (as defined by Bylaw 0100 - Definitions) to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and Internet system do not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of District Technology and Information Resources by principles consistent with applicable local, State, and Federal laws, and the District's educational mission. This policy and its related administrative guidelines, Policy 7544 - Use of Social Media and and any applicable employment contracts govern the staffs' use of the District's computers, laptops, tablets, personal communication devices (as defined by Policy 7540.02 - Web Content, Apps, and Services), when they are connected to the District computer network, Internet connection, and/or educational services/apps.

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its Technology Resources are not unlimited, the Board has also instituted

restrictions aimed at preserving these resources, such as placing limits on the use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using District Technology and Information Resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

Staff members are expected to utilize District technology and information resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources to enrich educational activities. The instructional use of the Internet and online educational services will be guided by the Board's Policy 2521 - Selection of Instructional Materials and Equipment.

The Internet is a global information and communication network that provides a valuable education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, District technology and resources provide students and staff with the opportunity to communicate with other people from throughout the world. Access to such a vast quantity of information and resources brings with it, however, certain unique challenges.

The Board may not be able to technologically limit access to services through its technology resources to only those that have been authorized for the purpose of instruction, study, and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a

gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the District's technology resources if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Board utilizes software and/or hardware to monitor online activity of staff and to block/filter access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. "Harmful to minors" is a term defined by the Communications Act of 1934 (47 U.S.C. 254 (h)(7)) as any picture, image, graphic image file, or other visual depiction that:

A. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

B. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;

C. taken as a whole, lacks serious literary, artistic, political, or scientific value to minors.

The Superintendent or designee may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether the material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent or designee may disable the technology protection measure to enable access for bona fide research or other lawful purposes for staff or students aged seventeen (17) or older.

Staff members will participate in professional development programs in accordance with the provisions of this policy. Training shall include:

A. the safety and security of students while using e-mail, chat rooms, social networking sites and other forms of direct electronic communications;

B. the inherent danger of students disclosing personally identifiable information online;

C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying and other unlawful or inappropriate activities by students or staff online; and

D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate technology use and online safety and security as specified above, and staff members will monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

Building Principals are responsible for providing training so that staff users of District technology resources under the Principal's supervision are knowledgeable about this policy and its accompanying guidelines. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the District technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including chat rooms and cyberbullying awareness and response. All users of District technology resources are required to confirm their agreement to abide by the terms and conditions of this policy and its accompanying guidelines during the Employee Handbook receipt and acceptance process. Pursuant to Policy 7540.06 - District-Issued Staff E-Mail Account, staff and Board members using the District's e-mail system shall acknowledge their review of, and intent to comply with, the District's policy on acceptable use of District-issued email accounts.

Staff will be assigned a school email address that they are required to utilize for all school-related electronic communications, including those to students, parents and other constituents, fellow staff members, and vendors or individuals seeking to do business with the District.

With prior approval from the Superintendent or designee, staff may direct students who have been issued school-assigned email accounts to use those accounts when

signing-up/registering for access to various online educational services, including mobile applications/apps that will be utilized by the students for educational purposes under the teacher's supervision.

Staff members are responsible for good behavior when using District technology and information resources - i.e., behavior comparable to that expected when they are in classrooms, school hallways, and other school premises and school-sponsored events. Communications on the Internet are often public in nature. The Board does not approve any use of the technology and information resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines and Policy 7544 and its accompanying guideline.

Staff members' use of District technology resources to access or use social media is to be consistent with Policy 7544 and its accompanying guideline.

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the District's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's personal computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

General school rules for behavior and communication apply.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District technology and information resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent and designee as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of District technology and information resources.

In addition, Federal and State confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent. See Policy 8330 - Student Records. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate State and Federal confidentiality laws or privacy laws related to the disclosure of confidential employee information may be disciplined.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

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ASSISTIVE TECHNOLOGY AND SERVICES

7540.05 - **ASSISTIVE TECHNOLOGY AND SERVICES**

Students with disabilities have special challenges and may need assistive technology in order to more fully participate in their classrooms, homes, communities and workplaces. Through the use of assistive technology and services, these students will have the opportunity to become more independent and self-reliant.

Each IEP team must include in its deliberations consideration of whether the use of assistive technology devices and services to aid students with disabilities is appropriate for each specific student.

The Board also directs that students who qualify under Section 504 of the Rehabilitation Act be provided with assistive technology consistent with the student's 504 Plan.

Students having special needs but not requiring a formal IEP or 504 Plan according to law, which may include but are not limited to migrant students, homeless students, students living with poverty, and English Learners, will also be considered for assistive technology devices and/or services.

"Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such device.

"Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of assistive technology devices. Assistive technology services include:

A. the evaluation of needs including a functional evaluation, in the child's customary environment;

B. purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices;

C. selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

D. coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

E. training or technical assistance for a child with disabilities, or where appropriate that child's family;

F. training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers or other(s) who provide services to employ, or are otherwise, substantially involved in the major life functions of that child.

The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize assistive technology resources and assistive technology services.

Assistive technology used in conjunction with a student's Individual Education Plan (IEP) shall be used with any external communication or recording function disabled, except as provided for in the student's IEP.

The Board designates the District Administrator and the IT Coordinator as the administrator(s) responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to the use of assistive technology and services in the District.

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DISTRICT-ISSUED STAFF E-MAIL ACCOUNT

7540.06 - **DISTRICT-ISSUED STAFF E-MAIL ACCOUNT**

Staff

The Board is committed to the effective use of electronic mail ("e-mail") by all District staff and Board members in the conduct of their official duties. This policy, as well as any guidelines developed pursuant to it are intended to establish a framework for the proper use of e-mail for conducting official business and communicating with colleagues, students, parents, and community members.

When available, the District's e-mail system must be used by employees for any official District e-mail communications. Personal e-mail accounts on providers other than the District's e-mail system may be blocked at any time if concerns for network security, SPAM, or virus protection arise. District staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

District staff shall not send or forward mass e-mails, even if the e-mails concern District business, without prior approval of the IT Staff.

District staff may join list servs or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the District.

Staff members are encouraged to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a litigation hold (see Policy 8315 - Information Management), and purging all other e-mails that have been read. If the staff member is concerned that the staff member's e-mail storage allotment is not sufficient, theyshould contact the District's IT staff.

Public Records

The District complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to District staff and Board members may be public records, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records must be maintained pursuant to Policy 8330 – Student Records. Finally, e-mails may constitute electronically stored information ("ESI") that may be subject to a litigation hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request.

E-mails written by or sent to District staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns District business, or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with a District request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a litigation hold, even if such records reside on a computer owned by an individual staff member, or are accessed through an e-mail account not controlled by the District.

Retention

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a litigation hold shall be retained.

The District maintains archives of all e-mails sent and/or received by users of the District's e-mail service. Staff members are required to forward copies of any e-mails received in their personal e-mail account(s) not affiliated with the District server to their District e-mail account so that these records are also archived for future retrieval, if necessary.

Unauthorized E-mail

The Board does not authorize the use of its technology resources, including its computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

Authorized Use and Training

Pursuant to Policy 7540.04, staff and Board members using the District's e-mail system shall acknowledge their review of, and intent to comply with, the District's policy on acceptable use and safety.

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ARTIFICIAL INTELLIGENCE (AI)

7540.08 - **ARTIFICIAL INTELLIGENCE (AI)**

The Board recognizes the positive impact that artificial intelligence (AI) technology may have in the District's educational program and operations. The Superintendent is authorized to support the use of artificial intelligence technology when its use is consistent with the District's mission, goals, and operational integrity.

Any use of artificial intelligence technology in the District's educational program or operations must be in accordance with State and Federal law as well as Board policies including, but not limited to the following: Policy 5505 – Academic Honesty; Policy 5500 – Student Code of Classroom Conduct; Policy 5500.01 – Conduct in Virtual Classroom; Policy 5517 – Student Anti-Harassment; Policy 5517.01 – Bullying; Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs and Activities; Policy 8330 – Student Records; Policy 2240 – Controversial Issues in the Classroom; Policy 7540.03 – Student Technology Acceptable Use and Safety; and Policy 7540.04 – Staff Technology Acceptable Use and Safety.

Violation of this policy may result in disciplinary consequences. Students may be disciplined for violations, up to and including suspension or expulsion. Staff may be disciplined for violations, up to and including suspension or termination of employment. The Administration will refer any illegal acts to law enforcement.

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po7542

ON-SITE ACCESS TO DISTRICT TECHNOLOGY RESOURCES FROM PERSONALLY OWNED COMMUNICATION DEVICES

7542 - **ON-SITE ACCESS TO DISTRICT TECHNOLOGY RESOURCES FROM PERSONALLY OWNED COMMUNICATION DEVICES**

For purposes of this policy, "personal communication device" means as defined in Bylaw 0100 - Definitions.

Board members, employees, and students, as well as vendors of the District may use their PCD to wirelessly access the District's technology resources (guest or business networks, servers, printers, etc.) while they are on-site at any District facility. Access to the business/guest network shall require authentication.

The Director of Business Services is authorized to develop the necessary standards for connecting PCDs to the District’s technology resources. The standards shall be available upon request.

The standards shall be designed and enforced to minimize the Board’s exposure to damages, including, but not limited to, the loss of sensitive District data, illegal access to confidential data, damage to the District's intellectual property, damage to the District's public image, and damage to the District's critical internal systems, from unauthorized use.

The use of PCDs must be consistent with the established standards for appropriate use as defined in Policy 7540.03 – Student Technology Acceptable Use and Safety, and Policy 7540.04 – Staff Technology Acceptable Use and Safety.

Any user who violates the established standards and/or the Board's Acceptable Use policy, or who accesses the District's technology resources server and network without authorization may be prospectively denied access to the District's technology resources. If the violation is committed by a contractor, vendor or agent of the District, the contract may be subject to cancellation. Further disciplinary action may be taken if the violation is committed by a student or employee.

The owner of a PCD bears all responsibility and assumes all risk of theft, loss, or damage to, or misuse or unauthorized use of the device while it is on Board property. This provision applies to everyone, regardless of their affiliation or connection to the District.

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po7544

USE OF SOCIAL MEDIA

7544 - **USE OF SOCIAL MEDIA**

Technology is a powerful tool to enhance education, communication, and learning.

The Board authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents, staff (including District-approved volunteers), and the general public. Social media is defined in Bylaw 0100 - Definitions.

The District Administrator is charged with designating the District-approved social media platforms/sites.

In designating District-approved social media platforms/sites, the District Administrator shall specify which platforms/sites are appropriate for use at the District-level, the building or department level, for extra-curricular activities, and at the individual level by employees for professional purposes consistent with the Board's authorization for the official use of social media by individual buildings, departments, activities, or staff members.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100 - Definitions) are a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the District provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding

cyberbullying awareness and response. See Board Policy 7540.03 – Student Technology Acceptable Use and Safety.

The District recognizes that employees may use social media for personal, as well as professional reasons. The District neither encourages nor discourages employees' use of social media for personal purposes. The District regulates employees' use of social media for purposes related to their District assignment to the same extent as it regulates any other form of employee communication in that regard.

The District maintains its approved social media platforms/sites as non-public forums and not as interactive forms of communication; therefore, comments are not allowed.

Each District-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures, and applicable terms of service. Users are personally responsible for the content of their posts.

Social Media for Instructional and School-Sponsored Activities

Staff (including District-approved volunteers) may, with prior approval/authorization from the Principal, use social media platforms/sites for communications about classroom instruction or school-sponsored activities, as well as to support classroom instruction. When a staff member uses a District-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of District-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 5722, AG 5722 – School-Sponsored Student Publications and Productions, Policy 7540.03, AG 7540.03 – Student Technology Acceptable Use and Safety, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personally identifiable information about students,

employees, and volunteers through District-approved social media without appropriate consent.

Staff members (including District-approved volunteers) must provide parents of students involved in a school-sponsored activity the ability to opt-out of having their child use social media platforms/sites for communication purposes associated with that activity, and arrange for an alternative method of communicating with the participating student concerning the school-sponsored activity.

Expected Standards of Conduct on District-Approved Social Media

Employees and District-approved volunteers who access District-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access District-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

District-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with District operations; or interferes with the rights of others. The District may exercise editorial control over the style and content of student speech on District-approved social media if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The District is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on District-approved social media sites. District employees and volunteers are prohibited from posting or releasing confidential information about students, employees, volunteers, or District operations through social media, without appropriate consent (i.e., express

written consent from the parent of a student, the affected employee or volunteer, or the District Administrator concerning District operations).

Employees and District-approved volunteers are prohibited from using District-approved social media platforms/sites to communicate privately (i.e., one-on-one) with individual students.

Retention of Public/Student Records

District communications that occur through the use of District-approved social media platforms/sites – including staff members'/volunteers' use of social media with school sponsored activities, and comments, replies, and messages received from the general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. (See AG 8310A –Public Records.)

If a staff member uses District-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

Employees and District-approved volunteers are permitted to use District technology resources (as defined in Bylaw 0100 - Definitions) to access social media for personal use during breaks, mealtimes, and before and after scheduled work hours.

They are reminded that the District may monitor their use of District technology resources.

Employees are permitted to use personal communication devices to access social media for personal use during breaks and mealtimes.

Employees and District-approved volunteers are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative guidelines. If an employee/volunteer's communication interferes with their ability to effectively perform their job, or violates State or Federal law, Board policies, or administrative guidelines, the District may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

This policy and its corresponding administrative guideline will be reviewed and updated as necessary.

Revised 7/9/24

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po7550

COOPERATION WITH LOCAL GOVERNMENTS

7550 - **COOPERATION WITH LOCAL GOVERNMENTS**

The Board will consider collaboration between the District and other local municipal or county governments for joint use of facilities, and services or programs from which the entire community, children and adults alike, may derive benefits.

In accordance with this policy, the Board shall evaluate and consider, as either opportunity or need arises, and as it is entitled to do so by law, whether to pursue joint projects with other governmental entities in acquiring, improving, equipping, operating, or maintaining such jointly-used facilities as recreational and cultural areas and/or facilities.

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po8120

VOLUNTEERS

8120 - **VOLUNTEERS**

The Board recognizes that certain programs and activities can be enhanced through the use of volunteers who have particular knowledge or skills that will be helpful to members of the staff responsible for the conduct of those programs and activities.

The District Administrator shall be responsible for recruiting community volunteers, reviewing their capabilities, and making appropriate placements. The District Administrator shall not be obligated to make use of volunteers whose abilities are not in accord with District needs.

Board members and any other individuals who volunteer to work in the schools must submit to a criminal history records and background check before being allowed to participate in any activity or program.

Any person who volunteers to work with the District shall be screened through the Internet site for the Sex Offenders Registry (SOR) list, which may include the use of visitor management software, prior to being allowed to participate in any activity or program.

Any volunteer who works with or has access to students shall be screened through the Internet site for the Sex Offenders Registry (SOR) list, which may include the use of visitor management software, prior to being allowed to participate in any activity or program.

A Board member may serve as a volunteer coach or supervisor of an extracurricular activity if the provisions of 120.20, Wis. Stats., and this policy are satisfied. (See also Bylaw 0144.3 - Conflict of Interest)

A Board member may serve as a volunteer bus driver for the District if the provisions of 120.20, Wis. Stats., and the policy are satisfied. (See also Bylaw 0144.3 - Conflict of Interest)

A volunteer who transports students in a private vehicle for school-sponsored activities or trips must abide by the guidelines in Policy 8660 - Transportation by Private Vehicle for District-Sponsored Activities or Trips.

