

**THE SCHOOL DISTRICT OF STURGEON BAY**  
**Regular Board of Education Meeting**  
**Wednesday, July 15, 2020**

*As noted in Board Policy 0166 - Agenda, each agenda shall contain the following statement:*

*“This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in the agenda.”*

**6:00 P.M.      Board of Education Meeting                      Sturgeon Bay High School Library**

**CALL TO ORDER:**

1. Pledge of Allegiance
2. Roll Call
3. Motion to Adopt Agenda

**PUBLIC PARTICIPATION SECTION—ALSO KNOWN AS AUDIENCE TO VISITORS AND DELEGATIONS** *(As noted in Board Policy 0167.3 Public Participation at Board Meetings):*

**CONSENT AGENDA:**

1. Approve June Minutes
  - a. Regular Meeting June 17, 2020
2. Approve June Bills
3. Accept resignations and retirements
4. Approve Special Education Policies and Procedures
5. Approve At-Risk Plan

**OPERATIONS AGENDA:**

1. Consent Agenda items requiring attention (if any)
2. School Reopening Plan Presentation & Discussion (informational item)
  - a. Recommendations from Community Partners at Public Health and DCMC
  - b. District-level Planning Updates
  - c. School-level Planning Updates
3. Approve TJ Walker Band Teacher
4. Approve TJ Walker Social Studies Teacher
5. Approve 4K Teacher
6. Approve Technology Director
7. Approve Annual Public Notice of Academic Standards
8. Approve Sunrise Flooring Project at Sunrise Elementary
9. Approve Employee Assistance Program
10. Approve Assistant Boys Soccer Coach
11. Strategic Action Plan Draft for 2020-2021 (informational item)
12. Facility Project Update (informational item)
13. Reports:
  - a. Legislative
  - b. CESA
  - c. Committee/Seminars
  - d. Business Manager
  - e. Superintendent
14. Adjourn

*NOTE: This notice may be supplemented with additions to the agenda that come to the attention of the board prior to the meeting. If there are changes, a final agenda will be posted and provided to the media no later than 24 hours prior to the meeting or no later than 2 hours prior to the meeting in the event of an emergency.*

To: Board of Education  
From: Dan Tjernagel  
Date: July 9, 2020  
RE: Background Information for the July 15, 2020 Work Session and Regular Meeting  
**Reminder:** *We will start at 6:00 P.M. rather than our usual 7:00 P.M. start time.*

#### **CONSENT AGENDA:**

**1. Approve June Minutes**

- a. Regular Meeting June 17, 2020

**2. Approve June Bills**

- 3. Accept Resignations:** Jenny Spude has let us know that William Weber is officially resigning from his limited hour position at Sunset Elementary. Kyle Sheehy is resigning from his assistant football coaching position at SBHS. We thank William and Kyle for their service to our young people.

**4. Approve Special Education Policies and Procedures**

Approval of the policies and procedures occurs annually to ensure smooth operations and that proper updates are done, communicated to the Board, and available to the public. We typically use the DPI sample guide.

**5. Approve At-Risk Plan**

Approval of the plan occurs annually to ensure smooth operations and that proper updates are done, communicated to the Board, and available to the public.

#### **OPERATIONS AGENDA:**

1. Consent Agenda items requiring attention (if any)

*This is a standing agenda item and utilized only if needed.*

**2. School Reopening Plan Presentation and Discussion (informational item)**

**a. Recommendations from community partners at Public Health and DCMC**

**b. District-level Planning Updates**

- i. Collaboration with other school districts  
ii. Task Force  
iii. Transportation

**c. School-level Planning Updates**

As communicated in a variety of ways in recent weeks, school reopening planning has consumed a lion's share of our time and attention. Rather than summarize a very long list of meetings and groups that our various team members have been involved with, we'll work through a presentation and dialogue in tonight's meeting.

We'd like to present information to the Board, have constructive dialogue with community partners and administrative team members, and then see where we have consensus, as well as what details would still need to be worked out following this discussion.

Following the board meeting, I would like to see district-level communication to families (which I plan send) on Thursday (or Friday), as well as school-level communication from

principals to families in their school(s) early the next week—and of course make sure staff continue to be in the loop as well if they are not already part of the school-level planning work. The summer registration mailer is currently planned for the following week (the last week of July).

While there could be merit in having the Board officially endorse the plans in the August 19 meeting, we can discuss if this is viewed as necessary or not depending how the July 15 discussion goes.

### **3. Approve TJ Walker Band Teacher**

*From Principal Smullen:*

Andrew Pagel attended UW-Green Bay for his undergraduate degree and also earned his Master's in Technology. He is an experienced Band director. Mr. Pagel served as the Two Rivers High School band director for the past 15 years, Algoma's middle and high school band director for four years, and one year as the Burlington School District middle school music teacher.

His references stated that he has a devout student following since kids love his sense of humor. Andrew makes all students feel welcomed and proof of this is when he created opportunities for students with intellectual disabilities to experience music and play in the band. For this and several other reasons Andrew was selected as the Teacher of the Year and chosen to be students' guest educator at the yearly honors award program.

Another reference stated that they will sadly miss Andrew's willingness to serve the district at a variety of events that go beyond concerts and pep bands. His reach went beyond music as he set up the microphones for football games, basketball games and various community events. Andrew plays in several area bands and I encourage you to check out his talents when you get the opportunity.

A motion to approve Andrew Pagel as the TJ Walker Middle School Band teacher beginning with the 2020-2021 school year is recommended.

### **4. Approve TJ Walker Social Studies Teacher**

*We hope to have a candidate secured and ready to be approved by the Board at the July 15 meeting.*

*A recommendation to approve a candidate is anticipated.*

### **5. Approve 4K Teacher**

Dr. Ann Smejkal and the 4K team are pleased to recommend Anika Bastian to fill our 4K teacher vacancy. Anika earned her teaching degree from Bethel University and has worked in our district since 2017, primarily as a teaching associate. She was a long-term substitute teacher for us in 2019 when we were unable to find a certified candidate to fill in as a special education teacher at Sunset.

Anika has experience as a sensory motor coach and has worked with many students with special needs. Sunset and Sawyer staff report that she is a positive, nurturing individual and they have enjoyed working with her. A few in our district may remember Anika's

grandmother, Marilyn Haugen who taught kindergarten in Sturgeon Bay for many years. We are pleased to see Anika move into this teaching role continuing a family tradition of serving the families of Sturgeon Bay. The 4K team is looking forward to teaming with her.

A motion to approve Anika Bastian as a 4K Teacher beginning with the 2020-2021 school year is recommended.

**6. Approve Technology Director**

*We hope to have a candidate secured and ready to be approved by the Board at the July 15 meeting.*

*A recommendation to approve a candidate is anticipated.*

**7. Approve Annual Public Notice of Academic Standards**

The 2015-2017 state budget (a.k.a. 2015 Wisconsin Act 55) added several notice requirements for school districts. The items involve notice regarding academic standards, school report cards and ranking levels, educational options, and the special needs voucher program.

As we've been reminded by WASB in the past, "School Boards are reminded that they must include an item on the agenda of the first school board meeting of the school year (the first board meeting after July 1) that clearly identifies the student academic standards . . . that will be in effect for the school year . . . In addition, school boards are required . . . to notify the parents/guardians of students . . . This notice may be provided electronically, including by posting the notice or a link to the specific academic standards on the school district's website."

Once a new curriculum for a particular academic area has been adopted, that curriculum stays in place until a change is approved at a later date. Again, the requirement that we need to notify the public annually of these standards began just a few years ago.

In gathering feedback from various individuals and in alignment with our discussion on the topic in the past, it continues to appear that the clearest way of communicating this is that we follow "Sturgeon Bay Standards." Work in recent years has involved the Wisconsin Academic Standards in most areas. Calling them Sturgeon Bay Standards gives us flexibility to be able to address any areas that may cause concern within our school community, and also avoids the perception of having to adopt something without the flexibility to adapt if and when concerns may arise when it comes to national or state standards conversations, if you will.

I am including a link to the DPI website and Academic Standards page for your convenience: <http://dpi.wi.gov/standards>.

A motion to give the required annual notice pertaining to academic standards utilized in the School District of Sturgeon Bay for the 2020-2021 school year is recommended.

**8. Approve Sunrise Flooring Project at Sunrise Elementary**

*District staff have been in contact with EUA previously, as well as again this month to get insight on information that can be brought to the Board for approval.*

*A motion to approve the Sunrise Flooring Project is anticipated.*

**9. Approve Employee Assistance Program**

*From Jake Holtz:*

Jen Weber, Craig Sigl, and Jake Holtz attended a Webex meeting with M3 and the Employee Resource Center the morning of July 7.

What the Employee Resource Center offers in their EAP program is quite impressive - it's more than just a number of meetings with certified counselors. They have online tools for our staff and our leadership team, as well as a crisis response team that would be at our fingertips. We would like to contract with them to offer our employees up to 8 counseling sessions, as needed.

For a two year rate lock, our annual price would be \$5,568. (Currently, we pay \$1,890 a year for a single local doctor, for up to two visits for our employees.)

A motion to approve an employee assistance program through the Employee Resource Center is recommended.

**10. Approve Assistant Boys Soccer Coach**

Last month we approved the resignation of Matt Broomhall, as assistant/JV boys soccer coach. As it turns out, some circumstances have changed for Matt and he is both interested and able to continue to serve as a coach in the boys soccer program.

A motion to approved Matt Broomhall as an assistant boys soccer coach is recommended.

**11. Strategic Action Plan Draft for 2020-2021 (informational item)**

As we have discussed since the February 2017 Board and Administrative Team retreat, putting together a one-page document with identified priorities that can serve as a “strategic action plan” should help us not only with our internal processes and focus areas for a given year, but also should assist our work as we continue to work to communicate with our community.

The strategic action plan process is intended to:

- help provide clarity through annual priority areas for our organization,
- give us targeted items to monitor throughout the year, and
- provide a document for annual review so adjustments can be made for the following year.

I thought bringing a draft forward as an informational item this month, and then having the Board approve the 2020-2021 version of the Strategic Action Plan next month would be wise. Typically, the Admin Team would spend some June Retreat time focusing on this document and related planning for the next school year. This year, wrapping up the 2019-2020 school year and continuing with COVID-19 and school reopening planning

has dominated our time, so we really haven't spent nearly the time on the document we usually would.

As we've said in the past, feedback is welcome on the strategic action plan concept—as is focus as we consider our work, priorities, and overall focus for the upcoming year, as well as our ability to appropriately communicate those priorities to our families, staff members, and community members.

**12. Facility Project Update (informational item)**

I'll include some information in my superintendent report as I typically do. Additionally, EUA put together an update I am sharing with the Board this month.

**13. Reports**

**14. Adjourn**

THE SCHOOL DISTRICT OF STURGEON BAY  
Regular Board of Education Meeting  
Wednesday, June 17, 2020  
COUNCIL CHAMBERS/STURGEON BAY CITY HALL

President Hooker called the regular meeting to order at 7:02 PM in Council Chambers of Sturgeon Bay City Hall. Present on site: Hooker, Holland, Alger, Stephani, Chisholm, Miller, Stephens and Jennerjohn. Excused Hougaard. Also present were Tjernagel, Holtz, A. DeMeuse, Smejkal, B O’Handley & Smullen. Virtual attendance by R. Nickel. The Pledge of Allegiance was recited.

Motion: Alger/Jennerjohn to adopt the agenda striking items seven and fifteen from the agenda. Motion carried unanimously.

PUBLIC PARTICIPATION SECTION—also known as audience to visitors and delegations (as noted in Board Policy 0167.3 Public Participation at Board Meetings): None.

CONSENT AGENDA:

1. Approve minutes from May 20, 2020 and June 3, 2020
2. Approve May bills
3. Accept grants and donations: Jenny Spude has reported the following donations to the food service department and/or family lunch balance support: the Door-Kewaunee Retired Educators Association (DKREA) donated \$197; Kaye Carter donated \$100; Linda and Butch Georgenson donated \$200; and a \$500 donation from donors who wished to remain anonymous was also received.
4. Approve resignations and retirements: Nick Kita has resigned as an assistant football coach. Ashley Hietpas is resigning from her 4K teaching position at Sunset Elementary at the end of the current school year. Brittany Sperberg has resigned from her middle school Band teaching position. Susan Kraus is resigning from her teacher associate position at Sunset Elementary. Melissa Haack has resigned from coaching 7<sup>th</sup> grade volleyball. Kay Abeyta DeDecker has resigned from her position in food service. Matt Broomhall is resigning as our boys JV soccer coach.
5. Designate newspaper as paper of record  
Allison Buchanan from Quarles and Brady has worked with Ann DeMeuse on a rather unique situation involving legal notices. Allison has let us know that in order for the *Peninsula Pulse* to qualify as the District’s Official newspaper, one of the requirements is that at least 50% of the circulation of the newspaper needs to be a paid subscription.

I’ll add an additional reference Allison had sent Ann below:

*Section 985.03(1)(a) provides qualifications for newspapers in order to be designated official municipal newspapers under Section 985.05, and provides, in part, that the newspaper must have a “bona fide paid circulation.” Section 985.01(1b) provides that a “bona fide paid circulation” means the paid circulation of a newspaper where both (a) the publisher of the newspaper sells 50% or more of the circulation of the newspaper, and (b) the publisher of the newspaper has actual subscribers at each publication of not less than 1,000 copies in 1<sup>st</sup> and 2<sup>nd</sup> class cities or 300 copies in 3<sup>rd</sup> and 4<sup>th</sup> class cities, villages and towns.*

We will continue to utilize the *Peninsula Pulse* in a variety of ways from job postings to other submissions, but find ourselves having to go with the *Advocate* for this official designation at this time.

A motion to designate the *Door County Advocate* as our newspaper of record is recommended.

6. Second review of English Language Arts Curriculum Materials

*Note: The first review took place at the April 15 regular Board of Education meeting when the Board received information and a presentation. Additionally, I'd remind us that there is now a desire to wait with the grade 6-8 materials and delay this part of the purchase until additional information can be gathered.*

7. Second readings of the following employee-handbook related items:

*Note: First readings took place at the May 20 regular Board of Education meeting*

- a. Professional Staff Employee Handbook
- b. Professional Staff Salary and Supplemental Pay Guide
- c. Support Staff Employee Handbook

8. Approve fundraising calendars for 2020-2021:

This is done annually as part of our operational procedures and preparing for the next school year. Contained in your packet should be fundraising calendars for the middle and high school levels.

On a related note, the only elementary fundraiser is the PTO fall fundraiser in September and October. As Ann has reviewed for us in the past, items such as cookie dough and candy are sold, but are not consumed at school. Additionally, the focus is on adults for something like a PTO fundraiser and different from some fundraisers at middle and high school levels.

9. Approve Sturgeon Bay High School Student-Parent Handbook

10. Approve Sturgeon Bay High School Faculty and Staff Handbook

11. Approve TJ Walker Middle School Student Handbook

12. Approve TJ Walker Middle School Faculty and Staff Handbook

13. Approve Elementary Student-Parent Handbook

14. Approve Elementary Faculty and Staff Handbook

15. Approve Early Graduation Requests

There are a few early graduation requests appropriately working their way through the established process and now come before the Board for approval in alignment with our past practice. If something would cause a delay in getting those completely processed and to you, we'd plan to bump formal approval to next month's meeting.

16. Approve Wisconsin Association of School Boards (WASB) Membership Renewal

Enclosed in the meeting packet is a scanned copy of the WASB renewal letter, as well as the 2018-2019 Report to the Membership, a copy of complimentary subscriptions and publications we receive as part of our membership, and the dues invoice. The dues schedule has been held flat since this past year, keeping our annual dues to \$4,336.

17. Approve Overnight Athletic Trips for the 2020-2021 School Year

Athletic director, Todd Meikle has worked with our head coaches and Principal Nickel to assemble the overnight athletic trip request for this next school year. Obviously, a trip to State could impact this, but that would be nothing new or reason to be concerned.

As stated in the past, the thinking is to have all scheduled overnight athletic trips for the year approved at the same time at the start of the year in an organized fashion. It is appropriate to point out that special trips involve fundraising, cost to the student-athlete/family, and/or a supporting parent or community group. The school district does not use tax dollars in the form of budget dollars to pay for additional or special overnight trips and the related costs, upgrades from a school bus to a coach bus, and other such costs that may be associated with some of these trips now or in the future.

Here is a quick overview of the trips described in greater detail (see packet) by Athletic Director Todd Meikle:

- Varsity Boys Soccer: Tournament at the Prairie School in Racine September 4-5, 2020



- Varsity Boys Soccer: Tournament at Cedarburg High School September 25-26, 2020
- Varsity Wrestling: “War on the Shore” Holiday Wrestling Tournament at UW-Oshkosh December 28-29, 2020
- Varsity Girls Soccer: Tournament at Pius XI High School in Milwaukee May 14-15, 2021

Motion: Stephens/Alger to accept and approve the consent agenda items as presented. Motion carried unanimously.

#### OPERATIONS AGENDA:

1. Consent Agenda items requiring attention (if any): None
2. Special Presentation by Door County Medical Center (DCMC)  
Hospital leaders have been before the Board in the past. Representatives from DCMC gave an overview of the various contracts and summarized services for the Board. This year they are presenting a simplified version of the contract along with an updated cost. The one contract that is not included is the job training program hosted by the hospital that our district serves as the fiscal agent for on behalf of the group. The updated service contract would begin July 1, 2020 and be part of the next fiscal year.
3. Approve Service Contract for 2020-2021 with Door County Medical Center  
Motion: Holland/Stephani to approve the 2020-2021 service contract with Door County Medical Center. Motion carried unanimously with Stephens abstaining.
4. Approve First Grade Teacher (one-year position)  
Motion: Holland/Chisholm to approve Madeline Brosteau as the one-year substitute 1st grade teacher for the 2020-2021 school year. Motion carried unanimously.
5. Approve Fourth Grade Teacher  
Motion: Stephens/Holland to approve Katie Smullen as the new Sunrise 4th grade teacher beginning with the 2020-2021 school year. Motion carried unanimously.
6. Approve TJ Walker Special Education Teacher  
Motion: Chisholm/Jennerjohn to approve Brianna Lane as a special education teacher at TJ Walker Middle School beginning with the 2020/021 school year. Motion carried unanimously.
7. ~~Approve Technology Department Director~~
8. Approve World Language Club Advisor  
Motion: Jennerjohn/Stephani to approve Libbie Gerondale as the advisor for the World Language Club. Motion carried unanimously.
9. Approve High School Assistant Football Coach  
Motion: Stephens/Holland to approve Stephen Jacobson as a high school assistant football coach. Motion carried unanimously.
10. Approve High School Head Girls Swim Coaches  
Motion: Chisholm/Alger to approve Krista Moyer and Kelly Oram-Rankin as the high school head girls swim coaches. Motion carried unanimously.
11. Approve Secondary-Level Teacher Associate  
Motion: Holland/Stephens to approve Samantha Routhieaux as a teacher associate. Motion carried unanimously.

12. Gap Reduction School Board Review (informational item)

Dr. Smejkal provided the Achievement Gap Reduction (AGR) reports. The report deals with math and reading for Kindergarten through third grade. This is simply an informational item, so no formal action is necessary.

13. Approve 2020-2021 Board meeting calendar

Motion: Jennerjohn/Stephani to approve the Board meeting calendar for the 2020-2021 fiscal year.

Motion carried unanimously.

14. Approve Meal Price Increases

Meal pricing had a slight increase for high/middle schools in the 2017-2018 school year. Since then I've left any pricing for SBSB students and staff the same. Elementary hasn't increased in approximately five years. As another point of reference, where else can someone buy a well-balanced lunch under 600 calories for under \$4.00?

I recommend the following, beginning with the 2020-2021 school year:

- Meal pricing would increase from \$2.95 to \$3.00 for high/middle.
- Meal pricing would increase from \$2.75 to \$2.90 for elementary.
- Meal pricing would increase from \$3.60 to \$3.95 for adults.

As a point of reference, St. John Bosco students have not received an increase but when we started providing lunch their pricing was set higher. Their pricing is and has been \$3.30 MS, \$3.20 Elem, \$3.95 Adult for past two school years.

Motion: Chisholm/Jennerjohn to approve the meal price increases beginning with the 2020-2021 school year. Motion carried unanimously.

~~15. Approve Asbestos Abatement Flooring Project at Sunrise Elementary~~

16. Approve Extension of Automated Sawyer Elementary School HVAC System

Motion: Miller/Alger to approve extension of Automated Sawyer Elementary School HVAC System, not to exceed \$134,000. After discussion, motion carried unanimously.

17. Approve Kobussen Transportation Contract Adjustment

The administration has received input from district legal counsel has prepared a document for the board.

Motion: Jennerjohn/Alger that the school district pay Kobussen an adjusted amount during the COVID-19 school closure of 75 % of what the district would normally pay provided that if Kobussen either has become eligible or would become eligible for stimulus dollars, that an appropriate portion of the dollars we would be paying during the closure would be returned to us. After discussion, and the suggestion of developing a memorandum of understanding as it relates to the stimulus dollars, motion carried unanimously.

18. Approve Preliminary 2020-2021 Budget

As the Board knows, each October is when the Board formally adopts the budget for the current fiscal/school year and also sets the tax levy. However, Board Policy 0155 – Committees also states the following: “. . . The Board as a whole shall act as a committee on school finance. . . C. During the months of April and May, the committee shall receive prepared estimates of the budget for the ensuing fiscal year, showing anticipated expenditures and needed revenues for the year. This budget shall be presented to the Board for preliminary approval in June and final approval in October. . .”

The way we've operated especially in the past couple of years, the Board sees regular updates based on the current year, as well as projections for the next year (and frankly the next three years due to our operational referendum cycle). Business Manager Holtz took us through an additional explanation and information as we look to the 2020-2021 year, adjustments to revenues and expenditures, and the looming impact of the state's next biennial budget. A Preliminary Budget spreadsheet as well as the Preliminary Budget Narrative was reviewed.

Motion: Jennerjohn/Holland to approve the preliminary budget for the 2020-2021 school year. Motion carried unanimously.

19. Facility Project Update (informational item)

Please see the information in the monthly Superintendent report.

20. Reports:

- a. Legislative – State of WI joined seventeen other states to file a complaint against Title 9 (sexual discrimination) requirements that were enacted.
- b. CESA – none
- c. Committee/Seminars – none.
- d. Administrative Reports presented.
- e. Superintendent's Report presented.

21. Adjourn Motion: Stephens/Holland to adjourn at 9:41 PM. Motion carried unanimously.

Date: \_\_\_\_\_

President's Signature: \_\_\_\_\_

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
06/01/2020	99714	R	77.52	21 R 800 291 160989 000	BATTEN, ANNIE	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99715	R	21.25	50 L 000 000 815000 000	BEE, THOMAS	refund of lunch balance for a senior class student
06/01/2020	99716	R	219.53	21 R 800 291 160989 000	BELL, KIM	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99717	R	53.84	21 R 800 291 160989 000	BILODEAU, EMILY	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99718	R	715.01	21 R 800 291 160989 000	BILODEAU, KENDRA	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99719	R	100.85	50 L 000 000 815000 000	BLAU, TAMMIE	refund of lunch balance for a senior class student
06/01/2020	99720	R	195.73	21 R 800 291 160989 000	BRENDEMUEHL, NICOLE	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99721	R	96.00	50 L 000 000 815000 000	BURKART, LISA OR BRA	refund of lunch balance for a senior class student
06/01/2020	99722	R	43.85	50 L 000 000 815000 000	DAOUST, DAWN	refund of lunch balance for a senior class student
06/01/2020	99723	R	41.90	50 L 000 000 815000 000	DEGRAVE, COLLEEN	refund of lunch balance for a senior class student
06/01/2020	99724	R	251.42	21 R 800 291 160989 000	DIETZEL, AMY	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99725	R	26.95	50 L 000 000 815000 000	FAIRCHILD, KATHY	refund of lunch balance for a senior class student
06/01/2020	99726	R	31.00	50 L 000 000 815000 000	FELHOFER, TONYA	refund of lunch balance for a senior class student
06/01/2020	99727	R	25.84	21 R 800 291 160989 000	KRUSE, ANGELA	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99728	R	103.45	50 L 000 000 815000 000	LAXO, MELISSA	refund of lunch balance for a senior class student
06/01/2020	99729	R	15.90	50 L 000 000 815000 000	LEONARDSON, SHAWN	refund of lunch balance for a senior class student
06/01/2020	99730	R	210.60	21 R 800 291 160989 000	MATHISON, ALLAN OR B	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99731	R	91.00	21 R 800 291 160989 000	NICHOLS, MATT OR MEL	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99732	R	173.16	21 R 800 291 160989 000	REICHEL, PAULA	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99733	R	10.35	50 L 000 000 815000 000	RUDY, STEVE	refund of lunch balance for a senior class student
06/01/2020	99734	R	50.45	50 L 000 000 815000 000	SCHNEIDER, STEVE	refund of lunch balance for a senior class student
06/01/2020	99735	R	43.89	21 R 800 291 160989 000	SHEFCHIK, JAYNE OR R	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/01/2020	99736	R	95.57	21 R 800 291 160989 000	SHORTREED, MARCI	refund of fundraising earning

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
06/01/2020	99737	R	83.75	50 L 000 000 815000 000	TREICHEL, CRYSTAL	due to Italy-Greece 2020 trip cancellation
06/01/2020	99738	R	108.40	50 L 000 000 815000 000	WILLIAMS, BRETT	refund of lunch balance for a senior class student
06/01/2020	99739	R	25.84	21 R 800 291 160989 000	WISEMAN, WENDY	refund of fundraising earning due to Italy-Greece 2020 trip cancellation
06/05/2020	192000337	A	927.30	10 E 800 411 253000 000	BELSON CO	Customer# STB605/STB605a SO# 0000296762
06/05/2020	192000338	A	4,543.00	10 E 800 480 295000 000	CAMERA CORNER-CONNEC	Renewal for VM servers HP maintenance and care support 24/7
06/05/2020	99740	R	500.00	21 E 400 310 163905 000	COISMAN, ROSE	50.5 Costume Shop hours for 2019-20 school year
06/05/2020	99741	R	135.68	10 E 800 411 253000 000	CULLIGAN SERVICE	Account# 8566801
06/05/2020	99742	R	500.00	21 E 400 310 163905 000	DAHL, DARLA	56 hours for Costume Shop work 2019-20
06/05/2020	192000339	A	50.31	27 E 806 342 156600 341	DOUCETTE, JULIE	1/6/2020-3/17/2020 Mileage to provide parochial school speech-language services
06/05/2020	192000339	A	41.40	27 E 800 342 156600 341	DOUCETTE, JULIE	1/2/2020-3/17/2020 Mileage to provide speech-language services at Sunset School
06/05/2020	192000340	A	14,108.00	10 E 800 480 295000 000	FORECAST5	Customer Account# 5502901000401
06/05/2020	192000341	A	5,071.50	10 E 800 480 295000 000	FRONTLINE TECHNOLOGI	Customer Account# 9023741
06/05/2020	192000342	A	1,190.00	10 E 800 480 221500 000	ILLUMINATE EDUCATION	FastBridge Assessment System Annual Subscription
06/05/2020	99743	R	4,800.00	10 E 800 321 295000 000	ISCORP	Customer ID: STURGEON BAY SD Service Bureau Subscription Fee
06/05/2020	192000343	A	12.86	10 E 800 419 249000 000	JOSTENS REMIT	Diploma
06/05/2020	192000344	A	250.00	10 E 800 310 239000 000	KAIN, ROBIN	6/2/2020-6/5/2020 Childcare
06/05/2020	99744	R	2,938.00	10 E 800 719 270000 000	M3 INSURANCE	Account# DOORINS-01 Item# 769802- Linebacker Renewal 20-21
06/05/2020	99745	R	116.25	10 E 200 411 241000 000	QUILL	Account# 2624111 Order# 136784580
06/05/2020	99745	R	16.58	10 E 200 411 241000 000	QUILL	Account# 2624111 Order# 136784722
06/05/2020	99745	R	750.44	10 E 400 411 241000 000	QUILL	Account# 2624111 Order# 136531790
06/05/2020	99746	R	303.44	10 E 140 411 114000 000	REALLY GOOD STUFF	Account# 9061499- Sunrise Supplies
06/05/2020	99746	R	86.93	10 E 140 411 115000 000	REALLY GOOD STUFF	Account# 0019772- Sunrise classroom supplies
06/05/2020	192000345	A	160.00	10 E 800 355 263300 000	RICE, CORINNE	3/1/2020-6/30/2020 Personal cell phone used for work purposes (\$40/month) - March, April, May, June - during pandemic
06/05/2020	192000346	A	60.83	10 E 200 450 121000 000	SCHOOL SPECIALTY INC	Customer# 281703 Order# 55292655

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
06/05/2020	192000346	A	11.58	10 E 110 411 241000 000	SCHOOL SPECIALTY INC	Customer# 281703 Order# 55248446
06/05/2020	99747	R	212.50	10 E 800 382 231500 000	SOUTHERN DOOR SCHOOL	Legal Service- DCMC Countywide Agreement
06/05/2020	99748	R	61.69	10 E 200 411 241000 000	SUPREME SCHOOL SUPPL	Sales order# 55428 MS office supplies
06/05/2020	99749	R	38.00	10 E 800 411 253000 000	VIKING ELECTRIC SUPP	Account# V11169
06/05/2020	99749	R	149.46	10 E 800 411 253000 000	VIKING ELECTRIC SUPP	Account# V11169
06/05/2020	99750	R	21.70	21 E 400 411 163902 000	WOLTER ENGRAVING SER	Plaques engraved for choir award winners
06/05/2020	99751	R	1,980.00	10 E 800 411 162000 000	WOODY'S SIGNS	Spring Sports Banners
06/09/2020	99752	R	100.00	98 L 000 000 811677 000	AMERIPRISE FINANCIAL	PRD ID 102503; M ROSE XXX-XX-2793
06/09/2020	99753	R	5.00	98 L 000 000 811671 000	AXA EQUITABLE	J Schopf \$5
06/09/2020	99754	R	53.00	98 L 000 000 811690 000	CROSSROADS AT BIG CR	Employee Donations
06/09/2020	99755	R	251.61	98 L 000 000 811680 000	GURSTEL LAW FIRM PC	Case No. 12-CV-224; File #802986
06/09/2020	99756	R	50.00	98 L 000 000 811660 000	SB LUNCH PROGRAM	Payroll accrual
06/09/2020	99757	R	213.01	98 L 000 000 811690 000	UNITED WAY	Employee Donations
06/11/2020	99758	R	4,837.00	10 E 800 324 253000 000	AUTOMATED LOGIC - WI	Signed ALC Proposal- Software Update
06/11/2020	99759	R	14.58	50 E 800 415 257220 549	BIRDSEYE DAIRY	Milk
06/11/2020	99760	R	15.00	21 R 400 291 165910 000	BLAHNIK, CHRISTIANNA	Refund for senior night
06/11/2020	99761	R	535.00	10 E 800 310 231500 000	BUELOW VETTER BUIKEM	Account number 3101.86522
06/11/2020	99762	R	261.44	10 E 800 324 253000 000	CONGER INDUSTRIES IN	PM Service Work order# WO-160654
06/11/2020	99763	R	150.00	50 L 000 000 815000 000	CRANE, ANGELINA	Lunch account refund
06/11/2020	99764	R	164.67	10 E 800 411 253000 000	DOOR COUNTY HARDWARE	Account# 96718
06/11/2020	99765	R	20.95	50 L 000 000 815000 000	FALK, MACKENZIE	Lunch balance refund
06/11/2020	99766	R	15.00	21 R 400 291 165910 000	GABERT, MELISSA	Senior night refund
06/11/2020	99767	R	19.20	50 L 000 000 815000 000	GARMS, BRIONNE	Lunch Balance Refund
06/11/2020	99768	R	30.00	21 R 400 291 166700 000	LEITNER, DEBRA	HS Cap & Gown Refund- Josh
06/11/2020	99769	R	15.00	21 R 400 291 165910 000	LEONARDSON, SHAWN	Senior Night Refund
06/11/2020	99770	R	500.00	10 E 400 310 241000 000	PROBOOKINGS.COM	May 26, 2021 - HS Senior Night Hypnotist Deposit
06/11/2020	99771	R	80.00	10 E 120 310 221300 000	ROGERS BEHAVIORAL HE	Online Training in Compassion Resilience for Schools Toolkit- Karlie Martens
06/11/2020	99772	R	59.00	10 E 800 411 253000 000	SCHARTNER IMPLEMENT	Account# 50100 Part# 86405634
06/11/2020	99773	R	270.00	10 E 800 310 231500 000	STRANG PATTESON ATTO	Matter# 05010.00001
06/11/2020	99774	R	216.97	21 E 800 449 254300 609	VIKING ELECTRIC SUPP	Account# V11169 Greenhouse lighting supplies
06/11/2020	99774	R	184.87	21 E 800 449 254300 609	VIKING ELECTRIC SUPP	Account# V11169 Greenhouse lighting supplies
06/11/2020	99775	R	138.38	50 E 800 415 257220 549	WASEDA FARMS COUNTRY	Eggs
06/11/2020	99776	R	15.00	21 R 400 291 165910 000	WECKLER, MORGAN	Senior Night Refund
06/17/2020	99777	R	500.00	98 L 000 000 811677 000	AMERIPRISE FINANCIAL	PRD ID 102503; M ROSE XXX-XX-2793
06/17/2020	99778	R	25.00	98 L 000 000 811671 000	AXA EQUITABLE	J Schopf - Plan #008889
06/18/2020	192000347	A	4,175.00	10 E 800 480 222200 031	CAMERA CORNER-CONNEC	65" interactive with mobile Display for SW IMC District Library funds
06/18/2020	192000347	A	10,128.41	10 E 800 480 295000 000	CAMERA CORNER-CONNEC	Firewall replacement purchase of 601e Fortinet Firewall from Camera Corner Connecting Point with Erate approval.

