

Book	Policy Manual
Section	Vol. 29, No. 2 Technical Corrections
Title	TECHNICAL CORRECTION - VOL. 29, NO. 2 - ELECTORAL PROCESS
Code	po0142.1
Status	From Neola
Adopted	April 17, 2013

### **TECHNICAL CORRECTION - VOL. 29, NO. 2**

#### **0142.1 - ELECTORAL PROCESS**

Members of the Board shall be elected annually at the spring election on the first Tuesday in April in a manner that is consistent with State law.

#### **Declaration of Candidacy**

If an incumbent fails to file a Declaration of Candidacy ( ) and nomination papers **[END OF OPTION]** by the 5:00 P.M. deadline on the first Tuesday in January, candidates may file a **D**declaration of **C**candidacy ( ) and nomination papers **[END OF OPTION]** within seventy-two (72) hours **following**~~of~~ the **original** Tuesday deadline.

#### **Declaration of Non-Candidacy**

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

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

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Legal 120.06 (1), 10.68 (5)(2b), Wis. Stats.  
120.06 (6)(b), Wis. Stats.

Last Modified by Jean Born on November 7, 2020

Book	Policy Manual
Section	Vol. 29, No. 2 Technical Corrections
Title	TECHNICAL CORRECTION - VOL. 29, NO. 2 - OATH
Code	po0142.4
Status	From Neola
Adopted	April 17, 2013
Last Revised	December 18, 2019

**TECHNICAL CORRECTION - VOL. 29, NO. 2**

**0142.4 - OATH**

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

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

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

**120.06(10), Wis. Stats.**

120.17(10), Wis. Stats.

**887.01(1), Wis. Stats.**

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Legal	120.06(10), Wis. Stats.
	120.17(10), Wis. Stats.
	887.01(1), Wis. Stats.

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Book	Policy Manual
Section	Vol. 29, No. 2 Technical Corrections
Title	TECHNICAL CORRECTION - VOL. 29, NO. 2 - COMMITTEES
Code	po0155
Status	From Neola
Adopted	April 17, 2013

## **TECHNICAL CORRECTION - VOL. 29, NO. 2**

### **0155 - COMMITTEES**

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

All committees shall comply with the Open Meetings Law by providing notices of each meeting, posting the time and date, place, subject matter of the proposed meeting, and any matter intended for the consideration at the contemplated closed meeting pursuant to 19.84, Wis. Stats. In addition, committee meetings may provide for a period of public participation, and recording appropriate minutes of the meeting. A committee shall require a quorum, consisting of a majority of its members, to take any action. A committee may conduct a closed meeting **provided** ~~providing~~ it is for one of the purposes described in Bylaw **0167.20167** and the committee abides by all requirements for the conduct of a closed meeting.

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

Ad hoc committees may be created and changed at any time by the President **[END OF OPTION]** ( ) or a majority of the members present at any meeting at which the need for a committee becomes evident. **[END OF OPTION]** ( ) or the District Administrator with the approval of the Board. **[END OF OPTION]**

Members of ad hoc committees shall serve until the committee is discharged. **[END OF OPTION]**

The District Administrator shall serve as an ex-officio member of each committee. **[END OF OPTION]**

A member may request (or refuse) appointment to a committee. **[END OF OPTION]**

Refusal to serve on any one committee shall not be grounds for failure to appoint a member to another committee. **[END OF OPTION]**

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Book Policy Manual  
Section Vol. 29, No. 2 Technical Corrections  
Title TECHNICAL CORRECTION - VOL. 29, NO. 2 - AGENDA  
Code po0166  
Status From Neola  
Adopted April 17, 2013  
Last Revised November 15, 2017

**TECHNICAL CORRECTION - VOL. 29, NO. 2**

**0166 - AGENDA**

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

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the District Administrator on information relating to the District with such recommendations as s/he shall make.

(.) 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 **hearing. community meeting**. There **may be is** a time for public **comment participation** during the meeting as indicated in the agenda."

**[END OF OPTION]**

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

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

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

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Legal 19.84(3) Wis. Stats

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Book	Policy Manual
Section	Vol. 29, No. 2 Technical Corrections
Title	TECHNICAL CORRECTION - VOL. 29, NO. 2 - MEETING MINUTES
Code	po0168.1
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Adopted	April 17, 2013
Last Revised	December 18, 2019

**TECHNICAL CORRECTION - VOL. 29, NO. 2**

**0168.1 - MEETING MINUTES**

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

- by the President and the Clerk;
- by the President;
- by the Clerk; or
- by a person designated by the presiding officer

which should ordinarily occur at the next regular meeting. The minutes shall include all votes taken at the meeting.

Proceedings of each meeting shall be

published as a Class I notice **[Drafting note: This option should be selected if a newspaper is published in the District. If there is no newspaper published in the District, the proceedings shall be posted or published as the Board directs. See next option.]**

publicized by school District-wide distribution prepared and directed by the Board and paid out of school funds

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

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

The official minutes shall be bound together by years and kept in the office of the Board.

**The minutes shall show only date, time, place, Board members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called**  
~~**The minutes shall show only the names of Board members in attendance and action(s) taken**~~

- and the names of non-Board member presenters
- and the reports presented by the District Administrator or designee(s)
- and if requested, remarks of
  - Board members.

( ) administration.

( ) citizens present.

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Legal 19.88(3), Wis. Stats.

120.11, Wis. Stats.

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Book	Policy Manual
Section	Vol. 29, No. 2 Technical Corrections
Title	TECHNICAL CORRECTION - VOL. 29, NO. 2 - INDEPENDENT FINANCIAL AUDITOR
Code	po0173
Status	From Neola
Adopted	April 17, 2013

**TECHNICAL CORRECTION - VOL. 29, NO. 2**

0173 - **INDEPENDENT FINANCIAL AUDITOR**

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

The independent auditor shall:

- A. examine the balance sheet of the District at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended;
- B. conduct such examination in accordance with generally accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary **for in** the circumstances;
- C. render an opinion of the financial statements prepared at the close of the fiscal year;
- D. make such recommendations to the Board **of Education** concerning its accounting records, procedures, and related activities as may appear necessary or desirable;
- E. perform such other related services as may be requested by the Board.

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Legal 120.14, Wis. Stats.

Last Modified by Jean Born on November 7, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY
Code	po1461
Status	
Adopted	April 17, 2013
Last Revised	June 14, 2017

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

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

The Board authorizes the District Administrator to place an administrative employee on leave for physical or mental condition that affects the employees ability to perform assigned duties in conformance with the law

The District Administrator ~~may~~**shall** require that the administrative employee submit to an appropriate examination by a healthcare provider designated **and compensated** by the Board and compensated by the District.

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

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

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

If, as a result of his/her such examination, the administrative staff member is found to be unable to perform assigned duties, the administrative staff member shall be placed on leave of absence with such compensation to which s/he is entitled until proof of recovery, satisfactory to the District Administrator, is furnished.

Should an administrative staff member refuse to submit to an examination such action constitutes insubordination.

The District Administrator may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 3430.01 as provided by law.

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Legal	29 C.F.R., Part 1630
	29 C.F.R. Part 1635
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
	111.32, et. seq., the Wisconsin Fair Employment Act



Book Policy Manual  
Section For Board Review 29.2, Covid, PPE, comp  
Title Copy of TECHNICAL CORRECTION - VOL. 29, NO. 2 - PATIENT PROTECTION AND AFFORDABLE CARE ACT  
Code po1619.03  
Status

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

The Board ~~of Education~~ acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

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

**<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>**

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

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

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Legal 26 U.S.C. 4980H  
29 U.S.C. 218B

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of READING INSTRUCTIONAL GOALS AND KINDERGARTEN ASSESSMENT
Code	po2131.01
Status	
Adopted	April 17, 2013
Last Revised	June 18, 2014

#### 2131.01 - **READING INSTRUCTIONAL GOALS AND KINDERGARTEN ASSESSMENT**

The Board **of Education** shall approve a program of reading goals for students for grades (X) four year-old kindergarten and [END OF OPTION] five year-old kindergarten to 12.

To promote student's reading skills, the District Administrator to employ a certified reading specialist who will be responsible to develop and coordinate a comprehensive reading curriculum for students in grades kindergarten (X) four year-old kindergarten and [END OF OPTION] five year-old to 12. The goals shall be based on an assessment of existing reading needs of students. Subsequently the students shall be assessed based on the reading goals.

The Reading Specialist shall annually prepare a report evaluating the reading curriculum of the School District and forward the report to the District Administrator who shall present the report to the Board.

#### **Assessments of Reading Readiness**

An appropriate, valid, and reliable assessment of literacy fundamentals provided by the Department of Public Instruction, shall annually be used to assess each student enrolled in kindergarten for reading readiness.

The results of a student's assessment shall be reported to the student's parent **or guardian**.

A student whose assessment indicates that s/he is at risk of reading difficulty shall be provided with interventions or remedial reading services.

**Interventions or remedial reading services shall be provided for a student in (X) four year-old kindergarten [END OF CHOICE] five year-old kindergarten to grade 4 if any of the following occurs:**

1. **The student fails to meet the reading objectives specified in the reading curriculum plan maintained by the Board.**
2. **The student fails to score above the State minimum performance standard on the reading test and:**
  1. **a teacher in the School District and the student's parent agree the student's test performance accurately reflects the student's ability; or**
  2. **a teacher in the School District determines, based on other objective evidence of the student's test performance, that it accurately reflects the student's reading ability;**
  3. **the student's reading assessment under 118.016, Wis. Stats. indicates that the student is at risk of reading difficulty. If this subdivision applies, the interventions or services provided the student shall be scientifically based and shall address all areas in which the student is deficient in a manner consistent with the State standards in reading and language arts.**

Revised 10/16/13

Legal

Wis. Stats. 115.77, 118.015, 118.016

Last Modified by Ann DeMeuse on April 27, 2022

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY
Code	po2260.01
Status	
Adopted	April 17, 2013
Last Revised	December 18, 2019

#### 2260.01 - **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation in, or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

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

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

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

With respect to public preschool, elementary, and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Wisconsin law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

#### **District Compliance Officer**

The following person is designated as the District Section 504 Compliance Officer/ADA Coordinator ("District Compliance Officer"):

District Administrator  
School District of Sturgeon Bay  
1230 Michigan Street  
Sturgeon Bay WI  
(920)746-2801

**Special Education Director**  
**1230 Michigan Street**  
**Sturgeon Bay, WI**  
**(920)746-2804 Add female**

The ~~CO~~**District Compliance Officer** is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the ~~CO~~**District Compliance Officer**.

The ~~CO~~**District Compliance Officer** will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, including the right to participation by the student's parents and representation of counsel, and their right to examine relevant education records.