Each volunteer:

A. shall agree to abide by all Board policies and District guidelines while on duty as a volunteer;

B. will be covered under the District's liability policy, but the District cannot provide any type of health insurance to cover illness or accident incurred while serving as a volunteer, nor is the person eligible for workers' compensation;

C. in accepting the role of a volunteer, agrees to verification that a satisfactory background check may be conducted through appropriate State agencies or other applicable means.

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po8141

REQUIRED REPORTING OF STAFF CONDUCT

8141 - **REQUIRED REPORTING OF STAFF CONDUCT**

The Board of Education recognizes its responsibilities to effectively address criminal charges, convictions, or dismissal/non-renewal due to immoral conduct, by staff members and, where determined appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to any person licensed by the State Superintendent, such matters will be reported to the State Superintendent.

Pursuant to State law, immoral conduct means conduct or behavior that is contrary to commonly accepted moral or ethical standards and that endangers the health, safety, welfare or education of any student. Further, immoral conduct includes the intentional use of a District's equipment to download, view, solicit, seek, display, or distribute pornographic material.

District staff are required to report to the Superintendent alleged immoral conduct by District staff members. If the alleged misconduct to be reported is regarding the Superintendent, the District employee shall report the alleged misconduct to the presiding officer of the Board.

The Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of a student, and shall report the alleged misconduct to the State Superintendent as required by State law.

Staff alleged to have committed such misconduct shall be reassigned or placed on administrative leave pending the outcome of a misconduct investigation.

Reporting Requirements for Licensed Staff

If any of the following occurs, the name of the licensed staff member, a complete copy of the staff member's personnel file, and all records related to any investigation of the staff member conducted by or on behalf of the District shall be reported to the State Superintendent:

A. the licensed staff member is charged with a crime pursuant to Chapter 948, Wisconsin Statutes, including a crime specified as a felony pursuant to section 948.015 that has a maximum term of imprisonment of at least five (5) years or a crime in which the victim was a child;

B. the licensed staff member is convicted of a crime under Chapter 948, Wisconsin Statutes, or a felony with a maximum term of imprisonment of at least five (5) years, or a crime in which the victim was a child, or pursuant to 940.225(3m), Wisconsin Statutes fourth degree sexual assault;

C. the licensed staff member is dismissed, or his/her contract is not renewed by the District based in whole or in part on evidence that the person engaged in immoral conduct; or

D. the licensed staff member resigns and the Superintendent has a reasonable suspicion that the resignation relates to the person having engaged in immoral conduct.

The Superintendent shall make such report within fifteen (15) days after the administrator becomes aware of the charge, conviction, dismissal, non-renewal or resignation.

If an administrator requests a staff member, employed by the District and licensed by the State Superintendent to resign, and there is reasonable suspicion that the person engaged in immoral conduct, the administrator shall notify the staff member that the administrator has the affirmative duty to report to the State Superintendent such suspicion.

Non-licensed Staff Reporting Requirements

The Superintendent shall also report to the State Superintendent the name of any person employed by the District, even if the staff member is not licensed by the State Superintendent if the staff member is convicted of a crime under Chapter 948, Wisconsin Statutes, a felony with a maximum term of imprisonment of at least five (5) years or a crime in which the victim was a child, or fourth degree sexual assault pursuant to 940.225(3m), Wisconsin Statutes. The Superintendent shall make such report within fifteen (15) days after the administrator becomes aware of the charge conviction.

General Reporting Requirements

The Superintendent shall send a copy of any report made about a staff member, as described herein, that is made to the State Superintendent to the staff member who is the subject of the report.

An administrator, or any other person, who in good faith reports or fails to report information to the State Superintendent is immune from civil liability for such acts or omissions.

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po8146

NOTIFICATION OF EDUCATIONAL OPTIONS

8146 - **NOTIFICATION OF EDUCATIONAL OPTIONS**

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

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

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po8210

SCHOOL CALENDAR

8210 - **SCHOOL CALENDAR**

The Board recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the District.

Classes shall not begin prior to September 1st except when holding year-round school or when so authorized by the Department of Public Instruction.

The Board shall determine annually the number of days when the schools will be in session for instructional purposes. The school year shall consist of student contact days, sufficient to meet all required student instruction time mandates set by State law, and shall contain a number of non-instructional days for parent-teacher conferences, staff education and training, or other reasons during which staff are required to report. When compensatory instruction is offered virtually for days when schools are closed for inclement weather or for parent-teacher conferences, staff in-services, or other reasons, such instruction may be counted when computing the minimum number of instructional hours required by the State, provided such instruction applies to the entire school or grade level and accessibility requirements ha?

The Superintendent is authorized to work with the CESA on the development of a common calendar for all of the districts in the service area.

If school days are lost due to inclement weather, or other reason such that the amount of instructional time would fall below the required amount of time, the District Administrator shall determine whether additional school days during which student instruction will occur will be scheduled or whether additional instructional time shall be

added to existing school days such that the required instructional time is reached. Non-instructional days lost due to inclement weather or other reasons may be made up at the discretion of the Superintendent.

The Superintendent shall certify to the Department of Public Instruction the number of hours of student instruction during the previous school year.

Revised 2/10/15

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po8220

SCHOOL DAY/SCHOOL CLOSURE

8220 - **SCHOOL DAY/SCHOOL CLOSURE**

The Board authorizes the school day to be arranged and scheduled by the administration. It is to offer the maximum education for the time spent within the limitations of school facilities and the laws and regulations of the State.

School Closure

The Superintendent may close the schools, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. The Administrator shall prepare rules for the proper and timely notification of concerned persons and parents in the event of an emergency closing of the schools.

Any non-weather-related events of more than three consecutive days will require board approval.

The Superintendent shall have the authority to determine which school-related activities may be conducted if the school is closed for a period of time. The Superintendent shall prepare appropriate guidelines for communication to students, parents, and others regarding the scheduling and conduct of such activities.

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PUBLIC RECORDS

8310 - **PUBLIC RECORDS**

The Board recognizes its responsibility to maintain the public records of this District and to make such records available for inspection and reproduction. The Board designates the Superintendent as the District Records Custodian (DRC), to be the legal custodian of records for the District. The DRC shall safely keep and preserve the public records of the District and shall have the authority to render decisions and carry out duties related to those public records, including providing the notice required under 19.34(1) Wis. Stats., identifying the positions of the District that constitute a local public office pursuant to 19.32(1dm), and 19.42 (7w), Wis. Stats., and other required information. The DRC may deny access to records only in accordance with the law. The DRC is authorized and encouraged to consult with the District's legal counsel to determine whether to deny access to a records request in whole or in part.

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

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

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

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

The District may impose a fee upon the requester of a copy of a record which represents the actual, necessary, and direct cost of reproduction of the record.

In addition, the District may impose a fee upon a requester for the actual time spent by District employees in locating a record, if the cost is $50.00 or more. In calculating location costs, the District will use the applicable employee's hourly rate for salary and benefits.

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

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

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

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

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

Records Retention Schedule

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

The Board has approved the following current records retention schedules developed by the Wisconsin Historical Society and PRB:

A. Wisconsin Public School District and Related Records GRS

B. Administrative and Related Records GRS

C. Budget and Related Records GRS

D. Facilities Management and Related Records GRS

E. Fiscal and Accounting and Related Records GRS

F. Human Resources and Related Records GRS

G. Information Technology and Related Records GRS

H. Payroll and Benefits and Related Records GRS

I. Purchasing & Procurement and Related Records GRS

J. Risk Management and Related Records GRS

K. Wisconsin Municipal and Related Records GRS

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

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Revised 8/23/11
Revised 8/12/14
Revised 4/10/18

Revised 10/8/24
T.C. 2/17/24

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PERSONNEL RECORDS

8320 - **PERSONNEL RECORDS**

Maintaining accurate personnel records is critical to effective human resource management and to the Board satisfying its legal obligations. In addition, such records frequently contain confidential information that must be managed appropriately. Accordingly, the Board has developed the following policy relating to personnel records.

District Records Custodian (DRC) Responsibilities

The DRC will maintain a personnel file, a payroll file, an I-9 file, and a medical file for each employee. The files will be maintained in separate, secure locations. Supervisors and other administrators should forward all personnel records, I-9 records, payroll records, and medical records to the DRC to ensure that they are properly filed and maintained. Supervisors and other administrators should not maintain files containing an employee's personnel records, payroll records, I-9 records, or medical records. The DRC will also ensure that the following personnel records, if applicable, are maintained in separate, secure files:

A. criminal conviction history requests and reports;

B. employee assistance program records;

C. employee relations complaints including, for example, discrimination complaints;

D. investigative and deliberative records relating to employee relations matters;

E. privileged and confidential communications including, but not limited to, attorney-client communications.

Any individual who reviews personnel records will sign and date a log, which shall be kept in a secure location.

Content of Personnel Record Files

The content of the files maintained by the District shall be determined by the DRC consistent with the requirements of State and Federal law and sound principles of human resource management.

Third-Party Access to Personnel Records – Confidentiality

It is the Board's policy to respect individual privacy and to maintain in confidence all information and records pertaining to employees to the extent practicable in keeping with the Board's interest. Information in an employee's personnel file, medical file, payroll file, I-9 file and all other employment-related files will not be disclosed to any third party without an employee's written consent, except to meet the legitimate business needs of the Board or as required by law (e.g. subpoena or public record request). Further, neither the Board nor any individual employed by the Board shall access an employee's personnel records except for legitimate business purposes.

Address Confidentiality Program

Employees who are verified participants in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice shall be permitted to use their substitute assigned address for all District purposes. The Board shall only list the address designated by the Wisconsin Department of Justice to serve as the employee's address in any personnel records, personnel files, or staff directories. Further, the Board shall use the employee's substitute assigned address for any and all communications and correspondence between the Board and the employee. The employee's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. The intentional disclosure of an employee's actual/confidential residential address is prohibited.

Access to Personnel Documents, Employee and Designated Representative

A. **Covered Documents**

Upon the written request of an employee or former employee (the "employee"), the District shall permit the employee to inspect any personnel documents that are used or which have been used in determining that employee’s qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records. Provided, however, that the employee has no right to inspect the following:

1. records relating to the investigation of possible criminal offenses committed by that employee;

2. letter of reference for that employee;

3. any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for

the entire test document;

4. materials used by the District for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions, and job assignments or other comments or ratings used for the District's planning purposes;

5. information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy;

6. records relevant to any other pending claim between the District and the employee that may be discovered in a judicial proceeding;

7. medical records that the District believes would have a detrimental effect on the employee.

   In this instance, the District may release the medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the medical records to the employee or to the employee's immediate family.

B. **Request and Review Procedure**

The District shall grant at least two (2) requests by an employee in a calendar year, to inspect the employee's records as provided in this policy and consistent with State law.

The District shall provide the employee with the opportunity to inspect the employee's records within seven (7) working days after the employee makes the request for inspection. The inspection shall take place at a location reasonably near the employee's place of employment and during normal working hours. If the inspection during normal working hours would require an employee to take time off from work, the District may provide some other reasonable time for the inspection. In any case, the District may allow the inspection to take place at a time other than working hours or at a place other than where the records are maintained if that time or place would be more convenient for the employee. The records will be reviewed in the presence of the DRC or a designee.

The employee shall not make any alterations or additions to the record nor remove any material from the record. A copy of the employee's request to review personnel records shall be filed in the employee's personnel file.

C. **Designated Representative**

An employee may designate a representative to inspect the employee's personnel records. The designation shall be in writing. The District shall allow such a designated representative to inspect that employee's personnel records in the same manner as the employee is permitted to inspect them under this guideline.

D. **Copy Charges**

The District will not charge employees who wish to copy or receive a copy of records.

Personnel Record Correction

If an employee disagrees with any information contained in the personnel records, a removal or correction of that information may be mutually agreed upon by the District and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The District shall attach the employee's statement to the disputed portion of the personnel record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a third party as long as the disputed record is a part of the file.

Revised 3/13/12

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po8321

NEPOTISM PROHIBITED

8321 - **NEPOTISM PROHIBITED**

The Manitowoc Public School District prohibits nepotism and considers it a conflict of interest in the workplace. For the purposes of this policy, nepotism is defined as any employee or board member who engages in the giving or showing of favoritism, giving preferential treatment, or the appearance of improper influence to a relative without merit.

Relatives under this policy include the following relationships: the employee's spouse, domestic partner, child, mother, father, brother, sister, step-family, aunt, uncle, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents, and grandchildren.

Nepotism and conflict of interest exist where an individual has authority (or practical power) in any of the following circumstances: hiring, recommending someone for employment, promoting, assignments, assigning tasks or work, purchasing from or recommending purchasing from, removing or disciplining, auditing, performance evaluating, or awarding quotes or bids.

This policy is not intended to discourage otherwise qualified individuals who are relatives from working in the district as long as there is no conflict of interest. Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship or a conflict of interest.

This anti-nepotism provision shall be subject to all anti-discrimination requirements applicable to an individual or the district. Employees witnessing nepotism or conflicts

of interest under this policy shall report such activity to the Superintendent or Board president. No employee may be subject to reprimand or disciplinary action for good faith reports under this policy.

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po8325

RECEIPT OF LEGAL DOCUMENTS BY DISTRICT EMPLOYEES

8325 - **RECEIPT OF LEGAL DOCUMENTS BY DISTRICT EMPLOYEES**

School employees often gain substantial personal knowledge regarding many aspects of the lives and behavior of students. As a result they may be called upon to provide testimony in the course of legal proceedings such as divorce actions involving custody disputes, criminal prosecutions or other types of legal proceedings. School employees may also be the subject of civil suits relating to the performance of their employment responsibilities, resulting in the service of legal documents requiring them to respond to allegations, produce records or provide sworn testimony.

Service of Legal Documents

Legal service requires compliance with procedural rules. Staff members may not accept service of legal documents on behalf of the District unless authorized to do so, and should not agree to accept service via e-mail, fax, or other means other than personal service unless directed to do so.

Student Records and Other Confidential Information

If a District staff member is served with any legal document(s) such as a subpoena or summons and complaint, requiring this staff member to answer factual allegations or appear at a particular place and time to provide testimony and/or records pertaining to any matter related to the staff member's employment, the staff member must immediately notify the building principal or District Administrator.

Legal documents regarding matters related to school business may implicate confidential personnel records or protected student records (see Policy 8330 and Policy 8310). Observation and opinions regarding student behavior, academic performance or similar topics likewise constitute confidential records. The administration shall determine what action must be taken regarding the disclosure of and testimony related to school documents. No staff member may produce confidential student records or testify concerning the content of student records without first notifying the administration.

District administration shall be immediately informed of the receipt of any legal documents by a District staff member naming a District staff member in their official capacity as a party to a legal action or otherwise implicating the District staff member's official duties as a subject of a lawsuit or legal proceeding.

Compliance with Legal Documents

Depending on the circumstances of the particular matter involved, District administration may determine what action must be taken in the event a staff member is issued a subpoena requiring attendance at any hearing, deposition or requiring the production of documents, however nothing in this policy shall require any staff member to disregard, to otherwise fail, to properly comply with any legally served documents, or any court order pertaining to the staff member’s testimony or production of documents.

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po8330

STUDENT RECORDS

8330 - **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Except for data identified by policy as "directory data," student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a 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.

Reference in this policy to "directory data," includes reference to "directory information," in the context of the Family Educational Rights and Privacy Act (FERPA).

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

Address Confidentiality Program

Students who are verified participants in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice shall be permitted to use their substitute assigned address for all District purposes. The Board shall refrain from including the student's actual/confidential residential address in any student records or files (including electronic records and files) or disclosing the student's actual/confidential residential address when releasing student records. The Board shall only list the address designated by the Wisconsin Department of Justice to serve as the student's address in any student records or files, including electronic records and files. Further, the Board shall use the student's substitute assigned address for any and all communications and correspondence between the Board and the parent(s) of the student (or adult student). The student's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. The intentional disclosure of a student's actual/confidential residential address is prohibited.