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06/18/2020	99779	R	1,075.18	10 E 800 355 263300 000	CELLCOM WISCONSIN RS	Account# 003-00319495
06/18/2020	192000348	A	529.33	27 E 800 386 436000 341	CESA 7	(390) NWTC- Learning for Independence - 3 Students Unpaid balance on invoice
06/18/2020	192000348	A	200.00	10 E 800 386 221300 000	CESA 7	Registration for ELL's Test Administration Training on 11/12/19
06/18/2020	192000349	A	3,480.00	10 E 800 386 431000 000	CESA #9	April 2020 Courses
06/18/2020	192000350	A	1,072.09	10 E 800 480 295000 000	COMPUTER DISCOUNT WA	5 Hovercam Document Cameras Customer# 0596469
06/18/2020	99780	R	804.70	10 E 800 411 253000 000	DOOR COUNTY COOPERAT	May 2020 Statement- Customer# 784909
06/18/2020	99781	R	564.63	10 E 800 411 253000 000	DOOR COUNTY HARDWARE	May 2020 Statement- Customer# 96718
06/18/2020	99781	R	116.30	21 E 800 449 254300 609	DOOR COUNTY HARDWARE	May 2020 Statement- Customer# 96718
06/18/2020	99781	R	33.68	21 E 400 449 135300 000	DOOR COUNTY HARDWARE	May 2020 Statement- Customer# 96718
06/18/2020	99782	R	298.70	10 E 800 348 254500 000	DOOR COUNTY TREASURE	Fuel for May 2020
06/18/2020	99782	R	202.23	10 E 800 348 256510 000	DOOR COUNTY TREASURE	Fuel for May 2020
06/18/2020	99783	R	9,065.28	27 E 800 310 218100 011	DOOR COUNTY MEDICAL	OT/PT for May 2020
06/18/2020	99783	R	1,696.32	27 E 800 310 218200 011	DOOR COUNTY MEDICAL	OT/PT for May 2020
06/18/2020	192000351	A	1,478.56	10 E 800 324 253000 000	EAGLE MECHANICAL	Repaired water leak at Sawyer - Customer ID# 2904
06/18/2020	192000352	A	780.00	50 E 800 411 257000 000	FLS BANNERS LTD	Face Mask for Food Service Staff
06/18/2020	192000353	A	314.24	10 E 800 432 222200 031	FOLLETT SCHOOL SOLUT	Library Books-Award Winners Customer# 80045
06/18/2020	192000354	A	17.68	10 E 800 419 249000 000	JOSTENS REMIT	Diploma
06/18/2020	192000355	A	3,308.22	10 E 800 310 256210 000	KOBUSSEN BUSES LTD	June Food Routes 6/1-6/5
06/18/2020	192000355	A	13,232.88	10 E 800 310 256210 000	KOBUSSEN BUSES LTD	Food Routes May 2020
06/18/2020	99784	R	309.47	10 E 800 411 253000 000	LUXEMBURG IMPLEMENT	Maintenance Supplies
06/18/2020	99785	R	432.11	50 E 800 415 257220 000	PAN O GOLD	Account# 40014 May statement
06/18/2020	192000356	A	8,266.09	50 E 800 415 257220 549	PRAIRIE FARMS	MILK- May 2020
06/18/2020	192000357	A	8,453.74	10 E 800 336 253300 000	STURGEON BAY UTILITI	May 2020 Utilities
06/18/2020	192000357	A	991.36	10 E 800 337 253300 000	STURGEON BAY UTILITI	May 2020 Utilities
06/18/2020	192000357	A	431.57	10 E 800 338 253300 000	STURGEON BAY UTILITI	May 2020 Utilities
06/18/2020	192000357	A	25.30	10 E 800 339 253300 000	STURGEON BAY UTILITI	May 2020 Utilities
06/18/2020	192000358	A	-11.58	10 E 110 411 241000 000	SCHOOL SPECIALTY INC	Credit Memo for items not received
06/18/2020	192000358	A	50.26	10 E 120 411 111000 000	SCHOOL SPECIALTY INC	Order# 55409318
06/18/2020	192000359	A	8,000.00	10 E 800 351 239000 000	SOCIALSCHOOL4EDU	1 year payment for contract 4/9/19 through 6/30/22
06/18/2020	192000360	A	298.65	10 E 800 355 263300 000	SPECTRUM BUSINESS	June Charges Account# 8245 11 120 0173238
06/18/2020	99786	R	1,451.25	50 E 800 324 257220 000	ST JOHN BOSCO CATHOL	Hot lunch helper
06/18/2020	99786	R	21.75	50 E 800 324 257220 000	ST JOHN BOSCO CATHOL	Hot lunch helper
06/18/2020	99786	R	108.00	50 E 800 324 257220 000	ST JOHN BOSCO CATHOL	Hot lunch helper
06/18/2020	99786	R	120.95	50 E 800 324 257220 000	ST JOHN BOSCO CATHOL	Hot lunch helper
06/18/2020	99787	R	147.00	21 E 800 310 170000 000	SUNSHINE HOUSE INC	Transportation for - R.Gonzalez
06/18/2020	192000361	A	522.60	10 E 800 331 253300 000	SYMMETRY ENERGY SOLU	May 2020 Customer ID# 34642
06/18/2020	99788	R	69.00	50 E 800 324 257220 000	TIP TOP CLEANERS	May 2020 Charges
06/18/2020	192000362	A	1,823.80	10 E 800 354 258000 000	US BANK EQUIPMENT FI	Customer Account# 500-05335730-000 May 2020 charges

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06/18/2020	99789	R	161.47	10 E 140 411 241000 000	USI INC- EDUCATIONAL	8 roll 27" x 500' 1.5 mil laminating film, 1" core (order split with Sunset)
06/18/2020	99789	R	161.47	10 E 110 411 241000 000	USI INC- EDUCATIONAL	8 roll 27" x 500' 1.5 mil laminating film, 1" core (order split with Sunset)
06/18/2020	99790	R	110.70	50 E 800 415 257220 000	WASEDA FARMS COUNTRY	Eggs
06/18/2020	99792	R	440.00	50 E 800 324 257220 000	WDATCP-LICENSE RENEW	FOOD SAFETY INSPECTIONS- SB High School 2019
06/18/2020	99792	R	150.00	50 E 800 324 257220 000	WDATCP-LICENSE RENEW	FOOD SAFETY INSPECTIONS- St John Bosco School 2019
06/18/2020	99792	R	150.00	50 E 800 324 257220 000	WDATCP-LICENSE RENEW	FOOD SAFETY INSPECTIONS- Sawyer School
06/18/2020	99792	R	150.00	50 E 800 324 257220 000	WDATCP-LICENSE RENEW	FOOD SAFETY INSPECTIONS- Sunrise School 2019
06/18/2020	99792	R	150.00	50 E 800 324 257220 000	WDATCP-LICENSE RENEW	FOOD SAFETY INSPECTIONS- Sunset School 2019
06/18/2020	192000363	A	70.00	10 E 800 310 239000 000	WIS DRUG TESTING & C	Monthly Charges- Background checks
06/18/2020	192000364	A	1,026.60	10 E 800 354 258000 000	WISCONSIN DOCUMENT I	Monthly lease charges 05/15/20 - 06/14/20
06/18/2020	99793	R	218.91	10 E 800 351 239000 000	WISCONSIN MEDIA	Account# 17600 - May charges
06/18/2020	99794	R	90.65	10 E 400 411 241000 000	WOLTER ENGRAVING SER	HS Name plates
06/23/2020	192000365	A	22.77	27 E 800 342 158100 341	ANSCHUTZ, NANETTE	3/2/2020-3/16/2020 Mileage from SBHS to Sunshine House and back to school. Total amount of days are nine. (9)
06/23/2020	99798	R	10.00	21 R 200 291 161941 000	ANTHOLT, KRISTALYN	Boater Safety Refund
06/23/2020	192000366	A	10.00	21 R 200 291 161941 000	BARGANZ, DENA	Boater Safety Refund
06/23/2020	99799	R	10.00	21 R 200 291 161941 000	CARMODY, NICOLE	Boater Safety Refund
06/23/2020	192000367	A	12,500.00	10 E 800 386 221300 000	CESA 6	AMHE Contract (AMHE Cohort 1 year 2 participation) 2019-20
06/23/2020	99800	R	10.00	21 R 200 291 161941 000	CHAMPENY, NICOLE	Boater Safety Refund
06/23/2020	99801	R	10.00	21 R 200 291 161941 000	CIHLAR, GRETCHEN	Boater Safety Refund
06/23/2020	99795	R	165.00	98 L 000 000 811690 000	CROSSROADS AT BIG CR	Employee Donations
06/23/2020	99795	R	20.00	98 L 000 000 811690 000	CROSSROADS AT BIG CR	Employee Donations
06/23/2020	99802	R	10.00	21 R 200 291 161941 000	DAVIS, JULIE	Boater Safety Refund
06/23/2020	99803	R	1,800.00	10 E 800 321 295000 000	DOOR COUNTY TREASURE	OFF SITE BACKUP STORAGE
06/23/2020	99804	R	10.00	21 R 200 291 161941 000	FITTSBUR, ANNE	Boater Safety Refund
06/23/2020	192000368	A	10.00	21 R 200 291 161941 000	FRANGIPANE, CASIE	Boater Safety Refund
06/23/2020	99805	R	9.52	10 E 800 433 222200 031	GANNETT WISCONSIN ME	Library Charges
06/23/2020	192000369	A	160.00	10 E 800 355 263300 000	GORDON, KIM	3/1/2020-6/30/2020 Cellphone Usage
06/23/2020	99796	R	243.12	98 L 000 000 811680 000	GURSTEL LAW FIRM PC	Case No. 12-CV-224; File #802986
06/23/2020	99806	R	10.00	21 R 200 291 161941 000	HAEN, MELISSA	Boater Safety Refund
06/23/2020	192000370	A	240.00	10 E 800 355 263300 000	HOLTZ, JACOB	1/1/2020-6/30/2020 PHONE REIMBURSEMENT
06/23/2020	99807	R	10.00	21 R 200 291 161941 000	KAHLES, DONALD	Boater Safety Refund
06/23/2020	99808	R	10.00	21 R 200 291 161941 000	KASTEN, KIMBERLY	Boater Safety Refund
06/23/2020	99809	R	10.00	21 R 200 291 161941 000	LENIUS, JENNIFER	Boater Safety Refund
06/23/2020	99810	R	10.00	21 R 200 291 161941 000	LOKKEN, BETH	Boater Safety Refund
06/23/2020	99811	R	10.00	21 R 200 291 161941 000	LUETT, GINA	Boater Safety Refund
06/23/2020	99812	R	10.00	21 R 200 291 161941 000	MADSEN, RORY	Boater Safety Refund
06/23/2020	99813	R	10.00	21 R 200 291 161941 000	MADSON, ASHLEY	Boater Safety Refund
06/23/2020	99814	R	10.00	21 R 200 291 161941 000	MEACHAM, JONATHAN	Boater Safety Refund



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06/23/2020	99815	R	10.00	21 R 200 291 161941 000	NELL, TRACEY	Boater Safety Refund
06/23/2020	99816	R	10.00	21 R 200 291 161941 000	QUADERER, JOHN	Boater Safety Refund
06/23/2020	99817	R	10.00	21 R 200 291 161941 000	REICHERS, KRISTIN	Boater Safety Refund
06/23/2020	99818	R	1,113.81	10 E 800 411 253000 000	SAN-A-CARE INC	Maintenance Supplies
06/23/2020	99818	R	5.00	10 E 800 411 253000 000	SAN-A-CARE INC	Maintenance Supplies
06/23/2020	99819	R	10.00	21 R 200 291 161941 000	SOUKUP, JAMIE	Boater Safety Refund
06/23/2020	99797	R	810.00	98 L 000 000 811690 000	UNITED WAY	Employee Donations
06/23/2020	99797	R	31.00	98 L 000 000 811690 000	UNITED WAY	Employee Donations
06/23/2020	99820	R	10.00	21 R 200 291 161941 000	VANLIESHOUT, TERI	Boater Safety Refund
06/23/2020	99821	R	10.00	21 R 200 291 161941 000	WELCH, MEGAN	Boater Safety Refund
06/23/2020	99822	R	10.00	21 R 200 291 161941 000	WESLEY, REBEKAH	Boater Safety Refund
06/24/2020	99823	R	3,454.90	98 L 000 000 811634 000	MADISON NATIONAL LIF	Group Life
06/24/2020	99824	R	2,733.46	98 L 000 000 811635 000	MADISON NATIONAL LIF	LTD Insurance
06/24/2020	99824	R	1,075.52	98 L 000 000 811639 000	MADISON NATIONAL LIF	Short-Term Disability Ins.
06/24/2020	99825	R	437.80	98 L 000 000 811637 000	MADISON NATIONAL LIF	Voluntary Life - 24 Pay
06/24/2020	99826	R	1,169.44	98 L 000 000 811647 000	SUPERIOR VISION INSU	Policyholder - 03928901 - Employees & COBRA
06/24/2020	99826	R	6.02	10 E 800 290 292000 000	SUPERIOR VISION INSU	Policyholder - 03928901 - Employees & COBRA
06/24/2020	99827	R	1,015.20	98 L 000 000 811646 000	UNITEDHEALTHCARE SPE	303472; Accident Insurance
06/24/2020	99827	R	1,168.62	98 L 000 000 811648 000	UNITEDHEALTHCARE SPE	303472; Critical Illness Ins.
06/25/2020	99828	R	2,315.25	21 E 100 411 165900 000	PHOTOS BY MATT INC	Elementary Yearbooks- 250
06/25/2020	99829	R	4,336.00	10 E 800 941 231000 000	WISCONSIN ASSOCIATIO	WASB Membership Dues 2020-21
06/29/2020	99830	R	300.00	21 E 400 310 161912 000	BOGNER/JOSTENS, JAYM	Josten's yearbook training workshop- St.Norbert College 7/28/2020 (6 participants @ \$50 each)
06/29/2020	192000371	A	2,918.00	10 E 800 480 295000 000	CAMERA CORNER-CONNEC	HP Care and Maintenance on SAN- Sales# 0284
06/29/2020	99831	R	71.50	10 E 100 411 121000 000	CONTINENTAL CLAY CO	Glazes for elementary art
06/29/2020	99832	R	267.15	10 E 800 324 253000 000	CONGER INDUSTRIES IN	PM Service Model#220TMII- Annual Inspection Work Order# WO-160714
06/29/2020	99832	R	398.02	10 E 800 324 253000 000	CONGER INDUSTRIES IN	PM Service Model# GS-2632- Annual Inspection Work Order# 160697
06/29/2020	99832	R	499.80	10 E 800 324 253000 000	CONGER INDUSTRIES IN	PM Service Model# PLC-24PLC- Annual Inspection Work Order# 161382
06/29/2020	99833	R	2,000.00	10 E 800 411 253000 000	FASTENAL COMPANY	Customer# WISTU0252 Face Masks
06/29/2020	192000372	A	1,468.00	10 E 800 324 253000 000	FORTRESS FENCE	Reinstall of tennis court fence- order# 19-66178-2
06/29/2020	192000372	A	3,627.00	10 E 800 324 253000 000	FORTRESS FENCE	Furnish new and install additional tennis court fence- order# 20-66404-1
06/29/2020	99834	R	24.95	10 E 800 411 253000 000	HERLACHE SMALL ENGIN	Weed eater parts
06/29/2020	99836	R	329.24	10 E 800 324 253000 000	INNOVATIVE LED SOLUT	5-19-20 Rewire of Weight Room
06/29/2020	99836	R	249.19	10 E 800 324 253000 000	INNOVATIVE LED SOLUT	Kitchen Storage Room Receptacle Lighting
06/29/2020	99836	R	420.36	10 E 800 324 253000 000	INNOVATIVE LED SOLUT	2-14-20 Wiring for wood shop sander
06/29/2020	99836	R	251.21	10 E 800 324 253000 000	INNOVATIVE LED SOLUT	HS Chemistry and Biology room hood installation
06/29/2020	99836	R	620.94	10 E 800 324 253000 000	INNOVATIVE LED SOLUT	Tech Room- 3D Printer
06/29/2020	99836	R	5,560.00	10 E 800 449 253000 000	INNOVATIVE LED SOLUT	Hallway lights HS/MS/SR

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06/29/2020	99836	R	32.50	10 E 800 324 253000 000	INNOVATIVE LED SOLUT	HS Kitchen outlet
06/29/2020	99837	R	345.95	27 E 800 310 223300 019	KYLES CONSULTING LLC	Contracted monthly billing- May 2020
06/29/2020	99838	R	140.45	10 E 800 411 162000 000	NEFF REMIT	Order number 2514987- Award Patches for Boys Swim
06/29/2020	99839	R	370.01	10 E 140 411 113000 000	OFFICE DEPOT REMIT	3rd grade supplies- account# 46466631
06/29/2020	99839	R	14.78	10 E 140 411 113000 000	OFFICE DEPOT REMIT	3rd grade supplies- Account# 46466631
06/29/2020	99840	R	77.90	10 E 800 351 239000 000	PENINSULA PULSE	Special Ed Posting
06/29/2020	99841	R	476.17	10 E 800 411 253000 000	PIKE SYSTEMS INC	Maintenance Supplies
06/29/2020	99842	R	999.90	10 E 800 411 122115 141	PIONEER VALLEY BOOKS	Literacy Footprints Classroom Kit- Sales Order# S192390
06/29/2020	99842	R	968.40	10 E 800 411 122115 341	PIONEER VALLEY BOOKS	Literacy Footprints Classroom Kit- Sales Order# S192390
06/29/2020	99843	R	292.83	10 E 800 411 253000 000	SAN-A-CARE INC	Maintenance Supplies
06/29/2020	192000373	A	240.00	10 E 800 355 263300 000	SANDERSON, SHARON	3/9/2020 Phone Reimbursement
06/29/2020	99844	R	190.00	10 E 200 411 241000 000	SB LUNCH PROGRAM	Additional billing for MS Senior Luncheon 12-3-19
06/29/2020	99844	R	200.00	21 E 020 411 162999 000	SB LUNCH PROGRAM	Birthday cookies for students during school closure
06/29/2020	99845	R	58.75	27 E 800 411 223300 341	STAPLES ADVANTAGE	SE Supplies- Customer# 70109924
06/29/2020	99846	R	837.00	10 E 800 310 231500 000	STRANG PATTESON ATTO	May billing
06/29/2020	99847	R	60.00	21 R 400 291 161912 000	TREICHEL, COREY	Refund for HS Flashes Yearbook payment
06/29/2020	99848	R	9.02	10 E 800 353 263300 000	UNITED PARCEL SERVIC	Monthly billing- account# 586902
06/29/2020	99849	R	282.50	10 E 800 411 253000 000	VALLEY LABORATORIES	Maintenance Supplies
06/29/2020	192000374	A	380.35	10 E 800 324 253000 000	VANS FIRE & SAFETY I	Semi-Annual Fire Inspection
06/30/2020	192000375	A	59.80	10 E 800 342 264400 000	LUNDY, CARRIE	1/1/2020-6/29/2020 In district mileage
06/30/2020	192000376	A	240.00	10 E 800 355 263300 000	NICKEL, ROBERT	1/1/2020-6/30/2020 Cell phone reimbursement - \$40 per month - 6 months = \$240
06/30/2020	192000377	A	23.00	10 E 800 342 222200 000	SELLE, HOLLY	1/6/2020-6/5/2020 Mileage
06/30/2020	192000378	A	480.00	10 E 800 355 263300 000	SMEJKAL, ANN	1/1/2020-6/29/2020 Phone reimbursement
06/30/2020	192000378	A	112.00	10 E 800 941 241000 000	SMEJKAL, ANN	6/29/2020 Quarterly Rotary dues
06/01/2020	201900298	W	7,012.87	98 L 000 000 811632 000	DELTA DENTAL	Dental Insurance - 06/01/20 - 06/30/20 #364586
06/01/2020	201900298	W	823.72	98 L 000 000 811902 000	DELTA DENTAL	Dental Insurance - 06/01/20 - 06/30/20 #364586
06/01/2020	201900298	W	132.10	10 E 800 290 292000 000	DELTA DENTAL	Dental Insurance - 06/01/20 - 06/30/20 #364586
06/04/2020	201900248	W	79.14	10 E 800 411 253000 000	AMAZON.COM	Credit Card Payment AP Invoice.
06/04/2020	201900248	W	144.45	10 E 800 411 253000 000	AMAZON.COM	Credit Card Payment AP Invoice.
06/04/2020	201900248	W	43.37	10 E 110 411 241000 000	AMAZON.COM	Credit Card Payment AP Invoice.
06/04/2020	201900248	W	19.91	21 E 400 411 135300 000	AMAZON.COM	Credit Card Payment AP Invoice.
06/04/2020	201900248	W	-19.75	10 E 800 999 239000 000	AMAZON.COM	Credit Card Payment AP

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
06/04/2020	201900248	W	158.00	50 E 800 411 257000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	68.99	50 E 800 449 257000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	89.29	10 E 800 411 253000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	85.66	10 E 800 480 295000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	29.95	10 E 800 411 253000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	73.20	50 E 800 415 257220 549	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	356.75	10 E 110 411 241000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	88.95	10 E 800 411 253000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	51.47	50 E 800 411 257000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	105.42	10 E 800 480 295000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/04/2020	201900248	W	829.00	10 E 800 480 295000 000	AMAZON.COM	Invoice. Credit Card Payment AP
06/10/2020	201900249	W	172.73	98 L 000 000 811640 000	WEA TRUST ADVANTAGE	WEA Auto Insurance
06/10/2020	201900249	W	35.63	98 L 000 000 811641 000	WEA TRUST ADVANTAGE	WEA Home Owner's Ins
06/10/2020	201900249	W	1,110.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA
06/10/2020	201900249	W	2,368.65	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
06/10/2020	201900249	W	257.18	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity (% calc)
06/10/2020	201900249	W	4,140.00	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
06/10/2020	201900250	W	335.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
06/10/2020	201900250	W	240.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Roth Employee Contributions
06/10/2020	99633	V	-25.00	10 R 800 292 162000 000	ORTIZ, YADER	Reimbursement for SBSB spring sports- Track
06/17/2020	201900284	W	863.65	98 L 000 000 811640 000	WEA TRUST ADVANTAGE	WEA Auto Insurance
06/17/2020	201900280	W	178.15	98 L 000 000 811641 000	WEA TRUST ADVANTAGE	WEA Home Owner's Ins
06/17/2020	201900280	W	4,850.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA
06/17/2020	201900280	W	7,993.25	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
06/17/2020	201900280	W	13,580.00	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
06/17/2020	201900282	W	-863.65	98 L 000 000 811640 000	WEA TRUST ADVANTAGE	WEA Auto Insurance
06/17/2020	201900282	W	-178.15	98 L 000 000 811641 000	WEA TRUST ADVANTAGE	WEA Home Owner's Ins
06/17/2020	201900282	W	-4,850.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA
06/17/2020	201900282	W	-7,993.25	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
06/17/2020	201900282	W	-13,580.00	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
06/17/2020	201900281	W	500.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
06/17/2020	201900281	W	1,200.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Roth Employee Contributions
06/17/2020	201900283	W	-500.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
06/17/2020	201900283	W	-1,200.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Roth Employee Contributions
06/18/2020	201900285	W	863.65	98 L 000 000 811640 000	WEA TRUST ADVANTAGE	WEA Auto Insurance
06/18/2020	201900285	W	4,850.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
06/18/2020	201900285	W	7,993.25	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
06/18/2020	201900285	W	13,580.00	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
06/18/2020	201900286	W	500.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
06/18/2020	201900286	W	1,200.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Roth Employee Contributions
06/24/2020	201900287	W	50.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA
06/24/2020	201900287	W	75.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
06/24/2020	201900287	W	300.00	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
06/24/2020	201900288	W	235.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
07/01/2020	201900290	W	17,566.80	98 L 000 000 811901 000	DEAN HEALTH INC	Health Insurance - July 2020
07/01/2020	201900290	W	113,856.06	98 L 000 000 811630 000	DEAN HEALTH INC	Health Insurance - July 2020
07/01/2020	201900290	W	20,314.49	10 E 800 290 292000 000	DEAN HEALTH INC	Health Insurance - July 2020
07/01/2020	201900289	W	13,323.74	98 L 000 000 811632 000	DELTA DENTAL	Dental Insurance - July 1 - 31, 2020
07/01/2020	201900289	W	2,132.58	98 L 000 000 811902 000	DELTA DENTAL	Dental Insurance - July 1 - 31, 2020
07/01/2020	201900289	W	264.19	10 E 800 290 292000 000	DELTA DENTAL	Dental Insurance - July 1 - 31, 2020
06/30/2020	201900294	W	0.57	10 E 800 355 263300 000	CENTURYLINK	MONTHLY CHARGES
06/30/2020	201900297	W	1,603.62	50 E 800 415 257220 000	GORDON FOOD SERVICE	JUNE FOOD BILLS
06/30/2020	201900297	W	404.43	50 E 800 415 257250 000	GORDON FOOD SERVICE	JUNE FOOD BILLS
06/30/2020	201900297	W	3,163.86	50 E 800 415 257220 549	GORDON FOOD SERVICE	JUNE FOOD BILLS
06/30/2020	201900292	W	232,457.22	98 L 000 000 811611 000	INTERNAL REVENUE SER	FEDERAL TAXES
06/30/2020	201900292	W	128,929.98	98 L 000 000 811612 000	INTERNAL REVENUE SER	FEDERAL TAXES
06/30/2020	201900296	W	5,000.00	10 E 800 353 258000 000	PITNEY BOWES POSTAGE	POSTAGE RESERVE REFILL
06/30/2020	201900299	W	-178.15	98 L 000 000 811641 000	WEA TRUST ADVANTAGE	Credit Issued from WEA - P. Carstens Home Owner's Insurance
06/30/2020	201900293	W	88,936.80	98 L 000 000 811613 000	WISCONSIN DEPARTMENT	STATE TAXES
06/30/2020	201900295	W	339.37	10 E 800 331 253300 000	WISCONSIN PUBLIC SER	MONTHLY GAS FOR HEAT CHARGES
06/30/2020	201900291	W	72,154.32	98 L 000 000 811621 000	WISCONSIN RETIREMENT	MAY RETIREMENT
06/30/2020	201900291	W	30,582.54	98 L 000 000 811622 000	WISCONSIN RETIREMENT	MAY RETIREMENT

977,929.83 Totals for checks

FUND SUMMARY

<u>FUND</u>	<u>DESCRIPTION</u>	<u>BALANCE SHEET</u>	<u>REVENUE</u>	<u>EXPENSE</u>	<u>TOTAL</u>
10	GENERAL FUND	0.00	-25.00	180,593.21	180,568.21
21	SPECIAL REVENUE - GIFTS	0.00	2,568.95	4,555.68	7,124.63
27	SPECIAL EDUCATION	0.00	0.00	11,810.11	11,810.11
50	FOOD SERVICE FUND	924.25	0.00	18,076.38	19,000.63
98	PAYROLL CLEARING FUND	759,426.25	0.00	0.00	759,426.25
***	Fund Summary Totals ***	760,350.50	2,543.95	215,035.38	977,929.83

\*\*\*\*\* End of report \*\*\*\*\*

Kyle Sheehy

1135 West Maple Street

Sturgeon Bay, WI, 54235

To whom it may concern:

I am offering my letter of resignation for the 2020 High School Football season. It has been an honor representing the school district for the past 4 years. If the opportunity presents itself in the future, I would love to comeback and continue where I left off.

Thank you,

Kyle Sheehy

William (Bill) Weber's  
Resignation Letter

STURGEON BAY SCHOOL DISTRICT  
ATTN: FOOD SERVICE DIRECTOR JENNY SAWE,  
1230 MICHIGAN  
STURGEON BAY WI 54235

09 JUNE

DEAR JENNY;

I KNOW I HAD TOLD YOU END OF  
APRIL SAYING THAT I WOULD NOT BE  
BACK NEXT SCHOOL YEAR BUT AFTER  
RECEIVING THE RECENT DISTRICT LETTER  
I THOUGHT I'D MAKE IT OFFICIAL.