### **Training**

The ~~CO~~**District Compliance Officer** will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

### **Facilities**

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

### **Education**

The Board is committed to identifying, evaluating, and providing a free appropriate public education ("FAPE") to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the Board will provide the student with a free appropriate public education ("FAPE"). An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under the Individuals with Disabilities Education Improvement Act ("IDEIA"), the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person

in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

The Board will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

### **Investigation and Complaint Procedure**

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

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

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

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

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

Within five (5) business days of receiving the complaint, the CO will initiate an investigation **by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.**

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

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

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

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding the complaint or request further investigation. A copy of the District Administrator's final decision will be delivered to the Complainant. The District Administrator may redact information from the decision in the event the release of information raises concerns regarding the integrity of the complaint or investigation process. The Board authorizes the District Administrator to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the **C**omplainant or **R**espondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the

additional investigation, the District Administrator must issue a final written decision as described above. The decision of the District Administrator will be reviewed by the Board upon request.

If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction.

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

### **Additional School District Action**

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

### **Confidentiality**

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

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

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

### **Notice**

Notice of the Board's policy on nondiscrimination in education practices and the identity of the ~~CO District's Compliance Officer~~ will be posted throughout the District, and published in the District's recruitment statements or general information publications.

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

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

- A. **all written reports/allegations/complaints/statements;**
- B. **narratives of all verbal reports, allegations, complaints, and statements collected;**
- C. **a narrative of all actions taken by District personnel;**
- D. **any written documentation of actions taken by District personnel;**
- E. **narratives of, notes from, or audio, video, or digital recordings of witness statements;**
- F. **all documentary evidence;**
- G. **e-mails, texts, or social media posts related to the investigation;**
- H. **contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;**
- I. **written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;**



Book	Policy Manual
Section	For Board review Title 9 (new)
Title	Copy of NEW POLICY - SPECIAL UPDATE - TITLE IX REGULATIONS - JULY 2020 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2266
Status	Proposed
Adopted	July 20, 2022

## **NEW POLICY - SPECIAL UPDATE - TITLE IX REGULATIONS - JULY 2020**

### **2266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

#### **Introduction**

The Board does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. ~~**[DRAFTING NOTE: In the new Title IX regulations, the term “admission” refers to admission to postsecondary institutions (i.e., institutions of graduate higher education, institutions of undergraduate higher education, institutions of professional education, and institutions of vocational education); thus, if a K-12 school does not operate a vocational program (e.g., a school or institution that has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study), the K-12 school does not officially need to include “admission and” in the preceding sentence (and where that phrase is used throughout this policy); Neola, however, has elected to include it because all K-12 schools “enroll” students and often the term “enroll” is viewed as synonymous with the term “admit.” Since K-12 schools cannot discriminate when enrolling students into the education programs or activities that they operate, it seems appropriate to include the term “admission.”]**~~ The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits sexual harassment that occurs within its education programs and activities. When the District has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating sexual harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third parties who engage in sexual harassment are also subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing supportive measures as reasonably necessary to restore or preserve access to the District’s education programs and activities.

#### **Coverage**

This policy applies to sexual harassment that occurs within the District’s education programs and activities and that is committed by a Board employee, student, third-party vendor or contractor, guest, or other members of the school community.

This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the Board’s education programs and activities; such sexual misconduct/sexual activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws ( **x** ) and/or Employee/Administrator Handbook(s) **[End of Option]** if committed by a Board employee.

Consistent with the U.S. Department of Education’s implementing regulations for Title IX, this policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the District’s education programs or activities. Sexual harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by other applicable Board policies and administrative

guidelines, applicable State and/or Federal laws ( **x** ) and/or Employee/Administrator Handbook(s) **[End of Option]** if committed by a Board employee.

Complaints alleging sexual harassment and/or discrimination on the basis of sex are also covered by and subject to the investigation procedures in Board Policy 5517 - Student Anti-Harassment. Complaints not covered by this policy may still be governed by and subject to the procedures in Policy 5517 - Student Anti-Harassment.

## Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Sexual Harassment:** "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
  1. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.
    - a. *Rape* is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.
    - b. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - c. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
    - d. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - e. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
    - f. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by Wis. Stat. §§ 948.02 or 948.09, or whose status as a student prohibits such sexual contact per Wis. Stat. §948.095.
    - g. ~~( ) Other Sexual Contact~~ includes the intentional emission of bodily fluids on the complainant, or at the direction of the Respondent, for the purposes of sexual gratification as defined in Wis. Stat. § 940.225(5)(b).
    - h. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent. **~~[DRAFTING NOTE: The Title IX regulations do not require the Board to adopt a particular definition of "consent," but it is advisable to adopt a definition because "consent" is an element of each of the first four terms listed above. Since there are a number of different definitions of consent from which to choose, the Board should consult its local legal counsel concerning selecting a specific definition of consent that represents its position on the topic, the investigator(s) and decision-~~**

~~maker(s) will then uniformly apply the adopted definition.]~~

- i. ~~Incapacitated~~ refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep. **[DRAFTING NOTE: Depending on the definition of "consent" that the Board adopts, it may be necessary to define "incapacitated" in the policy. If it is not defined in the policy, it should certainly be defined in the Administrative Guideline; even if defined in the policy, the Administrative Guideline provides an opportunity to expand on the concept of "consent" and what the Board means by the term "incapacitated."]**
2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
  - a. A current or former spouse or intimate partner of the victim;
  - b. A person with whom the victim shares a child in common;
  - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
  - e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
3. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

**Complainant:** "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Respondent:** "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Formal Complaint:** "Formal complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation(s) of sexual harassment. At the time of filing a formal complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or a party to the formal complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge:** "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent. Imputation of knowledge-based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

**Supportive Measures:** "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), ~~(-) referral to Employee Assistance Program~~ **[End of Option]**, and other similar measures.

**Education Program or Activity:** "Education program or activity" refers to all operations of the District over which the Board exercises substantial control, including in-person and online educational instruction, employment, extra-curricular activities, athletics, performances, and community engagement, and outreach programs. The term applies to all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off-school property/grounds if the Board exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

**School District community:** "School District community" refers to students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

**Inculpatory Evidence:** "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged sexual harassment.

**Exculpatory Evidence:** "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of sexual harassment.

**Day(s):** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays),

**Eligible Student:** "Eligible student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

#### **Title IX Coordinator(s)**

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations: ~~**{DRAFTING NOTE: Neola suggests the Board consider appointing both a male and a female Title IX Coordinator. The Board must list either the Name or Title of the Title IX Coordinator, while the Board may list both the Name and Title, Neola suggests that the Board consider only listing the Title in this policy (so it does not need to revise/amend its policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name and Title in the requisite postings (e.g., website) and publications (e.g., handbooks) (-) and in the Administrative Guideline.}**~~

Dan Tjernagel \_\_\_\_\_  
(Name)

Administrator \_\_\_\_\_  
(School District Title)

(92)746-2801 \_\_\_\_\_  
(Telephone Number)

1230 Michigan Street Sturgeon Bay, WI 54235 \_\_\_\_\_  
(Office Address)

dtjernagel@sbsdmail.net \_\_\_\_\_  
(District-issued E-mail Address)

Lindsay Ferry \_\_\_\_\_  
(Name)

Special Education Director/Pupil Services \_\_\_\_\_  
(School District Title)

(920)746-2804 \_\_\_\_\_  
(Telephone Number)

1230 Michigan Street Sturgeon Bay, WI 54235 \_\_\_\_\_  
(Office Address)

lferry@sbsdmail.net \_\_\_\_\_  
(District-issued E-mail Address)

The Title IX Coordinator shall report directly to the District Administrator except when the District Administrator is a Respondent. In such matters, the Title IX Coordinator shall report directly to [x ] the Board Attorney [ ] Board President [ ] \_\_\_\_\_ Questions about this policy should be directed to the Title IX Coordinator.

~~The District Administrator shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:~~

~~The Board of the \_\_\_\_\_ School District does not discriminate on the basis of sex in its education program or activity and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District's Title IX Coordinator(s) is/are:~~

~~\_\_\_\_\_ NAME(S)~~

~~\_\_\_\_\_ TITLE(S)~~

~~\_\_\_\_\_ PHONE NUMBER(S)~~

~~\_\_\_\_\_ OFFICE ADDRESS(ES)~~

~~\_\_\_\_\_ EMAIL ADDRESS(ES)~~

~~Any inquiries about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.~~

~~The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 — Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: **[insert the web address at which Policy 2266 can be found; or insert a hyperlink tied to the title of the policy]** The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond. **[DRAFTING NOTE: The above information could be utilized as the notice on the District's website, in each handbook, included on applications for admission, job applications, or any other place in which the District Administrator is required to prominently display a Title IX notification.]**~~

The District Administrator shall also prominently display the Title IX Coordinator's(s') contact information – including Name(s) and/or Title(s), Phone Number(s), Office Address(es), and Email Address(es) – and this policy on the District's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

## Grievance Process

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The District's response to allegations of sexual harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this grievance process before the imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

If a determination of responsibility for sexual harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

The Process described herein relates exclusively to complaints brought under this Policy. The District will continue to handle complaints subject to the District's other nondiscrimination and anti-harassment policies, including: Policy 5517 - Student Anti-

## Report of Sexual Discrimination / Harassment

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). ~~( ) Anonymous reports may be submitted using [ ] the online reporting form posted at [insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form"] [or] [ ] the hotline reporting number ([insert phone number]).~~ **[DRAFTING NOTE: Inclusion of this optional language is not recommended, however, it is recommended that the Title IX Coordinator(s) be trained on evaluation of anonymous reports to determine if sufficient information is provided so as to proceed under either this Policy or another related policy.]**

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title IX Coordinator. ~~[DRAFTING NOTE: All Board employees are mandatory reporters pursuant to the Title IX regulations. Existing policy, however, also requires students and Board members to report any information they have concerning allegations of sex discrimination or sexual harassment. Neola suggests that the Board continue this additional requirement in this policy, along with the language encouraging other individuals to make such reports; this will coincide with similar requirements that are imposed on Board members and students in other nondiscrimination and anti-harassment policies. If the Board decides it does not want to go beyond the scope of the regulations for purposes of this policy, it should replace the first sentence of this paragraph with either of the following: "Board employees are required to report allegations of sex discrimination or sexual harassment promptly to the Title IX Coordinator." OR "Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who in turn will notify the/a Title IX Coordinator."]~~ Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of sexual harassment by or involving the Title IX Coordinator, the person making the report should submit it to the ~~( ) District Administrator (x ) other Title IX Coordinator~~ **[END OF OPTIONS]**, or another Board employee who, in turn, will notify the ~~( ) District Administrator ( ) other Title IX Coordinator~~ **[END OF OPTIONS]** of the report. The ~~( ) District Administrator (x ) other Title IX Coordinator~~ **[END OF OPTIONS]** will then serve in place of the Title IX Coordinator for purposes of addressing that report of sexual harassment. ~~[DRAFTING NOTE: If the District Administrator is the Title IX Coordinator, substitute ( ) \_\_\_\_\_ ( ) Board Attorney ( ) Board President in place of District Administrator.]~~

The Board does business with various vendors, contractors, and other third parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a formal complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of sexual misconduct/sexual activity not involving sexual harassment will be addressed through the procedures outlined in Board policies ~~( ) and/or administrative guidelines,~~ **[END OF OPTION]** the applicable Student Code of Conduct, or Employee/Administrator Handbook(s).