The Board may enter into a memorandum of understanding with a county department under State statutes (s. 46.215, 46.22, or 46.23) or a tribal organization, as defined under Federal law, that permits disclosure of information contained in student records as provided under State law in cases in which the student's parent if the student is a minor, or the student if the student is an adult, does not grant permission for such disclosure.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives or a person who is legally responsible for the welfare of the child). The term "eligible student" or "adult student" refers to a student who is eighteen (18) years of age or older.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of adult students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code, and provided that the student has not made a written request to the District that their parents not be permitted access to personally identifiable information from their records.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, or medical consultant); a contractor, consultant, volunteer, or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g. a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing tasks (including volunteers).

"Legitimate educational interest" is defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have a legitimate educational interest.

The Board authorizes the administration to:

A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:

1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification - Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);

2. the parent or eligible student, upon request, receive a copy of the record;

3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record; and

4. no later than the next working day, the District shall transfer to another school, including a private or tribal school, or school district, all student records relating to a specific student if the transferring school district or private school has received written notice from the student (if an adult) or their parent or guardian if the student is a minor that the student intends to enroll in the other school or school district or written notice from the other school or school district that the student has enrolled or from a court that the student has been placed in a juvenile correctional facility, as defined in s. 938.02(10p), or a secured residential care center for children and youth, as defined in s. 938.02(15g);

   In this subsection, “school" and “school district" include any juvenile correctional facility, secured residential care center for children and

youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of, or in addition to, that which is provided by public, private, and tribal schools.

B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a juvenile detention facility in which the student has been placed, or a juvenile court that has taken jurisdiction of the student;

C. disclose student records that are pertinent to addressing a student's educational needs to a caseworker or other representative of the Department of Children and Families, a county department under s. 46.215, 46.22, or 46.23, or a tribal organization, as defined in 25 USC 450b(L), that is legally responsible for the care and protection of the student, if the caseworker or other representative is authorized by that department, county department, or tribal organization to access the student's case plan;

D. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;

E. report a crime committed by a child to appropriate authorities, and with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;

F. release de-identified records and information in accordance with Federal regulations;

G. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than a representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study.

This written agreement must 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.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

H. disclose personally identifiable information from education records without consent, to authorized representatives of the Federal government, as well as State and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception.

The District will verify that the authorized representative complies with FERPA regulations.

I. request each person or party requesting access to a student's record to abide by Federal regulations and State laws concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or their parent, without the written consent of the parent, or, if the student is an eligible student, without the written consent of the student, except as provided by applicable law.

DIRECTORY DATA

Each year, the District Administrator shall provide a public notice to students and their parents of the District's intent to make available, upon request, certain information

known as "directory data." The Board designates as student "directory data":

A. a student's name;

B. photograph;

C. major field of study;

D. participation in officially recognized activities and sports;

E. height and/or weight, if a member of an athletic team;

F. dates of attendance;

G. date of graduation;

H. degrees and awards received.

Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory data" upon written notification to the Board within fourteen (14) days after receipt of the District Administrator's annual public notice or enrollment of the student into the District if such enrollment occurs after the annual public notice. Any parent or eligible student who refuses to allow disclosure of directory data and who participates in the extra-curricular activity must complete the appropriate acknowledgment, which includes a limitation on the refusal to disclose directory data obtained during the course of the student’s participation in extra-curricular activities.

In accordance with Federal and State law, the Board shall release the names, addresses, District assigned e-mail addresses (if available), and telephone listings of secondary

students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, District assigned e-mail address (if available), and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces." The District Administrator is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of "directory data," either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the District Administrator shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory data," on former students without student or parental consent unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not collect or use personal information obtained from students or their parents for the purpose of marketing or for selling that information.

INSPECTION OF INFORMATION COLLECTION INSTRUMENT

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of

the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least fourteen (14) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within fourteen (14) business days of the principal receiving the request.

The District Administrator shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

A. college or other postsecondary education recruitment, or military recruitment;

B. book clubs, magazines, and programs providing access to low-cost literary products;

C. curriculum and instructional materials used by elementary and secondary schools;

D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

E. the sale by students of products or services to raise funds for school-related or education-related activities;

F. student recognition programs.

The District Administrator shall prepare administrative guidelines so that students and parents are adequately informed each year regarding their rights to:

A. inspect and review the student's education records;

B. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights;

C. consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law;

D. challenge Board noncompliance with a parent's request to amend the records through a hearing;

E. file a complaint with the United States Department of Education;

F. obtain a copy of the Board's policy and administrative guidelines on student records.

The District Administrator shall also develop guidelines for:

A. the proper storage and retention of records including a list of the type and location of records;

B. informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of computer data storage for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation, or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation, or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board.

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po8330.01

UNAUTHORIZED ACQUISITION OF STUDENT PERSONAL INFORMATION

8330.01 - **UNAUTHORIZED ACQUISITION OF STUDENT PERSONAL INFORMATION**

The Board of Education is responsible for maintaining records of all students attending schools in this District.

If the District becomes aware of the unauthorized acquisition of "Personal Information", the District shall make reasonable efforts to notify each affected student, and if a minor, the parents, that their personal information has been accessed. "Personal Information" includes the individual's social security number, driver's license number, State identification number, the number of financial accounts or access codes, the individual's deoxyribonucleic acid profile, or the individual's unique biometric data including fingerprint, voice print, retina or iris image, or any other unique physical representation.

The notice shall be issued within a reasonable time, not to exceed forty-five (45) days after the District learns of the acquisition of the personal information. The notice shall indicate that the District knows of the unauthorized acquisition of personal information pertaining to the student. The notice shall be by mail or by a method the District has previously employed to communicate with the students.

If, as the result of a single incident, the District is required to notify 1,000 or more students, the District shall without unreasonable delay notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution, and content of the notices sent to the students.

Upon written request from the student who has received a notice, the District shall identify the personal information that was acquired.

A law enforcement agency may, in order to protect an investigation or homeland security, ask the District not to provide a notice for any period of time and the District's notification process shall begin at the end of that time period.

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po8340

PROVIDING A REFERENCE

8340 - **PROVIDING A REFERENCE**

Pursuant to State law, an administrator responding to a reference request is presumed to be acting in good faith and is immune from all civil liability that may result from providing the reference to a prospective employer. The presumption may be rebutted upon a showing by clear and convincing evidence that the administrator knowingly provided false information or made the reference maliciously or in violation of Wisconsin's blacklisting statute.

Administrators who choose to provide a letter of reference, when asked, for any District employee or former employee shall adhere to the following when preparing such a letter:

A. The request should be reduced to writing and submitted with enough lead time to allow a timely response.

   The request shall include the name and title to whom the reference is to be directed, and the complete mailing address to which the letter is to be mailed.

B. The letter of reference shall include only statements that are truthful and factual, and substantiated by the administrator's first-hand knowledge of the employee or former employee and/or the employee or former employee's personnel file. When drafting the letter, the administrator should include the following:

   1. A description of the position that the administrator holds as well as the position to which the employee or former employee is or was assigned in the District, and the period of time upon which the administrator's comments are based.

2. The duties assigned to the employee or former employee, and the manner in which s/he performed those duties and responsibilities. Any and all comments pertaining to the employee or former employee's job performance shall be based upon direct knowledge by the administrator and/or comments contained within employee or former employee's performance evaluations.

3. If appropriate, the letter may also describe any additional duties or assignments of the employee or former employee, such as extra-curricular or co-curricular assignment, and the manner in which the employee or former employee performed those duties and responsibilities, the employees dates of employment, positions held, whether the employee worked part-time or full-time, and rate of pay. The administrator may include a statement that the employee resigned if appropriate or may state whether the employee would be considered for rehire.

C. The letter of reference shall not include any of the following:

1. statements that the administrator knows to be untrue;

2. statements made in bad faith;

3. statements that are motivated by anger, grudges, jealousy, resentment, or ill will toward the employee or former employee;

4. statements that include exaggerations; or

5. statements that are based upon incomplete investigations involving the employee or former employee;

D. In all cases a copy of any letter of reference provided by an administrator for a District employee or former employee shall be filed in the employee or former employee's personnel file.

An administrator who prepares a letter of reference or provides an employment reference pursuant to this policy, is prohibited from assisting a District employee, contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such District employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files. The only exceptions permitted are those authorized by the Every Student Succeeds Act, such as where the matter has been investigated by law enforcement and the matter was officially closed due to lack of probable cause or where the individual was acquitted or otherwise exonerated of the alleged misconduct.

Telephone References

An administrator who chooses to provide a reference by phone for a District employee or former employee shall adhere to the guidelines delineated in B and C above, as well as the prohibition for assisting a District employee, contractor or agent in obtaining a new job if s/he knows or has reasonable cause to believe that such District employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law.

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po8350

CONFIDENTIALITY

8350 - **CONFIDENTIALITY**

State and Federal law requires that student education records be maintained as confidential. See Policy 8330. State law further exempts certain information and records from public disclosure. See Policy 8310. As such, the Board of Education is obligated to take appropriate steps to maintain certain information and records as confidential. Individuals who have access to student education records may not remove them from Board property without express permission from their building principal or supervisor. An individual authorized to remove student education records from school property is responsible for the safety and security of the records and for returning them to the District intact. Confidential information and records may not be disclosed except as authorized by Board policy and administrative guidelines. Individuals who have access to confidential information and records while employed by the Board are reminded that their legal obligation to maintain such confidences extends beyond their term of employment in the District and they are prohibited from releasing, disclosing or otherwise disseminating confidential information or records subsequent to leaving the Board's employ. The Board directs the District Administrator to prepare guidelines concerning Board employees' duties to maintain certain information and records as confidential.

It is further the policy of the Board of Education that when the District receives in trust from a public agency information identified to be confidential or exempt from disclosure under the Public Records Law, Common Law, Privilege Case Law, or Federal Law, the District will maintain the confidentiality of said information to prohibit its unauthorized disclosure. The District will comply with the requirements of the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice. (See Policy 5111 - Eligibility of Resident/Nonresident Students, Policy 8310 - Public Records, Policy 8320 - Personnel Records and Policy 8330 - Student Records.)

The following portions of this policy apply **only** to identified confidential information received from a public agency.

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain court protection by:

A. denying requests for release of such information absent subpoena or court order;

B. pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

When possible, the Board will attempt to notify the sending public agency of the request for release of such information prior to complying with the request.

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po8390

ANIMALS ON DISTRICT PROPERTY

8390 - **ANIMALS ON DISTRICT PROPERTY**

The Board recognizes that there are many occasions when animals are present on District property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

This policy shall apply to all animals on District property.

Definitions

A. **"Animal"**: Includes any living creature that is not a human being.

B. **"Service animal"**: any guide dog, signal dog, or other animal that is individually trained or being trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone or fallen objects, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort,

or companionship do not constitute work or tasks for the purposes of this definition.

The Americans with Disabilities Act (ADA) has also specifically defined a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (h) of the ADA.

C. **"Therapy Dog"**: Therapy dogs are dogs who go with their owners to volunteer in settings such as schools, hospitals, and nursing homes for the purpose of providing affection and comfort to aid in a particular purpose, such as healing, or learning. A therapy dog in a school setting serves the function of assisting students in the learning process while providing comfort and affection to specific students or to a group of students. Therapy dogs are not service dogs and do not have the same special access as service dogs. (source: American Kennel Club/AKC)

Vaccination, Licensing and/or Veterinary Requirements

Animals housed on District property or brought on District property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought on to District property on a regular basis for any purpose, including service animals, must meet every veterinary requirement set forth in State law and County regulation/ordinance, including but not limited to rabies vaccination or other inoculations required for the animal to be properly licensed.

Non-Service Animals in Schools and Elsewhere on District Property

Animals permitted in schools and elsewhere on District property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Principal may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

A. the staff member seeking approval to have a non-service animal in a classroom shall:

1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal, if required by applicable law or ordinance;

2. take precautions deemed necessary to protect the health and safety of students and other staff;

3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained;

4. keep the surrounding areas in a clean and sanitary condition at all times; and

B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

Therapy Dogs

Therapy dogs are the personal property of the handler and are specially trained to help all students in the assigned classroom, program, or school. Authorization for a therapy dog to be on District grounds may be granted by the building principal provided the following conditions are met each year:

A. Documentation of certification as a therapy dog from the AKC, Intermountain Therapy Animals (R.E.A.D.), Alliance of Therapy Dogs, Bright and Beautiful Therapy Dogs, Love on a Leash, Pet Partners, Therapy Dogs International, or another certification program recognized by the AKC.

B. Documentation of an educational purpose for the therapy dog and a regular appraisal period for continuation.

C. Documentation that the therapy dog is not younger than one (1) year-old and is properly licensed according to local requirements.

D. Documentation from a licensed veterinarian that the therapy dog is current on its vaccinations and immunizations, is free of fleas and ticks, is in good health, is housebroken, and does not pose a danger to the well-being of students or staff.

E. Documentation of an insurance policy that provides liability insurance for the therapy dog while on District grounds.

F. Documentation that the handler has completed a background check consistent with Board policy and is prepared to be solely responsible for the therapy dog, its care, cleaning, feeding, and cleanup while on District grounds.

G. Agreement that the therapy dog and handler will abide by school rules and any specific rules for the therapy dog's presence on District grounds.

Authorization for a therapy dog to be on District grounds will be suspended if the therapy dog is the source of an allergic reaction, causes discomfort or distress of a student or staff member, shows aggression or disruptive behavior, relieves itself inappropriately, or otherwise interferes with the learning environment. Reinstatement of authorization for the therapy dog to be on District grounds requires approval by the building principal. Authorization for a therapy dog to be on District grounds may be withdrawn at any time by the Superintendent.

Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.

A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on District property or at District-sponsored events.

A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of the student with a disability, or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 8120 - Volunteers.

Removing and/or Excluding a Student's Service Animal

If a service animal demonstrates that it is not under the control of the student or its handler, the Principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

Similarly, in instances when the service animal demonstrated that it is not housebroken, the Principal shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.

The Principal should notify the Superintendent **prior to or as soon thereafter as is practicable** when a service animal has been removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The procedures set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and his/her parents or an eligible student to pursue a complaint of legally prohibited discrimination

with the United States Department of Education's Office for Civil Rights or the Department of Justice.

Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access School District transportation with the student's service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School District transportation.

When a service animal is going to ride on a school bus owned, leased, or contracted for by the District, the student and the student's parents, or eligible student, and the handler, if the handler is someone other than the student, shall at the discretion of the Principal and/or Transportation Supervisor, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus is in motion, the service animal shall remain positioned on the floor, at the student's feet. A determination shall also be made regarding whether the service animal should be secured on the bus with a tether or harness.

Situations that would cause cessation of transportation privileges for the service animal include:

A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or

B. the service animal urinates or defecates on the bus.

The student and the student's parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Superintendent.

Although transportation may be suspended for the service animal, it remains the District's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

Service Animals for Employees

In accordance with Policy 8913 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA-mandated interactive process.

Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the District's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should follow the building's standard visitor registration procedures and are encouraged to notify the Principal that their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at School Events.

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po8405

ENVIRONMENTAL HEALTH AND SAFETY PROGRAM

8405 - **ENVIRONMENTAL HEALTH AND SAFETY PROGRAM**

The Board recognizes its responsibility to provide students, employees, and visitors with a safe and healthful environment. To this end, the Board directs the District Administrator to develop a comprehensive program designed to provide a healthy, safe, and secure environment on District property and at District-sponsored activities. To achieve this, it is the intent of the Board that the District will avail itself of current, proven technologies in the fields of health, safety, and environmental sciences.