I ENJOYED WORKING FOR YOU AND  
THANK YOU FOR ~~THE~~ OPPORTUNITY. HAVING  
JUST TURNED 63 AND BEING MORE  
FINANCIALLY SECURE I WOULD LIKE TO  
LEAVE MY OPTIONS OPEN AS FAR AS  
TRAVEL AND ASSISTING MY MOTHER.

THANKS FOR ALL YOU DID. HAVE A  
GOOD UPCOMING YEAR

Sincerely  
Bill  
William Weber

# STURGEON BAY SCHOOLS

## 2020-21 Special Education

### Policies and Procedures

*Based on DPI model Revised July 2018*

<http://dpi.wi.gov/sites/default/files/imce/sped/doc/policy-model.doc>

Lindsay Ferry  
Director Special Education  
1-920-746-2804

Approved by Sturgeon Bay School Board  
July 15, 2020

[lferry@sturbay.k12.wi.us](mailto:lferry@sturbay.k12.wi.us)



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# Sturgeon Bay Schools Special Education Policies and Procedures

## Preface

As a condition of funding under the Individuals with Disabilities Education Act (IDEA), local educational agencies are required to establish written policies and procedures for implementing federal special education laws. In addition, Wisconsin law requires local educational agencies to establish written policies and procedures for implementing state and federal special education requirements. *Sturgeon Bay Schools Special Education Policies and Procedures* has been developed to help local educational agencies meet their obligation to establish and implement special education requirements. A local educational agency may establish special education requirements by adopting the model policies and procedures. The document may also be used as a reference tool and for staff development activities to promote understanding of and compliance with special education requirements.

The state special education statutes, subchapter V, chapter 115, Wis. Stats., incorporate the statutory provisions of Part B of the IDEA. Local educational agencies in Wisconsin must also comply with IDEA's regulations. Therefore, the model policies and procedures are derived primarily from Wisconsin special education statutes and IDEA regulations. A small number of policies and procedures are derived from Wisconsin special education rules, chapter PI 11, Wis. Admin. Code. The underlying law can be found by using the following tools:

1. the table of contents to the IDEA Regulations found at 34 CFR Part 300, Vol. 71 Federal Register, No. 156 (August 14, 2006);
2. the table of contents of the state special education statute, Subchapter V, Chapter 115, Wis. Stats.; and
3. the table of contents for the state special education rules, Chapter PI 11, Wis. Admin. Code.

## Definitions

For the purpose of these policies, the following definitions apply:

- "Assistive technology device" means any item, piece of equipment or product system that is used to increase, maintain or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device.

34 CFR § 300.5.

- "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device, including all of the following:
  - evaluating the needs of the child, including a functional evaluation of the child in the child's customary environment;
  - purchasing, leasing or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
  - selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
  - coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitative plans and programs;
  - training or technical assistance for a child with a disability or, if appropriate, the child's family; and
  - training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers or other individuals who provide services to, employ or are otherwise substantially involved in the major life functions of that child.

34 CFR § 300.6

- "Business day" means Monday through Friday, except for federal and state holidays unless holidays are specifically included in the designation of business day.

34 CFR § 300.11

- "Charter school" means a school under contract with a school board under Wis. Stat. § 118.40, or with one of the entities under Wis. Stat. § 118.40(2)(2r)(b), or a school established and operated by one of the entities under Wis. Stat. §§ 118.40(2r)(b), 115.001(1).
- "Child" means any person who is at least three years old but not yet 21 years old and who has not graduated from high school and, for the duration of a school term, any person who becomes 21 years old during that school term and who has not graduated from high school, and includes a child who is homeless, a child who is a

ward of the state, county, or child welfare agency, and a child who is attending a private school.

Wis. Stat. § 115.76(3)

- "Child with a disability" means a child who, by reason of any of the following, needs special education and related services:
  - intellectual disabilities;
  - hearing impairments;
  - speech or language impairments;
  - visual impairments;
  - emotional behavioral disability;
  - orthopedic impairments;
  - autism;
  - traumatic brain injury;
  - other health impairments; and/or
  - specific learning disabilities.

If the local educational agency determines through an appropriate evaluation that a child has one of the impairments listed above but only needs a related service and not special education, the child is not a child with a disability. "Child with a disability" may, at the discretion of the local educational agency and consistent with Department of Public Instruction rules, include a child who, by reason of his or her significant developmental delay, needs special education and related services.

34 CFR § 300.8; Wis. Stat. § 115.76(5)

- "Consent" means:
  - the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
  - the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
  - the parent also understands the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive (i.e. it does not negate an action that has occurred after the consent was given and before the consent was revoked).

34 CFR § 300.9

- "Controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substance Act [21 U.S.C. 812(c)].

34 CFR § 300.530(i)(1)

- “Core academic subjects” means English, reading or language arts, mathematics, science, foreign languages, civic and government, economics, arts, history, and geography.

34 CFR § 300.10

- "Day" means calendar day unless otherwise indicated as business day or school day.

34 CFR § 300.11

- "Destruction," as used in the section on confidentiality in these policies, means physical destruction or removal of personal identifiers from information so the information is no longer personally identifiable.

34 CFR § 300.611(a)

- "Division" means the Division for Learning Support: Equity and Advocacy in the Department of Public Instruction.

Wis. Stat. § 115.76(6)

- "Education records" means the type of records covered under the definition of "education records" set forth in the regulations implementing the Family Educational Rights and Privacy Act of 1974. See Appendix.

34 CFR § 300.611(b)

- “Elementary school” means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law. State law defines elementary grades as including K4-8<sup>th</sup> grade.

34 CFR § 300.13; Wis. Stat. § 115.01(2)

- “Equipment” means machinery, utilities, and built-in equipment, and any necessary enclosures or structures to house the machinery, utilities, or equipment; and all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents; and other related materials.

34 CFR § 300.14

- "Evaluation" means 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.

34 CFR § 300.15

- "Extended school year services" means special education and related services that are provided to a child with a disability and meet the standards of the State of Wisconsin. These services are provided beyond the normal school year of the local educational agency, in accordance with the individualized education program (IEP), and at no cost to the parents of the child.

30 CFR § 300.106(b)

- "Free appropriate public education" means special education and related services that are provided at public expense and under public supervision and direction, and without charge, meet the standards of the Department of Public Instruction, include an appropriate preschool, elementary or secondary school education; and are provided in conformity with an IEP.

30 CFR § 300.17; Wis. Stat. § 115.76(7)

- "General curriculum" means the same curriculum as for nondisabled children.

34 CFR § 300.320(a)(1)(i)

- "Hearing officer" means an independent examiner appointed to conduct due process hearings under Wis. Stat. § 115.80.

Wis. Stat. § 115.76(8).

- "Highly Qualified Teacher" means that a person has met the Department of Public Instruction's approved or recognized certification, licensing, registration in which he/she is providing special education or related services, consistent with provision 34 CFR § 300.18.
- "Homeless children" has the meaning given the term *homeless children and youths* in section 725 (42 U.S.C. 11434(a)) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 *et seq.* See Appendix.

34 CFR § 300.19

- "Illegal drug" means a controlled substance but does not include such a substance that is legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under federal law.

34 CFR § 300.530(i)(2)

- "Include" means that the items named are not all of the possible items that are covered whether like or unlike the ones named.



34 CFR § 300.20

- "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

34 CFR § 300.502

- "Individualized education program" (IEP) means a written statement for a child with a disability that is developed, reviewed and revised in accordance with Wis. Stat. § 115.787, and 34 CFR §§ 330.320 through 300.324.

34 CFR § 300.22; Wis. Stat. § 115.76(9)

- "IEP Team" means a group of individuals described in Wis. Stat. § 115.78 that is responsible for evaluating the child to determine the child's eligibility or continued eligibility for special education and related services and the educational needs of the child; developing, reviewing, or revising an IEP for the child; and determining the special education placement for the child.

34 CFR § 300.23; Wis. Stat. § 115.78

- "Limited English Proficiency" has the meaning given the term in section 9101 (25) of the Elementary and Secondary Education Act (ESEA).
- "Local educational agency," except as otherwise provided, means
  - the school district in which the child with a disability resides,
  - when the child attends a nonresident school district under Wis. Stat. § 118.51 (open enrollment) or § 121.84(1)(a) or (4) (tuition waiver), the district of attendance;
  - the Department of Health and Family Services if the child with a disability resides in an institution or facility operated by the Department of Health and Family Services; or
  - the Department of Corrections if the child with a disability resides in a Type 1 secured correctional facility, as defined in Wis. Stat. § 938.02(19), or a Type 1 prison, as defined in Wis. Stat. § 301.01(5).

Wis. Stat. § 115.76(10)

- "Native language," for individuals with limited English proficiency, means the language normally used by that individual. For children with limited English proficiency, the term means the language normally used by the parents of the child, except that in all direct contact with a child (including evaluation of the child), the term means the language normally used by the child in the home or learning environment. For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

34 CFR § 300.29; Wis. Stat. §. 115.76(11)

- "Nonacademic and extracurricular services and activities" may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities and employment by the public agency and assistance in making outside employment available.

34 CFR § 300.107

- "Parent" means any of the following:
  - a biological parent;
  - a husband who has consented to the artificial insemination of his wife under Wis. Stat. § 891.40;
  - a male who is presumed to be the child's father under Wis. Stat. § 891.41;
  - a male who has been adjudicated the child's father under subch. VIII of ch. 48, under subch. IIX of ch. 767, by final order or judgment of an Indian tribal court of competent jurisdiction or by final order or judgment of a court of competent jurisdiction in another state;
  - an adoptive parent;
  - a legal guardian;
  - a person acting as a parent of a child with whom the child lives;
  - a person appointed as a sustaining parent under Wis. Stat. § 48.428;
  - a person assigned as a surrogate parent under Wis. Stat. § 115.792(1)(a)2; and
  - a foster parent, if the right and responsibility of all of the aforementioned individuals to make educational decisions concerning the child has been extinguished by termination of parental rights, by transfer of guardianship or legal custody or by other court order; the foster parent has an ongoing, long-term parental relationship with the child; the foster parent is willing to make educational decisions required of parents under special education law; and the foster parent has no interests that would conflict with the interests of the child.

The biological or adoptive parent, when attempting to act as a parent of the child, must be presumed to be the parent unless that person does not have legal authority to make educational decisions for the child.

34 CFR § 300.30(b)

"Parent" does not include any person whose parental rights have been terminated; the state, county, or a child welfare agency if a child was made a ward of the state, county, or child welfare agency under ch. 54 or 880 or if a child has been placed in the legal custody or guardianship of the state, county, or a child welfare agency under ch. 48 or ch. 767; or an American Indian tribal agency if the child was made a ward of the agency or placed in the legal custody or guardianship of the agency.

34 CFR § 300.30; Wis. Stat. § 115.76(12)

"Person acting as a parent of a child" means a relative of the child or a private individual allowed to act as a parent of a child by the child's biological or adoptive parents or guardian, and includes the child's grandparent, neighbor, friend or private individual caring for the child with the explicit or tacit approval of the child's biological or adoptive parents or guardian. "Person acting as a parent of a child" does not include any person that receives public funds to care for the child if such funds exceed the cost of such care.

34 CFR § 300.30(a)(4); Wis. Stat. § 115.76(13)

- "Participating agency," as used in the section on *Confidentiality of Information* in these policies, means any agency or institution that collects, maintains or uses personally-identifiable information, or from which information is obtained, under the Individuals with Disabilities Education Act.

34 CFR § 300.611(c)

- "Personally identifiable" means information that includes the name of the child, the child's parent or other family member; the address of the child; a personal identifier such as the child's social security number or student number; or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

34 CFR § 300.32

- "Parentally-placed private school children with disabilities" are children with disabilities enrolled by their parents in private schools or facilities, including religious schools or facilities that meet the definition of elementary school or secondary school, other than children with disabilities placed or referred to private schools by public agencies.

34 CFR § 300.130

- "Public Agency" includes the State Educational Agency, Local Educational Agency, Cooperative Educational Service Agency (CESA), charter schools operating under Wis. Stat. § 118.40(2r), county children with disabilities education board, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.

34 CFR § 300.33

- "Pupil Records" means all records relating to individual pupils maintained by a school but does not include:
  - notes or records maintained for personal use by a teacher or other person to be licensed if such records or notes are not available to others;
  - records necessary for, and available only to persons involved in, the psychological treatment of a pupil; and
  - law enforcement unit records.

Wis. Stat. § 118.125(1)(d)

- “Record” means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics.

Wis. Stat. § 118.125(1)(e)

- "Related services" means transportation and such developmental, corrective and other supportive services (including speech-language pathology and audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; social work services; school health services; school nursing services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP; parent counseling and training; counseling services, including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluative purposes only; and the early identification and assessment of disabilities in children) as may be required to assist a child with a disability to benefit from special education. “Related services” does not include a medical device that is surgically implanted, the optimization of device functioning, maintenance of the device, or the replacement of such a device. Nothing in this definition limits the rights of a child with a surgically implanted device to receive related services as determined by the IEP Team to be necessary, limits the responsibility of a public agency to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, while the child is transported to and from school or is at school; or prevents the routine checking of an external component of a surgically implanted device to make sure it is functioning properly.

34 CFR § 300.34; Wis. Stat. § 115.76(14)

In this definition:

- "Audiology" includes:
  - identification of children with hearing loss;
  - determination of the range, nature, and degree of hearing loss including referral for medical or other professional attention for the habilitation of hearing;
  - provision of habilitative activities such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation and speech conservation;
  - creation and administration of programs for prevention of hearing loss;
  - counseling and guidance of pupils, parents and teachers regarding hearing loss; and
  - determination of the child's need for group and individual amplification, selecting and fitting an appropriate aid and evaluating the effectiveness of amplification.
- "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors or other qualified personnel.

- "Early identification and assessment of disabilities in children" means the implementation of a formal plan for identifying a disability as early as possible in a child's life.
- "Interpreting services," as used with respect to children who are deaf or hard of hearing, includes oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, and special interpreting services for children who are deaf-blind.
- "Medical services" means services provided by a licensed physician to determine a child's medically-related disability that results in the child's need for special education and related services.
- "Occupational therapy" means services provided by a qualified occupational therapist, and includes:
  - improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;
  - improving ability to perform tasks for independent functioning if functions are impaired or lost; and
  - preventing, through early intervention, initial or further impairment or loss of function.
- "Orientation and mobility services" means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community, and includes teaching students the following as appropriate:
  - spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (for example, using sound at a traffic light to cross the street);
  - to use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
  - to understand and use remaining vision and distance low vision aids, as appropriate; and
  - other concepts, techniques, and tools.
- "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development, and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP.
- "Physical therapy" means services provided by a qualified physical therapist.

- "Psychological services" includes:
  - administering psychological and educational tests, and other assessment procedures;
  - interpreting assessment results;
  - obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
  - consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observations, and behavioral evaluations;
  - planning and managing a program of psychological services, including psychological counseling for children and parents; and
  - assisting in developing positive behavioral intervention strategies.
  
- "Recreation" includes:
  - assessment of leisure function;
  - therapeutic recreation services;
  - recreation programs in schools and community agencies; and
  - leisure education.
  
- "Rehabilitation counseling services" means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.
  
- "School health services" means health services provided by a qualified school nurse or other qualified person that are designed to enable a child with a disability to receive FAPE as described in the child's IEP.
  
- "School nurse services" mean health services provided by a qualified school nurse, designed to enable a child with a disability to receive FAPE as described in the child's IEP.
  
- "Social work services in schools" includes:
  - preparing a social or developmental history on a child with a disability;
  - group and individual counseling with the child and family;
  - working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
  - mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
  - assisting in developing positive behavioral intervention strategies.
  
- "Speech-language pathology services" include:

- identification of children with speech or language impairments;
- diagnosis and appraisal of specific speech or language impairments;
- referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- provision of speech and language services for the habilitation or prevention of communicative impairments; and
- counseling and guidance of parents, children, and teachers regarding speech and language impairments.

➤ "Transportation" includes:

- travel to and from school and between schools;
- travel in and around school buildings; and
- specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

34 CFR § 300.34

- "Residential care center for children and youth" means a facility operated by a child welfare agency licensed under Wis. Stat. § 48.60 for the care and maintenance of children residing in that facility.

Wis. Stat. § 115.76(14g)

- "Responsible Local Educational Agency:" as used in the section on children in residential care centers means the local educational agency that was responsible for providing a free, appropriate public education to the child before the placement of the child in a residential care center for children and youth.

Except "responsible local educational agency" means the school district in which the residential care center for children and youth is located if before the placement of the child in a residential care center for children and youth, the children resided in an: institute or facility operated by the department of health and family services; a Type 1 juvenile correctional facility; or a Type 1 prison.

Wis. Stat. § 115.81

- "School day" means any day, including a partial day, that children are in attendance at school for instructional purposes. The term "school day" has the same meaning for all children in school, including children with and without disabilities.

34 CFR § 300.11

- "Scientifically-based research" has the meaning given the term in section 9101(37) of the ESEA. See Appendix.

34 CFR § 300.35

- "Secondary school" means a nonprofit institutional day or residential school including a public secondary charter school that provides secondary education for grades 9-12.

34 CFR § 300.36

- "Serious bodily injury" has the meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

34 CFR § 300.530(i)(3). See Appendix.

- "Services plan" means a written statement that describes the special education and related services the school district will provide to a parentally-placed child with a disability enrolled in a private school located in the district, including the location of the services and any transportation necessary, consistent with 34 CFR §§ 300.132, 300.137-139.

34 CFR § 300.37

- "Special education" means specially-designed instruction, regardless of where the instruction is conducted, that is provided at no cost to the child or the child's parents, to meet the unique needs of a child with a disability, including:
  - instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings;
  - instruction in physical education;
  - speech-language pathology services, or any other related service, if the service consists of specially-designed instruction and is considered special education rather than a related service under Wisconsin standards;
  - travel training; and
  - vocational education.

The terms in the definition of special education are defined as follows:

- "At no cost" means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.
- "Physical education" means the development of:
  - physical and motor fitness;
  - fundamental motor skills and patterns; and
  - skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adaptive physical education, movement education, and motor development.



- "Specially-designed instruction" means adapting content, methodology or delivery of instruction:
  - to address the unique needs of an eligible child that result from the child's disability; and
  - to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the local educational agency that apply to all children.
- "Travel training" means providing instruction, as appropriate, to children with significant intellectual disabilities and any other children with disabilities who require this instruction to enable them to develop an awareness of the environment in which they live and learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).
- "Vocational education" means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

34 CFR § 300.39; Wis. Stat. § 115.76(15)

- "Supplementary aids and services" mean aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings to enable a child with a disability to be educated with nondisabled children to the maximum extent appropriate.

34 CFR § 300.42, 115.76(16)

- A "transfer pupil with a disability" means a child with a disability under the Individuals with Disabilities Education Act whose residence has changed from a local educational agency in this state to another local educational agency in this state or from a public agency in another state to a local educational agency in this state.

Wis. Admin. Code § PI 11.07

- "Transition services" means a coordinated set of activities for a child with a disability that:
  - is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including:
    - postsecondary education,
    - vocational education,
    - integrated employment (including supported employment)
    - continuing and adult education
    - adult services
    - independent living, or

- community participation
- is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:
  - instruction;
  - related services;
  - community experiences;
  - the development of employment and other post-school adult living objectives; and
  - if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

34 CFR § 300.43

- "Universal Design" has the meaning given the term in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002.

34 CFR § 300.44 See Appendix.

- "Weapon" has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

34 CFR § 300.530(i)(4) See Appendix.

## **Full Educational Opportunity Goal**

It is the goal of the local educational agency to provide full educational opportunity to all children with disabilities in the area served by the local educational agency. The local educational agency has available to all of its children with disabilities the variety of educational programs and services available to nondisabled children in the local educational agency, including: art, music, industrial arts, consumer and homemaking education, and vocational education or any program or activity in which nondisabled children participate. The local educational agency provides supplementary aids and services determined appropriate and necessary by the child's IEP Team, to ensure that children with disabilities have an equal opportunity to participate in nonacademic and extracurricular services and activities.

34 CFR §§ 300.107, 300.109; 300.110; 300.201

## **Free Appropriate Public Education**

**GENERAL.** All children with disabilities for whom the local educational agency is responsible are provided a free appropriate public education. Special education and related services are provided to these children with disabilities, including, as required by 34 CFR § 300.530(d), children with disabilities who have been suspended or expelled from school. Children with disabilities entitled to a free appropriate public education are children age three, but not yet 21 who have not graduated from high school with a regular high school diploma and, for the duration of a school term, persons who become 21 years old during

that school term and who have not graduated from high school with a regular diploma. A regular high school diploma does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate or a general educational development credential (GED). The special education and related services provided to children addresses all of their special education and related services needs and are provided by personnel qualified as required by 34 CFR § 300.156.

34 CFR § 300.101(a); 34 CFR § 300.102(a)(3)(iv); 34 CFR § 300.156; Wis. Stat. § 115.76(3)

The local educational agency provides prior written notice of a change in placement consistent with the requirements in the law when a child with a disability graduates from high school with a regular diploma. Additionally for those students who graduate from high school with a regular diploma as well as students who exceed the age of eligibility, the local educational agency provides a summary of their academic achievement and functional performance, including recommendations on how to assist the child in meeting the child's postsecondary goals.

34 CFR § 300.102(a)(3)(iii); 300.305(e)(3)

The local educational agency ensures that an IEP is in effect for each eligible child no later than the child's third birthday. If the child's third birthday occurs during the summer, the child's IEP team determines when the IEP services will begin.

34 CFR § 300.101(b)

If a placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, is provided at no cost to the parents of the child.

34 CFR § 300.104

The local educational agency admits a nonresident child if the program is appropriate for the child's disability. When a resident child is refused admittance to another local educational agency, the resident local educational agency ensures that a free appropriate public education is provided to the child. When board and lodging are not furnished to a nonresident child with a disability, the resident local educational agency provides transportation, except as provided in Wis. Stat. § 115.82(2)(a) and (b).

Wis. Stat. § 115.82

After a child with a disability has been removed from his or her current placement for ten school days in the same school year, for any subsequent removal, the local educational agency provides services, although in another setting, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the child's IEP. In such a case, school personnel, in consultation with at least one of the child's teachers, determine the extent of the services. When there is a change of placement, the IEP team determines the appropriate services.

34 CFR § 300.530(d)

**HEARING AIDS AND EXTERNAL COMPONENTS OF SURGICALLY IMPLANTED MEDICAL DEVICES.** The local educational agency ensures that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly. The local educational agency ensures that the external components of surgically implanted medical devices are functioning properly, but is not responsible for the post-surgical maintenance, programming, or replacement of the medical devices that has been surgically implanted, or of an external component of the surgically implanted medical device.

34 CFR § 300.113

**PHYSICAL EDUCATION.** Physical education services, specially designed if necessary, are made available to every child with a disability unless the LEA does not provide physical education to children without disabilities in the same grades. Each child with a disability is afforded the opportunity to participate in regular physical education programs available to nondisabled children unless the child is enrolled full time in a separate facility, or the child needs specially-designed physical education as prescribed in the child's IEP.

If specially-designed physical education is prescribed in a child's IEP, the local educational agency provides the services directly or makes arrangements for those services to be provided through other public or private programs. The local educational agency ensures that a child with a disability who is enrolled in a separate facility receives appropriate physical education services in compliance with the law.

34 CFR § 300.108

**ASSISTIVE TECHNOLOGY.** The local educational agency makes available assistive technology devices or assistive technology services, or both, to a child with a disability if required as part of the child's special education, related services, or supplementary aids and services. If a child's IEP team determines that access to school-purchased assistive technology devices or services in the child's home or in other settings is necessary for the child to receive a free appropriate public education, the devices or services are provided.

34 CFR § 300.105

**EXTENDED SCHOOL YEAR.** The local educational agency ensures that extended school year services are available to each child with a disability as necessary to provide a free appropriate public education. Extended school year services are provided when a child's IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the child. The local educational agency does not limit extended school year services to particular categories of disability, or unilaterally limit the type, amount, or duration of those services.

34 CFR § 300.106

**PARTICIPATION IN ASSESSMENTS.** Children with disabilities attending this local educational agency are included in all state-wide and district-wide assessment programs with appropriate accommodations. Those children who cannot participate in state-wide or district-wide assessments participate in alternate assessments. Needed accommodations

or alternate assessments are identified by the IEP team and are specified in the child's IEP.

20 U.S.C 1412(a)(16); Wis. Stat. § 115.77(1m)(bg)

**METHODS OF ENSURING A FREE APPROPRIATE PUBLIC EDUCATION.** If a public agency, other than an educational agency, fails to meet its obligation under federal or state law or under state policy or interagency agreement to provide or pay for any services that are also considered special education and related services that are necessary for ensuring a free appropriate public education to a child, the local educational agency provides or pays for these services to the child in a timely manner.

34 CFR § 300.154(b)(2)

When the local educational agency uses Medicaid or other public insurance benefits programs in which a child participates to provide or pay for special education and related services necessary for the child to receive a free appropriate public education as permitted under the public insurance program, the local educational agency obtains parent consent each time access to public benefits or insurance is sought.

Furthermore, the local educational agency does not:

- require parents to sign up for or enroll in public insurance programs in order for their child to receive a free appropriate public education under Part B of the Act;
- require parents to incur an out-of-pocket expense such as the payment of a deductible or co-pay amount incurred in filing a claim for special education and related services; or
- use a child's benefits under a public insurance program if that use would:
  - decrease available lifetime coverage or any other insured benefit,
  - result in the family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school,
  - increase premiums or lead to the discontinuation of benefits or insurance or
  - risk loss of eligibility for home and community-based waivers based on aggregate health-related expenditures.

Each time the local educational agency proposes to access the proceeds of a parents' private insurance to provide services necessary for the child to receive a free appropriate public education, the local educational agency:

- obtains informed parent consent; and
- informs the parents that their refusal to permit the local educational agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

## 34 CFR § 300.154

The local educational agency timely provides instructional materials in accessible formats to children who are blind, children with print disabilities, or other children with disabilities as required in the child's IEP.

## 34 CFR § 300.210

Except for the circumstances provided for in Wis. Stat. § 118.51(12)(a)&(b)2 of the Full-Time Open Enrollment law, if a non-resident child with a disability is attending the local educational agency under the Full-Time Open Enrollment law, the local educational agency provides an educational placement for the child. If tuition charges are required by the placement, the local educational agency pays tuition charges instead of the resident school district.

Wis. Stat. § 115.79(1)(b)

## **Public Information**

The local educational agency regularly publicizes information about its special education procedures and services. Further, the local educational agency makes available to any person, upon request, all documents relating to the local educational agency's eligibility for state and federal special education funds.

34 CFR § 300.212; Wis. Stat. § 115.77(1m)(g) and (h)

If the local educational agency receives a notice from the Department of Public Instruction that it is in noncompliance with respect to state or federal special education law and the Department of Public Instruction is proposing to reduce or withhold any further payments to the local educational agency until the Department of Public Instruction is satisfied that the local educational agency is complying with that requirement, the local educational agency gives public notice of the pending state actions.

34 CFR § 300.222(b)

## **Child Find**

**GENERAL.** The local educational agency identifies, locates, and evaluates all children with disabilities, regardless of the severity of their disability, who are in need of special education and related services, including children attending private schools, children who are made a ward of the state, county, or child welfare agency under chapter 54 or 880, children who are not yet three years of age, highly mobile children such as migrant and homeless children, and children who are suspected of being a child with a disability even though they are advancing from grade to grade.

34 CFR § 300.111; Wis. Stat. § 115.77(1m)(a)

**REFERRAL.** The local educational agency accepts and processes referrals of children suspected to have a disability. The local educational agency has written procedures for

accepting and processing referrals. Licensed\_school personnel who reasonably believe a child has a disability are required to make a referral.

Prior to submitting a referral, the people required to make referrals inform the parents of their intent to make a referral. If this local educational agency receives a referral for a child who is attending this local educational agency under the Full-Time Open Enrollment law or a tuition waiver under Wis. Stat. § 121.84(1)(a) or (4), the local educational agency provides the name of the child and related information to the local educational agency of residence. Whenever this local educational agency receives a referral for a resident child attending school in another local educational agency under the Full-Time Open Enrollment law or a tuition waiver under Wis. Stat. § 121.84(1)(a) or (4), this local educational agency provides the name of the child and related information to the local educational agency of attendance.

The local educational agency accepts written referrals. Each referral includes the name of the child and reasons why the person making the referral believes that the child is a child with a disability. The local educational agency documents and dates the receipt of each referral.

At least annually, the local educational agency informs parents and persons required by law to make referrals about the local educational agency's referral and evaluation procedures.

The local educational agency provides information and inservice opportunities for its licensed staff to familiarize them with the local educational agency's referral procedures.

Wis. Stat. § 115.777

## **IEP Team**

The local educational agency establishes an IEP team for each child referred to the local educational agency.

**PARTICIPANTS.** The IEP team for each child consists of all of the following:

- the parents of the child;
- at least one regular education teacher of the child if the child is, or may be, participating in a regular education environment;
- at least one special education teacher who has recent training or experience related to the child's known or suspected area of special education needs or, where appropriate, at least one special education provider of the child;
- a representative of the local educational agency:
  - who is qualified to provide or supervise the provision of special education,
  - who is knowledgeable about the general education curriculum, and

- who is knowledgeable about and authorized to commit the available resources of the local educational agency (who may be another member of the IEP team if the criteria are met);
- an individual who can interpret the instructional implications of evaluation results, who may otherwise be a team member;
- an appropriate therapist if the child is suspected to need occupational therapy or physical therapy or both.

Wis. Admin. Code § PI 11.24

- a department-licensed speech or language pathologist when documenting a speech or language impairment and the need for speech or language services.

Wis. Admin. Code § PI 11.36(5)(e)

- at the discretion of the parent or local educational agency, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate. The determination of the individual's knowledge or special expertise is made by the party (parents or public local educational agency) who invited the individual to be a member of the IEP team;
- whenever appropriate, the child;
- at least one person designated by the school board of the child's school district of residence who has knowledge or special expertise about the child when the student is attending a public school in a nonresident school district under Full-Time Open Enrollment Law, or a tuition waiver under Wis. Stat. § 121.84(1)(a) or (4),

In addition to the above members, the local educational agency invites the following:

- To the extent appropriate, a representative of any participating agency that is likely to be responsible for providing or paying for transition services, if the parents or the child who has reached the age of majority provides consent; and
- The student, when the purpose of the meeting will be consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. If the student does not attend the IEP Team meeting, the local educational agency takes other steps to ensure consideration of the student's preferences and interests.
- If requested by the parent, at the initial IEP Team meeting for a child previously served under Part C, the Part C service coordinator or other representatives of the Part C System will be invited.