Because the Board is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of sexual harassment or allegations of sexual harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or sexual harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. ~~**DRAFTING NOTE: The regulations do not specify within how many days the Board employee must notify the Title IX Coordinator of receiving a report of sexual harassment; Neola suggests "two (2) days". Alternatively, the Board could make this language more open ended — e.g., " \* \* \* must immediately/promptly notify the/a Title IX Coordinator of such information or report."**~~ The Board employee must also comply with mandatory reporting responsibilities pursuant to Wis. Stat. 48.981 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of sexual harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of sexual harassment is made, the Title IX Coordinator shall promptly (~~i.e., within two (2) days~~) **~~DRAFTING NOTE: The regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days".~~** of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

***Emergency Removal:*** Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related District policies, including Policy 5120 - Assignment within District; Policy 5605 - Suspension/Expulsion of Students with Disabilities, Policy 5610 - Suspension and Expulsion, and Policy 5611 - Due Process Rights. **~~{DRAFTING NOTE: The Board may substitute "District Administrator" or "Title IX Coordinator" in place of "District" in the first sentence. Alternatively, the District Administrator could designate, through the administrative guideline, one or more administrators, including the Title IX Coordinator, to make emergency removal decisions after conducting the individualized safety and risk analysis. In Wisconsin, emergency removals may only be imposed in the manner delineated in Wis. Stat. § 120.13. Additionally, emergency removals must be conducted in compliance with the Individuals with Disabilities Education Improvement Act and/or Section 504 of the Rehabilitation Act of 1973.}~~**

If the Respondent is a non-student employee, the District may place the Respondent on administrative leave during the pendency of the grievance process. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements.

For all other Respondents, including other members of the School District community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of sexual harassment or otherwise.

### **Formal Complaint of Sexual Harassment**

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. ( ) and by \_\_\_\_\_ **~~DRAFTING NOTE: The Board may set forth additional method(s) by which a formal complaint may be filed (e.g., online portal submission).~~** If a formal complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal complaint to the (x) District Administrator, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that formal complaint ( ) the other Title IX Coordinator who will then proceed with the grievance process with respect to that formal complaint. **~~{END OF OPTIONS}. {DRAFTING NOTE: If the District Administrator is the Title IX Coordinator, substitute ( ) \_\_\_\_\_ ( ) Board Attorney ( ) Board President in the preceding sentence in place of District Administrator.}~~**

The Complainant's wishes with respect to whether a formal complaint is filed will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

When the Title IX Coordinator receives a formal complaint or signs a formal complaint, the District will follow its grievance process, as set forth herein. Specifically, the District will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of sexual harassment or submitting a false formal complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct (x ) and the Employee/Administrator Handbook. **~~{DRAFTING NOTE: The Board should confirm/verify that its Student Code of Conduct and any Employee/Administrator Handbook(s) include a prohibition against intentionally~~**

~~making a false report, submitting a false formal complaint, or making a false statement or submitting false information during a Title IX grievance process. Such misconduct should be a sanctionable offense pursuant to the Student Code of Conduct and Employee/Administrator Handbook(s).]~~

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### Timeline

The District will seek to conclude the grievance process within ninety (90) calendar days of receipt of the formal complaint, followed by the appeal process which shall be processed in a timely manner. ~~[DRAFTING NOTE: The Title IX regulations do not specify a deadline for completing the grievance process; Neola suggests ninety (90) calendar days based on the requirements found in PI 9 relative to investigations pursuant to Wis. Stat. 118.13 and Policy 5517 – Student Anti-Harassment.]~~

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action, except that any complaint covered by Policy 5517 - Student Anti-Harassment as well must comply with the timelines in that Policy, however, an investigation may still proceed as required under this Policy. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities. ~~[DRAFTING NOTE: The Board should consult with its local legal counsel on a case-by-case basis to determine whether there may be other reasons/good cause for a delay or extension of time – e.g., the complexity and severity of the matter, or school breaks.]~~ ( ) The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must:
  1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
  3. inform the parties of any provision in the Student Code of Conduct (x ), this policy, (x) and/or Employee/Administrator Handbook ~~[DRAFTING NOTE: While the Title IX regulations only reference "code of conduct" Neola suggests that the Board reference other applicable documents that expressly prohibit an individual from making false statements or knowingly submitting false information as part of the grievance process]~~ that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

~~[DRAFTING NOTE: The Title IX regulations do not define "upon receipt" or otherwise specify within how many days the notice must be sent; Neola suggests the Title IX Coordinator send the notice within "two (2) days" of receipt of the formal complaint; this suggestion is memorialized in the corresponding administrative guideline. Please note, however, that it could be argued that the notice should be sent sooner. Regardless, the Title IX Coordinator should have a template notice form available that can be quickly completed with the requisite information after receipt of the formal complaint.]~~

If during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

### **Dismissal of a Formal Complaint**

The District shall investigate the allegations in a formal complaint *unless* the conduct alleged in the formal complaint:

- A. would not constitute sexual harassment (as defined in this policy) even if proved;
- B. did not occur in the District's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the formal complaint. If the Title IX Coordinator dismisses the formal complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a formal complaint, or any allegations therein, if at any time during the investigation ~~( ) or hearing~~ **[DRAFTING NOTE: The Board may, but need not, provide for a hearing before the decision-maker(s) reaches a determination of responsibility under this policy. Neola suggests that the Board not provide for a hearing, but if the Board will permit hearings, they should select this option. See sub-heading Determination of Responsibility for more detail regarding hearings.]**

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the District or employed by the Board; or
- C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the Title IX Coordinator dismisses a formal complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

~~**[DRAFTING NOTE: The Board may adopt provisions, rules, or practices other than those required by the Title IX regulations as part of its grievance process for handling formal complaints of sexual harassment, provided they apply equally to both parties and do not violate the language in the regulations. The Board should discuss this option with its local legal counsel.]**~~

### **Informal Resolution Process**

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a formal complaint of sexual harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a formal complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee ( **x** ) or another adult member of the School District community or Third Party ~~[END of OPTION]~~ sexually harassed a student. ~~[DRAFTING NOTE: The Title IX regulations prohibit the use of an informal resolution process when the allegations involve a Board employee sexually harassing a student; Neola suggests that it also may not be appropriate to use informal resolution processes when a Third Party is alleged to have sexually harassed a student. Since this is not a requirement, it is offered as an option. If the optional language is not selected, the Board retains the discretion to use informal resolution processes as may be determined appropriate by the Title IX Coordinator on a case-by-case basis.]~~

~~( )~~ The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent. ~~[DRAFTING NOTE: While this language is not required by the Title IX regulations, Neola suggests the Board select this option because of the severity of this type of sexual harassment.]~~

### **Investigation of a Formal Complaint of Sexual Harassment**

In conducting the investigation of a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the District, not the parties.

In making the determination of responsibility, the decision-maker(s) is (are) directed to use the ( **x** ) preponderance of the evidence standard ~~( )~~ clear and convincing evidence standard ~~[END OF OPTIONS]~~. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

~~[DRAFTING NOTE: Neola suggests the Board adopts the "preponderance of the evidence standard." The preponderance of the evidence standard is an equitable standard of proof and the legal standard by which most civil lawsuits, including civil rights claims, are adjudicated in the United States. This standard requires the decision-maker(s) to determine that there is a greater than fifty percent (50%) likelihood (i.e., it is more probable/likely than not) that the Respondent engaged in the alleged sexual harassment.~~

~~The "clear and convincing evidence standard," on the other hand, is a higher standard of evidence, in which the District would need to show to the decision-maker(s) that the truth of the allegations is highly probable (i.e., that the contention is substantially more likely to be true than untrue). Some argue that using the clear and convincing standard may skew the playing field toward the Respondent by enhancing protection for the Respondent at the expense of the Complainant.~~

~~The same standard of evidence must be applied for formal complaints against students as is applied to formal complaints against employees, and the same standard of evidence must be used for all formal complaints of sexual harassment. The Board should discuss this option with its local legal counsel.]~~

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an eligible student, the District must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.
- C. ~~( )~~ The District establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings: ~~[DRAFTING NOTE: The Board should consult with its local legal counsel concerning any restrictions it may want to place on an advisor's participation in the proceedings, including rules~~

**of decorum. This topic is also addressed in AG 2266.]**

- D. ~~( ) Whether a person is allowed to audio record or video record any meeting or grievance proceeding will be consistent with the procedures established in Board Policy 2461—Recording of IEP Team Meetings.~~

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all ~~( )~~ hearings, **[DRAFTING NOTE: Select this option if the Board permits hearings.]** investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. ~~( )~~ The investigator(s) and decision maker(s) must provide a minimum of \_\_\_\_\_ days' notice with respect to investigative interviews and other meetings ~~( )~~ and \_\_\_\_\_ days' notice with respect to hearings **[End of Option]. [DRAFTING NOTE: The Board should consult with its local legal counsel concerning whether to set a minimum amount of advance notice—i.e., define "sufficient time"; Neola suggests a minimum of three (3) days' advance notice for hearings and one (1) day's advanced notice for investigative interviews and other meetings.]**

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the **(x )** investigator or **(x )** Title IX Coordinator **[END OF OPTIONS]** will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. **[DRAFTING NOTE: The Board should select the following option if it provides for a hearing before the decision-maker]** ~~( )~~ The District will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination. **[END OF OPTION]**

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to: **[DRAFTING NOTE: Select one of the following two options. The Board should select the second option if it is providing a hearing or permitting the decision-maker(s) to decide whether to conduct a hearing on a case-by-case basis.]**

**(x )** the decision-maker(s) issuing a determination regarding responsibility.

~~( ) a hearing or the decision-maker(s) issuing a determination regarding responsibility.~~

### **Determination of Responsibility**

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

~~**[DRAFTING NOTE: The Board may, but need not, provide for a hearing before the decision-maker(s) reaches a determination of responsibility. Neola suggests that the Board not provide for a hearing. If the Board decides not to provide for a hearing, the Board should select OPTION 1; if the Board elects to provide a hearing or to provide the decision-maker(s) with the discretion to conduct a hearing on a case-by-case basis, the Board should select OPTION 2. Additionally, if the Board operates a vocational program (see the Drafting Note contained in the first paragraph for the definition of "vocational program"), Neola suggests that the Board consult its local legal counsel concerning whether it must provide for a live hearing related to formal complaints involving parties associated with the vocational program. If the Board determines with its legal counsel, that it must provide for a live hearing is should select Option E of Option 2, at least with respect to formal complaints involving parties involved in the vocational program (i.e., it does not need to provide for a live hearing for its regular K-12 education programs and activities that it operates.)**~~

### **[OPTION 1]**

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the question of any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

~~**[END OF OPTION 1 – NOTE: If Option 1 is selected proceed to [END OF OPTION 2] and commence with *Determination Regarding Responsibility***~~