INDOOR ENVIRONMENTAL QUALITY PLAN (IEQ)

In accordance with the District's recognition of the importance of a safe and healthful environment to the educational atmosphere, the Superintendent will implement an IEQ Management Plan (IEQ Plan) and take appropriate measures to adhere to the requirements in the IEQ Plan.

The Board designates the Superintendent to serve as the District IEQ Coordinator for the District. The District Administrator will carry out the responsibilities of the IEQ Plan.

The District shall provide a copy of the District's IEQ Plan to any person upon request.

STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY

The District shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the District, and promotes and incorporates the following:

A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of District facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a District-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether appropriate requirements for environmental health and safety have been met.

B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not be limited to, the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the District.

C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics, administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.

D. Procedures related to District employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and programs that are required by Federal and State law, and defining employer and employee responsibilities and expectations related to health and safety.

E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and communication about accidents to employees and stakeholders.

F. Procedures for foreseeable emergencies and fire prevention.

G. Procedures relating to recordkeeping required by State or Federal law.

PHASE-OUT/BANNED PRODUCTS

The Superintendent shall require that any chemicals, insecticides, or other materials that the Federal government is phasing out and/or banning by a certain date be immediately banned from use on Board property.

DIESEL EXHAUST AND SCHOOL BUS IDLING

In accordance with the Environmental Protection Agency's initiative to reduce pollution that is caused by school buses on school property, the Board will take the recommended steps to reduce the negative effect of diesel exhaust on indoor and outdoor air quality on school campuses. This effort shall include, but not be limited to, reducing bus idling time and reinforcing smart driving practices.

POLLUTION CONTROL AND PREVENTION

In an effort to comply with the environmental policy and applicable regulations, the District shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution as required by State and Federal law.

USE OF FREE-FLOWING MERCURY-CONTAINING PRODUCTS

The District shall not purchase or use for any reason free-flowing elemental mercury.

The District shall not purchase or use any products containing mercury as those products are defined by applicable State law, unless no reasonable alternative product is available and the product with the lowest mercury content is used. This rule does not apply to products whose purchase is required by Federal law or products whose only mercury content is in a button cell battery.

See also DPI IEQ Plan https://dpi.wi.gov/sfs/support/school-operations/facilities/indoor-environmental-quality-plan.

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po8410

CRISIS INTERVENTION

8410 - **CRISIS INTERVENTION**

The Board is committed to maintaining a safe school environment. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes the best resources and coordinated efforts of District personnel, law enforcement agencies, and families. The Board further believes that administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-sponsored activity or while enroute to or from school or a school-sponsored activity. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

The Superintendent shall develop administrative guidelines as appropriate to assist in providing effective intervention for students who may show warning signs that relate to violence or other threatening behaviors.

The District shall develop and the Board shall approve a school safety plan consistent with Policy 8420 - School Safety.

Threat Assessment (See AG 8400A)

The primary purpose of a threat assessment is to minimize the risk of targeted violence at school. This policy is designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the joint U.S. Secret Service and U.S. Department of Education publication, *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*.

The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe school environment, protect and support potential victims, and provide assistance, as appropriate, to the student being assessed. The District also performs facilities' threat assessments, which are discussed in Policy 8420 and part of the school safety and emergency preparedness plan and response to school violence event protocols. This policy deals with crisis intervention as it relates to individuals.

The threat assessment process is centered upon an analysis of the facts and evidence of behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual intends to cause physical harm and is engaged in planning or preparing for that event.

The Board authorizes the Superintendent to create building-level, trained threat assessment teams. Each Team shall be headed by the Principal and include appropriate staff such as a school counselor, school psychologist, instructional personnel, and, where appropriate, the School Resource Officer. At the discretion of the Superintendent, a threat assessment team may serve more than one (1) school when logistics and staff assignments make it feasible.

The Team will meet when the Principal learns a student has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation.

The Team is empowered to gather information, evaluate facts, and make a determination as to whether a given student poses a threat of violence to a target. If an inquiry indicates that there is a risk of violence in a specific situation, the Team may collaborate with others to develop and implement a written plan to manage or reduce the threat posed by the student in that situation.

The Superintendent shall be responsible for the following:

A. identifying team participants by position and role;

B. requiring team participants to undergo appropriate training;

C. defining the nature and extent of behavior or communication that would trigger a threat assessment and/or action pursuant to a threat assessment;

D. defining what types of information that may be gathered during the assessment;

E. stating when and how parents of a student making a threat shall be notified and involved;

F. designating the individuals (by position) who would be responsible for gathering and investigating information;

G. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Superintendent or Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence.

Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency or to report threats of violence if required (see Policy 8462.01).

Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

Threat assessment team members shall maintain student confidentiality at all times as required by Board Policy 8330 – Student Records, and State and Federal law.

Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the District report annually incidents that meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the Wisconsin Department of Public Instruction will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceeds the threshold number established in State policy, the District Administrator shall convene a meeting of the building administrator, representative(s) of the local law enforcement agency, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02.

In addition, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agency, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02.

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po8420

SCHOOL SAFETY

8420 - **SCHOOL SAFETY AND REPORTING OF CRIME STATISTICS**

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

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

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

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

A. a copy of its school safety plan;

B. the date(s) of the required annual school violence event drill or drills conducted in accordance with each building's school safety plan during the previous year;

C. certification that the Board reviewed a required written evaluation of the drill or drills;

D. the date of the most recent school training on school safety and the number of attendees;

E. the most recent date the Board reviewed and approved the school safety plan;

F. the most recent date the Board consulted with a local law enforcement agency to conduct on-site safety assessments.

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

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

A. __ Assess life/safety issues immediately.

B. __ Provide immediate emergency medical care.

C. __ Call 911 and notify policy/rescue first. Call the District Administrator second.

D. __ Convene the crisis team to assess the situation and implement the crisis response procedures.

E. __ Evaluate available and needed resources.

F. __ Alert school staff to the situation.

G. __ Activate the crisis communication procedure and system of verification.

H. __ Implement evaluation and other procedures to protect students and staff from harm. Avoid dismissing students to unknown care.

I. __ Alert persons in charge of various information systems to prevent confusion and misinformation. Notify parents.

J. __ Contact appropriate community agencies and the District's public information office, if appropriate.

K. __ Implement post-crisis procedures.

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

Annual Crime Statistics Reporting

Annually, prior to July 31, the Board shall report in a manner directed by the Department of Public Instruction (DPI) crimes specified below that occurred during school hours, during a school-sanctioned event, during the transportation of students to or from school, and occurred on property owned or leased by the District on which the high school is located or on any form of transportation provided by the school or District.

The report shall only contain those occurrences that were reported to law enforcement and for which a charge or citation was issued.

The following category of occurrence must be reported if all of the above apply: homicide, sexual assault, burglary, robbery, theft, battery, substantial battery, aggravated battery, arson, use or possession of alcohol, a controlled substance, or a controlled substance analog, possession of a firearm, or municipal ordinance violation of disorderly conduct.

Covered incidents should be included in the annual report after the District becomes aware of the charge or citation, and has obtained sufficient information to determine that the incident is covered by the reporting requirement. School administrators who become aware of credible information regarding a potentially covered incident shall notify the Principal, who will notify the District Administrator and will request pertinent information from the involved law enforcement agency.

The District Administrator shall determine, based on receipt of appropriate documents, whether any incident is a reportable incident and shall compile the report for the Board's review. All conduct confirmed as requiring reporting on or before June 30 shall be reported on the next July 31 annual report. Incidents identified for reporting after June 30 shall be reported on the following year's annual report. The DPI's guidance may be consulted to determine whether information must be further evaluated and whether any incident requires reporting. The guidance can be found here: https://dpi.wi.gov/sites/default/files/imce/sspw/pdf/118.124_School_Guidance.pdf.

The Board shall approve the report prior to submission. The report may not include the identity of any students.

Revised 1/24/24

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PREPAREDNESS FOR TOXIC HAZARDS

8431 - **PREPAREDNESS FOR TOXIC HAZARDS**

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

TOXIC HAZARDS

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

The Superintendent, or another qualified person designated by the Superintendent, will serve as the Toxic Hazard Preparedness (THP) Officer.

The THP Officer will:

A. identify potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with Safety Data Sheets (SDS's);

B. require that all incoming materials, including portable containers, are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party;

C. maintain a current file of SDS for all hazardous materials present on District property;

D. design and implement a written communication program which:

1. lists hazardous materials present on District property;

2. details the methods used to inform staff and students of the hazards;

3. describes the methods used to inform contractors and their employees of any hazardous substances to which they may be exposed and of any corrective measures to be employed;

E. require that any individual who applies pesticides on District property is certified in accordance with State law. In the event of pesticide application, notice of such application shall be posted by the individual who applies pesticides.

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

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

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

The District will comply with any lead-screening requirements developed by the Wisconsin Department of Health Services.

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po8431.01

ASBESTOS MANAGEMENT

8431.01 - **ASBESTOS MANAGEMENT**

The Board of Education recognizes its responsibility to provide students, employees, and visitors with a safe and healthful environment. Accordingly, the Board directs the Superintendent to ensure that the District satisfies its obligations to deal with asbestos building materials in any building that is leased, owned, or otherwise used by the District as a school building as required under State and Federal law including, but not limited to, the Asbestos Hazard Emergency Response Act of 1986 ("AHERA"). To this end, the Board authorizes the Superintendent to designate an individual responsible for ensuring that the District satisfies its responsibilities under AHERA. This individual will, at a minimum develop and administer an Asbestos Management Plan as required by law. The Plan will address all requirements under AHERA including, but not limited to, inspection, reinspection, periodic surveillance, training and recordkeeping requirements.

The Superintendent will also ensure that at least once each school year, the District provides written notice to parents, employees and employee organizations regarding the availability of the District's Asbestos Management Plan and any response actions taken or planned.

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po8442

REPORTING ACCIDENTS

8442 - **REPORTING ACCIDENTS**

The Board directs that all reasonable efforts be made to ensure a safe learning and working environment for the students and employees of this District. To that end and so that legitimate employee claims for worker's compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, an employee of the Board, or a visitor to the schools must be reported promptly and in writing to the District Office. Injured persons shall be referred immediately to the school nurse and/or appropriate personnel for such medical attention as may be needed.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; witness(es) of the accident; and a description of all relevant circumstances.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the Principal or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. The failure of an employee to comply with this reporting requirement may result in disciplinary action in accordance with applicable policy or contractual standards.

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po8450

CONTROL OF CASUAL CONTACT COMMUNICABLE DISEASES

8450 - **CONTROL OF CASUAL CONTACT COMMUNICABLE DISEASES**

The Board recognizes that control of the spread of communicable disease through casual contact is essential to the well-being of the school community and to the efficient District operation. The District will handle information regarding students and staff with suspected or confirmed communicable diseases confidentially in accordance with State and Federal laws and Board policies.

For purposes of this policy, "casual contact communicable disease" shall include:

A. diphtheria,

B. scarlet fever and other strep infections,

C. whooping cough,

D. mumps,

E. measles,

F. rubella, and

G. others designated by the Wisconsin Department of Health Services (DHS).

In order to protect the health and safety of the students, District personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations that pertain to immunization and other means for controlling casual contact communicable disease spread through normal interaction in the school setting.

Initial Exposure - Suspected Communicable Disease

If a student exhibits symptoms of a communicable disease, a teacher, school nurse, health room staff, office staff, or the Principal will isolate the student in the building and contact the parents and may choose to send the student home. The staff member shall notify the parent(s) of the student, the Principal, and also contact the Manitowoc County Health Department to report the incident. The health department officials shall be responsible for conducting any investigation deemed necessary and directing the District to follow specific protocols, including those established by the Wisconsin Department of Health Services.

The Superintendent is authorized to develop administrative guidelines for the control of communicable disease that include instruction of professional staff members in the detection of these common diseases and measures for their prevention and control.

Protocols During a Pandemic/Epidemic

The procedure described above pertains to an initial and/or isolated identification of the possible presence of a communicable disease in a school. In the event of an ongoing pandemic or endemic outbreak of a communicable disease, the Administration and Board shall develop protocols to manage school during a pandemic or epidemic.

Protocols shall be developed with consideration for the following resources:

A. Statewide declaration of emergency and related orders;

B. guidance provided by medical and/or public health officials, such as the Centers for Disease Control and Prevention (CDC); Wisconsin Department of Health Services (DHS); Wisconsin Department of Public Instruction (DPI); American Pediatrics Association;

C. local health department officials and local medical professionals;

D. parent and/or student groups; and

E. other resources developed for and specific to the circumstances facing the District.

Revised 8/23/11

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po8451

PEDICULOSIS (HEAD LICE)

8451 - **PEDICULOSIS (HEAD LICE)**

Head lice are present in the community at all times and can be particularly prevalent among pre-school and elementary school-age children. Lice are a nuisance, but do not spread disease. Control of lice infestation is best handled by adequate treatment of the infested person and their immediate household and other close personal contacts. Contracting head lice is not an indicator of cleanliness or socioeconomic status.

Communication from the school to parents directly and through parent and classroom education to the students will help increase awareness for both parents and the child. It is the responsibility of the parent(s) to check their child's head on a regular basis for signs of head lice and treat adequately and appropriately as necessary. Control depends on prompt case finding and effective treatment.

If a child in the District is found to have head lice or untreated nits, school staff will notify the parent and ask the parent to pick the child up at the end of the school day and administer an FDA-approved lice treatment (e.g., pediculicide/ovicide), treatment by a qualified healthcare provider, or treatment at a clinic specializing in lice and nit removal but the child will remain in the classroom until the end of the day.

Students may return to the classroom after the appropriate use of an FDA-approved lice treatment (e.g., pediculicide/ovicide), or the Centers for Disease Control treatment options by a qualified healthcare provider, or treatment at a clinic specializing in lice and nit removal. After treatment and upon returning to school, the child will be examined by the school health staff, other designated staff members, or the principal. The District practices a policy of "no live lice" as a criterion for return to school.

Revised 9/10/24

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po8452

AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

8452 - **AUTOMATED EXTERNAL DEFIBRILLATORS (AED)**

The Board has determined that it may enhance school safety to have an automated external defibrillator (AED) placed in building(s) within the School District.

An AED is a heart monitor and defibrillator that:

A. is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and determining without intervention by an operator, whether defibrillation should be performed;

B. charges and, at the command of the operator, delivers an electrical impulse to an individual's heart.

The Superintendent shall develop guidelines that govern AEDs, including the use of the AED, placement of the AED, to review the guidelines, as appropriate. The AED device(s) will be located at school buildings for use by individuals with proper AED training.

In accordance with Wisconsin Statute 118.076(3)(b), students in grades seven (7) to twelve (12) will be provided instruction about automated external defibrillators (see Policy 2413 - Health Education).

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po8453

DIRECT CONTACT COMMUNICABLE DISEASES

8453 - **DIRECT CONTACT COMMUNICABLE DISEASES**

The Board seeks to provide a safe educational environment for students and staff. To this end, students and staff should understand the method of transmission and prevention of diseases that are contracted through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board is also committed to assuring, to the extent permitted by State communicable disease reporting requirements, the confidential status of individuals who may have been diagnosed with a contact communicable disease.

For purposes of this policy, these diseases shall include:

A. HIV (human immunodeficiency virus);

B. AIDS (acquired immune deficiency syndrome);

C. AIDS-related complex (condition);

D. HAV, HBV, HCV (Hepatitis A, B, C);

E. other diseases that may be specified by the Wisconsin Department of Health Services (DHS) as contact communicable diseases.