34 CFR § 300.321; Wis. Stat. § 115.78; PI 11.24(2)

## **IEP TEAM ATTENDANCE**



An IEP Team member is not required to attend an IEP Team meeting, in whole, or in part, if the parent of a child with a disability and the local educational agency agree, in writing, the attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed.

An IEP Team member may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services, if the parent, in writing, and the local educational agency consent to the excusal, and the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior the meeting.

34 CFR § 300.321(e); Wis. Stat. § 115.78(5)

**PARENT PARTICIPATION IN IEP TEAM MEETINGS.** The local educational agency takes steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including:

- notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- scheduling the meeting at a mutually agreed on time and place.

The notice required in this policy:

- indicates the purpose, time, and location of the meeting and who will be in attendance; informs the parents of the provisions in these policies relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child; and
- informs the parents that they can request the Part C coordinator or other representatives of the Part C system be at the initial IEP Team meeting for a child previously served under Part C of IDEA.

Beginning no later than in the first IEP that will be in effect when the child is 14, the notice also:

- indicates that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the child;
- indicates that the local educational agency will invite the student; and
- identifies any other agency that will be invited to send a representative.

If neither parent can attend, the local educational agency uses other methods to ensure parent participation, including individual or conference calls.

The local educational agency may conduct meetings without a parent in attendance if the local educational agency is unable to convince the parents that they should attend. In this case the local educational agency has a record of its attempts to arrange a mutually agreed on time and place, such as:

- detailed records of telephone calls made or attempted and the results of those calls;

- copies of correspondence sent to the parents and any responses received; and
- detailed records of visits made to the parent's home or place of employment and the results of those visits.

The local educational agency takes whatever action is necessary to ensure that the parent understands the proceedings at the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

Subject to the timeline requirements contained in this policy, if the parents of the child or the local educational agency staff determine at any meeting during the process of the evaluation, development of the IEP or placement of the child that additional time is needed to permit meaningful parental participation, the local educational agency provides it. Upon request, the local educational agency provides a copy of the most recent evaluation report to the child's parents at any meeting of the IEP team.

The local educational agency gives the parent a copy of the child's IEP at no cost to the parent.

34 CFR § 300.322; Wis. Stat. §§ 115.787(2)(g) and 115.78(3)(d)

**IEP TEAM DUTIES.** The IEP team does all of the following:

- evaluates the child to determine the child's eligibility or continued eligibility for special education and related services, and the educational needs of the child;
- develops an IEP for the child; and
- determines the special education placement for the child.

34 CFR § 300.324(a); Wis. Stat. § 115.78

**TIMELINE.** Within 15 business days of receiving a referral, the local educational agency sends to the child's parents a request for consent to evaluate the child except that if the local educational agency determines that no additional data are necessary, the local educational agency notifies the child's parent of that determination within 15 business days of receiving the referral. The local educational agency determines if a child is a child with a disability within 60 days after receiving parental consent for the evaluation or provides notice that no additional data are needed. The 60-day period does not apply:

- if the child transfers into this local educational agency before the previous local educational agency has made an eligibility determination, sufficient progress is being made to ensure a prompt completion of the evaluation, and the child's parents agree to a specific time when the evaluation will be completed;
- if the child's parent repeatedly fails or refuses to produce the child for the evaluation; or
- if a child is being evaluated for a specific learning disability and the timeline is extended by mutual written agreement of the child's parents and IEP team.

The local educational agency conducts a meeting to develop an IEP and determine placement within 30 days of a determination that a child is a child with a disability.

If the parents of the child or local educational agency staff determine at any meeting during the process of evaluation, development of the IEP, or determination of placement, that additional time is needed to permit meaningful parent participation, the local educational agency provides it.

34 CFR §§ 300.301, 300.323, 300.309(c); Wis. Stat. §§ 115.777(3)(e), 115.78

## Evaluation

**GENERAL.** As part of an initial evaluation of a child and as part of any reevaluation of a child, the IEP team and other qualified professionals, as determined by the local educational agency:

- reviews existing evaluation data on the child, including evaluations and information provided by the child's parents, previous interventions and the effects of those interventions, current classroom-based, local, or state assessments, classroom-based observations, and observations by teachers and related services providers; and
- on the basis of that review and information provided by the child's parents, identifies the additional data, if any, that are needed, to determine:
  - whether the child has a particular category of disability and the educational needs of the child or, in case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
  - the present levels of academic achievement and related developmental needs of the child;
  - whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
  - whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable, annual goals specified in the child's IEP and to participate, as appropriate, in the general education curriculum.
- The local educational agency administers such assessment and other evaluations as may be needed to produce the additional data.
- The review of existing evaluation data on the child may occur without conducting a meeting.

34 CFR § 300.305; Wis. Stat. § 115.782(2)(b)

The local educational agency does not require parental consent before reviewing existing data as part of an evaluation or reevaluation or administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, the local educational agency requires consent for all children.

34 CFR § 300.300(d)(1)

Screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services.

34 CFR § 300.302

The local educational agency provides the parents of the child with proper written notice, of any evaluation procedures the agency proposes to conduct, and the names of the individuals who will conduct the evaluation, if known.

34 CFR § 300.304(a); Wis. Stat. § 115.782(1)(a)

### **INITIAL EVALUATIONS**

The local educational agency obtains informed consent from the child's parent before administering assessments or other evaluation materials to the child. Parental consent for the evaluation does not constitute consent for placement for receipt of special education and related services.

34 CFR § 300.300(a); Wis. Stat. § 115.782(1)(b)

If the child is a ward of the state and is not residing with the child's parent, the local educational agency is not required to obtain informed consent from the parent for an initial evaluation if: the local educational agency cannot, after reasonable efforts, locate the parent of the child; the rights of the parents of the child have been terminated in accordance with state law; or, the rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

34 CFR § 300.300(a)(2)

If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for an initial evaluation or fails to respond to a request to provide consent, the local educational agency may, but is not required to, pursue the initial evaluation by utilizing mediation or due process.

34 CFR § 300.300(a)(3)

If a parent of a child who is home schooled or parentally placed in a private school does not provide consent, or the parent fails to respond to a request to provide consent, the local educational agency cannot use mediation or due process and is not required to consider the child as eligible for services.

34 CFR § 300.300(d)(4)

The local educational agency does not use a parent's refusal to consent to activities relating to conducting an initial evaluation to deny the parent or child any other service, benefit, or activity of the local educational agency.

34 CFR § 300.300(d)(3)

**IEP TEAM DETERMINATION OF ELIGIBILITY OR CONTINUING ELIGIBILITY (INITIAL AND REEVALUATION).** Following a review of existing data and administration of assessments and other evaluation materials (if any), the IEP team determines whether the child is or continues to be a child with a disability. For a child who does not otherwise meet the eligibility criteria under state law, the IEP team does not determine that the child is a child with a disability solely because the child has received inappropriate instruction in reading or math or because the child has limited proficiency in English. In interpreting evaluation data for the purpose of determining if a child is a child with a disability, and the educational needs of the child, the local educational agency draws upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The local educational agency ensures that information obtained from all of these sources is documented and carefully considered.

34 CFR § 300.306

**REEVALUATION.** In conducting reevaluations, the IEP team:

- evaluates a child with a disability in accordance with the law before determining that the child is no longer a child with a disability, and
- reevaluates a child with a disability in accordance with the law if the local educational agency determines that the educational or related services needs of the child, including the child's academic and functional performance, warrant a reevaluation or if the child's parent or teacher requests a reevaluation. The IEP team shall reevaluate a child no more than once a year unless the child's parents and the local educational agency agree otherwise, and at least once every 3 years unless the child's parent and local educational agency agree that a reevaluation is unnecessary.

34 CFR §§ 300.303, 300.305(e)(1); Wis. Stat. § 115.782(4)

An evaluation is not required before the termination of a child's eligibility for special education and related services because he or she graduated from secondary school with a regular diploma or because he or she reached the age of 21. Under these circumstances, the local educational agency provides the child with a summary of the child's academic achievement and functional performance, including recommendations on how to assist the child in meeting his or her postsecondary goals.

34 CFR § 300.305(e)(2) and (3); Wis. Stat. § 115.782(4)

In conducting a reevaluation, the local educational agency obtains informed consent from the child's parent before administering new assessments and other evaluation materials. The local educational agency proceeds without consent only if the local educational agency has taken reasonable measures to obtain the consent and the child's parents have failed to respond. Reasonable measures are the measures required for conducting an IEP meeting without a parent in attendance. If the parent of a child enrolled in public school or seeking to be enrolled in public school refuses to provide consent, the local educational agency is not required to pursue the reevaluation, but may pursue the reevaluation by utilizing mediation or due process.

If a parent of a child who is home schooled or parentally placed in a private school refuses or fails to respond to a request for consent for a reevaluation, the local educational agency cannot use mediation or due process, and is not required to consider the child as eligible for services.

34 CFR § 300.300(c) and (d); Wis. Stat. § 115.782(4)(b)

If the IEP team and other qualified professionals, as appropriate, finds no additional information is needed to determine whether a child continues to be a child with a disability, and to determine the child's educational needs, the local educational agency notifies the child's parents of that finding and the reasons for it, and that the parent has a right to request an assessment to determine whether the child continues to have a disability, and to determine the child's educational needs. The local educational agency conducts such an assessment if the parent requests it.

34 CFR § 300.305(d); Wis. Stat. § 115.782(4)(c)

**EVALUATION REPORT.** When the IEP team determines a child's eligibility, the team prepares an evaluation report that includes documentation of the determination of eligibility. The local educational agency gives a copy of the evaluation report and the documentation of determination of eligibility at no cost to the child's parents.

34 CFR § 300.306(a); Wis. Stat. § 115.782(3)(b)

**EVALUATION SAFEGUARDS.** When a local educational agency evaluates a child with a disability, the IEP team:

- does not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child;
- uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the child's parent, that may assist in determining whether the child is a child with a disability and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum or, for preschool children, to participate in appropriate activities;

- uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and
- ensures all of the following:
  - assessments and other evaluation materials used to assess a child are selected and administered so as not to be racially or culturally discriminatory and are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do, academically, developmentally, and functionally, unless it is clearly not feasible to do so;
  - any assessments given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of such assessments or evaluation materials;
  - the child is assessed in all areas of suspected disability; including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and
  - assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are used.

34 CFR § 300.304; Wis. Stat. §§ 115.782(2) and 3(b),

- The evaluation report includes documentation of determination of eligibility for special education. A copy of the evaluation report, including the documentation of eligibility is given to the child's parents.

In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs whether or not commonly linked to the disability category in which the child has been classified.

34 CFR § 300.304 (c)(6)-(7)

The local educational agency ensures assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient.

34 CFR § 300.304(c)(2)

The local educational agency ensures assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the skills the test purports to measure).

**ADDITIONAL REQUIREMENTS FOR SPECIFIC LEARNING DISABILITIES.**

When a school begins to use data from a multi-level system of support to consider if the student meets the Insufficient Progress criterion, the IEP team shall include the following additional members:

- at least one licensed person who is qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology;
- at least one licensed person who has implemented scientific, research-based or evidence-based, intensive interventions with the referred pupil
- at least one licensed person who is qualified to conduct individual diagnostic evaluations of children; and
- if the child does not have a licensed general education teacher, a general education classroom teacher licensed to teach a child of the same age, or for a child of less than school age, an individual qualified by the Department of Public Instruction to teach a child of his or her age.

PI 11.36(6)

For a child suspected of having a specific learning disability, the documentation of the determination of eligibility shall include:

- whether the child has a specific learning disability;
- the basis for making that determination, including an assurance that the eligibility determination was based on a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and that the information obtained from all of these sources is documented and carefully considered;
- the relevant behavior, if any, noted during observation of the child and the relationship of that behavior to the child's academic functioning in the area of potential specific learning disability;
- documentation that the intensive intervention was applied in a manner highly consistent with its design, was closely aligned to pupil need, and was culturally appropriate;
- the educationally relevant medical findings, if any;
- whether the child does not achieve adequately for the child's age or to meet state approved grade-level standards and the child does not make sufficient progress to meet age or State-approved grade-level standards; or until November 30, 2013, the child exhibits a significant discrepancy between the child's academic achievement in any of the eight areas of potential specific learning disabilities and intellectual ability.
- the determination of the team concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and



- if the child has participated in a process that assesses the child's response to scientific, research-based intervention, documentation that the child's parents were notified about the following:
  - the progress monitoring data collected;
  - strategies for increasing the child's rate of learning including the intensive interventions used, and
  - the parents' right to request an evaluation.

Each IEP team member certifies in writing whether the report reflects his or her conclusion. If the evaluation report does not reflect the IEP team member's conclusions, the member submits a separate statement presenting his or her conclusions.

PI 11.36(6)

## **Determination of Eligibility**

An evaluation conducted by an IEP team under Wis. Stat. § 115.782, shall focus on the consideration of information and activities that assist the IEP team in determining the educational needs of the child. Specifically, the IEP team shall meet the evaluation criteria specified under Wis. Stat. § 115.782(2)(a), when conducting tests and using other evaluation materials in determining a child's disability.

Wis. Admin. Code § PI 11.35(1)

A child shall be identified as having a disability if the IEP team has determined from an evaluation conducted under Wis. Stat. § 115.782, that the child has an impairment under Wis. Admin. Code § PI 11.36 that adversely affects the child's educational performance, and the child, as a result thereof, needs special education and related services. As part of an evaluation or reevaluation under Wis. Stat. § 115.782, conducted by the IEP team in determining whether a child is or continues to be a child with a disability, the IEP team shall identify all of the following:

- The child's needs that cannot be met through the regular education program as structured at the time the evaluation was conducted.
- Modifications, if any, that can be made in the regular education program, such as adaptation of content, methodology or delivery of instruction to meet the child's needs identified by the IEP team that will allow the child to access the general education curriculum and meet the educational standards that apply to all children.
- Additions or modifications, if any, the child needs which are not provided through the general education curriculum, including replacement content, expanded core curriculum and other supports.

Wis. Admin. Code § PI 11.35

A child will not be determined to be a child with a disability if:

- The determinant factor for that determination is
  - Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in 20 USC 6368(3); or
  - Lack of appropriate instruction in math; or
  - Limited English proficiency; and,
- The child does not otherwise meet the eligibility criteria.

34 CFR § 300.306(b); Wis. Stat. § 115.782(3)(a)

## **Areas of Impairment**

All provisions in these policies shall be construed consistent with 20 USC 1400 et. Seq. and the regulations promulgated thereunder.

Wis. Admin. Code § PI 11.36

**AUTISM.** Wis. Admin. Code § PI 11.36(8)

Autism means a developmental disability significantly affecting a child's social interaction and verbal and nonverbal communication, generally evident before age 3 that adversely affects learning and educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional behavioral disability as defined in Wis. Admin. Code § PI 11.36(7).

The results of standardized or norm-referenced instruments used to evaluate and identify a child under this paragraph may not be reliable or valid. Therefore, alternative means of evaluation, such as criterion-referenced assessments, achievement assessments, observation and work samples shall be considered to identify a child under this paragraph. Augmentative communication strategies, such as facilitated communication, picture boards or signing shall be considered when evaluating a child under this paragraph. To identify a child as a child with autism, the criteria under 1. and 2. and one or more criteria under 3. through 6. shall be met.

1. The child displays difficulties or differences or both in interacting with people and events. The child may be unable to establish and maintain reciprocal relationships with people. The child may seek consistency in environmental events to the point of exhibiting rigidity in routines.
2. The child displays problems which extend beyond speech and language to other aspects of social communication, both receptively and expressively. The child's verbal language may be absent or, if present, lacks the usual communicative form which may involve deviance or delay or both. The child may have a speech or language disorder or both in addition to communication difficulties associated with autism.
3. The child exhibits delays, arrests, or regressions in motor, sensory, social or learning skills. The child may exhibit precocious or advanced skill development, while other skills may develop at normal or extremely depressed rates. The child may not follow normal developmental patterns in the acquisition of skills.
4. The child exhibits abnormalities in the thinking process and in generalizing. The child exhibits strengths in concrete thinking while difficulties are demonstrated in abstract thinking, awareness and judgment. Perseverant thinking and impaired ability to process symbolic information may be present.
5. The child exhibits unusual, inconsistent, repetitive or unconventional responses to sounds, sights, smells, tastes, touch or movement. The child may have a visual or hearing impairment or both in addition to sensory processing difficulties associated with autism.

6. The child displays marked distress over changes, insistence on following routines and a persistent preoccupation with or attachment to objects. The child's capacity to use objects in an age-appropriate or functional manner may be absent, arrested or delayed. The child may have difficulty displaying a range of interests or imaginative activities or both. The child may exhibit stereotyped body movements.

**INTELLECTUAL DISABILITY.** Wis. Admin. Code § PI 11.36(1)

Intellectual disability means significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social, and practical adaptive skills and manifested during the developmental period that adversely affects the child's educational performance. The IEP team may identify a child as having an intellectual disability if the child meets the following criteria:

1. The child has a standard score of 2 or more standard deviations below the mean on an individually administered intelligence test which takes into account the child's mode of communication and is developed to assess intellectual functioning using this mode. More than one intelligence test may be used to produce a comprehensive result.
2. The child has significant limitations in adaptive behavior that are demonstrated by a standards score of 2 or more standard deviations below the mean on standardized or nationally-normed measures, as measured by comprehensive, individual assessments that include interviews of the parents, tests, and observations of the child in adaptive behavior which are relevant to the child's age, including at least one of the following:
  - a. Conceptual skills;
  - b. Social adaptive skills;
  - c. Practical adaptive skills; or
  - d. An overall composite score on a standardized measure of conceptual, social, and practical skills.
- 3.a. The child is age 3 through 5 and has a standard score of 2 or more standard deviations below the mean on standardized or nationally-normed measures, as measured by comprehensive, individual assessments, in the following areas: language development and communication, cognition, and general knowledge.
- b. The child is age 6 through 21 and has a standard score of 2 or more standard deviations below the mean on standardized or nationally-normed measures, as measured by comprehensive, individual assessments, in general information and at least 2 of the following areas: written language, reading, and mathematics.

When it is determined that reliable and valid assessment results are not possible due to the child's functioning level or age, a standardized developmental scale or a body of evidence including informal measures shall be used to assess the child.

Upon re-evaluation, a child who met identification criteria for cognitive disability prior to September 1, 2015, and continues to demonstrate a need for special education under s. PI

11.35 (2), including specially designed instruction, is a child with a disability under this section.

**NOTE: Intellectual disabilities typically manifest before age 18. An etiology should be determined when possible, so the IEP team can use this information for program planning.**

**EMOTIONAL BEHAVIORAL DISABILITY.** Wis. Admin. Code § PI 11.36(7)

Emotional behavioral disability, pursuant to Wis. Stat. § 115.76(5)(a)5, means social, emotional or behavioral functioning that so departs from the generally accepted, age appropriate ethnic or cultural norms that it adversely affects a child's academic progress, social relationships, personal adjustment, classroom adjustment, self-care or vocational skills. The IEP team may identify a child as having an emotional behavioral disability if the child meets the preceding definition and meets all of the following:

- The child demonstrates severe, chronic and frequent behavior that is not the result of situational anxiety, stress or conflict.
- The child's behavior described under par.(a) occurs in school and in at least one other setting.
- The child displays any of the following:
  - Inability to develop or maintain satisfactory interpersonal relationships.
  - Inappropriate affective or behavioral response to a normal situation.
  - Pervasive unhappiness, depression, or anxiety.
  - Physical symptoms, pains or fears associated with personal or school problems.
  - Inability to learn that cannot be explained by intellectual, sensory, or health factors.
  - Extreme withdrawal from social interactions.
  - Extreme aggressiveness for long period of time.
  - Other inappropriate behaviors that are so different from children of similar age, ability, educational experiences and opportunities that the child or other children in a regular or special education program are negatively affected.

The IEP team shall rely on a variety of sources of information, including systematic observations of the child in a variety of educational settings and shall have reviewed prior, documented interventions. If the IEP team knows the cause of the disability under this paragraph, the cause may be, but is not required to be, included in the IEP team's written evaluation summary.

The IEP team may not identify or refuse to identify a child as a child with an emotional behavioral disability solely on the basis that the child has another disability, or is socially maladjusted, adjudged delinquent, a dropout, chemically dependent, or a child whose behavior is primarily due to cultural deprivation, familial instability, suspected child abuse or socio-economic circumstances, or when medical or psychiatric diagnostic statements have been used to describe the child's behavior.

**HEARING IMPAIRMENT.** Wis. Admin. Code § PI 11.36(4)

Hearing impairment, including deafness, means a significant impairment in hearing, with or without amplification, whether permanent or chronically fluctuating, that significantly

adversely affects a child's educational performance including academic performance, speech perception and production, or language and communication skills. A current evaluation by an audiologist licensed under Wis. Stat. ch. 459 shall be one of the components for an initial evaluation of a child with a suspected hearing impairment.

**SPECIFIC LEARNING DISABILITY.** Wis. Admin. Code § PI 11.36(6)

Specific learning disability, means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, motor disabilities, intellectual disabilities, emotional disturbance, cultural factors, environmental, or economic disadvantage.

The IEP team may identify a child as having a specific learning disability if both of the following apply:

**1. Inadequate Classroom Achievement**

Upon initial identification, the child does not achieve adequately for his or her age, or meet state-approved grade-level standards in one or more of the following eight areas of potential specific learning disabilities when provided with learning experiences and instruction appropriate for the child's age: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving.

A child's achievement is inadequate when the child's score, after intensive intervention, on one or more assessments of achievement is equal to or more than 1.25 standard deviations below the mean in one or more of the eight areas of potential specific learning disabilities. Assessments shall be individually administered, norm-referenced, valid, reliable, and diagnostic of impairment in the area of potential specific learning disabilities.

The 1.25 standard deviation requirement may not be used if the IEP team determines that the child cannot attain valid and reliable standard scores for academic achievement because of the child's test behavior, the child's language proficiency, an impairment of the child that interferes with the attainment of valid and reliable scores, or the absence of individually administered, norm-referenced, standardized, valid, and reliable diagnostic assessments of achievement appropriate for the child's age. If the IEP team makes such a determination, it shall document the reasons why it was not appropriate to consider standardized achievement testing, and shall document that inadequate classroom achievement exists in at least one of the eight areas of potential specific learning disabilities using other empirical evidence.

The IEP team may consider scores within 1 standard error of the measurement of the 1.25 standard deviation criterion above to meet the inadequate classroom achievement criteria if the IEP team determines the child meets all other criteria.

2. **Insufficient Progress.** Upon evaluation, the child has made insufficient progress in one of the following areas:

- a. *Insufficient response to intensive, scientific, research-based or evidence-based intervention.* The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the eight areas of potential specific learning disabilities when using a process based on the child's response to intensive, scientific, research-based or evidence-based interventions.

Intensive interventions may be implemented prior to referral, or as part of an evaluation, for specific learning disability. The IEP team shall consider progress monitoring data from at least two intensive, scientific, research-based or evidence-based interventions, implemented with adequate fidelity and closely aligned to individual student learning needs. The median score of three probes is required to establish a stable baseline data point for progress monitoring. IEP teams shall use weekly or more frequent progress monitoring to evaluate rate of progress during intensive, scientific, research-based or evidence-based interventions.

Rate of progress during intensive interventions is insufficient when any of the following areas are true: the rate of progress of the referred child is the same or less than that of his or her same-age peers; the referred child's rate of progress is greater than that of his or her same-age peers but will not result in the referred child reaching the average range of his or her same-age peers' achievement for that area of potential disability in a reasonable period of time; or the referred child's rate of progress is greater than that of his or her same-age peers, but the intensity of the resources necessary to obtain this rate of progress cannot be maintained in general education.

If the LEA decides to use insufficient response to intensive, scientific, research-based or evidence-based intervention for any child being evaluated for specific learning disabilities enrolled in a school, the LEA shall use insufficient response to intensive, scientific, research-based or evidence-based interventions for all such evaluations of children enrolled in that school. At least ten days in advance of beginning to use insufficient response to intensive, scientific, research-based or evidence-based intervention in a school, the LEA will notify parents of all children enrolled in that school of the intent to use insufficient response to intensive, scientific, research-based or evidence-based intervention.

- b. *Significant discrepancy or insufficient progress in achievement as compared to measured ability.* LEAs are permitted to use this option until November 30, 2013.

Upon initial evaluation, the child exhibits a significant discrepancy between the child's academic achievement in any of the eight areas of potential specific learning disabilities and intellectual ability as documented by the child's composite score on a multiple score instrument or the child's score on a single score instrument.

The IEP team may base a determination of significant discrepancy only upon the results of individually administered, norm-referenced, valid, and reliable diagnostic assessment of achievement. A significant discrepancy means a

difference between standard scores for ability and achievement equal to or greater than 1.75 standard errors of the estimate below expected achievement, using a standard regression procedure that accounts for the correlation between ability and achievement measures.

This regression procedure shall be used except when the IEP team determines that the child cannot attain valid and reliable standard scores for intellectual ability or achievement because of the child's test behavior, the child's language, another impairment of the child that interferes with the attainment of valid and reliable scores, or the absence of valid and reliable standardized, diagnostic tests appropriate for the child's age. If the IEP team makes such a determination, it shall document the reasons why it was not appropriate to use the regression procedure and shall document that a significant discrepancy exists, including documentation of a variable pattern of achievement or ability, in at least one of the eight areas of potential specific learning disabilities using other empirical evidence.

If the discrepancy between the child's ability and achievement approaches but does not reach the 1.75 standard error of the estimate cut-off for this subdivision paragraph, the child's performance in any of the eight areas of potential specific learning disabilities is variable, and the IEP team determines that the child meets all other criteria, the IEP team may consider that a significant discrepancy exists.

The IEP team may not identify a child as having a specific learning disability if the team's findings of inadequate classroom achievement or insufficient progress are primarily due to one of the following exclusionary factors:

- environmental, economic disadvantage or cultural factors;
- lack of appropriate instruction in reading, including in the essential components of reading instruction;
- lack of instruction in math;
- limited proficiency in English;
- any of the other impairments; and
- lack of appropriate instruction in the area(s) of potential specific learning disability under consideration.

The child must be systematically observed in the child's learning environment, including the general classroom setting when possible, to document the child's academic performance and behavior in any of the eight areas of potential specific learning disabilities.

The systematic observation of routine classroom instruction and monitoring of the child's performance in at least one of the eight areas of potential specific learning disabilities may be conducted before the child was referred for evaluation, or the systematic observation of the child's academic performance in at least one of the eight areas of potential specific learning disabilities shall be conducted after the child has been referred for an evaluation and parental consent is obtained. If the child is less than school age or out of school, at least one member of the IEP team will conduct a systematic observation of the child in an environment appropriate for a child of that age.



If the child has participated in a process that assesses the child's response to intensive, scientific, research-based or evidence-based interventions, the IEP team will use information from a systematic observation of pupil behavior and performance in the area or areas of potential specific learning disability during intensive intervention for that area, conducted by an individual who is not responsible for implementing the interventions with the referred pupil.

In addition to all other determinations, the IEP team shall base its decision of whether a child has a specific learning disability on a comprehensive evaluation using formal and informal assessment data regarding academic achievement and learning behavior from sources such as standardized tests, error analysis, criterion referenced measures, curriculum-based assessments, pupil work samples, interviews, systematic observations, analysis of the child's response to previous interventions, and analysis of classroom expectations and curriculum.

Upon reevaluation, a child who met initial identification criteria and continues to demonstrate a need for special education, including specially designed instruction, is a child with a disability under this section, unless the exclusionary factors now apply. If a child with a specific learning disability performs to generally accepted expectations in the general education classroom without specially designed instruction, the IEP team shall determine whether the child is no longer a child with a disability.

**ORTHOPEDIC IMPAIRMENT.** Wis. Admin. Code § PI 11.36(2)

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes but is not limited to impairments caused by congenital anomaly such as clubfoot or absence of some member; impairments caused by disease such as poliomyelitis or bone tuberculosis; and impairments from other causes such as cerebral palsy, amputations, and fractures or burns that cause contractures.

**OTHER HEALTH IMPAIRMENT.** 34 CFR § 300.8; Wis. Admin. Code § PI 11.36(10)

Other health impairment means having limited strength, vitality or alertness due to chronic or acute health problems. The term includes but is not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, attention deficit disorder or attention deficit hyperactivity disorder, sickle cell anemia, Tourette syndrome, hemophilia, epilepsy, lead poisoning, leukemia, diabetes or acquired injuries to the brain caused by internal occurrences or degenerative conditions, which adversely affects a child's educational performance.

**SIGNIFICANT DEVELOPMENTAL DELAY.** Wis. Admin. Code § PI 11.36(11)

Significant developmental delay means children, age 3 through 9 years of age, who are experiencing significant delays in the areas of physical, cognition, communication, social-emotional or adaptive development.

All other suspected impairments are considered before identifying a child's primary impairment as significant developmental delay.

A child may be identified as having significant developmental delay when delays in development significantly challenge the child in two or more of the following five major life activities:

- Physical activity in gross motor skills such as the ability to move around and interact with the environment with appropriate coordination, balance and strength; or fine motor skills, such as manually controlling and manipulating objects such as toys, drawing utensils and other useful objects in the environment.
- Intellectual activity such as the ability to acquire, use and retrieve information as demonstrated by the level of imitation, discrimination, representation, classification, sequencing and problem-solving skills often observed in a child's play.
- Communication activity in expressive language such as the production of age-appropriate content, form and use of language; or receptive language, such as listening, receiving and understanding language.
- Emotional activity such as the ability to feel and express emotions and develop a positive sense of oneself; or social activity, such as interacting with people, developing friendships with peers and sustaining bonds with family members and other significant adults.
- Adaptive activity, such as caring for his or her own needs and acquiring independence in age-appropriate eating, toileting, dressing and hygiene tasks.

Documentation of significant developmental delays and their detrimental effect upon the child's daily life shall be based upon qualitative and quantitative measures including all of the following:

- A developmental and basic health history including results from vision and hearing screenings and other pertinent information from parents and, if applicable, other caregivers or service providers.
- Observation of the child in his or her daily living environment such as the child's home with a parent or caregiver or an early education or care setting which includes peers who are typically developing. If observation in these settings is not possible, observation in an alternative setting is permitted.
- Results from norm-referenced instruments are used to document significant delays of at least one and one-half standard deviations below the mean in two or more of the developmental areas which correspond to the major life activities. If it is clearly not appropriate to use norm-referenced instruments, other instruments such as criterion-referenced measures are used to document the significant delays.