~~**[OPTION 2 – NOTE: Option 2 is inclusive of all Letter Options (A) – (E)]**~~

~~After the investigator sends the investigative report to the parties and the decision maker(s), and prior to the decision maker(s) issuing a determination of responsibility, the decision maker(s) ( ) may ( ) will **[END OF OPTIONS]** conduct a hearing.~~

~~**[DRAFTING NOTE: Select Option A or Option B. If the Board selects "may," it should select Option A; if it selects "will," it should select Option B.]**~~

~~**[Option A]**~~

~~If the decision maker(s) decides not to conduct a hearing, the decision maker(s) will state in writing the reason for not conducting a hearing and provide that explanation to the parties. Additionally, before the decision maker(s) reaches a determination regarding responsibility, the decision maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants to be asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.~~

~~If the decision maker(s) elects to conduct a hearing, the hearing will proceed as follows:~~

~~**[End of Option A]**~~

~~**[Option B]**~~

~~The hearing will proceed as follows:~~

~~**[End of Option B]**~~

~~**[DRAFTING NOTE: Select Option C or Option D or Option E; Neola suggests Option C. The Board should discuss this option with its local legal counsel.**~~

~~**[Option C]**~~

~~At the hearing, the decision maker(s) will allow each party or each party's advisor to submit relevant questions to the decision maker(s) who will ask the questions to the other party and any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Only relevant cross-examination and other questions, including follow-up questions and questions challenging credibility, will be permitted. Such cross-examination and questioning at the live hearing shall be conducted orally and in real time.~~

~~( ) If a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.~~

~~**[End of Option C]**~~

~~**[Option D]**~~

~~Prior to commencing the hearing, the decision maker(s) will decide whether to allow each party's advisor to ask questions directly of the other party and any witnesses, or instead to have the questions submitted to the decision maker(s) who will ask the other party and any witnesses the questions.~~

~~If the decision maker(s) permits each party's advisor to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility, such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If the decision maker(s) permit each party's advisor to ask questions directly to the other party and any witnesses, the decision maker(s) shall not restrict the~~

extent to which advisors may participate in the hearing.

If, on the other hand, the decision maker(s) decides to have each party's advisor (or the party, if the party does not have an advisor) submit relevant questions to the decision maker(s), the decision maker will ask the questions to the other party and any witnesses. Such cross-examination at the hearing will be conducted orally and in real time by the decision maker(s) based upon questions submitted by a party's advisor or the party.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

If the decision maker(s) permits the parties' advisors to ask the questions directly, and a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

(-) If the decision maker(s) decides not to have the parties' advisors ask the questions directly, and a party does not have an advisor present at the hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.

**{End of Option D}**

**{Option E}**

At the live hearing, the decision maker(s) shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally; notwithstanding anything to the contrary in this policy, the decision maker shall not restrict the extent to which advisors may participate in the hearing.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

(-) If a party does not have an advisor present at the live hearing, the District will provide, without fee or charge to that party, an advisor of the District's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

**{End of Option E}**

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the (-) decision maker(s) (-) Title IX Coordinator(s) **[END OF OPTIONS]**, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision maker(s) and parties to simultaneously see and hear the party or witness answering questions. The District will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.

**{END OF OPTION 2}**

**Determination regarding responsibility:** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the (x) preponderance of the evidence standard (-) clear and convincing evidence standard **[END OF OPTIONS]**. **[DRAFTING NOTE: Be sure to select the evidence standard selected previously (i.e., above).]**

The written determination will include the following content:

- A. Identification of the allegations potentially constituting sexual harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence.; ~~( )~~ and hearings held; **[DRAFTING NOTE: The Board should only select this option if it permits hearings.]**
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

**{OPTION 1}**

~~Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment).~~

**{END OF OPTION}**

**{OPTION 2}**

~~Disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment) including but not limited to:~~

A. Informal Discipline

- 1. ~~( ) writing assignments;~~
- 2. ~~( ) changing of seating or location;~~
- 3. ~~( ) pre-school, ( ) lunchtime, ( ) after-school detention;~~
- 4. ~~( ) in-school discipline;~~
- 5. ~~( ) Saturday school~~

B. Formal Discipline

- 1. ~~( ) suspension of bus riding/transportation privileges;~~
- 2. ~~( ) removal from co-curricular and/or extra-curricular activity(ies), including athletics;~~
- 3. ~~( ) emergency removal;~~
- 4. ~~( ) suspension for up to five (5) school days;~~
- 5. ~~( ) suspension for up to fifteen (15) consecutive school days if a notice of expulsion hearing has been sent;~~
- 6. ~~( ) suspension for up to ten (10) consecutive school days for each incident if the student is eligible for special education services under Chapter 115, Wis. Stats.;~~
- 7. ~~( ) expulsion;~~
- 8. ~~( ) permanent exclusion from co-curricular and/or extra-curricular activity(ies), including athletics or current class enrollment; and~~
- 9. ~~( ) any other sanction authorized by the Student Code of Conduct.~~

**{END OF OPTION}**

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, ~~( ) Policy 5610.01 – Alternative Expulsion Hearing Procedure, [END OF OPTION]~~ Policy 5610.02 – In-School Discipline, and Policy 5611 – Due Process Rights. The discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

~~Disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy including but not limited to (i.e., engaging in Sexual Harassment):~~

- A. ~~( ) oral or written warning;~~
- B. ~~( ) written reprimands;~~
- C. ~~( ) performance improvement plan;~~
- D. ~~( ) required counseling;~~
- E. ~~( ) required training or education;~~
- F. ~~( ) demotion;~~
- G. ~~( ) suspension with pay;~~
- H. ~~( ) suspension without pay;~~
- I. ~~( ) termination, and any other sanction authorized by any applicable Employee/Administrator Handbook.~~

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. If the District Administrator is the Respondent, the Title IX Coordinator will notify the ~~( ) Board Attorney ( ) Board President [END OF OPTIONS]~~ of the recommended remedies for consideration and, if necessary and appropriate, implementation in compliance with applicable due process procedures, whether statutory or contractual. **[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to stated timelines related to the imposition of discipline as a result of possible delays caused by the Board's obligation to follow this grievance process.]**

The discipline of an employee will be implemented in accordance with Federal and State law, and Board policy.

~~The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School-District community or Third-Party determined responsible for violating this policy (i.e., engaging in sexual harassment):~~

- A. ~~( ) oral or written warning;~~
- B. ~~( ) suspension or termination/ cancellation of the Board's contract with the third-party vendor or contractor;~~
- C. ~~( ) mandatory monitoring of the third-party while on school property and/or while working/interacting with students;~~
- D. ~~( ) restriction/prohibition on the third-party's ability to be on school property; and~~
- E. ~~( ) any combination of the same.~~

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including the imposition of sanctions. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the District Administrator (or the Board when the District Administrator is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating

circumstances. If the Respondent is a Member of the Board, s/he shall be excluded from any determination regarding the imposition of a disciplinary sanction/consequence by the remaining Board members.

The District's resolution of a formal complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the District Administrator may involve local law enforcement and/or file criminal charges related to allegations of sexual harassment that involve a sexual assault.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

## Appeal

Both parties have the right to file an appeal from a determination regarding responsibility or from the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

~~**[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]**~~

- D. ~~( )~~ The recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the sexual harassment);

- E. ~~( )~~ \_\_\_\_\_

~~( ) The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.~~

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein. ~~**[DRAFTING NOTE: Neola suggests that the deadline for submitting a written appeal be set at "within five (5) days" of the appealing party's receipt of the decision-maker(s)'s determination of responsibility.]**~~

Nothing herein shall prevent the District Administrator (or the Board when the District Administrator is the Respondent) from imposing any remedy, including disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

~~**[DRAFTING NOTE: Select OPTION 1, OPTION 2, OPTION 3, or OPTION 4.]**~~

~~**[OPTION 1]**~~ The decision maker(s) for the appeal shall determine when each party's written statement is due. ~~**[END OF OPTION 1]**~~

~~**[OPTION 2]**~~ The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within 5 days after the Title IX Coordinator provides notice to the non-appealing party of the appeal. ~~**[END OF OPTION 2]**~~

~~**[OPTION 3]**~~ The appealing party's written statement must be submitted within \_\_\_\_\_ days after the Title IX Coordinator receives notice of the appeal. The other party's written statement must be submitted within \_\_\_\_\_ days after the Title IX Coordinator provides that party a copy of the appealing party's written statement. ~~( )~~ The appealing party will have \_\_\_\_\_ days to submit a rebuttal to the other party's written statement. ~~**[DRAFTING NOTE: Neola does not suggest that the Board select this extra option.] [END OF OPTION 3]**~~

~~**[OPTION 4]**~~ Specifically, the appealing party must submit with the notice of appeal a written statement challenging the determination of responsibility. The nonappealing party shall have up to \_\_\_\_\_ days after receipt of the appealing party's written

statement to submit his/her written statement in support of the determination of responsibility. ~~[END OF OPTION 4]~~

~~[DRAFTING NOTE: Neola suggests that the deadline for both parties to submit a written statement pursuant to OPTION 2 be set at "within five (5) days" of the Title IX Coordinator providing notice to the non-appealing party of the appeal.]~~

~~If the Board selects OPTION 3, Neola suggests that the party's respective written statements be submitted within three (3) days of the triggering event (i.e., submission of the notice of appeal for the appealing party, and receipt of the appealing party's written statement for the nonappealing party), and if the Board selects the extra option in OPTION 3, Neola suggests the appealing party only have two (2) days after receipt of the non-appealing party's written statement to submit the rebuttal. Alternatively, in order to expedite the appeal, the Board could select OPTION 4 and require the appealing party to submit his/her written statement challenging the determination of responsibility at the same time s/he submits his/her notice of appeal. The nonappealing party would then be permitted to submit a written statement in support of the determination of responsibility within the same number of days that the appealing party had to submit the notice of appeal/statement challenging the determination of responsibility (e.g. three or five days, depending on the appeal deadline selected above.)~~

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker's(s') determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within  5  days of when the parties' written statements were submitted. ~~[DRAFTING NOTE: Neola suggests that the deadline for the decision maker(s) of the appeal to issue the final decision be set at "within five (5) days" of the date the parties submitted their written statements, or the date a last written statement is submitted pursuant to Option 3 or Option 4.]~~

The determination of responsibility associated with a formal complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. ~~( ) No further review beyond the appeal is permitted. [END OF OPTION]~~

## Retaliation

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation ~~( ) and/or hearing~~ ~~[DRAFTING NOTE: Select this option if the Board permits hearings.]~~ ~~[END OF OPTION]~~ is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## Confidentiality

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA's regulations, and State law under Wis. Stat. § 118.12, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

## Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

### Training

The District's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of sexual harassment (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process ~~( )~~ that includes hearings, **[DRAFTING NOTE: Select this option if the Board permits hearings.]** appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

~~( ) All Board employees will be trained concerning their legal obligation to report sexual harassment to the Title IX Coordinator. This training will include practical information about how to identify and report sexual harassment. [DRAFTING NOTE: While the Title IX regulations do not specifically require this training, it is critical that the Board train all of the employees concerning this legal obligation since the Board will be considered to have "actual knowledge" of Sexual Harassment if any Board employee has notice of such conduct.]~~

### Recordkeeping

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

The District shall maintain for a period of seven (7) calendar years the following records pursuant to Wis. Stat. § 19.21(6):

- A. Each sexual harassment investigation including any determination regarding responsibility ~~( )~~ and any audio or audiovisual recording or transcript that is made of any hearing **[DRAFTING NOTE: Select this option if the Board permits live hearings.]**, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. **(x)** If a person is unable to access the District's website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.