The Board recognizes that individuals who have contracted these diseases may not exhibit symptoms for many years after exposure and may, in fact, not be aware that they have contracted the disease. They are, however, able to transmit the disease to other individuals.

With this in mind, the Board directs the Superintendent to develop programs for students and staff for the purpose of understanding the manner in which these diseases may be prevented and how they are transmitted. These programs should specify the risk factors involved, how to deal with those risks, and emphasize the fact that these diseases are preventable if basic precautions are taken.

The Board further directs the Superintendent to assure that students or staff who reveal the fact they have contracted one of these diseases will have their status safeguarded in accordance with Federal and State statutes dealing with confidentiality, their right to privacy and that their civil rights will be respected. Staff members will have access to District leave policies in accordance with Board policy and such individuals will also be provided reasonable accommodation as required by the Wisconsin Fair Employment Act and the Americans with Disabilities Act. Should a student be unable to attend school as a result of illness, an alternative education program shall be provided in accordance with the Board's policy dealing with Homebound Instruction.

The Superintendent shall also report communicable diseases and any removal from the school setting of students or staff suspected of having a communicable disease to appropriate authorities as provided under State law.

T.C. 7/9/24

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CONTROL OF BLOOD-BORNE PATHOGENS

8453.01 - **CONTROL OF BLOOD-BORNE PATHOGENS**

The Board seeks to protect those staff members who may be exposed to blood-borne pathogens and other potentially infectious materials in their performance of assigned duties.

The Board also seeks to protect students who may, during the course of the school day or during a school-sponsored activity, become exposed to blood-borne pathogens and other potentially infectious materials.

To protect staff members and students, the Superintendent shall implement guidelines that are consistent with the Department of Public Instruction (DPI) Model Blood-Borne Pathogens Manual and such guidelines will include but not be limited to:

A. identifying those categories of employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials;

B. providing for inoculation of the Hepatitis B vaccine at no cost to the staff member and in accordance with Federally-mandated scheduling;

C. requiring proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment;

D. establishing appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure;

E. providing for record-keeping of all of the above which complies with both Federal and State laws;

F. developing an exposure control plan.

Further, employees who have been identified, as employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials shall complete the blood-borne Pathogens School Training made available through the DPI.

T.C. 7/9/24

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po8462

CHILD ABUSE AND NEGLECT

8462 - **CHILD ABUSE AND NEGLECT**

The Board is concerned with the physical and mental well-being of all children of this District and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law. In addition, the Board strictly prohibits any actual or threatened acts of physical, mental, sexual, or other form of abuse directed towards students by any person in any District-owned, operated, or leased facility, or at any school-sponsored activity.

Staff Training Required

The Board shall require every employee to receive training provided by the Department of Public Instruction (DPI) in identifying children who have been abused or neglected and in the laws and procedures governing the reporting of suspected or threatened child abuse and neglect. Such training shall be completed within the first six (6) months of employment in the District and at least once every five (5) years after the initial training. This training may be held in conjunction with staff training for threats of violence as required in Policy 8462.01.

Training conducted in fulfillment of this policy shall include a record of the date, time, duration, and content of the training, as well as a list of all attendees at the training.

Reporting of Suspected Child Abuse or Neglect

Each District employee who has reasonable cause to suspect child abuse or neglect has occurred or is occurring, or has reasonable cause to believe a child has been threatened with abuse or neglect and that abuse or neglect is likely to occur shall be responsible for reporting immediately every case, whether verified or suspected, the circumstances giving rise to the reasonable cause.

Reporting is mandatory even if the staff member has reason to believe that the abuse or neglect occurred, but is no longer occurring (for example, the child is no longer living with the suspected abuser). Staff members should make reports based on reasonable cause to suspect abuse or neglect and are not permitted to first investigate the circumstances in an effort to verify abuse or neglect. This can cause a loss of time and jeopardize law enforcement or social services investigations into child welfare concerns.

Reporting Procedures

The employee shall immediately call the local office of the Child Welfare Department or local law enforcement agency.

Employees shall also notify the building level administrator or the Superintendent.

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. A reporting employee shall not be dismissed or otherwise penalized for making a report of child abuse or neglect, unless such report was made knowing it to be false and for the purpose of harming the accused or victim in the report.

Information concerning alleged child abuse is confidential. Any unauthorized disclosure by an official or employee of the District is a violation of the law and may subject the disseminator to civil liability for resulting damages and disciplinary action.

Each principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent Staff member reporting obligations under this policy and applicable law are the same regardless of whether the suspected abuser is a parent, guardian, or another staff member, and reports should be made accordingly.

Revised 2/12/13

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THREATS OF VIOLENCE

8462.01 - **THREATS OF VIOLENCE**

The Board strictly prohibits any threats of violence in or targeted at any school. All incidents or suspected incidents of such conduct must be reported as described in this policy and in State law and will be investigated. All District employees, regardless of position, are required to make a report if the following is present:

A. A staff member, in the performance of his/her professional duties, hears or receives a threat of violence in or targeted at a school; and

B. That staff member believes, in good faith, based on the threat that the health and safety of any person is in serious and imminent threat.

Any staff member who, in good faith, believes that circumstances require reporting shall do so without conducting any further investigation concerning the subject matter of the report. When a report is made, the staff member shall immediately notify the building level administrator or the Superintendent that a report has been made and provide details concerning the basis for the report. If available, the staff member shall inform the school or District School Resource Officer (SRO).

Staff Training Required

The Board shall require every employee to receive training provided by the Department of Public Instruction (DPI) regarding the laws governing the reporting of a threat of violence. Such training shall be completed within the first six (6) months of employment in the District and at least once every five (5) years after the initial training. This training

may be held in conjunction with staff training for threatened or suspected child abuse or neglect as required in Policy 8462.

Training conducted in fulfillment of this policy shall include a record of the date, time, duration, and content of the training, as well as a list of all attendees at the training. The Superintendent shall submit a report to DPI annually by January 1st that identifies the training performed under this section, along with the reporting required under Policy 8420 - School Safety.

Procedures for Reporting - Threats of Violence

An employee, regardless of position, shall immediately inform, by telephone or personally, a law enforcement agency of the facts and circumstances contributing to the belief that there is a serious and imminent threat to the health or safety of a student or school employee or the public. The report shall contain detailed information concerning the nature of the threat. The staff member shall cooperate fully with law enforcement. When such a report is made, the staff member shall also inform the building administrator or Superintendent, as well as the School Resource Officer, if available. If a threat is reported to the building administrator, s/he shall immediately notify the Superintendent and coordinate the District's coordination with law enforcement, students, and parents as the circumstances require.

Sanctions for Making Threats

All threats of violence are to be taken seriously. No staff member who reports a threat in good faith shall be subject to disciplinary action. Failure to report or undue delay in reporting a threat may result in disciplinary action.

Any student or staff member who makes a threat of violence will be evaluated for disciplinary action, up to possible referral for expulsion in the case of students (See

Policy 5610) or termination from employment in the case of staff (See Policy 3140/Policy 4140).

The administration may, with the assistance of law enforcement personnel, remove from and/or prohibit the presence on school property, any member of the community, including a volunteer, parent, contractor, coach, etc., who makes a threat of violence in or against the school. In such a case, the Superintendent shall notify the Board as soon as is practicable.

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po8463

STUDENTS WITHOUT PARENTS

8463 - **STUDENTS WITHOUT PARENTS**

Any teacher, administrator, counselor, or school social worker who knows that a child is without a parent or guardian shall report that fact as soon as possible to the Manitowoc County Social Services Department. Such a report is not required if a student has a legal custodian or is cared for by a kinship care relative.

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po8500

FOOD SERVICES

8500 - **FOOD SERVICES**

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

This policy only applies to those schools in the District that participate in the National School Lunch Program (NSLP). Schools that do not participate in the NSLP shall abide by all applicable State and Federal regulations.

The Board shall also provide a breakfast program in accordance with procedures established by the United States Department of Agriculture (USDA) School Breakfast Program.

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

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

The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Any competitive food items and beverages that are available for sale to students a la carte in the dining area between midnight and thirty (30) minutes following the end of the school day shall also comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8550 - Competitive Food Sales. Foods and beverages not associated with the food-service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540 - Vending Machines.

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

The District Administrator shall provide the District's vendors and/or Food Service Management Contractor a copy of this policy and any implementing guidelines, and that any pertinent agreements are consistent with this policy and any implementing guidelines.

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

Modifications Based on Compliant Medical Documentation

An adult student or student's parent requesting special dietary accommodations for a student with a disability that restricts the diet must provide the Medical Statement for Special Dietary Needs signed by a State-authorized medical authority, which is a

medical professional authorized in the State of Wisconsin to write prescriptions. The request must contain the following information:

A. an explanation of how the student's physical or mental impairment restricts the diet;

B. the food(s)/type(s) of foods to be avoided;

C. the food(s)/type(s) of foods to be substituted;

D. additional pertinent information, if any, that will assist in accommodating the student's needs.

If a Medical Statement for Special Dietary Needs is incomplete, unclear, or lacks sufficient detail, the special dietary accommodation coordinator or food service director shall request that the student or parent/guardian request that the medical authority supplement the response so that a safe meal can be provided. In situations where a medical statement or Individual Education Plan (IEP) is not immediately available, is incomplete, or requires additional clarification, the meal modification should still be made if there is enough information to provide a safe meal.

A special dietary accommodation for a student who has a disability that restricts the student's diet must be supported by a Medical Statement for Special Dietary Needs, which should be submitted to the Special Dietary Accommodation Coordinator, whose contact information is:

Jennifer Hinz
RN, BSN Lead School Nurse
920-323-7445
hinzj@mpsd.school

A student with a disability may have an IEP or 504 plan that requires specific instruction, services, or accommodations related to the student's nutritional needs. If a student's IEP or 504 plan contains the same information that is required on a Medical Statement for Special Dietary Needs, then it is not necessary to obtain and submit a separate Medical Statement for Special Dietary Needs. Form PI-6314 can be obtained from the Department of Public Instruction (https://dpi.wi.gov/sites/default/files/imce/forms/pdf/f6314-english.pdf) or upon request to the District's Food Service Director or Special Dietary Accommodation Coordinator.

The individual making an initial request for such substitutions must inform the Food Service Director or Special Dietary Accommodation Coordinator that the student has a disability that restricts the student's diet. The School District will honor the request upon receipt of the required documentation from a state-authorized medical authority. In situations where a medical statement or IEP is not immediately available, is incomplete, or requires additional clarification, USDA regulations require that the meal modification still be made if there is enough information to provide a safe meal. If the Special Dietary Accommodation Coordinator is unable to grant a requested accommodation following receipt of the medical authority's statement, the student or parent shall be provided with an explanation of the basis for the decision. Compliant requests shall be immediately implemented.

Disability Accommodation Grievance Procedure

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the food service program's administration of meal modifications made or requested on the basis of a student's disability. None of the procedures described in this policy section shall prevent a student or parent from pursuing a complaint with any State or Federal agency, including the USDA, using the procedures described at the end of this policy.

A. If an initial request for accommodation in the form of substituted meals is denied, the student or parent may request review of that decision by the Superintendent and shall provide any communications between the student or parent and food service officials concerning the accommodation request, any documentation provided by a medical authority, and any additional information the student or parent believes is pertinent to the decision. A review of the materials provided and of the initial decision shall be completed and a response provided to the student or parent as soon as practicable following receipt of the request for review. If the initial decision is reversed, including due to additional information provided on review, the dietary accommodations shall be implemented without delay. If the initial decision is affirmed, the decision may be appealed to the Superintendent, whose decision is final.

B. Any other complaint or disagreement with the food service administration concerning the implementation of special dietary accommodations based on a student's disability shall be presented to the Special Dietary Accommodation Coordinator. The student or parent shall specify the nature of the concern and any requested remedy in writing. The Coordinator shall promptly review the grievance and either contact the student or parent for any required clarification of the request or to seek to reach an agreement regarding how to best address the concern. If no agreement is reached, the Coordinator shall make a determination and notify the student or parent in writing as soon as practicable. If the grievance is affirmed in any respect, the Coordinator shall propose a plan for implementing appropriate remedial measures. If the student or parent is dissatisfied with the Coordinator's determination, the student or parent may submit a written request to the Building Principal or District Administrator for review. The administrator's determination shall be final.

Modification Based on Student/Parental Preference

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

A. **Fluid Milk Substitution**

The School District shall have no legal obligation to accommodate a student's or a parent's preference for a fluid milk substitute if there is no Medical Statement for Special Dietary Needs on file requiring such a substitute. However, the District will assist the student in choosing a reimbursable meal through offer versus serve (OVS).

B. **Religious Reason**

The School District shall have no legal obligation to accommodate a student's or parent's request for accommodations based on religious requests. However, the District will assist the student in choosing a reimbursable meal through offer versus serve (OVS).

C. **General Dietary Preference**

The School District shall have no legal obligation to accommodate a student's or parent's general health, nutrition, or food preferences. However, the District will assist the student in choosing a reimbursable meal through offer versus serve (OVS).

IMPLEMENTATION AND DISCONTINUATION

Review

Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and District policy, and if not, shall request additional or clarifying information from the student or parent making the request.

Implementation

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

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

A special dietary request will be approved and implemented upon submission of a completed authorized medical statement. In situations where a medical statement or IEP is not immediately available, is incomplete, or requires additional clarification, USDA regulations require that the meal modification still be made if there is enough information to provide a safe meal.

Student Absence

If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, the student or parent shall contact the Special Dietary Accommodation Coordinator by 9:00 a.m. the same day.

Renewing A Special Dietary Request

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

Discontinuation of a Special Dietary Request

A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the Special Dietary Accommodation Coordinator, or shall be discontinued consistent with the medical authorities' recommendation provided with the Medical Statement for Special Dietary Needs.

Meal Charges

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

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

A periodic review of the food-service accounts shall be made by the Food Service Director. Any surplus funds from the National School Lunch Program shall be used to support the operation and improvement of the school meal program(s) through allowable expenditures as determined by the Superintendent. Surplus funds from a la carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

Unpaid Meal Charges

Unpaid meal charges incurred through the inability to collect meal payment from students is an unallowable cost to the nonprofit school food service account.

Delinquent debt is when payment for unpaid meal charges is overdue to the nonprofit school food service account. It is considered collectible while efforts are being made to collect it. The delinquent debt remains on the accounting documents until it is either collected or written off. Delinquent debt may be carried over year to year as long as the student is still enrolled at the school food authority (SFA).

Bad debt is when local officials have determined that further collection efforts of unpaid meal charges are uncollectable. When this happens, the delinquent debt must be re-classified as bad debt and written off as an operating loss. Since the nonprofit school food service account cannot be used to cover the bad debt, a transfer from the general fund, state or local funds, school or community organizations, such as the PTA, or from donated funds must be made to cover the total amount of bad debt. When delinquent debt is converted to bad debt, records of this must be kept in accordance with the records retention requirement in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

Any related collection cost, including legal cost, arising from such bad debt after they have been determined to be uncollectable are also unallowable. District efforts to collect bad debt shall be in accordance with Policy 6152 - Student Fees, Fines, and Charges.

Negative Account Balances

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

Students may be permitted to accumulate a negative food service account balance not to exceed $5. A student shall not be permitted to purchase à la carte items without sufficient account balance or cash on hand.

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

All households shall be notified about this policy and any implementing guidelines at the start of each school year, and to households transferring to the school or School District during the school year, as well as informed about access to this policy and any implementing guidelines. All District staff with responsibility for enforcing the policies shall be notified about the provisions of this policy and any implementing guidelines, as well as provided access to this policy and any implementing guidelines.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s

TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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

1. Mail:
   U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or

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

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

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po8510

WELLNESS

8510 - **WELLNESS**

As required by law, the Board for the Manitowoc Public School District establishes the following wellness policy.