**SPEECH AND LANGUAGE IMPAIRMENT.** Wis. Admin. Code § PI 11.36(5)

Speech or language impairment means an impairment of speech or sound production, voice, fluency, or language that significantly affects educational performance or social, emotional or vocational development. The IEP team may identify a child as having a speech or language impairment if the child meets the preceding definition and meets any of the following criteria:

- The child's conversational intelligibility is significantly affected and the child displays at least one of the following:
  - The child performs on a norm referenced test of articulation or phonology at least 1.75 standard deviations below the mean for his or her chronological age.
  - Demonstrates consistent errors in speech sound production beyond the time when 90% of typically developing children have acquired the sound.
- One or more of the child's phonological patterns of sound are at least 40% disordered or the child scores in the moderate to profound range of phonological process use in formal testing and the child's conversational intelligibility is significantly affected.
- The child's voice is impaired in the absence of an acute, respiratory virus or infection and not due to temporary physical factors such as allergies, short term vocal abuse or puberty. The child exhibits atypical loudness, pitch, quality or resonance for his or her age and gender.
- The child exhibits behaviors characteristic of a fluency disorder.
- The child's oral communication or, for a child who cannot communicate orally, his or her primary mode of communication, is inadequate, as documented by all of the following:
  - Performance on norm referenced measures that is at least 1.75 standard deviations below the mean for chronological age.
  - Performance in activities is impaired as documented by informal assessment such as language sampling, observations in structured and unstructured settings, interviews, or checklists.
  - The child's receptive or expressive language interferes with oral communication or his or her primary mode of communication. When technically adequate norm referenced language measures are not appropriate as determined by the IEP team to provide evidence of a deficit of 1.75 standard deviations below the mean in the area of oral communication, then two measurement procedures shall be used to document a significant difference from what would be expected given consideration to chronological age, developmental level, and method of communication such as oral, manual, and augmentative. These procedures may include additional language samples, criterion referenced instruments, observations in natural environments and parent reports.

The IEP team may not identify a child who exhibits any of the following as having a speech or language impairment:

- Mild, transitory or developmentally appropriate speech or language difficulties that children experience at various times and to various degrees.
- Speech or language performance that is consistent with developmental levels as documented by formal and informal assessment data unless the child requires speech or language services in order to benefit from his or her educational programs in school, home, and community environments.

- Speech or language difficulties resulting from dialectical differences or from learning English as a second language, unless the child has a language impairment in his or her native language.
- Difficulties with auditory processing without a concomitant documented oral speech or language impairment.
- A tongue thrust which exists in the absence of a concomitant impairment in speech sound production.
- Elective or selective mutism or school phobia without a documented oral speech or language impairment.

The IEP team shall substantiate a speech or language impairment by considering all of the following:

- Formal measures using normative data or informal measures using criterion referenced data.
- Some form of speech or language measures such as developmental checklists, intelligibility ratio, language sample analysis, minimal core competency.
- Information about the child's oral communication in natural environments.
- Information about the child's augmentative or assistive communication needs.

An IEP team shall include a department-licensed speech or language pathologist and information from the most recent assessment to document a speech or language impairment and the need for speech or language services.

**TRAUMATIC BRAIN INJURY.** Wis. Admin. Code § PI 11.36(9)

Traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition; speech and language; memory; attention; reasoning; abstract thinking; communication; judgment; problem-solving; sensory, perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and executive functions, such as organizing, evaluating and carrying out goal-directed activities. The term does not apply to brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

Children whose educational performance is adversely affected as a result of acquired injuries to the brain caused by internal occurrences, such as vascular accidents, infections, anoxia, tumors, metabolic disorders and the effects of toxic substances or degenerative conditions may meet the criteria of one of the other impairments.

The results of standardized and norm-referenced instruments used to evaluate and identify a child as traumatic brain injured may not be reliable or valid. Therefore, alternative means of evaluation, such as criterion-referenced assessment, achievement assessment, observation, work samples, and neuropsychological assessment data are considered to identify a child who exhibits total or partial functional disability or psychosocial impairment

in one or more areas listed above. Before a child may be identified as traumatic brain injured, available medical information from a licensed physician is considered.

**VISUAL IMPAIRMENT.** Wis. Admin. Code § PI 11.36(3)

Visual impairment means even after correction a child's visual functioning significantly adversely affects his or her educational performance. The IEP team may identify a child as having a visual impairment after all of the following events occur:

- A certified teacher of the visually impaired conducts a functional vision evaluation which includes a review of medical information, formal and informal tests of visual functioning and the determination of the implications of the visual impairment on the educational and curricular needs of the child.
- An ophthalmologist or optometrist finds at least one of the following:
  - Central visual acuity of 20/70 or less in the better eye after conventional correction.
  - Reduced visual field to 50° or less in the better eye.
  - Other ocular pathologies that are permanent and irremediable.
  - Cortical visual impairment.
  - A degenerative condition that is likely to result in a significant loss of vision in the future.

An orientation and mobility specialist, or teacher of the visually impaired in conjunction with an orientation and mobility specialist, evaluates the child to determine if there are related mobility needs in home, school, or community environments.

## **Developing, Reviewing and Revising IEPs**

**IEP IN EFFECT.** At the beginning of each school year the local educational agency has in effect an IEP for each child with a disability within its jurisdiction. The local educational agency ensures that a meeting to develop an IEP and determine placement is conducted within 30 days of determination that the child is a child with a disability. The local educational agency ensures an IEP is in effect before special education and related services are provided to children with disabilities and is implemented as soon as possible following the meetings at which the IEP is developed. The local educational agency develops and implements an IEP for each child with a disability served by that agency including children placed in or referred to a private school or facility by the local educational agency.

The local educational agency ensures each child's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider who is responsible for its implementation. The local educational agency ensures each teacher and provider responsible for implementing a child's IEP is informed of his or her specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications and supports that must be provided for the child in accordance with the IEP. The local educational agency provides special education and related services to a child with a disability in accordance with the child's IEP and makes a

good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

34 CFR 300.323(a),(c)-(d); Wis. Stat. §§ 115.787(1), 115.78(3)(c)

## **IEP Development**

In developing each child's IEP, the IEP team considers the strengths of the child, the concerns of the child's parents for enhancing the education of their child, and the results of the initial or most recent evaluation of the child, and the academic, developmental, and functional needs of the child.

The IEP team considers the following special factors:

- the use of positive behavioral interventions and supports, and other strategies, to address that behavior in the case of a child whose behavior impedes the child's learning or that of others;
- the language needs of the child as such needs relate to the child's IEP in the case of a child with limited English proficiency;
- instruction in Braille and the use of Braille in the case of a child who is visually impaired unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child's future needs for instruction in Braille or the use of Braille, that instruction in Braille or the use of Braille is not appropriate for the child;
- the communication needs of the child and, in the case of a child who is hearing impaired, the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level and full range of needs including opportunities for direct instruction in the child's language and communication mode; and
- whether the child requires assistive technology devices and services.

If when considering these special factors, the IEP team determines a child needs a particular device or service in order to receive a free appropriate public education, the IEP team includes a statement to that effect in the IEP.

The child's regular education teacher, as a member on the IEP team, participates in the development of the IEP of the child to the extent appropriate. The teacher participates in the determination of appropriate positive behavioral interventions and supports and other strategies, supplementary aids and services, program modifications and supports for school personnel.

The local educational agency gives a copy of the IEP to the child's parents with the notice of placement.

34 CFR § 300.324(a); Wis. Stat. § 115.787(3)

## **IEP Review and Revision**

The IEP team reviews the child's IEP periodically, but at least once a year, to determine whether the annual goals for the child are being achieved and revises the IEP as appropriate to address:

- any lack of expected progress toward the annual goals and in the general education curriculum;
- the results of any reevaluation;
- information about the child provided to or by the parents;
- the child's anticipated needs; or
- other matters.

In conducting a review of the child's IEP, the IEP team considers the special factors listed above under the development of the IEP section.

To the extent appropriate, the regular education teacher of the child, as a member on the IEP team, participates in the review and revision of the IEP of the child.

If a participating agency, other than the local educational agency, fails to provide transition services described in the IEP, the local educational agency reconvenes the IEP team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

34 CFR § 300.324(b) and (c); Wis. Stat. § 115.787(4)

## **Amendments to the IEP**

In making changes to a child's IEP after the annual IEP team meeting for a school year, the parent of a child with a disability and the local educational agency may agree not to convene an IEP team meeting for the purposes of making those changes, and instead develop a written document to amend or modify the child's current IEP. If changes are made without a meeting, the local educational agency informs the child's IEP team of those changes.

Changes to the IEP may be made by either the entire IEP Team at an IEP team meeting or as described above by amending the IEP rather than redrafting the entire IEP. The local educational agency gives the child's parent a copy of the revised IEP with the amendments incorporated.

34 CFR § 300.324(a)(4)-(6); Wis. Stat. § 115.787(4)(c)

## **IEP Content**

The IEP for each child with a disability includes:

- a statement of the child's present levels of academic achievement and functional performance including how the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children) or, for a preschool child, as appropriate, how the disability affects the child's participation in appropriate activities;
- a statement of measurable annual goals for the child, including academic and functional goals, designed to meet the child's needs that result from the child's disability to enable the child to be involved in and progress in the general education curriculum and to meet each of the child's other educational needs that result from the child's disability;
- for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;
- a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided to enable the child to:
  - advance appropriately toward attaining the annual goals;
  - be involved in and make progress in the general education curriculum and to participate in extracurricular and other non academic activities; and
  - be educated and participate with other children with disabilities and nondisabled children in the activities described above;
- an explanation of the extent to which the child will not participate with nondisabled children in regular classes in the general education curriculum and in extracurricular and other nonacademic activities;
- a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance on state or district-wide assessments;
- if the IEP team determines a child must take an alternate assessment instead of participating in a particular regular state-wide or local educational agency-wide assessment of student achievement, a statement indicating why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child;
- the projected date for the beginning of the services and modifications described in the IEP and the anticipated frequency, duration and location of those services and modifications;
- beginning not later than in the first IEP that will be in effect when the child is 14 and updated annually thereafter until the child is no longer eligible for special education and related services, a statement of appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education,



employment, and, where appropriate, independent living skills; and a description of the transition services, including courses of study, needed to assist the child in reaching those goals;

- a statement that the student has been informed of the parental rights that will transfer to the pupil under special education law on reaching the age of 18, beginning at least one year before the child attains the age of 18, and annually thereafter until the pupil is no longer eligible for special education and related services;
- a description of how the child's progress toward attaining the annual goals will be measured; and
- a description of when periodic reports, such as quarterly reports or other periodic reports issued concurrent with report cards, on the child's progress toward attaining the annual goals will be provided to the parents.

34 CFR § 300.320; Wis. Stat. § 115.787

## **Placement**

The local educational agency ensures an evaluation is conducted before special education and related services are provided to a child with a disability and an educational placement is provided to implement each child's IEP. The IEP team makes placement decisions. The placement is based upon and implements the child's IEP, is determined at least annually, and in uniformity with the least restrictive environment provisions described below.

34 CFR §§ 300.301(a), 300.116(b); Wis. Stat. §§ 115.78(2), 115.79(1)(a) and (b)

**LEAST RESTRICTIVE ENVIRONMENT.** The local educational agency ensures the following:

- Unless the IEP requires a different arrangement, the child is educated in the school he or she would attend if not disabled.
- The placement is provided as close as possible to the child's home.
- In selecting the least restrictive environment consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs.
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.
- To the maximum extent appropriate, a child with a disability, including a child receiving publicly funded special education in a public or private institution or other care facility, is educated with children who are not disabled.

- Special classes, separate schooling or any other removal of a child from the regular educational environment occurs only when the nature or severity of a child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- The local educational agency ensures a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- The local educational agency ensures a continuum of alternative placements is available and will be used that includes instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.
- The continuum makes provision for supplementary services (such as resource room or itinerant instruction) that are provided in conjunction with regular class placement.
- The local educational agency provides or arranges for nonacademic and extracurricular services and activities including meals and recess periods so each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. The local educational agency ensures that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.

34 CFR § 300.114-117

**NOTICE OF PLACEMENT.** Following the development of the IEP, a notice of placement and a copy of the child's IEP is given to the child's parent(s).

34 CFR § 300.503(b)(4); Wis. Stat. §§ 115.787(3)(e)

**CONSENT FOR PLACEMENT.** The local educational agency obtains informed and written parental consent prior to the initial provision of special education and related services to a child with a disability in a program providing special education and related services.

The local educational agency makes reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child. If the parent of a child fails to respond or refuses to consent to services, the local educational agency can not provide special education or related services and cannot use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.

If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the local educational agency will not be considered to be in violation of the requirement to make available FAPE to the child for the failure to provide the child with the special education and related services for which the

local educational agency requests consent; and is not required to convene an IEP Team meeting or develop an IEP for the child for the special education and related services for which the local educational agency requests such consent.

34 CFR § 300.300(b); Wis. Stat. § 115.79(2)

### **Parent Revocation of Consent:**

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the school district:

- Will stop providing special education and related services to the child, but before doing so, will provide prior written notice in accordance with 34 CFR § 300.503;
- Will not use special education dispute resolution procedures, including mediation and due process, in order to obtain agreement or a ruling that the services may be provided to the child;
- Is not considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services;
- Is not required to amend the child's education records to remove any reference to the child's receipt of special education and related services because of the revocation of consent.

34 CFR § 300.300

### **Related Services: Physical and Occupational Therapy**

If a child is suspected to need occupational therapy or physical therapy or both, the IEP team includes an appropriate therapist.

Wis. Admin. Code § PI 11.24(2)

**PHYSICAL THERAPISTS' LICENSURE AND SERVICE REQUIREMENTS.** The local educational agency ensures the following:

- Physical therapists are licensed by the Department of Public Instruction as school physical therapists.
- Caseloads for full-time physical therapists employed for a full day, 5 days a week, is a minimum of 15 children and a maximum of 30 children, or maximum of 45 children with one or more school physical therapist assistants. A caseload may be varied subject to DPI's approval. The caseload for a part-time school physical therapist may be pro-rated.

- The school physical therapist has medical information from a licensed physician regarding a child before the child receives physical therapy.
- The school physical therapist delegates to a school physical therapist assistant only those portions of a child's physical therapy which are consistent with the school physical therapist assistant's education, training and experience.
- The school physical therapist supervises the physical therapy provided by a school physical therapist assistant. The school physical therapist develops a written policy and procedure for written and oral communication to the physical therapist assistant. The policy and procedure includes a specific description of the supervisory activities undertaken for the school physical therapist assistant which includes either of the following levels of supervision:
  - the school physical therapist has daily, direct contact on the premises with the school physical therapist assistant; or
  - the school physical therapist has direct, face-to-face contact with the school physical therapist assistant at least once every 14 calendar days. Between direct contacts the physical therapist is available by telecommunication. The school physical therapist providing general supervision provides an onsite reevaluation of each child's physical therapy a minimum of one time per calendar month or every tenth day of physical therapy, whichever is sooner, and adjusts the physical therapy as appropriate.
- A full-time school physical therapist supervises no more than two full-time equivalent physical therapist assistant positions which may include no more than three physical therapist assistants.
- Acts undertaken by a school physical therapist assistant are considered acts of the supervising physical therapist who has delegated the act.
- A school physical therapist conducts all physical therapy evaluations and reevaluations of a child, participates in the development of the child's IEP, and develops physical therapy treatment plans for the child. A school physical therapist is not represented by a school physical therapist assistant on an IEP team.

Wis. Admin. Code § PI 11.24(7)

**SCHOOL PHYSICAL THERAPIST ASSISTANTS' QUALIFICATIONS AND SUPERVISION OF PHYSICAL THERAPY.** The local educational agency ensures the following:

- Physical therapist assistants are licensed by the Department of Public Instruction as school physical therapists.
- The school physical therapist assistant providing physical therapy to a child is supervised by a school physical therapist as specified in these policies.

Wis. Admin. Code § PI 11.24(8)

**OCCUPATIONAL THERAPISTS' LICENSURE AND SERVICE REQUIREMENTS.** The local educational agency ensures the following:

- Occupational therapists are licensed by the Department of Public Instruction as school occupational therapists.
- Caseloads for full-time school occupational therapists employed for a full day, 5 days a week, is a minimum of 15 children and a maximum of 30 children, or maximum of 45 children with one or more school occupational therapist assistants. A caseload may be varied subject to DPI's approval. The caseload for a part-time school physical therapist may be pro-rated.
- The school occupational therapist has medical information before a child is evaluated for occupational therapy.

Wis. Admin. Code § PI 11.24(9)

**DELEGATION AND SUPERVISION OF OCCUPATIONAL THERAPY.** The local educational agency ensures the following:

- The school occupational therapist may delegate to a school occupational therapy assistant only those portions of a child's occupational therapy which are consistent with the school occupational therapy assistant's education, training and experience.
- The school occupational therapist supervises the occupational therapy provided by a school occupational therapy assistant. The school occupational therapist develops a written policy and procedure for written and oral communication to the occupational therapist assistant. The policy and procedure includes a specific description of the supervisory activities undertaken for the school occupational therapist assistant which includes either of the following levels of supervision:
  - the school occupational therapist has daily, direct contact on the premises with the school occupational therapy assistant or
  - the school occupational therapist has direct, face-to-face contact with the school occupational therapy assistant at least once every 14 calendar days. Between direct contacts the occupational therapist is available by telecommunication. The school occupational therapist providing general supervision provides an onsite reevaluation of each child's occupational therapy a minimum of every two weeks, and adjusts the occupational therapy as appropriate.
- A full-time school occupational therapist supervises no more than two full-time equivalent occupational therapy assistant positions which includes no more than three occupational therapy assistants;
- An act undertaken by a school occupational therapy assistant is considered the act of the supervising occupational therapist who has delegated the act.

Wis. Admin. Code § PI 11.24(9)

**RESPONSIBILITY OF A SCHOOL OCCUPATIONAL THERAPIST.** The local educational agency ensures the following:

- A school occupational therapist conducts all occupational therapy evaluations and reevaluations of a child, participates in the development of the child's IEP and develops occupational therapy treatment plans for the child.
- A school occupational therapist may not be represented by a school occupational therapy assistant on an IEP team.

Wis. Admin. Code § PI 11.24(9)

**SCHOOL OCCUPATIONAL THERAPY ASSISTANTS' QUALIFICATIONS AND SUPERVISION.** The local educational agency ensures the following:

- Occupational therapy assistants are licensed by the Department of Public Instruction as school occupational therapy assistants.
- The school occupational therapy assistant providing occupational therapy to a child is supervised by a school occupational therapist as specified in these policies.

Wis. Admin. Code § PI 11.24(10)

## **Transition from Birth to Three Programs**

The local educational agency participates with birth to three programs to ensure a smooth and effective transition of children with disabilities from the birth to three program for infants and toddlers with disabilities to preschool programs in the local educational agency. The local educational agency participates in transition planning conferences arranged by birth to three programs.

For children participating in birth to three programs who will participate in special education preschool programs in the local educational agency, the local educational agency has an IEP in effect by the child's third birthday.

If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP will begin.

34 CFR §§ 300.124, 300.101(b)

## **Transfer Pupils**

### **In-State-Transfer Students**

When a child with a disability (who had an IEP that was in effect in a previous Wisconsin local educational agency) transfers to this local educational agency and enrolls in a new school within the same school year, this local educational agency (in consultation with the

parents) provides FAPE to the child, including services comparable to those described in the child's IEP from the previous agency, until this local educational agency either:

- Adopts the child's IEP from the previous public agency; or
- Develops, adopts, and implements a new IEP.

The local educational agency adopts the evaluation and the eligibility determination of the sending local educational agency or conducts an evaluation and eligibility determination of the transfer pupil. The local educational agency does not adopt the evaluation and eligibility determination or the IEP of the sending local educational agency if the evaluation and eligibility determination or the IEP do not meet state and federal requirements.

34 CFR § 300.323(e)

### **Out-of-State Transfer Students**

When a child with a disability (who had an IEP that was in effect in a previous agency in another State) transfers to this local educational agency, and enrolls in a new school within the same school year, this local educational agency, in consultation with the parents, provides the child with FAPE, including services comparable to those described in the child's IEP from the out-of-state agency, until this local educational agency:

- Conducts an evaluation and determines eligibility if determined to be necessary by this local educational agency; and
- Develops, adopts and implements a new IEP, if appropriate.

34 CFR § 300.323(f)

### **Transmittal of Records**

When the local educational agency receives a transfer pupil with a disability and does not receive the pupil's records from the sending local educational agency, the local educational agency takes reasonable steps, including a written request, to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child from the previous public agency in which the child was enrolled. When this local educational agency receives such a written request for a transfer pupil, this local educational agency transfers the pupil's records to the requesting local educational agency no later than the next working day from receipt of the written notice as required under Wis. Stat. § 118.125(4).

34 CFR § 300.323(g); Wis. Stat. § 118.125(4)

### **Charter Schools**

Children with disabilities who attend the local educational agency's charter schools and their parents retain all rights under federal special education laws. The local educational agency ensures that the requirements of federal special education law are met.

Children with disabilities who attend Charter Schools under contract with the local educational agency, are served in the same manner as other children with disabilities in the local educational agency. This includes providing supplementary and related services on site at the charter school to the same extent to which the local educational agency provides such services on the site to its other public schools. Funds received under part B of the Individuals with Disabilities Education Act are provided to charter schools in the same manner as they are provided to other schools in the local educational agency, including proportional distribution based on relative enrollment of children with disabilities and at the same time as the local educational agency distributes other Federal funds to the local educational agency's other public schools.

34 CFR § 300.209(a) and (b); Wis. Stat. § 115.77(8).

## **Due Process Procedures**

**OPPORTUNITY TO EXAMINE RECORDS AND PARENT PARTICIPATION IN MEETINGS.** The parents of a child with a disability are afforded, in accordance with the policies in the "Confidentiality" section of this document, an opportunity to:

- inspect and review all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child; and
- participate in meetings with respect to the identification, evaluation and educational placement of the child and the provision of a free appropriate public education to the child.

The local educational agency notifies parents consistent with the policies in the "Parent Participation in IEP Team Meetings" section of these policies to ensure that parents of children with disabilities have the opportunity to participate in meetings described above. The term "meeting" in this policy does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that local educational agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

The IEP team, which includes the parent, makes decisions on the educational placement of the child. In implementing this policy, the local educational agency uses procedures consistent with the policies described above. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the local educational agency uses other methods to ensure their participation including individual or conference telephone calls, or video conferencing. A placement decision may be made by the IEP team without the involvement of the parent if the local educational agency is unable to obtain the parent's participation in the decision. In this case, the local educational agency must have a record of its attempt to ensure parent involvement.

34 CFR §§ 300.501, 300.322(e)



**NOTICE.** The local educational agency ensures a child's parents are provided prior written notice a reasonable time before the local educational agency proposes to initiate or change or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child. The notice contains:

- a description of the action proposed or refused;
- an explanation of why the local educational agency proposed or refused to take action;
- a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- a description of any other options considered and the reason(s) they were rejected;
- a description of each evaluation procedure, assessment, record or report used as a basis for the proposed or refused action;
- the names of the evaluators, if known, if the notices propose to evaluate or reevaluate the child;
- a description of any other factors relevant to the proposal or refusal; and
- sources for parents to contact to obtain assistance in understanding special education law.

Each prior written notice is written in language understandable to the general public, in the parent's native language or other means of communication unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the local educational agency takes steps to ensure the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; the parent understands the content of the notice; and there is written evidence that these requirements have been met.

34 CFR § 300.503; Wis. Stat. § 115.792(2)

**PROCEDURAL SAFEGUARDS NOTICE.** A copy of the procedural safeguards available to the parents of a child with a disability is given to the parents one time a school year, except that a copy is given to the parents:

- upon initial referral or parent request for evaluation;
- upon receipt of the first IDEA State complaint and the first due process complaint;
- on the date on which the decision is made to make a disciplinary removal that constitutes a change of placement;
- upon request by a parent.

The procedural safeguards notice includes a full explanation of the procedural safeguards available under special education law written so as to be easily understood by the general public and in the native language of the child's parents unless it is clearly not feasible to do so, relating to:

- independent educational evaluation;
- prior written notice;
- parental consent;
- access to educational records;
- opportunity to present and resolve complaints through the due process complaint and State IDEA complaint procedures, including:
  - the time period in which to file a complaint;
  - the opportunity for the agency to resolve the complaint; and
  - the difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
- the child's placement during pendency of due process proceedings;
- procedures for pupils who are subject to placement in interim alternative educational settings under 20 USC § 1415(k);
- requirements for the unilateral placement by parents of pupils in private schools at public expense;
- availability of mediation;
- due process hearings including requirements for disclosure of evaluation results and recommendations;
- civil actions, including the time period in which to file those actions; and
- attorney fees.

34 CFR § 300.504

**INDEPENDENT EDUCATIONAL EVALUATIONS.** A parent may obtain an independent educational evaluation of his or her child. If a parent requests information from the local educational agency about an independent evaluation, the local educational agency provides the parent with information about where an independent evaluation may be obtained and the agency criteria applicable for independent educational evaluations. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local educational agency. "Public expense" means the local educational agency either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

If a parent requests an independent educational evaluation at public expense, the local educational agency, without unnecessary delay, either initiates a due process hearing to show its evaluation is appropriate or ensures an independent educational evaluation is provided at public expense unless the local educational agency demonstrates in a due process hearing that the evaluation obtained by the parent did not meet local educational agency criteria.

If a parent requests an independent educational evaluation, the local educational agency may ask for the parent's reason why he or she objects to the public evaluation. However, the local educational agency does not require the explanation and the local educational agency does not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation. A parent is entitled to only one independent educational evaluation at public expense each time the local educational agency conducts an evaluation with which the parent disagrees.

If the local educational agency initiates a hearing and the final decision is that the local educational agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation but not at public expense. If the parent obtains an independent educational evaluation at public expense or shares with the local educational agency an evaluation obtained at private expense, the results of the evaluation must be considered by the local educational agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense. When an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, is the same as the criteria that the local educational agency uses when it initiates an evaluation to the extent that those criteria are consistent with the parent's right to an independent educational evaluation. Except for the criteria described above, the local educational agency does not impose conditions or timelines related to obtaining and independent educational evaluation at public expense.

#### 34 CFR § 300.502

**SURROGATE PARENTS.** The local educational agency ensures the rights of a child are protected if no parent can be identified; the local educational agency, after reasonable efforts, cannot locate a parent; the child is a ward of the state; or the child is an unaccompanied homeless youth as defined in the McKinney-Vento Homeless Assistance Act. In such instances, the local educational agency assigns an individual to act as a surrogate for the parents. The local educational agency has a method for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child. In the case of a child who is a ward of the State, the surrogate parent may be appointed by the judge overseeing the child's case.

The local educational agency ensures that a person selected as a surrogate parent is not an employee of the Department of Public Instruction, the local educational agency, or any other agency that is involved in the education or care of the child; has no personal or professional interest that conflicts with the interest of the child he or she represents; and has knowledge and skills that ensure adequate representation of the child. A person who otherwise qualifies to be a surrogate parent is not an employee of the local educational agency solely because he or she is paid by the local educational agency to serve as a surrogate parent.

For an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be

appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all of the requirements for selection of surrogate parents.

The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child.

The local educational agency makes reasonable efforts to ensure the assignment of a surrogate parent not more than 30 days after it determines that one is needed.

34 CFR § 300.519; Wis. Stat. § 115.792(1)(a)2

**MEDIATION.** When a local educational agency participates in a mediation under Wis. Stat. § 115, the local educational agency:

- keeps discussion that occurs during mediation confidential;
- does not use discussion that occurs during mediation as evidence in any subsequent hearing or civil proceeding;
- does not record a mediation session unless both parties and the mediator agree;
- may be represented by two individuals, unless the parties agree to additional representatives;
- may withdraw from mediation at any time;
- may recess a mediation session to consult advisors, whether or not present, or to consult privately with the mediator;
- assumes responsibility with the parents for additional compensation if the parties agree that the amount of the mediator's compensation should be greater than the Wisconsin Special Education Mediation System schedule allows; and
- assumes responsibility with the parents for the compensation of a mediator who is not on the mediation system roster.

If the parties resolve the dispute or a portion of the dispute through the mediation process, the parties must execute a legally binding agreement. The agreement is reduced to writing, signed by the parties and a copy is given to each party. The agreement states that all discussions that occurred during mediation are confidential and may not be used as evidence in any hearing or civil proceeding. The agreement is legally binding upon the parties and is enforceable in circuit court. The agreement is signed by a representative of the local educational agency who has the authority to bind the local educational agency.

The Wisconsin Mediation System is voluntary on the part of the parties and the local educational agency does not use it to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under special education law.

34 CFR § 300.506; Wis. Stat. § 115.797

**DUE PROCESS HEARINGS.** When the local educational agency files a request for a due process hearing, it will provide a copy of the hearing request to the other party, a copy to the DPI and will keep the hearing request confidential.

If the parent or the child's attorney files a written request for a due process hearing, the local educational agency will:

- inform the parent of any free or low cost legal and other relevant services available in the area;
- (unless it has previously sent a written notice to the parent regarding the item in dispute) within 10 days of receiving the hearing request, provide a written response that includes an explanation of why the agency proposed or refused to take the action raised in the hearing request; a description of other options that the IEP team considered and the reasons why those options were rejected; a description of each evaluation procedure, assessment, record, or report the agency used as the basis for the proposed or refused action; and, a description of the other factors that are relevant to the agency's proposed or refused action;
- within 10 days of receiving the request, send a written response that addresses the issues raised in the hearing request; and
- (except when the parents and local educational agency agree in writing to waive a meeting or use mediation) within 15 days of receiving the request and before the hearing is conducted, convene a meeting with the child's parents, a representative of the local educational agency who is authorized to make decisions on behalf of the agency, and the relevant members of the IEP team who have specific knowledge of the facts identified in the hearing request. If the meeting resolves any subject matter of the hearing request, the parents and the local educational agency will execute and sign a legally binding agreement.

When the local educational agency is a party to a due process hearing under Wis. Stat. § 115.80, the local educational agency:

- pays for the cost of the hearing;
- pays for the cost of an independent educational evaluation ordered by the hearing officer;
- discloses to all other parties, at least five business days before a hearing is conducted (other than an expedited hearing under the provisions of the Individuals with Disabilities Education Act), all evaluations completed by that date and recommendations based upon the local educational agency's evaluations that the local educational agency intends to use at the hearing; and
- except as provided in the "discipline" section of the local educational agency's policies, the local educational agency does not change the educational placement of a child during the pendency of a hearing or judicial proceedings unless the child's parents agree to the change. If the child is applying for initial admission to a public school, the child, with the consent of the parents, is placed in the public school program until all due process proceedings have been completed.

Before filing a civil action under any federal law seeking relief that is also available under state special education law, the local educational agency exhausts the due process hearing procedures to the same extent as would be required had the action been brought under special education law.

34 CFR §§ 300.507, 300.508, 300.510; Wis. Stat. § 115.80

**TRANSFER OF RIGHTS AT AGE OF MAJORITY.** When a child with a disability reaches the age of 18, unless he or she has been determined to be incompetent as defined by state law, the local educational agency transfers the rights of parents under the Individuals with Disabilities Education Act and Chapter 115, Wis. Stats., to the individual pupil. The local educational agency provides any required notices to both the parents and the adult pupil. The local educational agency notifies both the parents and the individual pupil of the transfer of rights.