### Outside Appointments, Dual Appointments, and Delegations

The Board retains the discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

~~The Board also retains the discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision maker, decision maker for appeals, facilitator of informal resolution processes, and advisor.~~

The District Administrator may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation, may be rescinded by the District Administrator at any time.

**[DRAFTING NOTE: The following option expressly sets forth authority that the Board has regardless of whether it is included in this policy, but is offered for those boards of education that may want to affirmatively communicate to /**

~~address these issues for readers of this policy.]~~

~~(-) Discretion in Application~~

~~The Board retains the discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.~~

~~Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains the discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.~~

~~The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains the discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.~~

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Legal	20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
	20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
	42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq.
	42 U.S.C. 1983
	34 C.F.R. Part 106
	19.21(6), Wis. Stats.
	118.25, Wis. Stats.
	120.13, Wis. Stats.
	948.02, Wis. Stats.
	OCR's Revised Sexual Harassment Guidance (2001)
	20 U.S.C. 1092(F)(6)(A)(v)
	34 U.S.C. 12291(a)(10)
	34 U.S.C. 12291(a)(8)
	34 U.S.C. 12291(a)(30)

Last Modified by Ann DeMeuse on June 8, 2022

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of START COLLEGE NOW PROGRAM
Code	po2271.01
Status	
Adopted	December 19, 2018

#### 2271.01 - **START COLLEGE NOW PROGRAM**

The District will permit resident high school students who have completed the 10<sup>th</sup> grade and who meet eligibility criteria, to take courses at a technical college in the Wisconsin Technical College System for the purpose of earning both high school and postsecondary credit. Students who wish to attend a technical college under this policy must request attendance and, if the student is a minor, must provide written approval from the student's parent. Students must request such attendance from the student's resident School District if attending the District as a non-resident.

#### **General Eligibility Criteria for Students that Have Completed the 10<sup>th</sup> Grade:**

To be eligible to attend courses at a technical college pursuant to this policy, a student:

- A. must be in good academic standing;
- B. must provide written notification to the Board of the School District in which the student resides of his/her intent to attend a technical college under this subsection by March 1st if the student intends to enroll in the fall semester, and by October 1st if the student intends to enroll in the spring semester;
- C. must not be identified as a child-at-risk, pursuant to Policy 5461;
- D. must not be ineligible for participation for having failed a previous class under either this program or the Early College Credit Program (Policy 2271) and failed to reimburse the Board for any required costs; and
- E. must be admitted to the technical college for attendance.

#### **Undue Financial Hardship**

The Board may prohibit a student's attendance if the student is a child with a disability and the Board determines that the cost to the School District of any required additional special services for participation in this program would impose an undue financial burden on the District.

#### **Tuition Payments for Technical College Attendance**

The District shall pay to the technical college the cost of a student's tuition for attendance, including any additional costs associated with a student's special services, if applicable, if attendance is permitted, except as follows:

- A. For any course that the Board determines does not meet high school graduation requirements or the Board determines the District provides a comparable course. The student may appeal an adverse decision to the Department of Public Instruction. The Board shall notify the student no less than thirty (30) days prior to the start date of the proposed course if it finds that the course either does not meet high school graduation requirements or is comparable to a course offered in the District.
- B. The student has already completed eighteen (18) postsecondary semester credits.

#### **Transportation Expenses**

The District is not responsible for transporting a student attending a technical college under this policy to or from the technical college that the student is attending.

Legal

38.12(14), Wis. Stats.

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of CRIMINAL HISTORY RECORD CHECK
Code	po3121
Status	
Adopted	April 17, 2013

### 3121 - **CRIMINAL HISTORY RECORD CHECK**

To more adequately safeguard students and staff members, the Board ~~of Education~~ requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's professional staff.

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

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

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

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

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Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of DRUG-FREE WORKPLACE
Code	po3122.01
Status	
Adopted	April 17, 2013
Last Revised	November 15, 2017

### 3122.01 - **DRUG-FREE WORKPLACE**

The Board of Education believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain an educational setting which is free from alcohol and other drug abuse.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance or alcohol, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event. Professional staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member, and taken in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken only in private, out of the view of students. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 3161 - Unrequested Leaves of Absence/Fitness for Duty.

Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines such as those referenced in the Employee Handbook.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements and shall provide these to staff.

#### Use of Resources for Treatment

The District makes available resources to assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Revised 12/21/16

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Legal Drug-Free Workplace Act of 1988, 41 U.S.C. 8101 et seq.

Last Modified by Ann DeMeuse on October 13, 2021

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of PHYSICAL EXAMINATION
Code	po3160
Status	
Adopted	April 17, 2013
Last Revised	December 19, 2018

### 3160 - **PHYSICAL EXAMINATION**

The Board requires any candidate, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, subject to further tests, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats., the District Administrator's guidelines, and/or the terms of the collective bargaining agreement.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 3160 F2).

Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02, the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

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

~~**In the event of a report of a condition that could influence job performance of the District Administrator, the Board President shall base a nonemployment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.**~~

In the event of a report of a condition that could influence job performance of an employee other than the District Administrator, the District Administrator shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

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

The Board shall assume the fees for examinations.

Revised 5/16/18

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Legal

118.25, Wis. Stats.

118.25(2)(a), Wis. Stats.

121.52(b), Wis. Stats.

29 C.F.R., Part 1630

29 C.F.R. Part 1635

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

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

Last Modified by Jean Born on December 6, 2020

Book Policy Manual  
Section For Board Review 29.2, Covid, PPE, comp  
Title Copy of TECHNICAL CORRECTION - VOL. 29, NO. 2 - PATIENT PROTECTION AND AFFORDABLE CARE ACT  
Code po3419.03  
Status

**TECHNICAL CORRECTION - VOL. 29, NO. 2**

**3419.03 - PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board-**of Education** acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

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

**<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>**

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

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

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Legal 26 U.S.C. 4980H  
29 U.S.C. 218B

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of LEAVES OF ABSENCE
Code	po3430
Status	
Adopted	April 17, 2013

### 3430 - **LEAVES OF ABSENCE**

Any professional staff member may request a discretionary voluntary leave of absence from the Board.

All requests for unpaid leaves of absence by professional staff members shall be presented to the Board of Education for approval and shall state the reason for the leave and the expected duration of the leave. This policy governs leaves in addition to leave under Policy 3430.01 (FMLA), however, any leave under this policy that is also qualifying leave under Policy 3430.01 will be designated as such and count towards the employee's leave entitlement. Approved leave under this policy shall state the conditions applicable to the employee's return to work. Nothing in this policy shall serve as a guarantee of any job protection for leave beyond otherwise protected leave, except as expressly provided for in any applicable collective bargaining agreement.

Any professional staff member granted a leave of absence by the Board shall be considered to have terminated all work with the District until the completion of the leave. Exceptions may be made by the District Administrator in cases where the best interest of the District might be served.

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Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of EMPLOYEE LEAVES
Code	po3431
Status	
Adopted	April 17, 2013
Last Revised	June 14, 2017

### 3431 - **EMPLOYEE LEAVES**

The Board **of Education** recognizes that there may be instances in which employees can not report to work and recognizes that in certain circumstances it is appropriate to provide compensation or job protection during those absences. The leave provided for in this policy is provided in conjunction with other Board leave policies, including Policy 3432 (**Employee Sick Leave/Paid Time Off/sick-leave**), Policy 3430.01(FMLA), and Policy 3430 (**Leaves of Absence/extended-leave**).

#### A. **Bereavement Leave**

Staff members are eligible for five (5) days of bereavement leave per occurrence in the event of the death of a relative. Relative in this policy shall include spouse, parents, step-parents, son, step son, daughter, step daughter, siblings, step siblings, grandparents, step grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law and grandchildren. Funeral leave for non-family members of up to one day may be approved by the District Administrator. If additional days are needed in such cases, the staff member will be assessed the cost of a substitute teacher. The use of leave is expressly for the purpose of attending services or making arrangements for service prior to such service. Bereavement leave may not be used for any other purposes and does not accrue unless there is a qualifying death in the family. All bereavement days will be subtracted from accrued sick leave days.

#### B. **Military Leave**

Staff members will be afforded protected leave from employment to perform their obligations to the United States Armed Forces, whether for reserve duty or a call to active duty, and potential deployment. Leave shall be provided in accordance with the law.

#### C. **Leave for Jury Duty**

Staff members who are called to perform their civic responsibility as a potential juror, shall be excused for any days or portion of days on which the staff member is required to report. Any staff member that receives a notice of jury duty shall provide such notice to the building principal, and shall call in on each morning to report whether he or she is required to report to jury duty that day. Staff members who miss work due to jury duty must provide verification from the court that they attended on that date. Staff members that miss work due to jury duty will be provided their full compensation for any time lost provided that any jury fees received by the staff member are signed over to the District.

#### D. **Personal Leave**

The District Administrator may grant leave for professional, semi-professional, community service, and personal or family business when a request has been made and satisfactory arrangements can be made. For three (3) such days per year, a deduction of the cost of a substitute teacher shall be made. For each day over three (3), the deduction will be in full. For teachers with ten (10) years or more of local experience, the first personal day will be at no deduction. For teachers with twenty-five (25) years or more of local experience, the teacher will be eligible for four (4) personal days, the first two (2) will be at no deduction.

#### E. **National Board Certification Leave**

The District will provide one day of paid leave for a teacher taking the National Board Certification test.

#### F. **Leave for additional education and other reasons**

Educational or other leaves may be granted providing the applicant has been teaching full time in the District for the five previous years without interruption and on the condition that a satisfactory replacement can be secured by June 15. While on educational leave the teacher shall be given the same credit on the salary schedule as though teaching and be eligible for lane advancement for credits earned. The teacher shall be reimbursed for the portion of the medical insurance as currently paid by the Board. Sick leave and seniority shall not accrue while on educational leave of absence.