Policy Preamble

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the District's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and their ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Schools alone, however, cannot develop in students healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition choices to:

A. promote nutrition education with the objective of improving students' health;

B. improve the health and well-being of our children, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits;

C. promote nutrition guidelines, a healthy eating environment, child nutrition programs, and food safety and security on each school campus with the objective of promoting student health;

D. provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short and long-term benefits of a physically active lifestyle;

E. promote the health and wellness of students and staff through other school-based activities.

Wellness Policy Leadership

The Superintendent shall implement and ensure compliance with the policy by leading the review, update, and evaluation of the policy.

Required Public Involvement

The Superintendent shall obtain the input of District collaborators to participate in the development, implementation, and periodic review and update of the policy. The collaborators may include parents, students, representatives of the school food authority, educational staff (including physical education teachers), school health

professionals, Board members, members of the public, medical/health care professionals, and other school administrators.

District Wellness Committee

Committee Formation

The District shall convene a Wellness Committee that meets at least four (4) times during the school year to establish goals and oversee school health policies and programs, including development, implementation, and periodic review and update of this Wellness Policy.

The District shall invite a diverse group of collaborators to participate in the development, implementation, and periodic review and update of the Wellness Policy.

Collaborators may include:

A. administrator(s)

B. Board member(s)

C. classroom teacher(s)

D. physical education teacher(s)

E. school food service representative(s)

F. school nurse(s)

G. community member/parent(s)

H. student(s)

I. medical/health care professional(s)

J. nutrition and/or health education teacher(s)

K. school counselor(s)

L. local business representative(s)

Nutrition Standard for All Foods

The District is committed to serving healthy meals to our students. The school meal programs aim to improve the diet and health of school children, model healthy eating patterns, and support healthy choices while accommodating cultural food preferences and special dietary needs.

School Meal Programs

Standards and Guidelines for School Meal Programs

A. All meals meet or exceed current nutrition requirements established under the Healthy Hunger-free Kids Act of 2010. (https://www.fns.usda.gov/nslp/national-school-lunch-program-meal-pattern-chart)

B. Drinking water is available for students during mealtimes.

C. All meals are accessible to all students.

D. Withholding food as a punishment shall be strictly prohibited.

E. All meals are appealing and attractive and served in clean and pleasant settings.

F. Students are provided at least ten (10) minutes to eat breakfast and at least twenty (20) to eat lunch after being seated.

G. Menus shall be posted on the District website and will include nutrient content.

H. All school nutrition program directors, managers, and staff shall meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals.

School Meal Program Participation

Standards for Foods and Beverages Sold Outside of School Meals

All food and beverages sold and served outside of the school meal programs ("competitive" foods and beverages) shall, at a minimum, meet the standards established in USDA's Nutrition Standards for All Foods Sold in Schools (Smart Snacks) rule. https://fns-prod.azureedge.us/sites/default/files/resource-files/smartsnacks.pdf

Foods Offered/Provided but Not Sold

The District encourages that foods offered on the school campus meet or exceed the USDA Smart Snacks in School nutrition standards, including those provided at celebrations and parties, and classroom snacks brought by staff or family members. Non-food celebrations will be promoted, and a list of ideas is available. The District allows four (4) celebrations per classroom per school year.

Fund-Raising

Schools will restrict food and beverage marketing to only those foods and beverages that meet the nutrition standards set forth by the USDA's Nutrition Standards for All

A. Foods Sold in Schools (Smart Snacks) rule.

B. The District allows up to two (2), but it cannot exceed the DPI limit of two (2) exempt fundraisers per school per year. All other fundraisers sold during the school day will meet the Smart Snacks nutrition standards. No restrictions are placed on the sale of food/beverage items sold outside of the school day.

Marketing

Schools will restrict food and beverage marketing to only those foods and beverages that meet the nutrition standards set forth by USDA's Nutrition Standards for All Foods Sold in Schools (Smart Snacks) rule. Marketing includes brand names, trademarks, logos, or tags except when placed on a food or beverage product/container; displays, such as vending machine exteriors; corporate/brand names, logos, trademarks on cups,

posters, school supplies, education materials, food service equipment, and school equipment (e.g. message boards, scoreboards, uniforms); advertisements in school publications/mailings; sponsorship of school activities, fund-raisers, or sports teams; educational incentive programs such as contests or programs; and free samples or coupons displaying advertising of a product.

Nutrition Education

A. The primary goal of nutrition education is to influence students' lifelong eating behaviors.

B. Nutrition education, a component of comprehensive health education, shall be offered every year to all students of the District. The District aims to teach, model, encourage, and support healthy eating by providing nutrition education.

C. Schools shall provide nutrition education that helps students develop lifelong healthy eating behaviors.

D. Nutrition education shall be incorporated into the Health curriculum and other aspects of the curriculum, including science, math, language arts, and elective courses.

E. Nutrition education shall be included in the sequential, comprehensive health curriculum in accordance with the Wisconsin Department of Public Instruction Model Academic Standards for Nutrition.

F. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.

G. Nutrition education shall include enjoyable, developmentally appropriate, and culturally relevant participatory activities, such as contests, promotions, taste

testing, and others.

H. Nutrition education shall include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.

I. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.

J. Nutrition education posters, such as the MyPlate Guide, will be displayed in the cafeteria.

K. The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.

L. Nutrition education shall extend beyond the school by engaging and involving families and the community.

M. Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.

N. Nutrition education benchmarks and standards include a focus on media literacy as it relates to food marketing strategies.

O. Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.

P. Staff responsible for providing instruction in nutrition education shall regularly participate in professional development activities designed to better enable them to teach the benchmarks and standards.

Q. Instruction related to the standards and benchmarks for nutrition education shall be provided by highly qualified teachers.

Nutrition Promotion

A. School nutrition services shall use the Wisconsin Team Nutrition Meal Appeal Self-Assessment (dpi.wi.gov/sites/default/files/imce/wisconsin-school-meals-rock/_files/meal-appeal-self-assessment.pdf) to determine ways to improve the school meals environment.

B. School nutrition services shall implement at least ten (10) Wisconsin Team Nutrition Meal Appeal techniques at each school.

C. Other: All foods available to students in District programs, other than the food service program, shall be served with consideration for promoting student health and well-being.

Physical Activity

A. The District shall provide students with age and grade-appropriate opportunities to engage in physical activity.

B. Physical activity during the school day shall not be withheld as punishment.

C. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.

D. Outdoor recess shall be offered, weather permitting.

Physical Education

A. A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.

B. The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

C. All-District high school students are required to receive at least 1.5 credits of physical education prior to graduation unless the District allows for the substitution of 0.5 credits per Policy 5460 - Graduation Requirements.

D. All physical education classes are taught by licensed teachers who are certified to teach physical education.

E. Physical education staff shall receive professional development on a yearly basis.

Other Activities That Promote School Wellness

A. Students, parents, and other community members shall have access to, and be encouraged to use, the school's outdoor physical activity facilities outside the normal school day.

B. The school shall provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school

dining areas.

C. Nutrition information for competitive foods available during the school day shall be readily available near the point of purchase.

Staff Wellness

The District will implement the following activities to promote healthy eating and physical activity among school staff: Educational activities for school staff members on healthy lifestyle behaviors.

Community Engagement

The District shall inform and invite parents to participate in school-sponsored activities throughout the year.

Additional Strategies for Consideration:

A. The school shall provide attractive, clean environments in which the students eat.

B. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.

Furthermore, with the objectives of enhancing student health and well-being, the following guidelines are established:

A. In accordance with Policy 8500 - Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, as well as to the fiscal management of the program.

B. As set forth in Policy 8531 - Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

   All foods available on campus during the school day shall comply with the current USDA nutrition guidelines, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, from vending machines, for classroom parties, or at holiday celebrations.

C. The food service program will provide all students with affordable access to the varied and nutritious foods they need to be healthy and to learn well, regardless of unpaid meal balances, without stigma.

Monitoring and Evaluation - Triennial Assessment

A. The District will evaluate compliance with the Wellness Policy no less than once every three years. The assessment will include the extent to which each school is in compliance with the policy, progress towards meeting policy goals, and how the policy compares to a model policy, as established by the USDA. The District will use the Wisconsin Local Wellness Policy Triennial Assessment Report Card to fulfill the triennial assessment requirement. The results of the triennial assessment will be made available to the public.

B. The Wellness Committee shall evaluate compliance with the Wellness Policy no less than once every three years. The assessment will include the extent to which each school is in compliance with the policy and how the policy compares to a model policy, as established by the U.S. Department of Agriculture. The District will use the Wisconsin Local Wellness Policy Triennial Assessment Report Card to fulfill the triennial assessment requirement. The results of the triennial

assessment will be made available to the Board and public.

C. The District wellness policy will be updated as needed based on evaluation results, District changes, emersion of new health science information/technology, and/or new Federal or State guidance are issued.

D. The District will actively inform families and the public about the content of and any updates to the policy through the District Website and newsletters.

The program developed shall include the following items, along with any additional measures deemed appropriate:

A. The District wellness policy will be updated as needed based on evaluation results, District changes, emersion of new health science information/technology, and/or new Federal or State guidance are issued.

B. The Superintendent shall conduct an annual review of the progress toward school wellness procedures, identify areas for improvement, and recommend revision of procedures as necessary.

C. The Superintendent or a designee of the Wellness Committee shall report annually to the Board on the District's wellness programs, including the assessment of the environment in the District, evaluation of wellness policy implementation District-wide, and the areas for improvement, if any, identified. The Superintendent or a designee of the wellness committee shall also report on the status of compliance by individual schools and progress made in attaining goals established in the policy.

1. identify specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness, with consideration for evidence-based strategies;

2. develop nutrition guidelines for all foods and beverages sold during the school day, that are consistent with Federal requirements for meal

nutrition standards and smart snacks, and restricting marketing efforts to only those items that meet established guidelines;

3. develop policies pertaining to other food items in the schools, including for classroom parties, birthday snacks, or other food items not for sale, but distributed in the schools;

4. describes the process and public involvement in the development of the wellness program and initiatives.

Update/Inform the Public

The District will actively inform and update the public about the content of and any updates to the policy through the District website and Board meetings.

The Superintendent shall be responsible for informing the public, including parents, students, and community members, on the content and implementation of this policy. In order to inform the public, the Superintendent shall distribute information at the beginning of the school year to families of school children, and post the wellness policy on the District's website, including the assessment of the implementation of the policy prepared by the District.

Record Retention

The Superintendent shall require that the District retain documentation pertaining to the development, review, evaluation, and update of the policy, including:

A. copy of the current policy;

B. documentation pertaining to the most recent assessment of the implementation of wellness initiatives identified in the policy;

C. documentation of efforts to publicize the policy;

D. documentation of efforts to review and update the policy, including identification of the participating and invited collaborators.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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

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

1. Mail:
   U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or

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

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

This institution is an equal opportunity provider.

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Revised 2/10/25

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VENDING MACHINES

8540 - **VENDING MACHINES**

The Board recognizes that vending machines can produce revenues which are useful to augment programs and services to students and staff. It will, therefore, authorize their use in District facilities providing that the following conditions are satisfied:

A. no food or beverages are to be sold or distributed, which will compete with the District's food-service program;

B. food items and beverages available for sale to students in vending machines for consumption on campus shall comply with the current USDA Dietary Guidelines for Americans and Smart Snack Requirements;

C. no products are vended that would conflict with or contradict information or procedures contained in the District's educational programs on health and nutrition.

The District Administrator shall develop and implement administrative guidelines that will require these conditions are adhered to on a continuing basis.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on

the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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

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

1. Mail:
   U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or

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

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

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po8550

COMPETITIVE FOOD SALES

8550 - **COMPETITIVE FOOD SALES**

The food-service program will comply with the provisions set forth in Federal law regarding the sale of competitive food.

The food-service program shall be the sole provider of food and beverage items sold in all schools until thirty (30) minutes following the last lunch period, at which time student clubs and organizations and/or District support organizations may request approval to sell food and beverage items in accordance with the Board's policies and administrative guidelines. Accordingly, all food items and beverages for sale to students for consumption on campus from vending machines, from school stores, or as fundraisers by student clubs and organizations and/or District support organizations shall comply with the current USDA Dietary Guidelines for Americans and Smart Snack Rules, and shall only be available between thirty (30) minutes following the last school lunch period and thirty (30) minutes after the close of the regular school day.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s

TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

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

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

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

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po8600

TRANSPORTATION

8600 - **TRANSPORTATION**

It is the policy of the Board of Education to provide transportation for those students, of any age, whose distance from their school makes this service necessary within the limitations established by State law and the regulations of the Department of Public Instruction or other appropriate agency.

Transportation for private school students, eligible for transportation under State law, shall be provided on the same basis as for District students.

Transportation of eligible students with exceptional educational needs or attending a technical education program shall be arranged through commercial carriers, and/or by other means in the most efficient and economical manner.

Transportation privileges may be revoked if the student's conduct is in violation of the Superintendent's administrative guidelines or the Code of Conduct pertaining to student transportation. Such revocation shall be in accord with statutorily-required procedures.

The Superintendent shall establish administrative guidelines to ensure proper implementation of this policy.

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po8605

USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICES BY DISTRICT EMPLOYEES WHO OPERATE BOARD-OWNED OR OPERATED VEHICLES

8605 - **USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICES BY DISTRICT EMPLOYEES WHO OPERATE BOARD-OWNED OR OPERATED VEHICLES**

Personal communication devices ("PCDs"), including PCDs equipped with earpieces, earbuds, headsets, and/or Bluetooth, shall not be used for sending or reading text messages, or sending or reading e-mails or any other data, anytime the operator is actively driving a District school bus or other Board-owned vehicle during the course of employment, with or without students on board. No driver may use a handheld mobile telephone anytime, except for direction navigation purposes, while operating a Board-owned vehicle, including any time where the vehicle is in operation even if temporarily stopped due to traffic or traffic control situation, provided such directions are inputted into the device while the vehicle is not being operated, or to communicate with law enforcement or other emergency services if necessary.

For purposes of this policy, electronic PCDs include, but are not limited to, cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs), Blackberries/Smartphones, any text-messaging device, and other WI-FI-enabled or broadband access devices, including computers, but does not include Citizens Band Radio or other two-way device which is installed in the vehicle and communicates directly with District transportation officials and other District vehicles only.

Safety is always the priority while driving a school bus or other vehicle in the course of employment. Any deviation to the above policy will result in disciplinary action as set forth in Board policy, including termination from employment.

Revised 4/10/18

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po8660

TRANSPORTATION BY PRIVATE VEHICLE FOR DISTRICT-SPONSORED ACTIVITIES OR TRIPS

8660 - **TRANSPORTATION BY PRIVATE VEHICLE FOR DISTRICT-SPONSORED ACTIVITIES OR TRIPS**

When the Board provides transportation for District-sponsored activities or District-sponsored trips, students are expected to use such transportation for the duration of the activity or trip.

The Board authorizes the transportation by private vehicle of students of the District in a vehicle transporting nine (9) or fewer passengers in addition to the operator unless emergency permission to use a larger capacity vehicle is obtained in writing from the Wisconsin Department of Transportation.

Any transportation of students in a private vehicle must be approved in advance and in writing by the principal.

The parent of a participating student will be given, on request, the name of the driver and a description of the vehicle.

A person may be approved for the transportation of students in a private vehicle if the person is an employee of this Board, an approved volunteer, and/or the parent of a student enrolled in this District.