34 CFR § 300.520; Wis. Stat. § 115.807

## **Discipline Procedures**

**AUTHORITY OF SCHOOL PERSONNEL.** School personnel consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the discipline procedures of Individuals with Disabilities Education Act, is appropriate for a child with a disability who violates a code of school conduct.

School personnel are authorized to remove a child with a disability who violates a code of student conduct from the child's current placement to an appropriate interim alternative educational setting (IEAS), another setting, or suspension for not more than ten consecutive school days (to the extent those alternatives are applied to children without disabilities) consistent with state requirements relating to the suspension of pupils.

State law permits suspensions from school for up to five consecutive school days and for up to 15 consecutive school days when a notice of expulsion hearing has been sent. A child with a disability may be suspended for more than ten consecutive school days only if the conduct is not a manifestation of the child's disability and the requirements provided below are followed.

School personnel are authorized to remove a child with a disability for additional removals of not more than ten consecutive school days, consistent with state requirements, in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement).

If a child with a disability has been removed from his or her placement for 10 school days or less, the local educational agency provides services to the child if the local educational agency also provides services to children without disabilities who have been similarly removed.

For purposes of removals of a child with a disability from the child's current educational placement, a change of placement occurs if the removal is for more than ten consecutive

school days or the child is subjected to a series of removals that constitute a pattern because

- the series of removals total more than ten school days in a school year;
- the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
- such additional factors as the length of each removal, the total amount of time the child is removed and the proximity of the removals to one another.

The local educational agency determines on a case-by-case basis whether a pattern of removals constitutes a change of placement.

After a child with a disability has been removed from the current placement for ten school days in the same school year during any subsequent days of removal the local educational agency must provide services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the current removal is for not more than 10 consecutive school days and is not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the appropriate services.

The local educational agency applies the relevant disciplinary procedures for children without disabilities to the child only if, as a result of the manifestation determination review, the local educational agency determines the behavior of the child with a disability was not a manifestation of the child's disability. The local educational agency applies the relevant disciplinary procedures in the same manner in which they would be applied to children without disabilities.

A child with a disability whose behavior is determined not to be a manifestation of the child's disability continues to be provided education services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

34 CFR § 300.530; 300.536

**PLACEMENT IN INTERIM ALTERNATIVE EDUCATIONAL SETTINGS.** School personnel are authorized to remove a child with a disability to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability if:

- the child carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of the state or a local educational agency;
- the child knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state or a local educational agency; or
- the child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or a local educational agency.

educational agency.

#### 34 CFR § 300.530(g)

The IEP team determines the interim alternative educational setting and the appropriate services to be provided. A child placed in an interim alternative educational setting:

- continues to receive educational services to enable the child to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- if the behavior is not a manifestation of the child's disability, receives, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur;
- if the behavior is a manifestation of the child's disability, receives either:
  - a functional behavior assessment, unless the local educational agency had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan, or
  - if a behavioral intervention plan already has been developed, a review of the behavioral intervention plan, and modifications to it, as necessary, to address the behavior.

#### 34 CFR §§ 300.530, 300.531

On the date on which the decision is made to place the child in an interim alternative educational setting or to make a removal that constitutes a change of placement for violating a code of conduct, the local educational agency notifies the parents of that decision and provides the parents a procedural safeguards notice.

#### 34 CFR § 300.530(h)

When the local educational agency determines that maintaining the current placement of a child with a disability is substantially likely to result in injury to the child or others, the agency may request an expedited due process hearing to change the child's placement to an appropriate interim alternative educational setting for not more than 45 school days. The request for a due process hearing may be repeated if the local educational agency believes that returning the child to the original placement is substantially likely to result in injury to the child or others.

#### 34 CFR § 300.532

### **MANIFESTATION DETERMINATION REVIEWS.**

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the



parent, and relevant members of the child's IEP team (as determined by the parent and the local educational agency):

- review all relevant information in the student's file, including the child's IEP;
- any teacher observations; and
- any relevant information provided by the parents.

The conduct is determined to be a manifestation of the child's disability if the local educational agency, the parent, and relevant members of the child's IEP team determine that either:

- the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

If the local educational agency, the parent, and relevant members of the child's IEP team determine the conduct in question was the direct result of the local educational agency's failure to implement the IEP, the local educational agency takes immediate steps to remedy those deficiencies.

If the conduct was a manifestation of the child's disability, the IEP team returns the child to the placement from which the child was removed, unless the child has been placed in an interim alternative educational setting or the parent and local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan, and either:

- conducts a functional behavioral assessment, unless the local educational agency had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implements a behavioral intervention plan for the child; or
- if a behavioral intervention plan already has been developed, the IEP team reviews the behavioral intervention plan, and modifies it, as necessary, to address the behavior.

If the conduct was not a manifestation of the child's disability, the child receives, as appropriate:

- a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur; and
- educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

34 CFR § 300.530(d)(e) and (f)

#### **PLACEMENT DURING APPEALS.**

The parent of a child with a disability who disagrees with any decision regarding a disciplinary change in placement or a manifestation determination, or the local educational agency believes that maintaining the current placement is substantially likely to result in injury to the child or others may appeal the decision by requesting a hearing. During such appeal, the child will remain in the placement to which the child was removed pending the decision of the hearing officer or until the expiration of the disciplinary placement, whichever ever occurs first. The parent and the local educational agency may agree to a different placement during the appeal.

Unless the local educational agency and the parents agree in writing to waive the resolution meeting or agree to use the mediation process, the local educational agency conducts a resolution meeting within seven days of receiving notice of the parent's due process complaint.

34 CFR § 300.532; 300.533

**PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES.** The local educational agency provides the protections asserted for a child under the Individuals with Disabilities Education Act-Part B to a child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of conduct of the local educational agency if the local educational agency had knowledge (as determined in accordance with the provisions below) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

The local educational agency has knowledge that a child is a child with a disability if before the behavior that precipitated the disciplinary action occurred:

- the parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- the parent of the child requested an IEP team evaluation of the child; or
- the teacher of the child, or other personnel of the local educational agency, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

The local educational agency does not have knowledge that a child is a child with a disability if:

- the parent of the child has not allowed an IEP team evaluation of the child or has refused special education services; or
- the local educational agency conducted an IEP team evaluation and determined that the child was not a child with a disability.

If the local educational agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the local educational agency may subject the child to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors.

#### 34 CFR § 300.534

If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation is conducted in an expedited manner. Until the evaluation is completed, the local educational agency maintains the child in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the local educational agency's evaluation and information provided by the parents, the local educational agency provides special education and related services in accordance with the Individuals with Disabilities Education Act-Part B and state law, including legal requirements relating to discipline and the provision of a free appropriate public education to children with disabilities.

#### 34 CFR § 300.534

When the local educational agency reports a crime committed by a child with a disability, it ensures copies of the child's special education and disciplinary records are transmitted for consideration by the appropriate authorities to whom it reports the crime. The local educational agency transmits copies of the child's special education and disciplinary records only to the extent that the Family Educational Rights and Privacy Act permits transmission.

#### 34 CFR § 300.535

### **Confidentiality of Information**

**NOTICE TO PARENTS.** The local educational agency notifies parents before any major child identification, location or evaluation activity. The notice is published or announced in newspapers or other media, or both, with circulation adequate to notify parents of children attending the local educational agency of the activity.

#### 34 CFR § 300.612(b)

The local educational agency gives notice that is adequate to fully inform parents about the confidentiality of personally-identifiable information requirements in the law, including:

- a description of the extent that the notice is given in the native languages of the various population groups in the local educational agency;
- a description of the children on whom personally-identifiable information is maintained, the types of information sought, the methods the local educational agency intends to use in gathering the information (including the sources from

whom information is gathered), and the uses to be made of the information;

- a summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally-identifiable information; and
- a description of all of the rights of parents and children regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and the implementing regulations.

#### 34 CFR § 300.612

**ACCESS RIGHTS.** The local educational agency permits parents to inspect and review any education records relating to their children that are collected, maintained or used by the agency under the Individuals with Disabilities Education Act-Part B. The agency complies with a request without unnecessary delay and before any meeting regarding an IEP, or any due process hearing or resolution session, and in no case more than 45 days after the request has been made.

The right to inspect and review education records includes:

- the right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
- the right to have copies of the records upon request; and
- the right to have a representative of the parent inspect and review the records.

The local educational agency presumes that the parent has authority to inspect and review records relating to his or her child unless the local educational agency has been advised that the parent does not have authority under state law.

#### 34 CFR § 300.613

The local educational agency keeps a record of parties obtaining access to education records collected, maintained or used under the Individuals with Disabilities Education Act (except access by parents and authorized employees of the local educational agency), including the name of the party, the date access was given and the purpose for which the party is authorized to use the records.

#### 34 CFR § 300.614

The local educational agency provides parents on request a list of the types and locations of education records collected, maintained or used by the agency. If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

#### 34 CFR §§ 300.615, 300.616

The local educational agency does not charge a fee for copies of records that are made for parents if the fee effectively prevents the parents from exercising their right to inspect and review those records. The local educational agency does not charge a fee to search for or to retrieve information in educational records.

#### 34 CFR § 300.617

**AMENDMENT OF RECORDS AT PARENT'S REQUEST.** A parent who believes information in the education records collected, maintained or used under the Individuals with Disabilities Education Act is inaccurate or misleading or violates the privacy or other rights of the child may request the local educational agency to amend the information. The local educational agency decides whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the local educational agency decides to refuse to amend the information in accordance with the request, it informs the parent of the refusal and advises the parent of the right to an educational records hearing pursuant to the local educational agency's policies.

#### 34 CFR § 300.618

The local educational agency, on request, provides an opportunity for a hearing to challenge information in education records to ensure it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child.

#### 34 CFR § 300.619

The hearing is conducted according to the procedures described in the Family Educational Rights and Privacy Act implementing regulations. If, as a result of the hearing, the local educational agency decides the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it amends the information accordingly and so informs the parent in writing. If, as a result of the hearing, the local educational agency decides the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it informs the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the local educational agency.

#### 34 CFR § 300.619-621

Any explanation placed in the records of the child under this section is maintained as part of the records of the child as long as the record or contested portion is maintained. If the records of the child or the contested portion are disclosed to any party, the explanation is also disclosed to the party.

#### 34 CFR § 300.620(c)(2)

**CONSENT.** Parental consent is obtained before personally-identifiable information is disclosed, unless the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act and Wis. Stat. § 118.125. Parental consent is not required before personally-identifiable information is released to officials of participating

agencies for purposes of meeting a requirement of the Individuals with Disabilities Education Act with the following exceptions:

- Parental consent or the consent of an eligible child who has reached the age of majority under state law, is obtained before personally-identifiable information is released to officials of participating agencies providing or paying for transition services.
- If a child is enrolled or is going to enroll in a private school that is not located in the local educational agency of the parent's residence, parental consent is obtained before any personally-identifiable information about the child is released between school officials in the local educational agency where the private school is located and officials in the local educational agency of the parent's residence.

#### 34 CFR § 300.622

**SAFEGUARDS.** The local educational agency protects the confidentiality of personally-identifiable information at collection, storage, disclosure and destruction stages. One official at the local educational agency assumes responsibility for ensuring the confidentiality of any personally-identifiable information. All persons collecting or using personally-identifiable information receive training or instruction regarding the state's policies and procedures described in the regulations implementing the Individuals with Disabilities Education Act and the Family Educational Rights and Privacy Act. The local educational agency maintains, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally-identifiable information.

#### 34 CFR § 300.623

**DESTRUCTION OF INFORMATION.** The local educational agency informs parents when personally-identifiable information collected, maintained or used under the Individuals with Disabilities Education Act is no longer needed to provide educational services to the child. The information is destroyed at the request of the parents. However, a permanent record of the student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

#### 34 CFR § 300.624

**TRANSFER OF CONFIDENTIALITY RIGHTS AT AGE OF MAJORITY.** Under the regulations for the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age 18. When the rights accorded to parents under the Individuals with Disabilities Education Act are transferred to a student who reaches the age of majority, the rights regarding educational records in the Individuals with Disabilities Education Act also transfer to the student. However, the local educational agency provides any notice required under the Individuals with Disabilities Education Act to the student and the parents.

#### 34 CFR § 300.625(b) and (c)

## **Children With Disabilities Enrolled in Private Schools by Their Parents**

**CHILD FIND.** This school district locates, identifies, and evaluates all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district. The child find process is designed to ensure the equitable participation of parentally-placed private school children and an accurate count of those children. This school district undertakes child find activities similar to the activities undertaken for the agency's public school children. The child find process is completed in a time period comparable to that for students attending public schools in this school district. In carrying out the child find requirements for parentally-placed private school students, this school district includes parentally-placed private school children who reside in another state.

34 CFR § 300.131

Any due process complaint regarding child find requirements must be filed with the school district in which the private school is located and a copy must be forwarded to the Department of Public Instruction.

34 CFR § 300.140(b)(2)

**PROVISION OF SERVICES.** To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in this school district, this school district provides for the participation of those children by providing them with special education and related services, including direct services determined in accordance with the provision under the "Equitable Services Determined" section of this policy.

A services plan is developed and implemented for each private school child with a disability designated by this school district to receive special education and related services under the Individuals with Disabilities Education Act. This school district maintains in its records, and provides to the Wisconsin Department of Public Instruction, the following information related to parentally-placed private school children: (1) the number of children evaluated; (2) the number of children determined to be children with disabilities; and (3) the number of children served.

34 CFR § 300.132

**EXPENDITURES.** In providing special education and related services, including direct services, to children with disabilities enrolled by their parents in private schools, this school district spends, for children aged 3 through 21, an amount that is the same proportion of the school district's total Individuals with Disabilities Education Act flow-through grant as is the number of private school children with disabilities aged 3 through 21 who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in this school district, is to the total number of children with disabilities in its jurisdiction aged 3 through 21.

For parentally placed private school children aged 3 through 5, this school district spends an amount that is the same proportion of this school district's total preschool entitlement

funds as the number of parentally placed private school children with disabilities aged 3 through 5 is to the total number of children with disabilities in its jurisdiction aged 3 through 5. This school district may provide services to private school children in excess of those required, consistent with the law and local educational agency policy.

In calculating the proportionate amount of Federal funds to be provided for parentally-placed private school children with disabilities, this school district, after timely and meaningful consultation with representatives of private schools, conducts a thorough and complete child find process to determine the number of parentally-placed children with disabilities attending private schools located in this school district.

After timely and meaningful consultation with representatives of parentally-placed private school children with disabilities, this school district determines the number of parentally-placed private school children with disabilities attending private schools located in this school district; and ensures the count is conducted on October 1 of each year. The child count is used to determine the amount this school district must spend on providing special education and related services to parentally-placed private school children with disabilities in the next subsequent fiscal year.

#### 34 CFR § 300.133(c)(2)

State and local funds may supplement and in no case supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school children with disabilities under the Individuals with Disabilities Education Act.

#### 34 CFR § 300.133(d)

The cost of carrying out child find requirements, including individual evaluations, is not considered in determining if this school district has met its obligation to expend a proportionate amount of Individuals with Disabilities Education Act funds to provide equitable services.

#### 34 CFR § 300.131(d)

If this school district has not expended for equitable services all of the funds required by the end of the fiscal year for which Congress appropriated the funds, the district obligates the remaining funds for special education and related services (including direct services) to parentally-placed private school children with disabilities during a carry-over period of one additional year.

#### 34 CFR § 300.133(a)(3)

**CONSULTATION.** To ensure timely and meaningful consultation, this school district consults with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

- the child find process, including how parentally-placed private school children suspected of having a disability can participate equitably, and how parents, teachers, and private school officials will be informed of the process;



- the determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities including the determination of how the proportionate share of those funds was calculated;
- the consultation process among this school district, private school officials, and representatives of parents of parentally-placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- how, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of the types of services, including direct services and alternate service delivery mechanisms, and how special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children, and how and when those decisions will be made; and,
- how, if this school district disagrees with the views of the private school officials on the provision of services or the types of services (whether provided directly or through a contract), the district will provide to the private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.

When timely and meaningful consultation has occurred, this school district must obtain a written affirmation signed by the representatives of participating schools. If the representatives do not provide the affirmation within a reasonable period of time, this school district forwards the documentation of the consultation process to the Wisconsin Department of Public Instruction.

If a private school representative files a complaint under 34 CFR § 300.136 to the Wisconsin Department of Public Instruction, this school district will forward appropriate documentation to the department.

34 CFR §§ 300.134, 300.135, and 300.136.

**EQUITABLE SERVICES DETERMINED.** No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services the child would receive if enrolled in the public school. Decisions about the services that will be provided to parentally-placed private school children with disabilities are made in accordance with services plans and consultation processes contained in these policies.

The final decisions regarding services to be provided to eligible private school children are made by this school district.

34 CFR § 300.137

If a child with a disability is enrolled in a religious or other private school by the child's parents and will receive special education or related services from this school district, the district initiates and conducts meetings to develop, review and revise a services plan for the child in accordance with the law. This school district ensures a representative of the religious or other private school attends each meeting. If the representative cannot attend,

this school district uses other methods to ensure participation by the private school, including individual or conference telephone calls.

34 CFR § 300.137(c)(2)

**EQUITABLE SERVICES PROVIDED.** The services provided to parentally-placed private school children with disabilities by this school district are provided by personnel meeting the same standards as personnel providing services in this school district, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities do not have to meet the highly qualified special education teacher requirements. Parentally-placed private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

34 CFR § 300.138(a)(2)

Each private school child with a disability who has been designated to receive services from this school district has a services plan that describes the specific special education and related services this school district will provide to the child in light of the services the district has determined (after consultation with representatives of private school children with disabilities) it will make available to parentally-placed private school children with disabilities. The services plan, to the extent appropriate, meets the IEP requirements with respect to the services provided. The services plan is developed, reviewed and revised consistent with the provisions in the law concerning IEP teams, when IEPs must be in effect, parent participation in IEP team meetings, and development, review and revision of IEPs.

34 CFR § 300.138(b)(2)

Services to parentally-placed private school children with disabilities are provided by employees of this school district or through contract by the district with an individual, association, agency, organization, or other entity. The services, including materials and equipment, are secular, neutral, and non-ideological.

34 CFR § 300.138(c)

**LOCATION OF SERVICES AND TRANSPORTATION.** If this school district provides services to private school children with disabilities at the child's private school, including a religiously affiliated private school, it will do so to the extent consistent with state and federal law. If necessary for the child to benefit from or participate in the services provided, this school district transports private school children with disabilities from the child's school or home to a site other than the child's private school and from the service site to the private school or the child's home, depending on the timing of the services. This school district may include the cost of such transportation in calculating whether it has met the requirement to expend a proportionate amount of Individuals with Disabilities Education Act funds on services to parentally-placed private school children with disabilities.

34 CFR § 300.139(b)(2)

**REQUIREMENT THAT FUNDS NOT BENEFIT A PRIVATE SCHOOL.** This school district does not use

Individuals with Disabilities Education Act funds to finance the existing level of instruction in a private school or to otherwise benefit the private school. The funds are used to meet the special education and related services needs of parentally-placed private school children with disabilities, but not for meeting the needs of a private school or the general needs of the students enrolled in the private school.

34 CFR § 300.141

**USE OF PERSONNEL.** Individuals with Disabilities Education Act funds are used to make public school personnel available in other than public facilities to the extent necessary to provide equitable services for parentally-placed private school children with disabilities and if those services are not normally provided by the private school. If this school district pays for the services of an employee of a private school employee, the employee performs the services outside of his or her regular hours of duty and under public supervision and control.

34 CFR § 300.142

**SEPARATE CLASSES PROHIBITED.** This school district does not use Individuals with Disabilities Education Act funds for classes that are organized separately on the basis of school enrollment or religion of the students if the classes are at the same site and include both students enrolled in public schools and students enrolled in private schools.

34 CFR § 300.143

**PROPERTY, EQUIPMENT, AND SUPPLIES.** This school district controls and administers Individuals with Disabilities Education Act funds used to provide special education and related services to parentally-placed private school children with disabilities and holds title to and administer materials, equipment, and property purchased with those funds. Equipment and supplies are placed in a private school for the period of time needed for the Individuals with Disabilities Education Act program. Equipment and supplies placed in a private school are used only for Individuals with Disabilities Education Act purposes and can be removed from the private school without remodeling the private school facility. Equipment and supplies are removed from a private school if the equipment and supplies are no longer needed for Individuals with Disabilities Education Act purposes; or removal is necessary to avoid unauthorized use of the equipment and supplies for other\_than Individuals with Disabilities Education Act purposes. Individuals with Disabilities Education Act funds are not used for repairs, minor remodeling, or construction of private school facilities.

34 CFR § 300.144

**PARENTALLY PLACED CHILDREN IN PRIVATE SCHOOLS WHEN FAPE IS AT ISSUE.** The local educational agency is not required to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if the local educational agency made FAPE available to the child and the parents elected to place the child in a private school or facility. The child is considered a parentally placed private school child with a disability.

34 CFR § 300.148

## **Children With Disabilities in Private Schools Placed or Referred by the Local Educational Agency**

When, pursuant to an IEP, a child with a disability is or has been placed in or referred to a private school or facility by the local educational agency as a means of providing special education and related services, the local educational agency ensures that the child:

- is provided special education and related services in conformance with an IEP that meets the requirements of the law and at no cost to the parents;
- is provided an education that meets the standards that apply to education provided by the Department of Public Instruction and local educational agencies including the requirements of Individuals with Disabilities Education Act, except that staff are not required to meet the highly qualified teacher requirements; and
- has all of the rights of a child with a disability who is served by a public agency.

34 CFR § 300.146

**DEVELOPMENT, REVIEW, AND REVISION OF THE IEP.** Before the local educational agency places a child with a disability in, or refers a child to, a private school or facility, the local educational agency initiates and conducts a meeting to develop an IEP for the child in accordance with the law. The local educational agency ensures a representative of the private school or facility attends the meeting. If the representative cannot attend, the local educational agency uses other methods to ensure participation by the private school or facility, including individual or conference telephone calls.

After a child with a disability enters a private school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the private school or facility at the discretion of the local educational agency. If the local educational agency permits a private school or facility to initiate and conduct meetings to review and revise IEPs, the local educational agency ensures the parents and a local educational agency representative are involved in any decisions about the IEP and agree to any proposed changes in the IEP before those changes are implemented. Even if a private school or facility implements a child's IEP, the local educational agency retains responsibility for compliance with the requirements of special education law.

34 CFR § 300.325

When the local educational agency places a child, in a private school as a means of providing special education and related services, the local educational agency ensures an IEP is developed and implemented for each child with a disability and the special education and related services are provided in conformance with an IEP and at no cost to the parents.

Wis. Stat. § 115.77(1m)(d)

## **Children in Residential Care Centers**

When the responsible local educational agency receives a notice from a county or a state agency that a child will be placed in a residential care center, the local educational agency does all of the following:

- if the child is a child with a disability, as soon as reasonably possible and after consulting with the county or state agency, as appropriate, the local educational agency appoints an IEP team to review and revise, if necessary, the child's IEP and develop an educational placement offer;
- if the child has not been identified as a child with a disability, the local educational agency:
  - appoints staff to review the child's education records and develop a status report;
  - sends a copy of the status report to the county or state agency within 30 days after receiving the notice that the child will be placed in a residential care center;
  - appoints an IEP team to conduct an evaluation of the child if the local educational agency has reasonable cause to believe the child is a child with a disability;
  - ensures the IEP team conducts the evaluation; and
  - ensures the IEP team develops an IEP and an educational placement offer, in consultation with the county or state agency if the IEP team determines the child is a child with a disability.

Wis. Stat. § 115.81(3)(b)

When the responsible local educational agency offers an educational placement in a residential care center, the responsible local educational agency:

- ensures the child receives a free appropriate public education;
- ensures the child's treatment and security needs are considered when determining the least restrictive environment for the child;
- appoints an IEP team to reevaluate the child, as required by state law, while the child resides at the child caring institution;
- while the child resides at the residential care center, the local educational agency refers the child to another local educational agency after consulting the residential care center and a county department or state agency, if the responsible local educational agency determines that the child's special education needs may be appropriately served in a less restrictive setting in the other local educational agency; and
- assigns staff or an IEP team to develop a reintegration plan for a child leaving the residential care center, in cooperation with county and residential care center staff.

Wis. Stat. § 115.81(4)(a)

When this school district receives a referral from the responsible local educational agency because the referring responsible local educational agency believes the child's special education needs could be met in a less restrictive setting, this school district assigns staff to determine whether the child can appropriately receive special education and related services in the school district. If the assigned staff determine the child can appropriately receive special education and related services in this school district, it provides such services and may apply for state tuition payments under Wis. Stat. § 121.79(1)(a), for the child's educational expenses. If the assigned staff determines the child cannot appropriately receive special education and related services in this school district, the school district keeps a written record of the reasons for that determination.

Wis. Stat. § 115.81(4)(c)

## **Placement Disputes; School Board Referrals; Interagency Cooperation**

When a dispute arises between the local educational agency and the Wisconsin Department of Health and Family Services, the Wisconsin Department of Corrections or a county, or between local educational agencies over the placement of a child, the local educational agency seeks resolution of the dispute from the State Superintendent. This provision applies only to a placement in a nonresidential educational program made under Wis. Stat. § 48.57 (1)(c) or to a placement in a residential care center made under Wis. Stat. § 115.81.

Annually, on or before August 15, the local educational agency reports to the county departments under Wis. Stat. §§ 51.42 & 51.437 the names of resident children who are at least 16, are not expected to be enrolled in an educational program two years from the date of the report and may require services from the county department.

If a public agency, as defined by Wis. Stat. § 166.20(1)(i), except that it does not include a local educational agency, is required by federal or state law or by an interagency agreement to provide or pay for the location, identification or evaluation of a child with a disability, including a child with a disability who is not yet 3 years of age, or for assistive technology devices or services, supplementary aids or services, transition services or special education or related services for a child with a disability, and fails to do so, the local educational agency provides or pays for the services. The local educational agency seeks reimbursement for the cost of providing the services from the public agency.

Wis. Stat. § 115.812

## **Local Educational Agency Reporting to State**

The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has established and implemented policies, procedures and programs that are consistent with state and federal special education requirements, policies and procedures. The local educational agency will modify them to the extent necessary to ensure compliance with the law if the provisions of federal or state laws or regulations are amended, if there is a new interpretation of Individuals with Disabilities Education Act by federal or state courts or if there is an official finding of noncompliance with federal or state law or regulations.

34 CFR § 300.201; Wis. Stat. § 115.77(1m)(f)

The local educational agency files with the Department of Public Instruction information to demonstrate all personnel necessary to carry out the requirements of state and federal special education law are appropriately and adequately prepared, subject to the requirements of the personnel requirements of the Individuals with Disabilities Education Act and the Elementary and Secondary Education Act.

34 CFR § 300.207

The local educational agency provides to the Department of Public Instruction information needed for the Department to meet its responsibilities under state and federal special education laws, including information related to the performance of children with disabilities participating in local educational agency special education programs.

34 CFR § 300.211; Wis. Stat. § 115.77(2)

The local educational agency reports its plan for providing special education and related services to children with disabilities to the Department of Public Instruction on a schedule and using instructions provided by the Department of Public Instruction. The plan includes:

- statements of assurance as required by applicable federal law;
- information relating to access of private school pupils to the local educational agency's special education and related services;
- assurances that the local educational agency, in providing for the children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with this subchapter and applicable federal law;
- the local educational agency's plan for ensuring that all personnel necessary to carry out the requirements of this subchapter are appropriately and adequately prepared according to applicable state and federal law;
- the data regarding children with disabilities and nondisabled children in the local educational agency that the division is required to collect or report to be in compliance with 20 USC 1400 to 1482; and
- any other information the division requires to permit its review of the plan.

34 CFR § 300.200; Wis. Stat. § 115.77(4)

When the local educational agency participates in a county children with disabilities education board program, annually by October 1, the local educational agency and the county children with disabilities education board submit a report to the state superintendent. The report includes the portion of each school day that each pupil enrolled in the county program, who is also enrolled in the local educational agency, spent

in county program classes in the previous school year, and the portion of the school day that the pupil spent in the local educational agency classes in the previous school year.

Wis. Stat. § 115.817(5)(d)



**Appendix of federal law and regulations  
referenced in the Model Policies and Procedures**

**34 CFR 99.3 - Family Educational Rights and Privacy Act of 1974 – Definition of Education Records**

- (a) The term means those records that are:
- (1) Directly related to a student; and
  - (2) Maintained by an educational agency or institution or by a party acting for the agency or institution.
- (b) The term does not include:
- (1) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
  - (2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of Sec. 99.8.
  - (3) (i) Records relating to an individual who is employed by an educational agency or institution, that:
    - (A) Are made and maintained in the normal course of business;
    - (B) Relate exclusively to the individual in that individual's capacity as an employee; and
    - (C) Are not available for use for any other purpose.
  - (ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.
  - (4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:
    - (i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
    - (ii) Made, maintained, or used only in connection with treatment of the student; and
    - (iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and
  - (5) Records that only contain information about an individual after he or she is no longer a student at that agency or institution.

## **42 USC 11434a – McKinney-Vento Homeless Assistance Act, Definition of Homeless Children**

(2) The term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302 (a)(1) of this title); and

(B) includes—

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302 (a)(2)(C) of this title);

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

## **18 USC 1365(h) – Definition of Serious Bodily Injury**

(3) the term “serious bodily injury” means bodily injury which involves—

(A) a substantial risk of death;

(B) extreme physical pain;

(C) protracted and obvious disfigurement; or

(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

(4) the term “bodily injury” means—

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary.

## **29 USC 3002(19) - Definition of Universal Design**

The term “universal design” means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

## **18 USC 930(g)(2) - Definition of Weapon**

The term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.

## **20 USC 7801(37) – Definition of Scientifically Based Research**

The term "scientifically based research"--

(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that--

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Additional District Documents:

**Sturgeon Bay School District  
Procedures for Accepting and Processing  
Special Education Referrals**

**The special education director and the school psychologist have been designated to receive referrals for students with disabilities or with suspected disabilities for the Sturgeon Bay School District. The pupil services office will be responsible for processing referrals for the evaluation of students with disabilities or suspected disabilities consistent with IDEA regulations, 34 CFR Part 300, Vol. 71 Federal Register, No. 156 (August 14, 2006) and state laws, chapter PI 11.02.(1) Wis. Adm. Code and , and subchapter V, chapter 115, Wis. Stats.**

**Referral:** a.) A physician, nurse, psychologist, social worker or administrator of a social agency who reasonably believes that a child brought to him/her for services has a disability shall refer the child to the local education agency (LEA). b.) A person who is required to be licensed, who is employed by a local educational agency and who reasonably believes a child has a disability shall refer the child to the local educational agency. c.) Any person or parent who reasonably believes that a child is a child with a disability may refer the child to the local educational agency.

**Informing parents before referral:** Before submitting a referral to a local educational agency, the person making the referral shall inform the child's parent that he/she is going to submit the referral.