#### **G. Volunteer Fire Fighter, Emergency Medical Technician, First Responder, or Ambulance Driver**

A staff member who is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation may be late for or absent from work without pay if the lateness or absence is due to the staff member responding to an emergency that begins before the staff member is required to report to work and if the staff member complies with all of the following requirements:

1. By no later than thirty (30) days after becoming a member of a volunteer fire department or fire company or becoming affiliated with an ambulance service provider, submits to the District a written statement signed by the chief of the volunteer fire department or fire company or by the person in charge of the ambulance service provider notifying the District that the staff member is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation;
2. When dispatched to an emergency, makes every effort to notify the District that the staff member may be late for or absent from work due to the staff member responding to the emergency or, if prior notification cannot be made due to the extreme circumstances of the emergency or the inability of the staff member to contact the District, submits to the District a written statement from the chief of the volunteer fire department or fire company or from the person in charge of the ambulance service provider explaining why prior notification could not be made; and
3. When late for or absent from work due to responding to an emergency, provides, on the request of the District, a written statement from the chief of the volunteer fire department or fire company or from the person in charge of the ambulance service provider certifying that the staff member was responding to an emergency at the time of the lateness or absence and indicating the date and time of the response to the emergency.

When the status of a staff member as a member of a volunteer fire department or fire company or as an affiliate of an ambulance service provider changes, including termination of that status, the staff member shall notify the District of that change in status.

#### **H. Organ Donor Leave**

A staff member may take up to six (6) weeks of leave in a twelve (12) month period as necessary for the employee to undergo bone marrow or organ donation procedure and to recover from the procedure. The employee may be required to provide written medical certification that s/he will serve as a donor and the amount of leave time necessary.

Leave taken for this purpose is unpaid, however, an employee is eligible to substitute available accrued paid leave for all or some of the leave taken under this policy. An employee must provide as much advance notice as possible so as not to unduly disrupt the District's operations. The employee will be returned to the same position upon return or if that position is no longer available an equivalent position and shall not lose any benefits during leave, including the right to continue health insurance coverage as provided for in the District's FMLA policy, Policy 3430.01.

#### **I. Leave for Voting**

**A staff member who is eligible to vote may take up to three (3) consecutive hours of unpaid leave to vote while the polls are open on Election Day. The staff member must submit a leave request to the District Administrator prior to Election Day. The District Administrator must approve the leave, but may identify a specific three (3) hour period during the staff member's work hours that the staff member is permitted to utilize for voting.**

**Leave for voting is provided on an unpaid basis. However, the District Administrator may approve the leave with pay or allow the employee to substitute paid leave for the unpaid Election Day leave. Staff members may not be penalized for using voting leave.**

#### **J. Election Official Leave**

**The District Administrator shall approve a one (1) day unpaid leave of absence for any staff member who is appointed to serve as an election official, provided the staff member has given the District at least seven (7) days' notice of the leave. In accordance with State law, the District may request confirmation from the municipal clerk of the staff member's appointment as an election official.**

Leave to serve as an election official is provided on an unpaid basis. If available, a staff member may substitute paid leave such as personal leave. Staff members may not be penalized for using leave to serve as an election official.

K. Leave to Testify

Any employee who is issued a subpoena to testify in a criminal court proceeding shall be provided the following:

1. If the proceeding relates to a criminal matter under Chapters 48 or 938 of the Wisconsin Statutes, the employee may not be discharged from employment for absences due to testifying, provided that the employee provides notice within one (1) business day of receiving the subpoena;
2. Any employee subpoenaed to testify in a matter that involves a crime committed against the employer or against the employee in the course of employment (including an act committed by a juvenile that would be a crime if committed by an adult), shall be provided paid time off to do so such that no loss of wages or benefits occurs as a result of compliance with the subpoena.

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Legal 103.11, 103.88, Wis. Stats.

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of JOB DESCRIPTIONS
Code	po4120.01
Status	
Adopted	April 17, 2013

#### 4120.01 - **JOB DESCRIPTIONS**

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

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

All support staff ~~other~~ job descriptions will be approved by the District Administrator and will be maintained by the District.

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

Each job description shall contain the following provision:

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

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

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

Each job description shall include the requirement that the staff member serve as a positive role model for students in how to conduct themselves as citizens and as responsible, intelligent human beings. In particular, each job description shall indicate the staff member's responsibility to help instill in students the belief in and practice of ethical principles and democratic values.

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

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee's immediate supervisor shall review this job description with the staff member as part of the employment orientation process.

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

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

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

~~(.) In addition, I~~ the District Administrator shall prepare administrative guidelines necessary for the proper implementation of this policy.



Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of DRUG-FREE WORKPLACE
Code	po4122.01
Status	
Adopted	April 17, 2013
Last Revised	November 15, 2017

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

The Board **of Education** believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain an educational setting which is free from alcohol and drug abuse.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance or, alcohol, by any member of the District's support staff at any time while on District property or while involved in any District-related activity or event. Support staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member, and taken in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken in private, out of the view of students. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines such as those referenced in the Employee Handbook.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements and shall provide these to staff.

#### **Use of Resources for Treatment**

The District makes available resources to assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Revised 12/21/16

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Legal Drug-Free Workplace Act of 1988, 41 U.S.C. 8101 et seq.

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of PHYSICAL EXAMINATION
Code	po4160
Status	
Adopted	April 17, 2013
Last Revised	December 19, 2018

#### 4160 - **PHYSICAL EXAMINATION**

The Board requires all candidates for positions in which the employee will come in contact with children or prepare food, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire subject to further tests, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats. and the District Administrator's guidelines.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 4160 F2).

Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, the successful candidate who is required to submit to a medical examination, as well as the medical health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

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

In the event of a report of a condition that could influence job performance of an employee other than the District Administrator, the District Administrator shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

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

The Board shall assume any fees for required examinations.

Revised 5/16/18

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Legal	118.25, Wis. Stats.
	118.25(2)(a), Wis. Stats.
	121.52(b), Wis. Stats.
	29 C.F.R., Part 1630
	29 C.F.R. Part 1635
	42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act



Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY
Code	po4161
Status	
Adopted	April 17, 2013
Last Revised	June 14, 2017

#### 4161 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

It is the policy of the Board ~~of Education~~ to protect the students and employees of this District from the effects of contagious diseases and other circumstances that render support staff members unable to perform their duties.

The Board authorizes the District Administrator to place a support staff member on sick leave or suspend a support staff member for physical or mental disability to perform assigned duties in conformance with the law.

The District Administrator ~~may~~ **shall** require that the support staff member submit to an appropriate examination by a healthcare provider designated ~~by the Board~~ and compensated by the District;

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

As required by Federal law and regulation and Board Policy 4122.02, the District Administrator shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

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

If, as a result of his/her such examination, the support staff member is found to be ~~unable~~ **unfit** to perform assigned duties, the support staff member shall be placed on leave ~~of absence with such compensation to which s/he is entitled~~ until proof of recovery, satisfactory to the District Administrator, is furnished.

Should a support staff member refuse to submit to an examination following the exhaustion of proper appeals, the District Administrator shall consider the certification of charges for reasons of insubordination.

The District Administrator may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 4430.01 as provided by law.

Legal

111.32 et seq. the Wisconsin Fair Employment Act

29 C.F.R. Part 1630

29 C.F.R. Part 1635

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

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

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of SUPPORT STAFF ETHICS
Code	po4210
Status	
Adopted	April 17, 2013

#### 4210 - **SUPPORT STAFF ETHICS**

An effective educational program requires the services of employees of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board ~~of Education~~ expects all staff members to maintain high standards in their working relationships and in the performance of their duties to:

- A. recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. represent accurately their qualifications;
- C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence legally-confidential information;
- F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private interests;
- G. avoid accepting anything of value offered by another for the purpose of influencing judgment;
- H. adhere to the policies of the Board;
- I. refrain from using position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen.

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Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	Vol. 29, No. 2 Technical Corrections
Title	TECHNICAL CORRECTION - VOL. 29, NO. 2 - GRIEVANCE PROCEDURE
Code	po4340
Status	From Neola
Adopted	April 17, 2013

**TECHNICAL CORRECTION - VOL. 29, NO. 2**

**4340 - GRIEVANCE PROCEDURE**

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. Each employee of the District shall be provided an opportunity to understand and resolve certain matters affecting employment that the employee believes to be unjust. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees.

**CHOOSE OPTION #1 or #2**

**[ ] OPTION #1 [NOTE: this option reflects the minimum requirements of the law and is the recommended option.]**

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as any matter relating to workplace safety.

A grievance shall mean a dispute concerning an employee's discipline or termination of employment, or a dispute concerning workplace conditions that affect workplace safety. Only one subject matter shall be covered in any one grievance. A written grievance shall contain:

- A. the name and position of the grievant;
- B. a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);
- C. the issue involved;
- D. the relief sought;
- E. the date the incident or violation took place;
- F. the specific section of the Policy Manual alleged to have been violated;
- G. the signature of the grievant and the date.

**[ ] OPTION #2 [DRAFTING NOTE: this option provides a far broader definition of grievance than is required by law.]**

This procedure is available for any cause or complaint arising between the District and its employees with reference to a condition of employment. Any District employee(s) who feels s/he is being treated unfairly or is dissatisfied with working conditions should first seek to resolve the problem through informal discussions with his/her supervisor. In the event informal discussions fail to resolve the problem, the employee(s) may seek formal review and resolution by filing a written grievance.

A grievance shall mean a dispute concerning the interpretation or application of a portion of written District policies or written or expressed procedures and objectives of the District.

**[END OF OPTIONS #1 & #2]**

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) working days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

## **CHOOSE OPTION #3 OR #4**

### **[ ] OPTION #3**

#### **A. District Administrator:**

This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) working days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) working days. This step does not apply to any grievance related to action by the Board that directly affects the grievant. **[NOTE: An example of this action is the termination of an employee.]**

#### **B. Hearing Before an Impartial Hearing Officer:**

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) working days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an impartial hearing officer. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determined that the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board shall appoint a hearing officer for the purpose of conducting the hearing. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose either on an ad hoc basis or by resolution adopted for a school year and delegate to the District Administrator the responsibility to arrange for such hearing with one of the selected officers.

Each grievance shall be heard by a single hearing officer and such hearings shall be private. The employee and the District may present witnesses, and each side may select one individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the District Administrator in the initial grievance. Any fees or costs charged by the impartial hearing officer shall be ( ) paid by the District ( ) split evenly between the grievant and the District.

#### **C. Board:**

In the event that either party is dissatisfied with the hearing officer's decision, that party may within ten (10) working days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) working days after its receipt, unless postponed by mutual agreement. The Board shall review the decision of the impartial hearing officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by majority vote of a quorum present, which shall be final.

### **[ ] OPTION #4**

#### **A. Principal/ Supervisor:**

Any employee that believes s/he has a matter subject to the grievance procedure shall present the grievance to the Principal/Supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) working days, inform the employee in writing of his/her decision.