An approved driver must be the holder of a currently valid license to operate a motor vehicle in the State of Wisconsin and be at least eighteen (18) years of age. An approved driver must also be physically capable of operating a vehicle including use of both hands and foot required to operate the vehicle, or has medical certification or has such requirement waived by the Board upon proof of a modified vehicle and Department of Transportation driving test completion, and has signed the form provided by the District.

Any person otherwise qualified to transport students shall agree not to carry a concealed weapon while transporting students, other than the person's own children, even if they are a holder of a concealed carry permit. This does not apply to law enforcement personnel.

A person shall be permitted to transport students only if that person is the holder of automobile liability and personal injury insurance in the amount required by applicable law. The Superintendent may withdraw the authorization of any private vehicle driver or vehicle whose insurance is not adequate.

Any private vehicle used for the transportation of students must be owned or leased by the approved driver or the spouse of the approved driver and must conform to registration requirements of the State.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not professional staff members are requested to report student misconduct to the Principal.

Expenses incurred by drivers of private vehicles in the course of transporting students will be reimbursed by the Board at the approved mileage rate and upon presentation of evidence of costs for tolls and parking fees. Any such reimbursement must be authorized in advance.

Revised 2/11/25
T.C. 11/11/25

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po8680

TRANSPORTATION SERVICES CONTRACTS

8680 - **TRANSPORTATION SERVICES CONTRACTS**

The Board policy regarding the fulfillment of its obligation to provide transportation to students within the District is defined in Policy 8600 - Transportation. For student safety, State law requires the District to take certain measures regarding the competence of transportation drivers.

The owner or lessee of all privately owned motor vehicles used by the District to transport students shall be under written contract with the Board. The contract must specify that the owner or lessee is obligated to perform any action necessary to fulfill its obligation under 121.555, Wis. Stats.

All contracts for bus services, either between the District and its employees, or between the District and a private entity contracted for the purpose of providing transportation services, must be in the form prescribed by the Wisconsin Department of Transportation and specify that all parties to the contract are at all times subject to the rules adopted by the Secretary of the Wisconsin Department of Transportation under 110.06(2), Wis. Stats. and by the Wisconsin Department of Transportation.

All contracts for transportation services between the District and a private entity shall contain provisions requiring that the owner or lessee of the privately owned motor vehicles assure that all operators of said vehicles are subject to drug testing in accordance with U.S. Department of Transportation regulation. The contract shall require that the owner or lessee provide the District with its drug testing policy for approval.

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po8700

LACTATING EMPLOYEES

8700 - **LACTATING EMPLOYEES**

The Board supports staff members who choose to express breast milk following the birth of a child. When any staff member has notified their supervisor of the staff member's intent to express breast milk during the workday, the Principal shall make necessary arrangements to provide the following:

A. An appropriate location that is suitable for expressing breast milk. The location must be shielded from view and not accessible during usage by any other person. The location provided may not be a bathroom.

B. A reasonable amount of time to complete the activity based on an established schedule of frequency the staff member requires. The staff member is responsible for providing a schedule of frequency and for completing the process efficiently.

Additional requests from a covered employee for assistance in developing procedures for the employee's need to express breast milk under this policy should be addressed to a building administrator. Reasonable efforts will be made to facilitate full access to the benefits of this policy.

A participating employee must record time spent expressing breast milk at work. Any staff member who has given birth to a child and opts to express breast milk thereafter is entitled to the benefits of this policy.

Any staff member who has provided notice of the need to express breast milk at work and has complied with the responsibilities of doing so in this policy is eligible to do so for up to one (1) calendar year from the birth of the child.

No staff member who requires break time to express breast milk consistent with this policy shall be subjected to retaliation or any form of adverse treatment for doing so.

Any staff member who feels they have been denied adequate protections or feels they have been retaliated against or otherwise treated unfairly as a result of availing themselves of the rights described in this policy shall report such concerns to the Superintendent. Any such report shall specify the alleged deficiency and desired resolution so that the Superintendent may provide an appropriate resolution, within ten (10) calendar days of the report.

The benefits described in this policy shall be administered concurrently with other benefits, such as Family Medical Leave Act (FMLA) rights.

This policy does not apply to students. Any student who is expressing breast milk following the birth of a child should contact the Principal to discuss arrangements to enable the student to do so.

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po8710

INSURANCE

8710 - **INSURANCE**

The Board shall purchase, with District funds, the type and amount of insurance necessary to protect the District from major financial losses.

Insurance purchased shall include, but need not be limited to, the following:

A. negligent acts or omissions which cause personal injury or wrongful death

B. fire and extended coverage on buildings and contents

C. comprehensive bodily injury, property damage on automobiles, buses, and trucks

D. boiler and machinery

E. special coverage for equipment not ordinarily covered under a standard policy

F. employee insurance coverage as specified by Board action

G. worker's compensation coverage

H. legal liability for Board members and employees

Contractors

The Board shall require that all contractors performing services on District property, or as part of a District program, are covered by appropriate insurance coverage for the activity and, wherever possible, that the contractor includes the District as an additional insured party on the contractor's policies. The Board shall also require that contractors performing work on any public works projects cover those projects with payment and performance bonds as may be required by law.

Revised 4/23/24
T.C. 11/11/25

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po8740

BONDING

8740 - **BONDING**

The Board of Education recognizes that prudent trusteeship of the resources of this District dictate that employees responsible for the safekeeping of District monies be bonded.

The District shall be indemnified against loss of money by bonding of employees holding the positions and in the amounts determined by the Board and in accordance with State law.

The Board shall bear the cost of bonding each employee required to be bonded by this policy.

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po8760

STUDENT ACCIDENT INSURANCE

8760 - **STUDENT ACCIDENT INSURANCE**

The Board recognizes the need for insurance coverage for injuries to students caused by accidents occurring in the course of attendance at school and participation in the athletic and co-curricular programs of the schools. Therefore, at the beginning of each school year, the Board shall offer parents the opportunity to participate in group accident insurance paid for by the District, which shall be approved at the annual meeting.

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po8800

RELIGIOUS ACTIVITIES AND OBSERVANCES

8800 - **RELIGIOUS ACTIVITIES AND OBSERVANCES**

The Board acknowledges that the U.S. Constitution prohibits it from adopting any policy or rule promoting or establishing a religion or any policy that unlawfully restricts any person's free exercise of the individual right to worship enjoyed by all persons. Within the confines to this legal framework, the Board adopts the following policy to address the scope of these rights and the District's authority within its own facilities or during events.

As public employees, while on duty and acting within the scope of employment or pursuant to official duties, District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. Staff are expected to avoid circumstances where the staff member's expression of religious views could be reasonably construed as an endorsement or approval of the message by the school or District. Nothing in this policy or its application shall serve to prohibit or interfere with any staff member's free exercise of their religious views in circumstances not covered by this policy.

Nothing in this policy prohibits teaching about various religions and religious practices in a manner consistent with any adopted District course curriculum. This instruction may include discussion of religious holidays and customs in a manner related to the curriculum that does not give the appearance of an endorsement of one religion over other religions or favoring either a system or religious beliefs or of other beliefs, such as atheism or agnosticism. Observance of religious holidays through devotional exercises or acts of worship is also prohibited.

Distribution of any outside organization's materials, including a request by any person wishing to facilitate dissemination of materials on District property, may make a

request in accordance with Policy 9700 - Relations with Non-School Affiliated Groups and AG 9700A – Distribution of Materials to Students.

Students are not prohibited by this policy or any guideline promulgated pursuant to this policy, from engaging in the free, individual, and voluntary exercise or expression of the student's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when students are free to associate, or on an individual basis in a manner that does not disrupt the educational process.

Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on groups or individuals, and do not interfere with the regular school program.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.

Revised 8/28/18
Revised 10/8/24
T.C. 11/11/25

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po8802

PATRIOTIC ACTIVITIES AND OBSERVANCES

8802 - **PATRIOTIC ACTIVITIES AND OBSERVANCES**

In accordance with the U.S. Flag Code requirements, the flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions.

Professional staff members are authorized to lead students in the Pledge of Allegiance or the National Anthem at an appropriate time each school day. No student may be compelled against the student's objections or those of the student's parents to recite the Pledge or sing the National Anthem.

Every school in the District shall offer the Pledge of Allegiance or the National Anthem each school day in grades one (1) through twelve (12). District staff conducting these activities shall protect the rights and the privacy of a nonparticipating student.

The District may offer students and staff a Moment of Silence to commemorate a significant event that has significant impact on the community. The decision to offer a moment of silence shall be the building principal's and/or the Superintendent's decision. No moment of silence shall be described by school officials with reference to religious symbolism or activity.

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po8900

FRAUD

8900 - **FRAUD**

The Board is committed to protecting the financial assets of the District. Fraudulent behavior by School District employees, any contracted entity, or other individual will not be tolerated.

Fraudulent behavior includes, but is not limited to, theft, embezzlement, lying or providing false information to obtain a material benefit, including falsification of employee time records or other manipulation of time records to obtain compensation for time not worked, purchasing property for personal use with School Board funds, and inappropriate personal use of School Board property.

All employees have an obligation to report fraud to their supervisor or directly to the Superintendent, or to the Board President when a fraud report concerns the Superintendent. The failure to report known fraudulent actions or actions that reasonably appear to be fraudulent may be grounds for discipline.

The Superintendent, in cooperation with the auditors and District staff, will provide appropriate internal controls to diminish the opportunities for theft, embezzlement, and other fraudulent acts by employees.

All allegations of fraud will be investigated by appropriate District staff and will be reported to law enforcement if or when there is reason to believe a criminal offense has been committed.

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po8913

SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

8913 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board prohibits discrimination against any employee or applicant based upon their disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Complainant: is the individual who alleges or is alleged to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Respondent: is the individual who is alleged to have engaged in discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

District community: means students, District employees (i.e., administrators, and professional and support staff), and Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties: include but are not limited to guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the District community at school-related events/activities (whether on or off District property).

An individual with a disability means a person who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

Impairment That Substantially Limits a Major Life Activity

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

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.

Qualified Individual with a Disability

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who believes they are being regarded as having a disability. Employees requesting reasonable accommodation must cooperate with school officials in obtaining specific medical opinion that identifies the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

Facilities

No qualified person with a disability will be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/American with Disabilities Act (ADA) applies because the District's facilities are inaccessible to or unusable by persons with disabilities.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

District Compliance Officers

The Board designates the following individual(s) to serve as the District's 504 CO(s)/ADA Coordinator(s) (hereinafter referred to as the 'COs').

Stacie Opahle
Director of Human Resources
2902 Lindbergh Dr.
Manitowoc, WI 54221-1657
(920) 686-4787
opahles@mpsd.school

The name, title, and contact information of this individual will be published annually on the School District's website.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The COs will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. Any complaint received regarding the Superintendent or a Board member shall be referred to the Board’s legal counsel, who shall assume the role of the CO for such complaints, as appropriate. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who shall coordinate with the other appointed/designated CO, or, if

appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

Complaint Procedures

If a person believes that they have been discriminated against on the basis of their disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with COs within the time limits specified below. The COs are available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.

B. the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the Complainant or someone authorized to sign for the Complainant, describe the alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation and propose a resolution. The complaint should be filed within thirty (30) days of the circumstances or event giving rise to the complaint.

C. The CO will conduct an independent investigation of the matter. This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the Complainant with a written disposition of the complaint as soon as practicable relative to the ability to complete a thorough investigation but within sixty (60) days. If no decision is rendered within sixty (60) business days, or the decision is unsatisfactory in the opinion of the Complainant, the employee may file, in writing, an appeal with the Superintendent. The CO shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a meeting with all parties involved in an attempt to resolve the complaint.
The Superintendent will render their decision within ten (10) days of the meeting.

E. The employee may be represented, at their own cost, at any of the above-described meetings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

Directives During Investigation

The CO may recommend to the Superintendent placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the Superintendent is the Respondent, the CO shall make such a recommendation to the Board. For example, administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation may be required to answer questions that could also involve criminal investigation or sanctions, including the existence of a co-occurring law enforcement investigation are still required to answer questions concerning the District investigation, but are entitled to do so without waiving their Constitutional right against self-incrimination that applies during a criminal investigation. should be provided a Garrity warning apprising the person of their obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution. Employees should be advised of this right, through what is often referred to as a "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. (See Form 8913 F1 - Garrity Warning)

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

OCR Complaint

At any time, if an employee believes that they have been subjected to discrimination based upon their disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education Office for Civil Rights Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661
(312) 730-1560
FAX: (312) 730-1576
TDD: (877) 521-2172
E-mail: OCR.Chicago@ed.gov

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and any relevant codes of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or interfere with any individual because the person opposed any act or practice made by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The Superintendent shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination, in general, will be age and content-appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management) created and/or received as part of an investigation, which may include but are not limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and procedures/guidelines used by the District to conduct the investigation and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and

staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

N. documentation of any training provided to District personnel related to this policy including, but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy;

O. documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

P. copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;

Q. copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law, such as student records and confidential medical records.

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

Revised 2/10/15
Revised 5/19/23
Revised 3/11/25
T.C. 2/10/26

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po9120

PUBLIC INFORMATION PROGRAM

9120 - **PUBLIC INFORMATION PROGRAM**

The Board of Education believes that all reasonable means should be employed to keep the public informed on matters of importance regarding District policies, finances, programs, personnel, and operations. It is the purpose of this policy to provide the ways and means to accomplish this purpose.

The District Administrator shall direct an information program designed to acquaint the citizens of the community and general public with the achievements and the needs of the schools.

Toward this end, the Board shall provide parents or guardians and other District residents opportunities for orientation and information regarding State regulations and local school procedures, and will utilize, insofar as practical, all appropriate means and media to achieve this end.

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po9130

PUBLIC REQUESTS, SUGGESTIONS, OR COMPLAINTS

9130 - **PUBLIC REQUESTS, SUGGESTIONS, OR COMPLAINTS**

Any individual(s), having a legitimate interest in the staff, programs, and operations of this District shall have the right to present a request, suggestion, or complaint to the District and the Board. At the same time, the Board reserves the right to protect District staff and students from harassment, disclosure of confidential information, and other violations of the staff's or student's rights. It is the intent of this policy to provide a process for considering and addressing public requests, suggestions, or complaints in an efficient, reasonable, and equitable manner. Requests, suggestions, or complaints made by District staff members are covered by Policy 1422/Policy 3122/Policy 4122 - Nondiscrimination and Equal Employment Opportunity. This policy is not to be used to appeal or to otherwise seek review of a personnel decision that was or could have been reviewed through the grievance policy, Policy 3340/Policy 4340 - Grievance Procedure.

It is the desire of the Board to address any such matters through direct, informal discussions. It is only when attempts at informal resolution fail that more formal procedures shall be used.

Generally, requests, suggestions, or complaints reaching the Board or Board members shall be referred to the District Administrator for consideration. Only those items that are appropriate for consideration under this policy will be considered. The Superintendent may close out any such request presented that is not appropriate for consideration consistent with this policy. The Board reserves the right to reverse the Superintendent's decision to dismiss any item raised and to fully investigate or review the matter.

Guidelines for Consideration of Matters Brought Forward Under this Policy

A. First Level

Generally, if the matter raised involves a staff member, the individual(s) should discuss the matter with the staff member, if appropriate. The staff member shall take appropriate action within their authority and District administrative guidelines to deal with the matter. Matters related to other aspects of the District operations, programming, or other decisions shall be brought generally to the Administrator closest to the issue (e.g. if the matter relates to a decision, procedure, or the like in one of the schools, the matter should be raised first with the Principal or a designated person in the school).