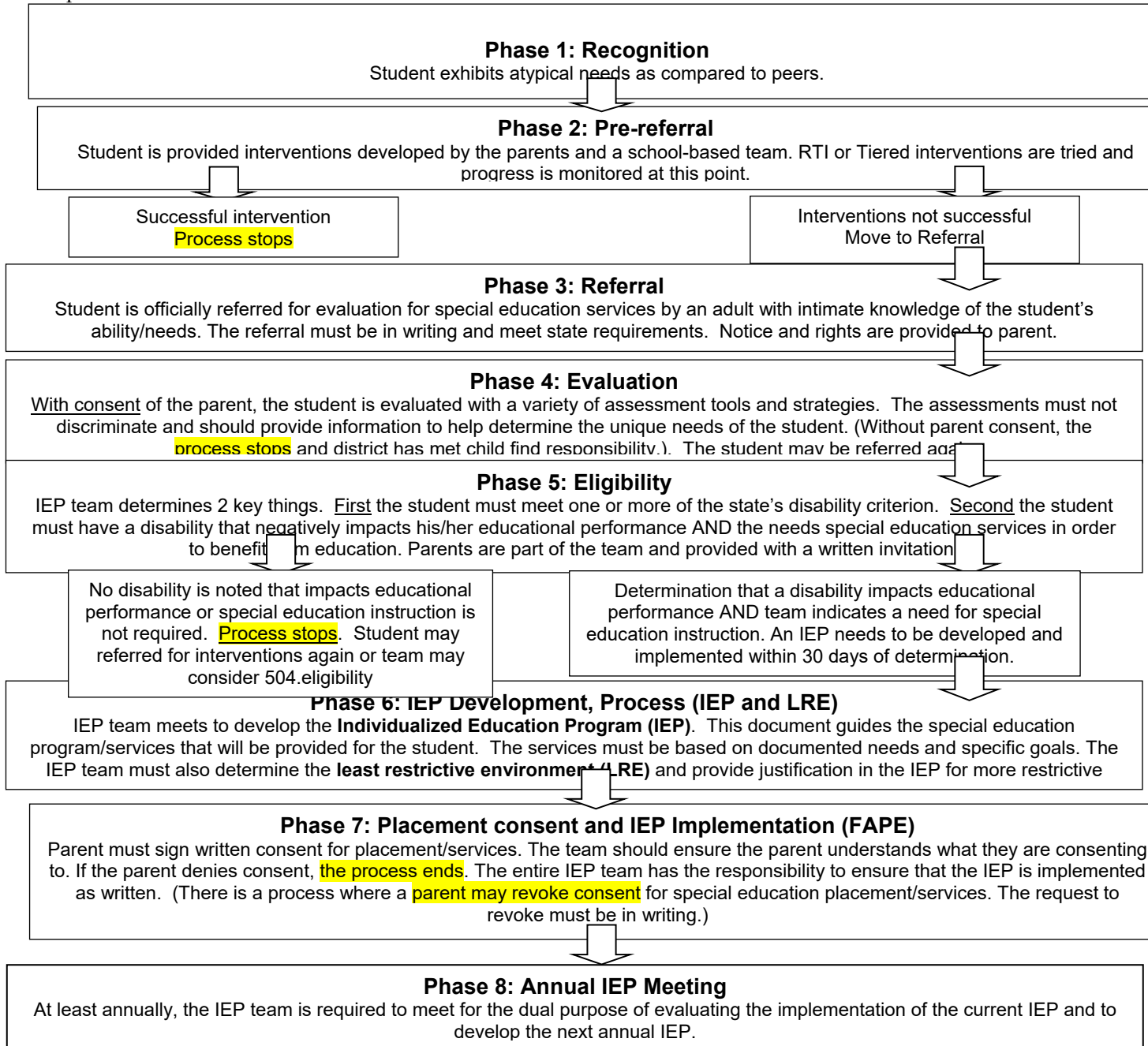
**How to refer:** All referrals shall be in writing and shall include the name of the child, D.O.B, parents name and address, and the reasons why the person believes that the child is a child with a disability. We encourage parents and community persons to consult with someone in the special education office prior to submitting the referral. School staff involved in making referrals will refer to the school district's Referral Procedures for Educational Concerns and or their building Student Consultation Team (SCT) for guidance and support in completing the referral. Copies of referral forms will be made available upon request from the Special Education Office.

**Point of referral:** All referrals should be submitted to or marked attention to: Special Education Director or School Psychologist or IEP Team Coordinator.

**LEA procedures:** The local education agency shall do the following: a.) Insure the referral is complete and parent has been informed. b.) Document, sign and date the receipt of each referral. c.) Initiate an evaluation in order to determine eligibility and need for special education services and d.) Monitor the timelines associated with all special education evaluations.

## The Special Education and IEP Process Flowchart

This flow chart illustrates the Special Education referral and IEP process. Start at the top and follow the arrows downward to guide you through the different phases in the process from when it is recognized that a student may need additional assistance and continue through all the possible steps. All decisions are made by a legally defined IEP Team. Parents are equal partners in the entire process and there are specific parent and child rights. It should be noted that there are areas on the flow chart where the process can halt depending on the student's needs and parent wishes.



SCHOOL DISTRICT OF STURGEON BAY  
ANNUAL NOTICE OF SPECIAL EDUCATION REFERRAL AND EVALUATION  
PROCEDURES (8/7/2008)  
[Placed Annually with other Door County Schools]

Upon request, the district of Sturgeon Bay is required to evaluate a child for eligibility for special education services. A request for evaluation is known as a referral. When the district receives a referral, the district will appoint an Individualized Education Program (IEP) team to determine if the child has a disability, and if the child needs special education services. The district locates, identifies, and evaluates all children with disabilities who are enrolled by their parents in private (including religious) schools, elementary schools and secondary schools located in the school district.

A physician, nurse, psychologist, social worker, or administrator of a social agency who reasonably believes a child brought to him or her for services is a child with a disability has a legal duty to refer the child, including a homeless child, to the school district in which the child resides. Before referring the child, the person making the referral must inform the child's parent that the referral will be made.

Others, including parents, who reasonably believe a child is a child with a disability may also refer the child, including a homeless child, to the school district in which the child resides.

Referrals must be in writing and include the reason why the person believes the child is a child with a disability. A referral may be made by contacting [name], Director of Special Education, Sharon Sanderson at 920 746-2804 or by writing him/her at 1230 Michigan St., Sturgeon Bay, WI 54235.

## ***Sturgeon Bay Schools 00.0 STEPS TO BE FOLLOWED WHEN A DISABILITY IS SUSPECTED.***

*(Partial doc./Section II of Sturgeon Bay Process for Educational Concerns: Steps for the Classroom Teacher and Other Staff Adapted from...S:\FACULTY\Pupil Services Team\2018 Referral Process for all educational concerns)*

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State and Federal Regulation require a referral for a special education evaluation be filed if disability is suspected. In most cases the Sturgeon Bay School District handles the initial referral and evaluation the same way and that is through a formal special education referral. (This includes a suspected 504 disability. Please see that policy for exceptions.)

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Identify the School Person who has the concern or is closest to the concern. Completion of the referral typically involves at least two people. This group is referred to as the Referral Team. The Classroom Teacher and Building Principal are key to this process no matter where the concern originates, and would typically always have a role in completing the referral. If a grade level Special Education Teacher or Specialist has been part of the building review/screening/intervention process, that person would assist in completing the referral.

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When a Parent makes a referral, it would be completed with those that know the child best... the primary Classroom Teacher and the Building Principal/Designee. The Designated Evaluation Coordinator would be alerted immediately and may assist this group.

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The Referral Team alerts the Special Education/Pupil Services Office and obtains access to a specific special education referral form online in SEEDS (or a paper version from the Special Education/Pupil Services Office). If not alerted already, the Designated Evaluation Coordinator is notified.

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In most cases a suspicion of a disability will involve a history of concern so there will be screening profile, an outside specialist's report/evaluation, earlier intervention at the building level or a documented pattern of concerns/behaviors. The Referral Team reviews that information and summarizes that and other supportive information in the referral.

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If the Parent is not part of the Referral Team, someone from that group must notify the parents/guardian of the decision to refer before the referral is submitted to the Designated Evaluation Coordinator.

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The final version referral is always reviewed and initialed by Building Principal before it is submitted to the Designated Evaluation Coordinator for review/.

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The Designated Evaluation Coordinator will review the referral to ensure it is appropriately completed and then will sign/accept the referral. Compliance timelines begin when the referral is signed/accepted.

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The Designated Evaluation Coordinator and the Special Education/Pupil Services Office identify the evaluation team, and send out appropriate notification and input paperwork. This includes a copy of the procedural safeguards to the parents.

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If not already involved, a grade level Special Education Teacher or Specialist is designated as the Tentative Case Manager for the evaluation by the Special Education Director\*. That person works closely with the Designated Evaluation Coordinator to complete a comprehensive evaluation within the timelines. If the student is found to be eligible, in most cases the Tentative Case Manager will become the Case Manager who is responsible for the development of the College and Career Ready (CCR) IEP.

\* The Designated Evaluation Coordinator has a specific role in Sturgeon Bay. The Special Education Director may serve as the Designated Evaluation Coordinator if needed.

**Sturgeon Bay School District** (updated 8/7/2008)  
CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION  
OBTAINED THROUGH CHILD FIND ACTIVITIES

The Sturgeon Bay School District is required to locate, identify, and evaluate all children, with disabilities, including children with disabilities attending private schools in the school district, and homeless children. The process of locating, identifying, and evaluating children with disabilities is known as child find. This agency conducts a variety of child find activities each year including district wide screenings, individual referrals, coordinated activities with county agencies and community specialists, and public announcements (on the district website, local radio station, county newspapers and the local cable channel). This notice informs parents of the records the school district will develop and maintain as part of its child find activities. This notice also informs parents of their rights regarding any records developed.

The school district gathers personally identifiable information on any child who participates in child find activities. Parents, teachers, and other professionals provide information to the school related to the child's academic performance, behavior, and health. This information is used to determine whether the child needs special education services. Personally identifiable information directly related to a child and maintained by the school is a pupil record. Pupil records include records maintained in any way including, but not limited to, computer storage media, video and audiotape, film, microfilm, and microfiche. Records maintained for personal use by a teacher and not available to others and records available only to persons involved in the psychological treatment of a child are **not** pupil records.

**The school district maintains several classes of pupil records.**

- "Progress records" include grades, courses the child has taken, the child's attendance record, immunization records, required lead screening records, and records of school extra-curricular activities. Progress records must be maintained for at least five years after the child ceases to be enrolled.
- "Behavioral records" include such records as psychological tests, personality evaluations, records of conversations, written statements relating specifically to the pupil's behavior, tests relating specifically to achievement or measurement of ability, physical health records other than immunization and lead screening records, law enforcement officers' records, and other pupil records that are not "progress records." Law enforcement officers' records are maintained separately from other pupil records. Behavioral records may be maintained for no longer than one year after the child graduates or otherwise ceases to be enrolled, unless the parent specifies in writing that the records may be maintained for a longer period of time. The school district informs parents when pupil records are no longer needed to provide special education. At the request of the child's parents, the school district destroys the information that is no longer needed.
- "Directory data" includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received, and the name of the school most recently previously attended by the student.
- "Pupil physical health records" include basic health information about a pupil, including the pupil's immunization records, an emergency medical card, a log of first aid and medicine administered to the pupil, an athletic permit card, a record concerning the pupil's ability to participate in an education program, any required lead screening records, the results of any routine screening test, such as for hearing, vision or scoliosis, and any follow-up to the test, and any other basic health information, as determined by the state superintendent. Any pupil record relating to a pupil's physical health that is not a pupil physical health record is treated as a patient health care record under sections 146.81 to 146.84, Wisconsin



Statutes. Any pupil record concerning HIV testing is treated as provided under section 252.15, Wisconsin Statutes.

**The Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), and section 118.125, Wisconsin Statutes, afford parents and students over 18 years of age ("eligible students") the following rights with respect to education records:**

- **The right to inspect and review the student's education records within 45 days of receipt of the request.** Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the records(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. The school district will comply with the request without unnecessary delay and before any meeting about an individualized education program, or any due process hearing, and in no case more than 45 days after the request has been made. If any record includes information on more than one child, the parents of those children have the right to inspect and review only the information about their child or to be informed of that specific information. Upon request, the school district will give a parent or eligible student a copy of the progress records and a copy of the behavioral records. Upon request, the school district will give the parent or eligible student a list of the types and locations of education records collected, maintained, or used by the district for special education. The school district will respond to reasonable requests for explanations and interpretations of the records. A representative of the parent may inspect and review the records.
- **The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading.** Parents or eligible students may ask [Name of] School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the district decides not to amend the record, the district will notify the parent or eligible student of the decision and the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
- **The right to consent to disclosures of personally identifiable information in the student's education records, except to the extent that federal and state law authorize disclosure without consent.** The exceptions are stated in 34 CFR 99.31, Family Educational Rights and Privacy Act regulations; Sec. 9528, PL107-110, No Child Left Behind Act of 2001; and section 118.125(2)(a) to (m) and sub. (2m), Wisconsin Statutes. One exception that permits disclosure without consent is disclosures to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. Also the district discloses "directory data" without consent, unless the parent notifies the district that it may not be released without prior parental consent.
- **The right to file a complaint with the U. S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA.** The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202-4605.



“AT RISK” PLAN FOR STUDENTS IN THE SCHOOL DISTRICT OF  
STURGEON BAY FOR THE  
2020-21 SCHOOL YEAR



PRESENTED AT THE BOARD OF EDUCATION MEETING July 15 , 2020

District Contact: Lindsay Ferry, Director of Pupil Service/Special Education  
1230 Michigan St., Sturgeon Bay, WI 54212  
[lferry@sturbay.k12.wi.us](mailto:lferry@sturbay.k12.wi.us)  
920-746-2804

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## Introduction

Under §118.153 (2) Wis. Stats., every school board in the state must identify the children who are at risk of not graduating from high school and, annually by August 15, develop a plan describing how the school board will meet the needs of those students. (update 2016) Links:

- **Section 118.153:** Section 118.153, Wis. Stats., Children at risk of not graduating from high school
- **Chapter PI 25:** Chapter PI 25, Wis. Admin Code., Children at Risk Plan and Program

**UPDATE 2019-20:** Chapter PI 25 ([http://docs.legis.wisconsin.gov/code/admin\\_code/pi/25](http://docs.legis.wisconsin.gov/code/admin_code/pi/25)) defines children who are at risk of not graduating from high school, establishes criteria for school boards to consider when developing children at risk plans and sets forth the requirements for receipt of additional state aid in those districts. The rule, which has not been amended since 1994, provides that each pupil and his or her parent must be notified in writing whenever the pupil has been identified as a child at risk and that a notice must include the name and telephone number of the staff person designated by the school board for developing the school district's program for children at risk. The exception to this update is to note that on 5-18-17 the Assembly Education Committee of administrative rules added email address to the required district contact info. [http://docs.legis.wisconsin.gov/code/register/2017/741A3/register/ss/ss\\_101\\_17/ss\\_101\\_17/20](http://docs.legis.wisconsin.gov/code/register/2017/741A3/register/ss/ss_101_17/ss_101_17/20)  
[http://docs.legis.wisconsin.gov/code/register/2017/741A3/register/ss/ss\\_101\\_17/ss\\_101\\_17.pdf](http://docs.legis.wisconsin.gov/code/register/2017/741A3/register/ss/ss_101_17/ss_101_17.pdf)

The statute defines At-Risk students as the following:

*Pupils in grades 5 to 12 who are at risk of not graduating from high school because they are dropouts, or are two or more of the following:*

- *one or more years behind their age group in the number of high school credits attained,*
- *two or more years behind their age group in basic skill levels,*
- *habitual truants, as defined in §118.16(1)(a),*
- *parents,*
- *adjudicated delinquents,*
- *8<sup>th</sup> grade pupils whose score in each subject area on the examination administered under §118.30(1m)(am) 1. was below the basic level, 8<sup>th</sup> grade pupils who failed the examination under §118.30 (1m)(am) 2. and 8<sup>th</sup> grade pupils who failed to be promoted to the 9<sup>th</sup> grade.*

The School District of Sturgeon Bay recognizes the need to assist potential or current dropouts to acquire a high school diploma and has developed a district wide intervention system to address their needs. The district believes all students should be guaranteed the right to participate in and benefit from a variety school and community resources and programs. The Sturgeon Bay School District's system embraces an expanded definition of at-risk and uses the state's dropout early warning system or DEWS. See link:

<https://dpi.wi.gov/ews/dropout> . Any Sturgeon Bay student, who is not meeting their educational goals, is not a behaviorally appropriate and productive worker, is not emotionally stable and/or is in danger of not completing high school, is considered to be at risk.

## **Process for Children Considered At Risk of Not Graduating from High School**

The Building Principals and designated staff are responsible for the following:

- Developing individual plans for qualifying students. This includes activating and implementing the district's intervention system of support (see page 6) that will best fits the students' needs.
- When additional interventions, programs and services are needed, various building teams take responsibility for assessment, identification, development of an action plan or program and progress monitoring.
- Providing that all work-based learning experiences and other similar programs and activities taking place outside the school for which pupils receive academic credit under the district plan, including those programs or curriculum modifications authorized under s. 118.15 (1) (d), Stats., and instruction and pupil support services contracted for under s. 118.153 (3) (c) 1. and 2., Stats., are supervised by departmentally licensed teachers or other licensed school personnel.
- Ensuring that in grades 9 through 12 curriculum modifications and alternative education programs provided for children at risk are designed to allow pupils to meet the high school graduation requirements under s. 118.33, Stats., and ch. PI 18.\
- Notifying each pupil and his or her parent in writing whenever the pupil has been identified as a child at risk. The notice shall include all of the following:
  - The name and telephone number of a person the parent or pupil can contact regarding the school district's program.
  - A description of the district's plan.
  - A statement that the pupil is eligible to be enrolled under the district plan to serve children at risk.
  - A description of the at risk programs available and how the pupil may participate in a specific program if more than one program is offered as part of the district plan.
  - A statement to inform the parent that he or she may select one or more programs in which the pupil will be enrolled, if the pupil meets the prerequisites for the specific program requested.
  - Describe the procedure for requesting that the pupil be enrolled in the specific at risk program selected by the parent. The request shall be in writing, by signature on a district-provided form, or be given verbally to the person responsible for enrolling the pupil in the program. This person shall record the date and time of a verbal request and whether this request was made in person or by phone.
  - Identify the process that a parent may use if the parent disagrees with the planned services.
- Enrolling the pupil in the at risk program upon the request of the pupil or the pupil's parent. If the board makes available more than one at risk program, the board shall enroll the pupil in the district program selected by the pupil or the pupil's parent if the pupil meets the prerequisites.

- Ensuring that the special education and related services needs of a child with a disability, as defined in s. 115.76 (5), Stats., are first addressed in the child’s individualized education program developed pursuant to s. 115.787, Stats., whenever that child is also eligible to be served in a children at risk program.

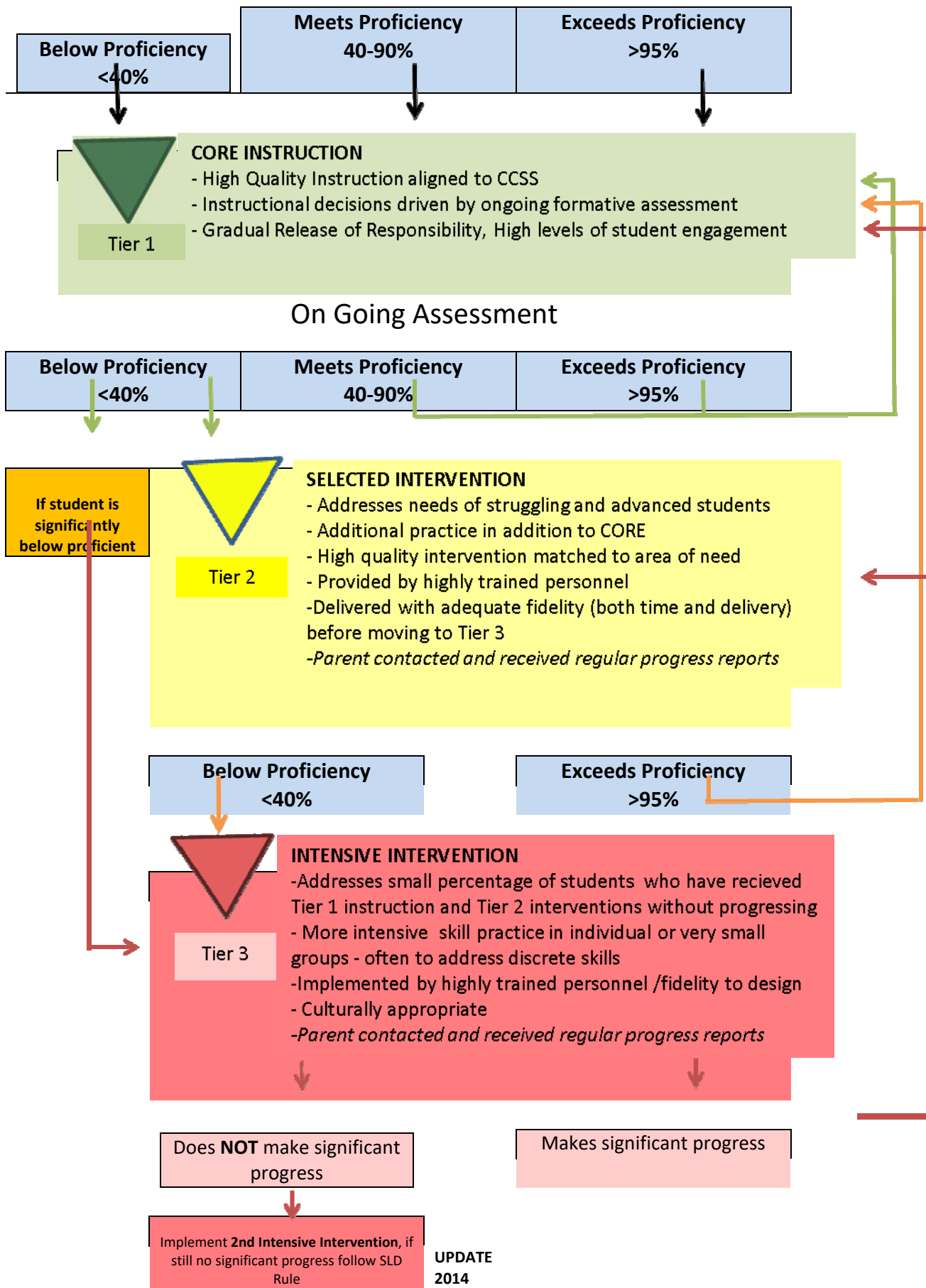
In an effort to provide these opportunities, the school district will identify, address and reduce any factors that place the child “at risk” of not graduating from high school. At risk services will be provided district-wide and will meet or exceed all of the requirements defined in state statutes (118.153 Children At Risk).

As part of the district plan developed annually, by August 15, a board, may consider the following:

- (a) How pupils will be identified and enrolled in programs or provided services to meet their needs.
- (b) How pupils will be identified in early childhood and kindergarten through grade 4 and what programs may be offered to prevent pupils from becoming at-risk.
- (c) How parents will be informed and involved in the programs or services made.
- (d) What accommodations can be made to support pupils’ achievement and success in school through any of the following:
  - Curriculum modifications.
  - Adaptive instructional strategies.
  - Alternative education programs.
  - Pupil support services.
  - School to work programs.
  - Community services.
  - Coordinating services provided by the district, community agencies and other organizations.
  - Eliminating systematic barriers that may cause pupils’ success at school to become at-risk.
- (e) How will the district evaluate the success of the services provided under the at-risk plan?

This process fits into the Sturgeon Bay School District overall plan to provide a responsive support system for all students. During the past decade, most schools have increased standards for grade level achievement and high school graduation. Concurrently, changes in family structure, social environment, and economics have negatively affected various student populations. All of these changes have interfered with some students acquiring the needed skills and related behaviors necessary for school success and contributed to the lower achievement level of certain students. Failures at all levels of the educational spectrum resulted. At some point in every student’s school experience some additional assistance may be needed. The Sturgeon Bay School District has made a commitment to being proactive and providing a system of support for all students and has been building capacity to provide more support and interventions to all students who exhibit risk factors. Since low achievement is often the core factor in student failure whether it be within a class or failure to graduate. The district has focused on closer monitoring of student proficiencies. While the system is evolving, the following flow chart describes our current system.





## **District Instructional and Behavioral Systems: Descriptions of Intervention Tiers to Meet Student Needs**

Tier I: General Instructional and Behavioral Services/Programs: are the universal types of activities, services and programming that provide a quality educational program for all students. No criteria need to be met to access these services/programs. These services and programs are also considered to be preventative and proactive and generally meet the needs of 80% - 90% of students. They include:

### Instructional

- Universal Screening and related interventions (specific intervention activities and time)
- Classroom Performance and related interventions (specific intervention activities and time)
- Class size reduction programs and TA support
- Expanded Differentiation with dually certified staff
- District Wide Developmental Screening and follow up
- Remedial classes and summer school
- Full day 4K programming (beginning 2015-16)
- READY program option ½ day 4K, ½ day K
- Cooperative Learning Groups
- Parent access to Power School database and district website
- At least Quarterly Progress Reports and Grade Cards
- Group Assessment/testing and Progress Monitoring
- Volunteers/Reading Buddies
- Peer tutoring/after school programming/additional teacher support
- Developmental/classroom guidance units
- Virtual and Online School Options
- Enrichment programs (Destination Imagination, Service Learners, Score/Study Table, Extra Curricular Activities, Summer School)
- High School Job Shadowing
- Health Occupations & Option for CNN Training
- Home Construction Program
- Therapy dog

### Behavioral:

- Positive Behavior Interventions and Support (PBIS)
- Annual Transition Activities (when students move to new building)
- Anti-Bullying Initiatives
- Suicide Prevention Activities
- Breakfast/Snack Programs
- Semester Parent/Teacher Conferences
- Building School Guidance and Counseling Programs
- Staff De-Escalation Training (Handle with Care)/onsite instructors
- Student Consultation Teams/Behavior accommodations
- Surveys of student attitudes/school climate
- Volunteers/Morning Greeters (new in 2008-09)
- Life Skill Class
- Homerooms/Class Advisors & Mentors
- Bridges/Freshman Transition Program (new in 2007-08)
- Student-Focused Wellness Policy/Program
- Therapy dog

Tier II: Supplemental School Instructional and Behavioral Programs/Services: are the additional activities, services and programming provided to some students (5-15%) and require the student meet some type of

criteria or standard of need to be involved. Grade level teams or building resource staff work together to systematically implement and establish systems where student progress is monitored at least monthly. Most at-risk student needs are addressed at this level. These include:

**Instructional:**

- Universal Screening and related interventions (specific intervention activities and time)
- Classroom Performance and related interventions (specific intervention activities and time)
- Modified High School Programming
- Door County Schools Career Training Program or DCSCPT for eligible at-risk students
- Online classes/credit recovery
- Remedial Skill Tutor online courses
- PreK through 3<sup>rd</sup> grade inclusion classrooms (additional academic support)
- Title I services
- Supplemental curriculum resource materials/academic support
- Individual Learning Accommodation Plans
- After-school/homework programs
- Supervised Work Release program
- High School Job Shadowing
- Health protocols and other individual (504) accommodation plans
- Curriculum adaptations/modifications
- Assistive Technology (such as text readers)
- English Language Learning (ELL) program/support
- Enrichment programs (Gifted and Talented Programming, Youth Options, AP courses)
- Student Parent Services
- Door County Justice Center Program
- Building accommodation plan

**Behavioral**

- Check-in/Check-out system (Tier II part of PBIS)
- PreK through 3<sup>rd</sup> grade inclusion classrooms (additional social/behavior support)
- Truancy plan/supported attendance plan
- School Counseling or Psychology Services
- Reframing Thinking Class with dual certified staff
- Student Consultation Teams/Individual Behavior Accommodation Plans
- Small group and individual guidance support
- Individual emotional/behavioral screening/assessment
- Modified day/schedule
- Refer parent to Door County Human Services/Coordinated Services Team (CST)
- Door Co DHS Children and Families Support Services offers a wraparound support system.
- Onsite mental health services
- Building functional behavior screening and behavior plan

**Tier III. Intensive Interventions:** These are the peer reviewed or research-based interventions used with students whose progress places them at-risk for not meeting instructional goals and whose deficiencies are so unique they require more individualized instructional approaches.

- Functional Behavioral Assessment (FBA)
- Skill specific Intensive/Individualized Interventions (See RtI system)
- Alternate school/program
- Alternate Degree (GED-based) Prep & Support
- Self-paced or competency-based curriculum
- Shortened day with plan for re-integration
- Home-Based Instruction

- Contracted additional training and services (Caravel/Centerpiece)
- Door Co DHS Children and Families Support Services offers a wraparound support system

Tier IV. Special Education Programs/Services: specialized services that are provided to children ages 3 through 21 who have been identified as having a specific disability and who cannot be successful in the regular education setting without additional services. Range of services/placements include:

- Individual educational programs or IEPs
- Parent liaison
- Extended school year services (ESY)
- IEP Accommodation plans
- DC School Career Training Program and partnership
- Adult-Student Transition Program (including NWTC partnership)
- Alternate Curriculum and or Program
- Partial-Day or Home-based Program
- Online programming
- Direct Aide support
- Green Bay / Algoma Day-consultation and treatment programming (Advocates for Healthy Living-formerly Brand New Day)
- Outside mental health programming (anger management)
- Support from Caravel in Green Bay (Programming for children with autism)

Updated in 12/2019 the steps in SB's referral process. See Appendix F

#### **Additional Options:**

County and Community Programs/Services: are additional programs/services provided by community agencies, county/regional partnerships and or clinics. The Sturgeon Bay School District has developed strong relationships with many community based support services and programs. These include:

- ATODA Prevention Programs
- PATH (Promoting Access To Help; For Families with Special Needs)
- Door County health programs / nurses
- Door Co DHS Children and Families Support Services offers a wraparound support system
- Door County Advisory Committee
- Door County Transition Team
- Door/Kewaunee Business and Education Partnership
- Head Start
- Door County Birth to Three
- Open Door Dental
- Boys and Girls After School Program
- YMCA
- NW Technical College
- Job Service/Center
- Wellness Center
- Juvenile Restitution
- Help of Door County-24 hour hotline
- Door County DVR
- Door County Human Services
- Sunshine House Inc.