#### **B. District Administrator:**

In the event the Principal's/Supervisor decision does not resolve the problem, the employee may, within five (5) working days of the date the Principal's/Supervisor's written decisions is issued, present his/her grievance in writing to the District Administrator. This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) working days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) working days. This step does not apply to any grievance related to action by the Board that directly affects the grievant. **[NOTE: An example of this action is the termination of an employee.]**

#### **C. Hearing Before an Impartial Hearing Officer:**

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) working days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an impartial hearing officer. The Board shall appoint a hearing officer for the purpose of conducting the hearing. If the District Administrator denies the grievance based on whether the grievance is timely or relates

to a covered matter (i.e. workplace safety, discipline or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determined that the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose either on an ad hoc basis or by resolution adopted for a school year and delegate to the District Administrator the responsibility to arrange for such hearing with one of the selected officers. Each grievance shall be heard by a single hearing officer and such hearings shall be private. The employee and the District may present witnesses, and each side may select one individual to attend the hearing as a representative.

Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the impartial hearing officer shall be ( ) paid by the District ( ) split evenly between the grievant and the District.

#### D. Board:

In the event that either party is dissatisfied with the hearing officer's decision, that party may within ten (10) working days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) working days after its receipt, unless postponed by mutual agreement. The Board shall review the decision of the impartial hearing officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by majority vote **of a quorum present**, which shall be final.

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with administration and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

- A. "Workplace safety" means those conditions related to physical health and safety of employees enforceable under Federal or State law, or District rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risks.
- B. "Termination" does not include voluntary resignation or retirement, ( ) nor does it include reduction in force under Policy 4131.
- C. "Employee discipline" refers to unpaid suspensions written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file.

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Legal 66.0509(1m), 118.22, 118.24, Wis. Stats.

Last Modified by Jean Born on November 7, 2020

Book Policy Manual  
Section For Board Review 29.2, Covid, PPE, comp  
Title Copy of TECHNICAL CORRECTION - VOL. 29, NO. 2 - PATIENT PROTECTION AND AFFORDABLE CARE ACT  
Code po4419.03  
Status

**TECHNICAL CORRECTION - VOL. 29, NO. 2**

**4419.03 - PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board-**of Education** acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the following:

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

**<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>**

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

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

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Legal 26 USC 4980H  
29 USC 218B

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of EMPLOYEE LEAVES
Code	po4431
Status	
Adopted	April 17, 2013
Last Revised	June 14, 2017

#### 4431 - **EMPLOYEE LEAVES**

The Board of Education recognizes that there may be instances in which employees can not report to work and recognizes that in certain circumstances it is appropriate to provide compensation or job protection during those absences. The leave provided for in this policy is provided in conjunction with other Board leave policies, including Policy 4432 (**Employee Sick Leave/Paid Time Off/sick-leave**), Policy 4430.01 (FMLA), and Policy 4430 (**Leaves of Absenceextended-leave**).

##### A. **Bereavement Leave**

Staff members are eligible for five (5) days of bereavement leave per occurrence in the event of the death of a relative. Relative in this policy shall include spouse, parents, step parents, son, step son, daughter, stepdaughter, siblings, step siblings, grandparents, step grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law and grandchildren. Funeral leave of up to one day may be approved for non family members. If additional days are needed in such cases, the staff member will be assessed the cost of a substitute. The use of leave is expressly for the purpose of attending services or making arrangements for service prior to such service. Bereavement leave may not be used for any other purposes and does not accrue unless there is a qualifying death in the family. All bereavement days are deducted from accrued sick leave.

##### B. **Military Leave**

Staff members will be afforded protected leave from employment to perform their obligations to the United States Armed Forces, whether for reserve duty or a call to active duty, and potential deployment. Leave shall be provided in accordance with the law.

##### C. **Leave for Jury Duty**

Staff members who are called to perform their civic responsibility as a potential juror, shall be excused for any days or portion of days on which the staff member is required to report. Any staff member that receives a notice of jury duty shall provide such notice to the building principal, and shall call in **on** each morning to report whether he or she is required to report to jury duty that day. Staff members who miss work due to jury duty must provide verification from the court that they attended on that date. Staff members that miss work due to jury duty will be provided their full compensation for any time lost provided that any jury fees received by the staff member are signed over to the District.

##### D. **Volunteer fire fighter, emergency medical technician, first responder, or ambulance driver**

A staff member who is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation may be late for or absent from work without pay if the lateness or absence is due to the staff member responding to an emergency that begins before the staff member is required to report to work and if the staff member complies with all of the following requirements:

1. By no later than thirty (30) days after becoming a member of a volunteer fire department or fire company or becoming affiliated with an ambulance service provider, submits to the District a written statement signed by the chief of the volunteer fire department or fire company or by the person in charge of the ambulance service provider notifying the District that the staff member is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation;
2. When dispatched to an emergency, makes every effort to notify the District that the staff member may be late for or absent from work due to the staff member responding to the emergency or, if prior notification cannot be made due to

the extreme circumstances of the emergency or the inability of the staff member to contact the District, submits to the District a written statement from the chief of the volunteer fire department or fire company or from the person in charge of the ambulance service provider explaining why prior notification could not be made; and

3. When late for or absent from work due to responding to an emergency, provides, on the request of the District, a written statement from the chief of the volunteer fire department or fire company or from the person in charge of the ambulance service provider certifying that the staff member was responding to an emergency at the time of the lateness or absence and indicating the date and time of the response to the emergency.

When the status of a staff member as a member of a volunteer fire department or fire company or as an affiliate of an ambulance service provider changes, including termination of that status, the staff member shall notify the District of that change in status.

#### **E. Organ Donor Leave**

A staff member may take up to six (6) weeks of leave in a twelve (12) month period as necessary for the employee to undergo bone marrow or organ donation procedure and to recover from the procedure. The employee may be required to provide written medical certification that s/he will serve as a donor and the amount of leave time necessary.

Leave taken for this purpose is unpaid, however, an employee is eligible to substitute available accrued paid leave for all or some of the leave taken under this policy. An employee must provide as much advance notice as possible so as not to unduly disrupt the District's operations. The employee will be returned to the same position upon return or if that position is no longer available an equivalent position and shall not lose any benefits during leave, including the right to continue health insurance coverage as provided for in the District's FMLA policy, Policy 4430.01.

#### **F. Leave for Voting**

**A staff member who is eligible to vote may take up to three (3) consecutive hours of unpaid leave to vote while the polls are open on Election Day. The staff member must submit a leave request to the District Administrator prior to Election Day. The District Administrator must approve the leave, but may identify a specific three (3) hour period during the staff member's work hours that the staff member is permitted to utilize for voting.**

**Leave for voting is provided on an unpaid basis. However, the District Administrator may approve the leave with pay or allow the employee to substitute paid leave for the unpaid Election Day leave. Staff members may not be penalized for using voting leave.**

#### **G. Election Official Leave**

**The District Administrator shall approve a one (1) day unpaid leave of absence for any staff member who is appointed to serve as an election official, provided the staff member has given the District at least seven (7) days' notice of the leave. In accordance with State law, the District may request confirmation from the municipal clerk of the staff member's appointment as an election official.**

**Leave to serve as an election official is provided on an unpaid basis. If available, a staff member may substitute paid leave such as personal leave. Staff members may not be penalized for using leave to serve as an election official.**

#### **H. Leave to Testify**

**Any employee who is issued a subpoena to testify in a criminal court proceeding shall be provided the following:**

1. **If the proceeding relates to a criminal matter under Chapters 48 or 938 of the Wisconsin Statutes, the employee may not be discharged from employment for absences due to testifying, provided that the employee provides notice within one (1) business day of receiving the subpoena;**
2. **Any employee subpoenaed to testify in a matter that involves a crime committed against the employer or against the employee in the course of employment (including an act committed by a juvenile that would be a crime if committed by an adult), shall be provided paid time off to do so such that no loss of wages or benefits occurs as a result of compliance with the subpoena.**

#### **Vacation**

Every regular full-time twelve (12) month employee and each regular part-time twelve (12) month employee shall have a vacation with pay when school is not in session. Payment to part-time twelve (12) month employees will be based on their regular part-time

work week.

In determining vacation schedules, the administration shall respect the wishes of the eligible employees on a seniority basis as to the time of taking their vacation insofar as the needs of District will permit. Vacations may be taken at times other than normal summer vacations subject to the approval of the District Administrator. Employees may carry over one week of vacation for one year.

Vacations will be awarded on anniversary dates as follows:

- A. One (1) week – after six (6) months of continuous service.
- B. One (1) week after a second six (6) months of continuous service.
- C. Two (2) weeks after two years of continuous service.
- D. Three (3) weeks after nine years of continuous service.
- E. Four (4) weeks after fifteen (15) years of continuous service.

If a holiday should occur during a vacation, an additional day of vacation will be granted.

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Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of UNAUTHORIZED WORK STOPPAGE
Code	po4531
Status	
Adopted	April 17, 2013

#### 4531 - **UNAUTHORIZED WORK STOPPAGE**

The Board ~~of Education~~ is obligated and committed to provide certain basic services to students **participating in District programs** ~~residing in the School District under its jurisdiction and as contracted~~. Therefore, if the schools are open and students are in attendance, those basic services will be provided.

Recognizing the fact that a District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Support staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

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Legal 110.70(4)(l), Wis. Stats.

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of TECHNICAL EXCELLENCE HIGHER EDUCATION SCHOLARSHIPS
Code	po5451.02
Status	
Adopted	March 18, 2015

#### 5451.02 - **TECHNICAL EXCELLENCE HIGHER EDUCATION SCHOLARSHIPS**

Wisconsin's Technical Excellence Higher Education Scholarship is a State supported program, jointly administered by the Department of Public Instruction (DPI) and the Higher Education Aids Board (HEAB). The program offers scholarship recipients scholarships for post high school education at eligible technical education institutions in Wisconsin.

By February 25th of each school year, the School Board will designate the appropriate number of senior(s) from the high school with the highest levels of proficiency in technical education subjects as scholars eligible to receive a Technical Excellence Higher Education Scholarship.

The following standards must be met to qualify for the Technical Excellence Higher Education Scholarships. The student and alternates must:

- A. be a resident of the United States who is either a U.S. citizen or an alien lawfully admitted for permanent residence;
- B. be a Wisconsin resident as defined in 36.27 Wis. Stats.;
- C. have achieved senior status and have been in attendance for seven consecutive semesters;
- D. be selected based on the highest levels of technical proficiency as of the last day of the semester which ended just prior to February 25th.

#### **Additional Eligibility Requirements**

A. A student must exhibit interest in and planning for a technical career as demonstrated by having an academic and career plan leading to a career in a technical field.