Discussion with the staff member may not be appropriate in some situations including, for example, where the matter involves suspected child abuse, substance abuse, or any other serious allegation that may require investigation or inquiry by school officials prior to approaching the staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to their supervisor.

B. Second Level

If the matter has not been satisfactorily addressed at the First Level or it would be inappropriate to discuss the matter with the staff member, the individual(s) may discuss the matter with the staff member's supervisor, if applicable. Discussions with the supervisor shall occur promptly following any discussion with the staff member. If the matter involves allegations of harassment, discrimination, bullying, or other conduct implicating other policies and investigative procedures, the supervisor shall proceed to follow the applicable procedures which may include informing a District Compliance Officer for further review.

Matters not resolved at the Second Level may be brought to the Third Level.

C. Third Level

If the matter has not been satisfactorily addressed at the Second level, and the matter does not involve the District Administrator, the individual(s) may submit a written request for a conference to the Superintendent. This request should

include:

1. the specific nature of the request, suggestion, or complaint and a brief statement of the facts giving rise to it;

2. the respect in which it is alleged that the individual(s) (or child of a Complainant) has been affected adversely, if at all, or an explanation of other adverse results or impact of the matter;

3. the action which the individual(s) wishes taken and the reasons why it is felt that such action be taken.

The request must be submitted promptly after discussion with the staff member's supervisor. The District Administrator shall respond in writing to the individual(s) and shall advise the Board of any resolution of the matter.

D. Fourth Level

If the matter has not been satisfactorily addressed at the Third Level, or at the First Level in the case of a matter involving the Superintendent the individual(s) may submit a written request to the Board to address the matter. Any such request must be submitted promptly after the latest attempt to resolve the matter. The written submission shall include all correspondences pertaining to the matter between the individual and any School District officials or employees.

The Board, after reviewing all material relating to the matter, will provide a written response or may, at its discretion, grant an opportunity to address the Board **or** a committee of the Board **prior to making a final decision on the matter**.

The Board's decision, or the decision of the committee of the Board to which the matter was referred, will be final on the matter. The Board may choose to consolidate complaints or other communications for consideration if more than one (1) individual raises similar concerns before it, but reserves the right to refuse to consider any subsequent complaint on the same matter unless previously unknown material facts are raised.

If the individual(s) contacts an individual Board member to discuss the matter, the Board member shall refer the individual(s) to this policy or the District Administrator for further assistance.

Guidelines for Matters Regarding Classroom Instructional Materials Classroom and Library Materials

The Superintendent shall inform students and parents each year regarding their right to inspect instructional materials used as part of the educational curriculum and the procedure for completing such an inspection.

Parents of children attending school in the District and District residents may request formal reconsideration of the inclusion of specific instructional materials.

Concerns about specific textbooks or other classroom materials should be raised first with the classroom teacher and then the Principal if necessary, in an effort to resolve the matter informally. Concerns about specific library materials should be raised first with the library media specialist, then with the Principal, if necessary, in an effort to resolve the matter informally. If a satisfactory resolution is not reached, requests for consideration of removal of any instructional materials, including library materials, shall be submitted in writing to the Director of Instructional Services.

If the request, suggestion, or complaint relates to classroom instructional materials, the following procedure shall be followed:

A. The criticism is to be addressed to the Principal, in writing, and shall include:

1. author;

2. title;

3. publisher;

4. the complainant's familiarity with the material objected to;

5. specific concerns upon which the request to reconsider is based. This should include a specific description of the offending material (e.g. contains content that is harmful to minors or prohibited under State law, violates the District's policy on nondiscrimination, is not age-appropriate or developmentally appropriate for the grade level for which the material is used, or some other specified reason). This should include specific references to the text of the material by page number and excerpted text if known.

B. Upon receipt of the information, the Principal shall appoint a review committee, which shall comply with the open meetings law, consisting of:

1. one (1) or more professional staff members including the School Librarian;

2. one (1) or more laypersons knowledgeable in the area.

C. The Committee, in evaluating the questioned material, shall be guided by the following criteria:

1. the appropriateness of the material for the age and maturity level of the students with whom it is being used

2. the accuracy of the material

3. the objectivity of the material

4. the use being made of the material

D. The material in question may not be temporarily withdrawn from use pending final resolution of the matter.

E. The Committee's recommendation shall be reported to the Director of Curriculum and Instruction in writing within five (5) business days following the first meeting of the Committee. The Director of Curriculum and Instruction will advise the individual(s), in writing, of the Committee's recommendation and the Director of Curriculum and Instruction's decision. The Director of Curriculum and Instruction shall also advise the Board of the Committee's recommendation and the Superintendent's decision.

F. The individual(s) may submit an appeal of the Director of Curriculum and Instruction's decision in writing to the Board President within five (5) business days of receiving the decision. The written appeal and all written material relating to it shall be referred to the Board for consideration.

G. The Board shall review the matter and advise the individual(s), in writing, of its decision as soon as practicable. The Board shall determine on a case-by-case basis whether its review will include appearances by the petitioner and administration, be conducted based on written submissions, or only on the record produced by the Committee.

H. The decision of the Board is final.

Decisions on reconsidered materials will stand for three (3) years before new requests for reconsideration of those items will be entertained.

No challenged material may be permanently removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

Revised 4/8/14
Revised 1/11/24

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po9150

SCHOOL VISITORS

9150 - **SCHOOL VISITORS**

The Board welcomes and encourages visits to school by parents, other adult residents of the community and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to establish visitor guidelines.

Except as set forth in District Policy 8390 - Animals on District Property 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.

In accordance with 120.13(35), Wis. Stats., the Superintendent has the authority to establish conditions for entering or remaining in a District building, prohibit the entry of any person to a school of this District, or to require a visitor to leave when there is reason to believe the presence of such person would be or is detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

Parents who are registered sex offenders and wish to participate in their child's school activities may be allowed on campus at the discretion and under the direction of the Principal. Such parents must inform the school administration of any time that they will be on school grounds. Conditions may be imposed upon participation, including but not limited to the following: must have prior permission, must check in, must have approved escort in building or at event, must leave premises immediately upon conclusion of business, and may not visit while school is in session.

Nonstaff access to students and classes must be limited and only in accordance with a schedule which has been determined by the Principal after consultation with the teacher whose classroom is being visited. Classroom visitations must be nonobtrusive to the educative process and learning environment and should not occur on an excessive basis.

Concerns about any aspect of a child's educational program should be presented through the procedure set forth in Board Policy 9130 - Public Requests, Suggestions, or Complaints, a copy of which is available online, as well as at the District office and at each school.

The Superintendent shall develop such administrative guidelines as are necessary to protect students and employees from disruption to the educational program or the efficient conduct of their assigned tasks.

All visitors to a school of the District must comply with the visitor rules as set forth in Board Policy 7440 - Facility Security.

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T.C. 11/11/25

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po9151

USE OF CAMERAS AND OTHER RECORDING DEVICES IN LOCKER ROOMS

9151 - **USE OF CAMERAS AND OTHER RECORDING DEVICES IN LOCKER ROOMS**

The Board recognizes the importance of protecting the privacy interests of the District's students and is committed to safeguarding students' privacy in the locker room facilities.

As required by law, the Board establishes this locker room privacy policy.

To protect the privacy of students, non-staff access to locker rooms for the purpose of interviewing or seeking information from any student in the locker room is prohibited. No member of the media is allowed access to school locker rooms before, during, or after any school athletic event or practice. Coaches and student-athletes may be available for interviews outside the locker room, consistent with school rules.

Parents may enter the locker room on a limited basis, with prior approval of the coach or teacher. The parent is not permitted to interview or seek information from any student or use a recording device to record or transfer images. A "recording device" means a camera, a video recorder, cell phone with video and/or photograph capabilities, or any other device that may be used to capture, record or transfer images.

No images of a nude or partially nude person in the locker room may be captured, recorded, or transferred under any circumstances by any individual.

To protect the privacy of the District's students, parents, other adult residents of the community, and any public that may utilize the locker room facilities, no person may use a cell phone to capture, record, or to transfer a representation of a nude or partially nude person in a locker room in the School District or in use for District purposes.

Furthermore, the Board believes that safety is of the utmost importance. Therefore, notwithstanding the provisions of this policy, if necessary, emergency rescue personnel will be permitted into the locker room and will be given access to any tools necessary to do their job.

District officials may refer any violations of this policy to law enforcement for possible criminal prosecution of anyone who violates State law.

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po9160

PUBLIC ATTENDANCE AT SCHOOL EVENTS

9160 - **PUBLIC ATTENDANCE AT SCHOOL EVENTS**

The Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the District, but the Board also acknowledges its duty to maintain order and preserve the facilities of the District during the conduct of such events.

The Board directs that no alcoholic beverage or other controlled substance be possessed, consumed, or distributed, nor any betting occur at any function sponsored by the District or at any function occurring on District premises.

Raffles and similar forms of fund-raising by District-related organizations may be permitted by the District Administrator in accordance with Policy 9211 - District Support Organizations and Policy 9700 - Relations with Special Interest Groups.

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies. Any person who believes s/he has been discriminated against due to a disability should refer to the complaint procedure set forth in Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to,

providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

The Board holds the legal authority to bar the attendance of or remove any person whose conduct may constitute a disruption on District property or at a school event. School administrators have the authority to call law enforcement officials if a person violates posted regulations or does not leave District property when requested. They are also authorized to use detectors and other devices to better protect the safety and well-being of participants and visitors.

If a student, a non-enrolled minor, or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

Individuals with disabilities shall have an equal opportunity to purchase tickets for events that have been sanctioned or approved by the Board in accordance with the provisions of the Americans with Disabilities Act, as amended.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go. (See also Policy 8390 - Animals on District Property)

Persons attending school events are subject to the prohibitions on use of tobacco pursuant to Policy 7434 – Use of Tobacco on School Premises.

Persons attending school events are subject to the provisions of Policy 7217 - Weapons.

The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video recordings of school events.

Such recordings can be made by parents or other members of the audience without restriction if the performance is not of copyrighted material. However, if the performance is of copyrighted material, recording can be made if the appropriate license authorizing such recordings has been secured in advance by the District. If the performance is of copyrighted material and the necessary license has not been secured in advance by the District, the audience shall be advised before the performance begins that audio and/or video recordings that will be re-broadcast or distributed in any way, such as posting on the internet, are prohibited.

The Board authorizes the Superintendent to establish rules and procedures governing the use of nondistrict audio/visual recording equipment at any District-sponsored event or activity. Such rules are to be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to an activity.
Any person or organization seeking to film students or a school activity that is not a public event shall obtain prior permission from the Superintendent.

All notices, signs, schedules, and other communications about school events shall contain the following statement:

"Upon request to the Superintendent, submitted twenty-four (24) hours in advance, the District shall make reasonable accommodation including the provision of informational material in an alternative format as necessary for a disabled person to be able to participate in this activity. At least twenty-four (24) hours advance notice of the need for accommodation is appreciated."

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Revised 12/12/17

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HOME-BASED, PRIVATE, OR TRIBAL SCHOOLING

9270 - **HOME-BASED, PRIVATE, OR TRIBAL SCHOOLING**

The Board encourages the enrollment of all school-age children residing in this District in public schools or in a parochial or private school so that such children may enjoy the benefits of a well-planned educational program and the socialization possible in a group environment.

Private Education or Tribal School Education Students

The Board shall allow students who are being educated at a private school or a tribal school to participate, if space is available, in any of the District's courses by enrolling in up to two (2) courses during each semester. The student must meet the criteria for admission to the high school established for private school or tribal school students.

The Board shall notallow any student who is being educated at a private school or a tribal school to participate in any of the District’s non-WIAA sanctioned athletic or extra-curricular programs.

Home-Based Private Education Students

The Board shall allow a student receiving Home-Based private education to attend up to two (2) courses per semester in the public school classroom provided that the student meets the minimum standards for enrollment in each course as established by the District. Such student may attend no more than two (2) courses per semester, which shall include any courses being taken by the student in another public school district such that the aggregate number of courses taken in a public school district in any semester does not exceed two (2).

A student receiving Home-Based private education may participate in interscholastic athletics in the District, including WIAA sanctioned interscholastic athletics, on the same basis and to the same extent that the District permits students enrolled in the District to participate. Upon request, the Home-Based educational program in which the student is enrolled shall provide the District with a written statement that the student meets the Board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement.

A student receiving Home-Based private education may participate in extracurricular activities in the District on the same basis and to the same extent that it permits students enrolled in the District to participate.

The District may charge a student who participates in interscholastic athletics or extracurricular activities participation fees, including fees for uniforms, equipment, and musical instruments, on the same basis and to the same extent that it charges these fees to a student who is enrolled in the District.

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po9700

RELATIONS WITH NON-SCHOOL AFFILIATED GROUPS

9700 - **RELATIONS WITH NON-SCHOOL AFFILIATED GROUPS**

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

No non-school affiliated group may use the name, logo, mascot, or any other name which would associate an activity with the District without the specific written permission of the Superintendent. Additionally, no non-school affiliated group may use any assets of the District, including but not limited to facilities, technology, or communication networks without the specific written permission of the Superintendent.

School District Referendum Advocacy

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

Other Activities by Non-School Affiliated Groups

A. Materials or Activities

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

on the basis of the proposed activities or materials educational contribution to part or all of the school program, benefit to students; and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

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

B. Contests/Exhibits

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

1. have the primary effect of advancing a special product, group, or company;

2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;

3. interrupt the regular school program;

4. involve any direct cost to the District unless the student body as a whole derives benefit from such activities;

5. cause the participants to leave the School District, unless:

    a. the Board's Policy 2340 - District-Sponsored Trips has been complied with in all aspects;

    b. the Board has granted special permission;

    c. the parents of a minor student have granted their permission.

C. **Distribution/Posting of Literature**

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

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

D. **Solicitation of Funds**

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

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

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

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

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

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

E. **Prizes/Scholarships/Other Awards**

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

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

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

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

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

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

1. No information**,** either academic or personal,

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

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

3. The principal, together with a committee of staff members designated by the principal, shall be involved in the selection of the recipient and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.

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

F. **Sale of School Supplies**

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

1. the organization have a purpose that will benefit the School District and its students;

2. the organization's planned activities are clearly in the best interest of the School District and its students;

3. the organization has submitted the following information and assurances on the form provided by the District: a statement noting the purpose of the organization, financial accountability assurances, and use of facility assurances.

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

G. **Surveys and Questionnaires**

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

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T.C. 11/12/24
T.C. 2/17/25

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po9800

HIGH SCHOOL DIPLOMAS TO VETERANS

9800 - **HIGH SCHOOL DIPLOMAS TO VETERANS**

The Board of Education recognizes the service provided to the country and the individual sacrifices made by veterans of the United States Armed Forces.

Since many of these veterans left high school in order to fight for their country, the Board wishes to recognize their efforts by awarding a high school diploma.

The Board may award a high school diploma to a military veteran who meets the following criteria:

A. The veteran is at least sixty-five (65) years of age, or is at least fifty-five (55) years old and has a service-connected disability.

B. The veteran attended high school in the District or attended a high school in Wisconsin and is a resident of the School District.

C. The veteran left high school before receiving a high school diploma to join the armed forces of the United States during a war period under 45.001(5), Wis. Stats.

D. The veteran served on active duty under honorable conditions in the United States Armed Forces or in forces incorporated as part of the United States Armed

Forces.

The Board may also award a high school diploma to a military veteran who has received a high school equivalency diploma after serving on active duty under honorable conditions if criteria A. through C. above are also met.

If the veteran is deceased and satisfied criteria B. through D. above, the Board may award a diploma posthumously and present that diploma to a surviving relative of the veteran.

The application for a veteran's diploma is available at the Office of the Superintendent.

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