## **IDENTIFICATION PROCEDURES**

Procedures in this section are limited to those required for the “at risk” students as defined in the Wisconsin Statute 118.153 :

Pupils in grades 5 to 12 who are at risk of not graduating from high school because they are dropouts, or are two or more of the following:

- one or more years behind their age group in the number of high school credits attained,
- two or more years behind their age group in basic skill levels,
- habitual truants, as defined in §118.16(1)(a),
- parents,
- adjudicated delinquents,
- 8<sup>th</sup> grade pupils whose score in each subject area on the examination administered under §118.30(1m)(am) 1. was below the basic level, 8<sup>th</sup> grade pupils who failed the examination under §118.30 (1m)(am) 2. and 8<sup>th</sup> grade pupils who failed to be promoted to the 9<sup>th</sup> grade.
- use of the DEWS Outcomes indicators

### **Adjudicated Delinquent**

Interagency referral and court ordered school attendance are the two primary identification procedures used to identify adjudicated delinquents. Students can also self-disclose their delinquency status or parents can seek assistance through the guidance counselor and or building principal.

### **Basic Skills Deficit**

Students are provided screening in the major academic content areas (or pre-academic readiness skill areas) from age 3 through the 10<sup>th</sup> grade utilizing district approved formalized assessment methods such as the Wisconsin Knowledge and Comprehension Exam administered at the 4<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> grade levels, the Wisconsin Reading Comprehension Test administered at grade 3 and other district-approved standardized tests. Alternate assessment procedures are followed for students who are excluded from district-approved formalized assessment. Results of the student assessments are shared with the classroom teacher(s), special education and Title I staff, guidance counselor, principal and the Wisconsin Department of Public Instruction. Additionally, classroom teachers monitor student academic performance and referrals can be made for further evaluation (utilizing the special education or non special education referral forms) following the appropriate screening procedures.

### **Credit Deficiency**

The high school guidance counselor monitors the credit achievement of all students and reports students who are credit deficient for advancement toward graduation to the high school principal, student and parent(s)/legal guardian(s).

### **Dropout**

Each September following the opening of school, the building principal and guidance counselor review the student enrollment lists to identify any students who have not returned to school. Student and parent contact is made by the building principal and/or guidance counselor to assure that the compulsory attendance policy and procedures are followed.

### **Truancy**

The attendance officer and clerical staff report to the building principal the name of the student(s) who is/are truant, provide a computerized report of the students’ attendance record and follow the district’s policy and procedures related to truancy.

### **School Age Parent**

Some of the methods for identifying school age parents include self-referral, parent referral and interagency referral.

APPENDIX A

Sturgeon Bay Procedures to Address Educational Concerns  
General Steps for the Classroom Teacher or Other School Staff

Student: \_\_\_\_\_

D.O.B. \_\_\_\_\_ School Year: \_\_\_\_\_

School/Grade: \_\_\_\_\_

Teacher: \_\_\_\_\_

**I. STEPS TO FOLLOWING WHEN EDUCATIONAL CONCERNS EMERGE:**

\_\_\_\_\_ When the student is not meeting academic or behavioral expectations or has some type of difficulty accessing the curriculum and or activities, staff will begin by reviewing cum, behavioral (yellow), and health files (red) and talking to parents. Contacting and discussing the issue(s) with parents is an important 1<sup>st</sup> step. (Also consider checking with building secretary to see if a vision/hearing has been done within the past 12 months and contact Special Education/Pupil Services Office for information on the student.)

\_\_\_\_\_ Consult with the Principal and other pertinent specialists: Reading Specialist, Psychologist, Special Education Teacher, Gifted and Talented Resource Teacher, Guidance Counselor, etc. It is also important to consult with other teachers who are or who have worked with the student.

\_\_\_\_\_ Develop, implement, and evaluate the process, interventions and or accommodations identified through those consultations. Set a reasonable time for intervention plan to work. Notify parents of process/plan/interventions. Document results and progress. Repeat consultation process as appropriate.

\_\_\_\_\_ When the classroom level interventions or accommodations have not met the student’s needs and student’s learning (or that of others) continues to be negatively impacted, consider a referral to a Student Consultation Team (SCT) or similar more formal building process.

\_\_\_\_\_ Concerned teacher or staff member obtains and begins to complete a non-special (purple) SCT Referral form or similar form from the office. Submit the non-special education (purple) referral form to Principal for review. The Principal will sign and begin to process the referral.

\_\_\_\_\_ Notify/Inform parents and secure written consent if screening or evaluation procedures are involved.

\_\_\_\_\_ When a formal SCT process and referral are not used, obtain the appropriate consent form from the building office or online. Forward the completed/signed form to Principal or designee for review and processing.

\_\_\_\_\_ Staff who conduct the screening/evaluation will review the results with appropriate classroom teachers/staff and Principal or designee. Team or individuals will determine what additional action is needed. If a disability is suspected, review and follow section II. Otherwise go to section III.

**II. ADDITIONAL STEPS TO BE FOLLOWED WHEN A DISABILITY IS SUSPECTED. \* updated in 2019 see Appendix F.**

\_\_\_\_\_ State and Federal Regulation require a referral for an evaluation be filed if disability is suspected. A student can qualify for a special education or a 504 disability. In most cases\* the Sturgeon Bay School District handles the initial referral and evaluation the same way. Obtain a specific special education referral form online in the SHARE file or from the Special Education/Pupil Services office when there is a reasonable suspicion that a child has a disability. In most cases a concern at this level will have involved as specialist’s report/evaluation, an earlier referral to the SCT or similar group or other documentation. Review that information and include a summary of that and other supportive information in the referral. The exception is in the case of specific medical conditions that have specific medical documentation. In those cases a specific 504 referral and evaluation process may be appropriate. See the district’s 504 policy for specifics.

\_\_\_\_\_ The Classroom Teacher or Building Principal/Counselor will usually complete the referral form and notify the parents/guardian of the referral. The referral is then submitted to the Principal for review and then forwarded to the Special Education/Pupil Services Office.

\_\_\_\_\_ The Evaluation Coordinator will review the referral to insure it is appropriately completed and then will sign/initial the referral. Compliance timelines may begin when the referral is signed. The party responsible for the referral, completes and sends out appropriate paperwork including procedural safeguards to the parents. Please see district's special education and 504 policy and procedures for additional details.

\_\_\_\_\_ The party responsible for the referral will notify the team members of the referral being initiated and circulate an input form which will include review and input from the Classroom Teacher (s) to determine if there is sufficient existing information in the file or whether additional tests are needed. Additional compliance timelines may begin with this process. Please see district's special education and 504 policy and procedures for additional details.

\_\_\_\_\_ Signed "Consent for Additional Tests" will be obtained prior to evaluations beginning. Please see district's special education and 504 policy and procedures for additional details.

\_\_\_\_\_ If the student is found not to be eligible for special education, the IEP team may consider 504 eligibility. Please refer to the district's 504 guidelines for more information.

### **III. ADDITIONAL STEPS TO FOLLOW FOR ALL REFERRALS**

\_\_\_\_\_ Case-managers are assigned to students needing an Accommodation/IEP plan.

\_\_\_\_\_ Classroom Teachers complete a specific report as requested by Case Managers (hard copy or online form) and/or questionnaires as requested in a timely manner and submit to the specialist assigned to the evaluation team.

\_\_\_\_\_ Classroom Teachers attend and participate in meeting(s) as requested to discuss assessment results and to plan for interventions (Accommodation/IEP plan). A regular classroom teacher as a team member is a legal requirement for most IEP meetings.

\_\_\_\_\_ Classroom Teachers and other school personnel implement Accommodation/IEP plans as recommended

\_\_\_\_\_ Referral forms, evaluation reports, Accommodation/IEP plans and/or other forms documenting the referral and forms that document actions taken will be stored in the student's behavioral file (yellow) in the school office and/or in the student's special education file in the Special Education Office.

\_\_\_\_\_ The Principal or designated case managers (usually the building guidance counselors) will distribute Accommodation Plans to any other person responsible for implementing the Accommodation plan. IEP plans are distributed by special education case managers.

\_\_\_\_\_ Case managers are responsible for keeping staff and parents informed of Accommodation/IEP plan changes and for reviewing plans regularly or as required by law.

\_\_\_\_\_ Additional procedures may be required for students with disabilities. Please refer to the district's specific special education policies and procedures, 504 guidelines or contact the Pupil Services/Special Education office at 920-746-2804 for more specific information.

8/2/05 Updated 7/09. Updated 2011\*

\*RtI process and new SLD rule may cause some changes in this process 2014





Comprehension: Literal, Critical	Computation	Lacks independence
Fluency	Concepts	Misbehavior Triggers
Vocabulary	Story Problems	Other:
Other:	Other:	

**District Data on Student**

Reading Data	Math Data	Behavior Data
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**Classroom interventions and the effects of the interventions:**

Intervention	Data Collected	Effect of Intervention

**Goal for this SCT:**

\* \* \* \* \*

(to be completed by principal)

**Date Parent Permission was received:**

**Meeting date/time/place:**

**Members of the review team:**

**Principal's signature:** \_\_\_\_\_

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

\*RtI process and new SLD rule may cause some changes in this process 2014

**APPENDIX C**

**RtI At A Glance for School and Home**

<b>Academic and Behavioral Supports</b>	<b>School</b>	<b>Home</b>
<b>What does academic and behavioral support look like?</b>	A systematic approach to provide high quality instruction and behavioral supports to <b>all</b> students	Provide learning experiences at home that support student learning and positive discipline
<b>What are the primary areas?</b>	Tier 1: Universal Screening, Research-based core programs Tier 2: Strategic interventions and progress monitoring Tier 3: Individual student strategies	Daily discussion with child regarding school, providing early learning experiences, frequent conversations with school about student achievement. Setting limits, logical/consistent consequences, behavior monitoring/follow up
<b>Who benefits?</b>	Students, staff, parents	Entire family
<b>How does it support instruction?</b>	To better meet the needs of <b>all</b> students, uses universal screening and other classroom data, decrease negative behavior, increase instructional time	Provides parents with targeted ways to support learning and increase family relationships, decrease negative behavior, decreases family stress
<b>How does it impact behavior?</b>	Increases likelihood of positive student behavior in school, promotes positive pro-social skills, positive school climate	Promotes positive parent/child interaction, positive home environment
<b>What areas of school/home functions are impacted?</b>	School-wide culture	Family environment, daily routines, child's ability to contribute to the family duties
<b>How do you measure success?</b>	Demonstration of increased academic achievement and positive, pro-social behavior	Demonstration of family commitment to student learning and positive family interactions on discipline

<http://www5.milwaukee.k12.wi.us/dept/rti/parents/>

**APPENDIX D**  
§118.153 Wisconsin Statutes

**Children at risk of not graduating from high school.**

Definition:

Pupils in grades 5 to 12 who are at risk of not graduating from high school because they are dropouts, or are two or more of the following:

- one or more years behind their age group in the number of high school credits attained,
- two or more years behind their age group in basic skill levels,
- habitual truants, as defined in §118.16(1)(a),
- parents,
- adjudicated delinquents,
- 8<sup>th</sup> grade pupils whose score in each subject area on the examination administered under §118.30(1m)(am) 1. was below the basic level,
- 8<sup>th</sup> grade pupils who failed the examination under §118.30 (1m)(am) 2. and 8<sup>th</sup> grade pupils who failed to be promoted to the 9<sup>th</sup> grade.

Identification:

Every school board shall identify the children at risk who are enrolled in the school district and annually by August 15 develop a plan describing how the school board will meet their needs.

Eligibility for Aid:

If in the previous school year a school district had 30 or more dropouts or a dropout rate exceeding 5% of its total high school enrollment, the school board may apply to the state superintendent for aid under §118.153 (2), stats.

Categorical Aid Programs: [NOTE: The categorical aid funding for this program was eliminated by 2011 Act 25.sks 2012\*]

Every school board that applies for children at risk categorical aid shall make available to the children at risk enrolled in the school district, a program for children at risk. A program for children at risk shall be designed to allow the pupils enrolled to meet high school graduation requirements under §118.33. The school board for ch. 119 schools shall ensure that there are at least 30 pupils and no more than 250 pupils in each program and that a separate administrator or teacher is in charge of each program.

Each school board shall identify appropriate private, nonprofit, nonsectarian agencies located in the school district or within 5 miles of the boundaries of the school district to meet the requirements under pars. (a) and (b) for the children at risk enrolled in the school district. The school board may contract with the agencies identified under subd 1. for not more than 30% of the children at risk enrolled in the school district if the school board determines that the agencies can adequately serve such children. A school board receiving funds under this program shall provide a specific sum to each program for children at risk in which pupils enrolled in the school district are enrolled based on the ability of the program to meet the objectives listed below. A school board receiving funds under this program shall give preference in allocating those funds to programs for children at risk provided by alternative schools, charter schools, schools within schools and agencies as identified under §118.153(3)(c) 1.

Categorical Aid Reimbursement:

Annually in August, a school board that applied for aid under this section in the previous school year shall submit a report to the state. Upon receipt of a school board's annual report under §118.153 (3)(a) the state superintendent shall pay to the school district from the appropriation under §20.255 (2)(bc), for each pupil enrolled in a program for children at risk who achieved at least 3 of the objectives under §118.153 (3)(c) in the previous school year, additional state aid in an amount equal to 10% of the school district's average per pupil aids provided. If the appropriation under §20.255(2)(bc) in any fiscal year is insufficient to pay the full amount of aid under par. (b), state aid payments shall be prorated among the school districts entitled to such aid.

Reimbursement for each pupil enrolled in a program is based on achievement of at least 3 of the following objectives:

1. The pupil's attendance rate was at least 70%.
2. The pupil remained in school.
3. The pupil, if a high school senior, received a high school diploma
4. The pupil earned at least 4.5 academic credits or a prorated number of credits if the pupil was enrolled in the program for less than the entire school year.
5. The pupil demonstrated, on standardized tests or other appropriate measures, gain in reading and mathematics commensurate with the duration of his or her enrollment in the program.

BL/10/10/05 Updated 2012\*

**APPENDIX E** (new in 2015-16)

§118.153 Wisconsin Statutes

**School Board Requirements** (based on DPI site 7/9/15. PI 25.04 establishes the general requirements for school boards. Each board that has identified children at risk under s. PI 25.03 shall provide for all of the following:

- (1) Designate a staff person who will be responsible for developing the district plan required under s. 118.153(2) (a), Stats.
- (2) (missing from DPI site on 7/9/15)
- (3) Provide that all work-based learning experiences and other similar programs and activities taking place outside the school for which pupils receive academic credit under the district plan, including those programs or curriculum modifications authorized under s. 118.15 (1) (d), Stats., and instruction and pupil support services contracted for under s. 118.153 (3) (c) 1. and 2., Stats., are supervised by departmentally licensed teachers or other licensed school personnel.
- (4) Ensure that in grades 9 through 12 curriculum modifications and alternative education programs provided for children at risk are designed to allow pupils to meet the high school graduation requirements under s. 118.33, Stats., and ch. PI 18.
- (5) Notify each pupil and his or her parent in writing whenever the pupil has been identified as a child at risk. The notice shall include all of the following:
  - (a) The name and telephone number of a person the parent or pupil can contact regarding the school district's program.
  - (b) A description of the district's plan.
  - (c) A statement that the pupil is eligible to be enrolled under the district plan to serve children at risk.
  - (d) A description of the at risk programs available and how the pupil may participate in a specific program if more than one program is offered as part of the district plan.
  - (e) A statement to inform the parent that he or she may select one or more programs in which the pupil will be enrolled, if the pupil meets the prerequisites for the specific program requested.
  - (f) Describe the procedure for requesting that the pupil be enrolled in the specific at risk program selected by the parent. The request shall be in writing, by signature on a district-provided form, or be given verbally to the person responsible for enrolling the pupil in the program. This person shall record the date and time of a verbal request and whether this request was made in person or by phone.
  - (g) Identify the process that a parent may use if the parent disagrees with the planned services.
- (6) Enroll the pupil in the at risk program upon the request of the pupil or the pupil's parent. If the board makes available more than one at risk program, the board shall enroll the pupil in the district program selected by the pupil or the pupil's parent if the pupil meets the prerequisites for that program.
- (7) Ensure that the special education and related services needs of a child with a disability, as defined in s. 115.76 (5), Stats., are first addressed in the child's individualized education program developed pursuant to s. 115.787, Stats., whenever that child is also eligible to be served in a children at risk program. Plan Requirements: As part of the district plan developed annually, by August 15, each board shall describe how the board will meet the needs of the children identified to be at-risk of not graduating from high school. A board, when developing a plan under this section may consider the following:
  - (a) How pupils will be identified and enrolled in programs or provided services to meet their needs.
  - (b) How pupils will be identified in early childhood and kindergarten through grade 4 and what programs may be offered to prevent pupils from becoming at-risk.
  - (c) How parents will be informed and involved in the programs or services made available under par. (a).
  - (d) What accommodations can be made to support pupils' achievement and success in school through any of the following:
    - 1. Curriculum modifications.
    - 2. Adaptive instructional strategies.
    - 3. Alternative education programs.
    - 4. Pupil support services.
    - 5. School to work programs.
    - 6. Community services.
    - 7. Coordinating services provided by the district, community agencies and other organizations.
    - 8. Eliminating systematic barriers that may cause pupils' success at school to become at-risk.
  - (e) How will the district evaluate the success of the services provided under the at-risk plan?

**Section 118.153:** Section 118.153, Wis. Stats., Children at risk of not graduating from high school

**Chapter PI 25:** Chapter PI 25, Wis. Admin Code., Children at Risk Plan and Program

## Sturgeon Bay Schools 12-3-19

### 00.0 STEPS TO BE FOLLOWED WHEN A DISABILITY IS SUSPECTED.

*(Partial doc./Section II of Sturgeon Bay Process for Educational Concerns: Steps for the Classroom Teacher and Other Staff*

*S:\FACULTY\Pupil Services Team\2018 Referral Process for all educational concerns)*

\_\_\_\_\_ State and Federal Regulation require a referral for a special education evaluation be filed if disability is suspected. In most cases the Sturgeon Bay School District handles the initial referral and evaluation the same way and that is through a formal special education referral. (This includes a suspected 504 disability. Please see that policy for exceptions.)

\_\_\_\_\_ Identify the School Person who has the concern or is closest to the concern. Completion of the referral typically involves at least two people. This group is referred to as the Referral Team. The Classroom Teacher and Building Principal are key to this process no matter where the concern originates, and would typically always have a role in completing the referral. If a grade level Special Education Teacher or Specialist has been part of the building review/screening/intervention process, that person would assist in completing the referral.

\_\_\_\_\_ When a Parent makes a referral it would be completed with those that know the child best...the primary Classroom Teacher (s) and the Building Principal/Designee. The Designated Evaluation Coordinator would be alerted immediately and may assist this group.

\_\_\_\_\_ The Referral Team alerts the Special Education/Pupil Services Office and obtains access to a specific special education referral form online in SEEDS (or a paper version from the Special Education/Pupil Services Office). If not alerted already, the Designated Evaluation Coordinator is notified.

\_\_\_\_\_ In most cases a suspicion of a disability will involve a history of concern so there will be screening profile, an outside specialist's report/evaluation, earlier intervention at the building level or a documented pattern of concerns/behaviors. The Referral Team reviews that information and summarizes that and other supportive information in the referral.

\_\_\_\_\_ If the Parent is not part of the Referral Team, someone from that group must notify the parents/guardian of the decision to refer before the referral is submitted to the Designated Evaluation Coordinator.

\_\_\_\_\_ The final version referral is always reviewed and initialed by Building Principal before it is submitted to the Designated Evaluation Coordinator for review/.

\_\_\_\_\_ The Designated Evaluation Coordinator will review the referral to insure it is appropriately completed and then will sign/accept the referral. Compliance timelines begin when the referral is signed/accepted.

\_\_\_\_\_ The Designated Evaluation Coordinator and the Special Education/Pupil Services Office identify the evaluation team, and send out appropriate notification and input paperwork. This includes a copy of the procedural safeguards to the parents.

\_\_\_\_\_ If not already involved, a grade level Special Education Teacher or Specialist is designated as the Tentative Case Manager for the evaluation by the Special Education Director\*. That person works closely with the Designated Evaluation Coordinator to complete a comprehensive evaluation within the timelines. If the student is found to be eligible, in most cases the Tentative Case Manager will become the Case Manager who is responsible for the development of the College and Career Ready (CCR) IEP.

\* The Designated Evaluation Coordinator has a specific role in Sturgeon Bay. The Special Education Director may serve as the Designated Evaluation Coordinator if needed.

## APPENDIX G

# RESOURCES FOR CHILDREN AT RISK FOR NOT GRADUATING FROM HIGH SCHOOL

DPI At Risk Home Page: <https://dpi.wi.gov/at-risk>

DPI Children At Risk Plans: <https://dpi.wi.gov/at-risk/plans>

Section 118.153: <http://docs.legis.wisconsin.gov/statutes/statutes/118/153>

Chapter PI 25: [http://docs.legis.wisconsin.gov/code/admin\\_code/pi/25](http://docs.legis.wisconsin.gov/code/admin_code/pi/25)

Indicator 2/Percent of Dropouts: <https://dpi.wi.gov/wisedash/about-data/dropouts>

Early Warning System: <https://dpi.wi.gov/dews>

Dropout Reduction Strategies

<https://dpi.wi.gov/sites/default/files/imce/dews/pdf/Dropout%20Reduction%20Strategies%202015.pdf>

<https://dpi.wi.gov/sites/default/files/imce/dews/pdf/practitioner%20guide%20to%20EW%20systems.pdf>

National Center <http://dropoutprevention.org/>



## Door County Health and Human Services

County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235

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**Public Health Division**  
**Susan Powers, RN, BSN**  
Health Officer/Manager  
(920) 746-2234  
publichealth@co.door.wi.us

June 26, 2020

Dear School Districts in Door County,

We continue to face unprecedented times surrounding the COVID-19 pandemic. Information continues to be shared with us constantly on new recommendations and messaging about COVID-19. As we continue to respond to the situation every day at Door County Public Health, we also want to assist you with preparing to reopen schools in the fall.

Communication is a key component, and has been especially challenging during COVID. We will do our very best to keep you updated with important information. What we can depend on is that the situation is ever-changing and that there will be the need to revise plans in response to changes in the situation in our community. We trust that you will communicate your concerns and reach out if we can be of assistance. The role of Public Health with the schools is that of a(n) consultant/advisor. We will do our best to provide information and help you adapt guidelines to your schools, while each school district will make decisions and determine policy for their schools.

Public Health is responsible for follow up investigations and contact tracing on all cases of COVID. If there are cases associated with a school, we will be asking for your cooperation. Our role in communicable disease is clearly outlined in state statute and local county ordinance. It allows us (legally) to obtain names and contact information for anyone who might be associated with the situation; we may be requesting class lists, names with contact information (parents for students under 18), and general information about situations at school to determine risk. It is by following up and containing the virus with isolation/quarantine of those involved that we can prevent spread and keep schools and the entire community as safe as possible. Each situation will need to be addressed individually as it arises. In general, however, it would not be anticipated that one case would cause an entire school closure. In any case, if there is significant concern and school closure might be considered, this would take the form of discussion and joint decision. While school districts and local public health both have authority to close schools, Door County Public Health prefers the role of advisor. Again, communication will be very important here.

As your partner in moving to the goal of reopening schools as safely as possible this fall, please consider these key Public Health expectations:

- Develop messaging and encourage staff and students to stay home when ill or showing symptoms.
- Plan for and support social distancing (6 feet).
- Students and staff need to wear fabric face coverings when in common areas/shared spaces. (If over 6 feet of distancing in well ventilated areas, masks optional when people are not moving about.)

- Promote good hand hygiene and ensure adequate supplies available to support this.
- Regular cleaning/disinfection of frequently touched surfaces (door handles, light switches, counters, tables, chairs, bathrooms).
- If staff or students become symptomatic during the school day, have an identified isolation area while awaiting transportation home.

These key points are intentionally brief, to include the most vital of health considerations that we strongly encourage you to adopt.

COVID is known to spread mainly, most efficiently, person to person by respiratory droplets. The above science based prevention tools are key and supported in many expert guidance including the CDC. <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

We will continue communication during this challenging situation. As you review this information, please let me know what you need assistance with moving forward.

Sincerely,

*Susan Powers, RN, BSN*

*Health Officer/Public Health Manager*



## **DRAFT 2020-2021 Strategic Action Plan & Priorities**

Updated 7/8/2020

These three areas and identified priorities are from ongoing work which originated at the 2017 Annual Board of Education and Administrative Team Retreat. The strategic action plan process is intended to provide clarity through annual priority areas, give us targeted items to monitor throughout the year, and provide a document for annual review so adjustments can be made for the following year.

### **Teaching & Learning**

- **Utilize DuFour’s guiding questions to challenge and support “every student every day”—focusing on the PLC questions through a formative assessment lens to continue unit planning work. (Year 3 of a 3-year commitment)**
  - What do we want our students to learn? How will we know? How will we respond if they did not learn it OR have already demonstrated proficiency?
  - **Unit planning templates work time** should be prioritized at the district & building levels.
- **Quality instructional practices & technology integration**
  - **How can I build my virtual teaching/learning skills?** Consider engagement, technology integration, Digital Citizenship, and more.
  - **Moving beyond navigating the pandemic.** - Consider blended instruction, virtual course opportunities, pilot programming for Fall 2021 that allows us to work with students/families in alternate ways appropriate for each school level.
  - “Design your own” PD allowing for “voice and choice” for staff just as we expect students to have voice and choice where appropriate
- **Literacy Growth**
  - Planning work in 2020-2021 to position Literacy to become the top Teaching & Learning priority beginning in 2021-2022
    - June 2020 learning session and Summer 2020 data dig as part of the upcoming three-year literacy. plan

### **Community Engagement**

- Continue our community engagement outreach through the enhanced usage of social media and specific efforts that bring people together (*past examples: Facility Planning, Fitness Zone, Greenhouse project, Montessori-based programming, Therapy dog programming*).
- Update and engage stakeholders regarding appropriate aspects of the capital referendum project (examples: Tech Ed partnerships, Education during a pandemic, etc.)

### **Finance, Facilities, & Operations**

- Note: Additional specialized training - Safety/hygiene training and protocols in light of COVID-19 and navigating the pandemic
- Continue the comprehensive long-term facility planning work we began in 2019 and the community supported through the April 2020 capital referendum.
- Attract and retain quality staff by supporting growth, continual improvement, and leadership, as well as continuing to develop a compensation strategy which includes but is not limited to salary, health insurance, wellness, and a sustainable approach to post-employment benefits.



# School District of Sturgeon Bay

1230 Michigan Street

Sturgeon Bay, Wisconsin 54235-1498

Phone: 920.746.2800 • Fax: 920.746.3888 • [www.sturbay.k12.wi.us](http://www.sturbay.k12.wi.us)

Dan Tjernagel  
Superintendent

[dtjernagel@sturbay.k12.wi.us](mailto:dtjernagel@sturbay.k12.wi.us)

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July 15, 2020 Board of Education Meeting Superintendent Report

Prepared by Dan Tjernagel, Superintendent of Schools

*Updated July 6, 2020*

## 1. Teaching & Learning

- a. **Teaching and Learning** – School reopening planning and preparation continues to dominate efforts of the team—especially in regards to what would typically involve a summer retreat, discussion about our priority areas, transitioning new members of the admin team, and so forth.

The vision for the board meeting evening is to allow the board to receive information and be able to discuss it. My thinking was to try to divide it into three main categories with some key subpoints, although we may adjust and/or add to this by the time the meeting arrives:

- i. Recommendations from community partners at Public Health and DCMC
- ii. District-level Planning Updates
  1. Collaboration with other school districts
  2. Task Force
  3. Transportation
- iii. School-level Planning Updates

The hope is to see where we have consensus and then see which areas may require more homework, discussion, etc. While having the Board give a formal stamp of approval to reopening plans in the August 19 meeting has merit, the Board may also feel that giving the administration direction and guidance based off of the July 15 meeting discussion may be sufficient.

To restate the obvious, we're in uncharted waters and haven't had to do this sort of thing before. While the Board formally approves things like handbooks and the annual school calendar, we know the board does not meet to approve snow days and things like that. I know we all feel strongly about continuing to put the best plans together and communicating with various stakeholder groups along the way.

In addition to putting out a district-level communication to parents (and of course my usual staff communication) after the July Board meeting, I want there to be enough information presented by the principals and discussed by the Board that the principals each send out a communication to parents within a week of this Board meeting. Principals also know that I feel strongly about staff involvement and communication with staff at each of the buildings as well. As I prepare this portion of my report on July 6 the buildings are in different places, but this range should narrow in the next week and a half.

- b. **Strategic Action Plan & Priorities** – While this item overlaps with all section of my report, I’ll include it here, as well as an informational item on the meeting agenda. I took a run at an updated version of the document early in the summer and then team and I plan to look more at it in our July 8 Admin Team meeting. Depending on the timing of how things work with the meeting packet we’ll plan to get a draft in there, or if we don’t we can get you a draft for the meeting itself. Stay tuned.

## 2. Community Engagement

- a. **DCEDC Board** – I plan to attend the monthly DCEDC Board meeting on Monday, July 13.
- b. **YMCA Board meetings** – The YMCA Board meeting for July 9 was cancelled due to all the special and additional meetings the group has had in recent weeks. Obviously, board members, YMCA staff, and many community members and parents are disappointed about how the Barker Center situation ended up. It really appeared that something might work out in the bottom of the 9<sup>th</sup> inning, if you will, but that did not turn out the way we had hoped. I know we’ve had representation as part of the ongoing community discussion facilitated by United Way. Hopefully something sustainable can come from those conversations and efforts.

There certainly are those who would like to see the school district open up or take over daycare operations, but based upon a combination of the many regulations that differ from school district operations at the lower levels, the fiscal challenges, staffing challenges, additional space challenges at a time we’re trying to consolidate facilities for the long-term good of the district, and more, I cannot in good conscience recommend to the school board that we do this—or even direct members of the admin team to spend the time and effort that would be needed to investigate opening a daycare in the next 14 months, much less two months. I realize this may sound harsh to some people and it is not intended to, but it is reality.

The good news is that if this community identifies it as a high enough priority, we know there will be some sort of mixture of individuals, groups, and resources that can be assembled and hopefully form some sort of long-term solution.

- c. **Covid-19 Countywide All Call Meetings** – These meetings with key individuals and entities from around the county continue every Thursday at 11:00 A.M., with the exception of the week the special testing facility at the Justice Center was held.
- d. **Public Health, DCMC, and Door County School District Meetings** – We held the first meeting of this particular group on June 25, with the second meeting July 2, and the next meeting scheduled for July 9. This information should overlap with the school reopening presentation and discussion at the board meeting. Both our medical advisor (Dr. Fogarty) and head of the school nurse team (Vicki) plan to join us for the board meeting.

### 3. Finance, Facilities, & Operations

- a. **Capital Project Update** – We held the standing Core Team meeting with EUA and Miron staff on May 22 and June 5 with the next meeting planned for June 19. We held some additional meetings about the high school office and district office aspects of the projects, just as principals and teachers involved in various aspects of the project have had additional meetings.
- b. On the **post-employment benefit** front, we know there was additional conversation in a spring learning session. Jake will continue to work with Andy about information Board members asked about, and then as President Hooker put it, since we do well with options once the Board gets to a certain point, that can help the process move forward at some point once we're through the audit and other things.

### 4. Additional Items and/or Updates