1. ~~Prior to September 1, 2017 a student's school counselor or principal must affirm in the student's nomination that the student has post-secondary plans related to a career in technical education.~~
2. ~~Beginning on September 1, 2017 a student must have an academic and career plan leading to a career in a technical field.~~

B. A student must also have completed at least one (1) of the following eight (8) eligibility items.

1. be a CTE Concentrator, which is a high school student who has completed at least three (3) high school CTE courses (career and technical education courses) in program area(s) leading to a degree or diploma in the student's chosen pathway
  - a. A student may be enrolled in (rather than have completed) the third course at the time of their nomination for TES.
  - b. "CTE course" is: a secondary-level course offered through the DPI-recognized program areas of Agriculture and Natural Resources Education, Business and Information Technology Education, Family and Consumer Science Education, Health Science Education, Marketing Education, or Technology and Engineering Education; such courses must be taught by a CTE instructor licensed for that specific discipline, except that courses in Health Science Education may also be taught by a health education instructor and/or a science licensed instructor.
2. participated in a Youth Apprenticeship Program under the supervision of the Wisconsin Department of Workforce Development

3. participated in a Technical High School Diploma program as certified by the DPI
4. participated in a Career and Technical Training pathway as defined by the DPI
5. completed (or be on track to complete) an industry-recognized certification program approved under Wis. Stats. 115.367 (2).
6. participated in a Skills Standard Program offered by the Wisconsin Department of Public Instruction (DPI)
7. participated in a Career and Technical Student Organization (CTSO) in Wisconsin: DECA, FBLA, FCCLA, FFA, HOSA, or SkillsUSA
8. completed a technical training program for high school students if the program is offered by a UW System school, a Wisconsin Technical College System school, a Tribal College in Wisconsin, or a private nonprofit college or university located in Wisconsin. Examples include but are not limited to:
  - a. Medical College of Wisconsin Summer Enrichment Programs
  - b. UW-Madison's Summer Science Institute at WIScience
  - c. Marquette University's K-12 Engineering Academies
  - d. MSOE summer programs for K-12 students

### Selecting Student Nominees

Students will be ranked in technical education and the top ranked students will be nominated for the scholarship. The Board will use the following system to rank students for purposes of nominating students for the scholarship.

HEAB's recommended ranking system consists of ranking eligible students according to a point system reflective of course work and technical education experience. Under the recommended point system:

- A. One (1) point is given to a student for each credit earned in high school in CTE courses, as defined above.
- B. One (1) point is given to a student for each year of activity in a Career and Technical Student Organization in Wisconsin. For activity in multiple CTSOs, one point is to be given for each year of participation in each CTSO.
- C. For the purpose of assigning a ranking among eligible candidates, credit hours in process at the time of nomination should be counted toward the number of credits the student has earned.

In the event of a tie, CTE grades become the tie-breaker. The grades used for this purpose are only those grades earned in CTE courses, not a student's overall grade point. A student's CTE grade point shall be calculated in the same fashion as the overall grade point average. The second tie breaker will be the ACT **subcomposite** score **of the student's choosing** and the third tie breaker will be the Accuplacer composite score. In the event there is still a tie, a coin flip will determine the scholar.

Except for the limitation on the number of designated scholars, the faculty of the high school shall select the applicable number of seniors for designation as scholars and shall certify, in order of priority, any remaining seniors with the same level of proficiency as alternates for the scholars or, if there is no remaining senior with the same level of proficiency, any remaining seniors with the next highest level of proficiency as alternates for the scholars.

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Legal

39.415 Wis. Stats

Last Modified by Jean Born on December 6, 2020

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of STUDENT EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY
Code	po7540.03
Status	
Adopted	April 17, 2013
Last Revised	April 15, 2015

#### 7540.03 - **STUDENT EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Education provides students with access to the Internet for limited educational purposes only and utilizes online educational services to enhance the instruction delivered to its students. The District's Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of the District's computers, laptops, tablets, personal communication devices (as defined by Policy 7530.02), network, and Internet connection and online educational services ("Education Technology" or "Ed-Tech"). The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Education Technology. Users have no right or expectation to privacy when using the Ed-Tech (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the network and Internet).

The instructional use of the Educational Technology and online education services is guided by the District's policy on instructional materials. The District encourages students to utilize the Education Technology to facilitate resource sharing, innovation, and communication skills that are essential for college and career readiness.

The Internet is a global information and communication network that provides a valuable opportunity to education and information resources to students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, the Education Technology provides students and staff with the opportunity to communicate with other people from throughout the world. However, access to such a vast quantity of information and resources presents unique challenges.

The District cannot completely limit access to the school system's Education Technology to only those that have been authorized for the purpose of instruction, study and research related to the curriculum, etc. Unlike the past, when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and selection criteria (i.e. taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet - because it serves as a gateway to any publicly available file server in the world - has the potential to expose students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or the District Administrator, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the Education Technology if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

However, the District utilizes software and/or hardware to monitor online activity of students and to block/filter access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. "Harmful to minors" is a term defined by the Communications Act of 1934 (47 U.S.C. 254(h) (7)) as any picture, image, graphic image file, or other visual depiction that:

- A. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

- B. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
- C. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The District has implemented technology protection measures which block/filter Internet access to visual displays that are obscene, child pornography or harmful to minors. The District utilizes software and/or hardware to monitor online activity of students to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The Superintendent or principal may disable the technology protection measure to enable access for bona fide research or other lawful purposes for staff or students aged seventeen (17) or older.

At the direction of the Superintendent or designee, technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measure may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act.

The District Administrator, IT Director, or designee may temporarily or permanently unblock access to websites or online education containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measure. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measure.

The Superintendent or designee may disable the technology protection measure to allow access for bona fide research or other legitimate purposes.

Parents are advised that a determined user may be able to gain access to services on the Internet that the District has not authorized for educational purposes. It is impossible to guarantee that students will not gain access through the Internet to information and communications that they and/or their parents may find inappropriate, offensive, objectionable or controversial. Parents of minors are responsible for establishing and conveying standards that their children should follow when using the Internet.

The Superintendent is directed to prepare guidelines which address students' safety and security while using e-mail, chat rooms, instant messaging and other forms of direct electronic communications, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g., "hacking") and other unlawful activities by minors online.

Education Technology is provided as a tool for sanctioned educational purposes. The District reserves the right to monitor, inspect, copy, review and store at any time and without prior notice any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage. All such information files shall be and remain the property of the District and no user shall have any expectation of privacy regarding such materials.

Pursuant to Federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information; and,
- C. the consequences of unauthorized access (e.g., "hacking"), "cyber- bullying", and other unlawful or inappropriate activities by students online.

Building principals and designees are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying guidelines. The District expects that staff members will provide guidance and instruction to students in the appropriate use of the Education Technology. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response. All Internet users (and their parents if they are minors) are required to **sign confirm their agreement to abide by the terms and conditions of this policy (.) and its accompanying guidelines [END OF OPTION] (x) by signing the District technology use form. (x) during the annual student registration process. (.) during each user login procedure. a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.**

Students and staff members are responsible for responsible behavior on the District's Education Technology just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The District does not sanction any use of the Education Technology that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines. Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users of the District's Education Technology are personally responsible and liable, both civilly and criminally, for uses of the Education Technology not authorized by this administrative policy and its accompanying guidelines.

The District designates the Superintendent and principals as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of the District's Education Technology.

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Legal

H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000  
47 U.S.C. 254(h), (1), Communications Act of 1934, as amended  
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended  
18 U.S.C. 2256  
18 U.S.C. 1460  
18 U.S.C. 2246

Last Modified by Ann DeMeuse on June 7, 2022

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of STAFF EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY
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Status	
Adopted	April 17, 2013
Last Revised	April 15, 2015

#### 7540.04 - **STAFF EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the Internet. The Board of Education provides staff with access to the Internet for limited educational purposes only and utilizes online educational services to enhance the instruction delivered to its students and to facilitate the staff's work. The District's Internet system does not serve as a public access service or a public forum, and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose. This policy and its related administrative guidelines and any applicable employment contracts and collective bargaining agreements govern the staffs' use of the District's computers, laptops, tablets, personal communication devices (as defined by Policy 7540.02), network and Internet connection and online educational services ("Education Technology" or "Ed-Tech"). The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Education Technology. Users have no right or expectation to privacy when using the Ed-Tech (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the network and Internet).

Staff are expected to utilize Education Technology in order to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work, as well as college and career readiness. The District encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources to enrich educational activities. The instructional use of the Education Technology and online educational services is guided by the District's policy on instructional materials.

The Internet is a global information and communication network that provides valuable education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, the Education Technology provides students and staff with the opportunity to communicate with other people from throughout the world. However, access to such a vast quantity of information and resources brings with it certain unique challenges.

The District may not be able to technologically limit access to services through the its Education Technology to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have not been screened by educators for use by students of various ages.

Pursuant to Federal law, the Board has implemented technology protection measures, that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or District Administrator, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the Education Technology if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Superintendent, principal, or IT Director or may temporarily or permanently unblock access to websites containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent, principal, or IT Director may disable the technology protection measure to enable access for bona fide research or other lawful purposes for staff or students aged seventeen (17) or older.

The Superintendent is directed to prepare guidelines which address staff members' safety and security while using e-mail, chat rooms, instant messaging, and other forms of direct electronic communication, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g., "hacking") and other unlawful activities by minors online. Staff members are reminded that personally identifiable student information is confidential and may not be disclosed without prior written parental permission. This includes third party websites under COPPA Children's Online Privacy Protection Act.

Building principals are responsible for providing training so that **staff Education Technology** users **of District technology resources** under the **Principal's** supervision are knowledgeable about this policy and its accompanying guidelines. The District expects that staff members will provide guidance and instruction to students in the appropriate use of the Education Technology. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. All Internet users are required to **confirm their agreement to abide by the terms and conditions of this policy ( ) and its accompanying guidelines [END-OF-OPTION] (x ) by signing the District technology use form (x ) during the Employee Handbook receipt and acceptance process. ( ) during the network login process.**~~sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.~~

Staff members are responsible for good behavior when using the District's Education Technology just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The District does not sanction any use of the Education Technology that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the District's Education Technology are personally responsible and liable, both civilly and criminally, for uses of the Education Technology not authorized by this policy and its accompanying guidelines.

The District designates the Superintendent and principals as the school administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to staff members' use of the Network.

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Legal	H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000
	47 U.S.C. 254(h), (1), Communications Act of 1934, as amended
	20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended
	18 U.S.C. 2256
	18 U.S.C. 1460
	18 U.S.C. 2246

Last Modified by Ann DeMeuse on June 7, 2022

Book	Policy Manual
Section	For Board Review 29.2, Covid, PPE, comp
Title	Copy of CRISIS INTERVENTION
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Adopted	April 17, 2013
Last Revised	June 19, 2019

## 8410 - **CRISIS INTERVENTION**

The Board believes that the employees, students of the District, and visitors, are entitled to function in a safe school environment. The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes the best resources and coordinated efforts of District personnel, law enforcement agencies, and families. The Board further believes that administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-sponsored activity or while enroute to or from school or a school-sponsored activity. The Board also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s) or threat, and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

### **Persistently Dangerous Schools**

The Board recognizes that State and Federal law requires that the District report annually incidents that meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the Wisconsin Department of Public Instruction will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceeds the threshold number established in State policy, the District Administrator shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as persistently dangerous, students attending the school shall have the choice option as provided in Policy 5113.02 **and AG-5113.02**.

### **Victims of Violent Crime**

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02 **and AG-5113.02**.

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Legal 118.07(4)(a)-(d) Wis. Stat.  
Title IX, Section 9532 of the No Child Left Behind Act of 2001

Last Modified by Jean Born on December 6, 2020