THE SCHOOL DISTRICT OF STURGEON BAY
Regular Board of Education Meeting
Wednesday, February 15, 2023

As noted in Board Policy 0166 - Agenda, each agenda shall contain the following statement:
"This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in the agenda."

7:00 P.M. Board of Education Meeting Sturgeon Bay High School Library

CALL TO ORDER:
1. Pledge of Allegiance
2. Roll Call
3. Motion to Adopt Agenda

STUDENT COUNCIL REPRESENTATIVE REPORT: Christy Braun

PUBLIC COMMENT SECTION: *(As noted in Board Policy 0167.3 Public Participation at Board Meetings) Individuals who wish to address the Board should be residents of the School District of Sturgeon Bay or parents of students open-enrolled into the district. Speakers are asked to share their name, address, and be aware that comments may be limited to three minutes at the discretion of the Board President.*

RECOGNITION:
1. Student Recognition is scheduled for the month of February
    A. Recognize State Dance Team
2. Recess – approximately 5-10 minutes

CONSENT AGENDA:
1. Approve Meeting Minutes
    A. Regular Meeting of January 11, 2023
    B. Annual Board Retreat of February 1, 2023
2. Approve January Bills
3. Accept Grants and Donations
4. Approve Resignations and Retirements

OPERATIONS AGENDA:
1. Consent Agenda items requiring attention (if any)
2. Approve High School Coaching Positions
3. Approve New Hire of Associate(s)
4. Approve Non-Classified Contact Renewal
5. Approve Administrative Contract Renewal
6. Approve Multifunction Printer Contract Lease
7. Approve Rettler Community Facility Process Payment
8. Professional Staff Annual Compensation Review Update (informational item)
9. Achievement Gap Reduction School Board Mid-Year Review (informational item)
10. Board Vacancy Update (informational item)
11. First Reading of Board Policy Updates
    A. 30.2
        a. 7450 Property Inventory

    B. 30.2 Non-Discrimination and Anti-Harassment

a. 1422.02, 3122.02 and 4122.02 Nondiscrimination Based on Genetic Information of the Employee
b. 1422, 3122 and 4122 Nondiscrimination and Equal Employment Opportunity
c. 1623, 3123 and 4123 Section 504/ADA Prohibition Against Disability Discrimination in Employment
d. 1662, 3362, 4362 & 5517 Employee and Student Anti-Harassment
e. 2260.01 Section 504/ADA Prohibition Against Discrimination Based on Disability
f. 2260 Nondiscrimination and Access to Equal Educational Opportunity

C. 31.1

a. 0100 Definitions
b. 0142.1 Electoral Process
c. 0142.5 Vacancies
d. 0144.5 Board Member Behavior and Code of Conduct
e. 0152 Officers
f. 0165.1 Notice of Meetings
g. 1421/3121/4121 Criminal History Record Check and Employee Self-Reporting Requirement
h. 1460/3160/4160 Physical Examination
i. 2210 Curriculum Development
j. 2266 Nondiscrimination on the Basis of Sex in Education Programs or Activities
k. 3122.01/4122.01 Drug-Free Workplace
l. 3340/4340 Grievance Procedure
m. 5113 Open Enrollment Program
n. 5200 Attendance
o. 5215 Missing and Absent Children
p. 5410 Promotion, Placement, and Retention
q. 5461 Children At-Risk of Not Graduating from High School
r. 5722 School-Sponsored Publications and Productions
s. 6108 Authorization to Make Electronic Fund Transfers
t. 6114 Cost Principles – Spending Federal Funds
u. 6146 Cost-Issuance Tax Exempt Bond Compliance
v. 6152 Student Fees, Fines, and Charges
w. 6152.01 Waiver of School Fees or Fines
x. 7100 Facilities Planning
y. 8310 Public Records
z. 8450 Control of Causal-Contact Communicable Diseases

D. 31.1 Technical Corrections (one reading needed)

a. 2421 Career and Technical Education
b. 3310, 4310 Employee Expression of Noninstructional Settings
c. 5136 Personal Communication Devices
d. 5350 Student Suicide Prevention
e. 5517.01 Bullying
f. 5880 Public Performance by Students
g. 7455 Accounting System for Capital Assets
h. 7530.01 Cell Phone Allowance
i. 7540.06 District Issued Staff E-Mail Account
j. 7540.07 District-Issued Student E-Mail Account
k. 7542 Access to District Technology Resources from Personally-Owned Communication Devices

l. 8120 Volunteers
m. 8660 Transportation by Private Vehicle
n. 9700.01 Advertising and Commercial Activities

E. 31.2

a. 2414 Human Growth and Development

12. Reports:

a. Legislative
b. CESA
c. Committee/Seminars
d. COVID 19

a. Administrative
   i. High School
   ii. Middle School
   iii. Sunrise Elementary School
   iv. Sawyer Elementary School
   v. Special Education/Pupil Services
   vi. Teaching, Learning and Technology
   vii. Business Manager
   viii. Other
b. Superintendent

13. Closed Session –

a. 19.85(1) (c) Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
   i. Mid-Year Performance Evaluation of District Administrator

b. Return to open session

9. Adjourn

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

To: Board of Education
From: Dan Tjernagel and Ann DeMeuse
Date: February 8, 2023
RE: Background Information for the February 15, 2023, Regular Meeting

STUDENT COUNCIL REPRESENTATIVE REPORT: Christy Braun

PUBLIC COMMENT SECTION *(As noted in Board Policy 0167.3 Public Participation at Board Meetings) Individuals who wish to address the Board should be residents of the School District of Sturgeon Bay or parents of students open-enrolled into the district. Speakers are asked to share their name, address, and be aware that comments may be limited to three minutes at the discretion of the Board President.*

RECOGNITION: Student Recognition is scheduled for the month of February. We will be recognizing our dance team after their recent state competition.

CONSENT AGENDA:

1. **Approve Meeting Minutes**
   a. Regular Meeting of January 11, 2023
   b. Board Retreat Feb. 1, 2023

2. **Approve January Bills**

3. **Grants and Donations**

   - Alyssa Campbell was a student of Sawyer Elementary. She chose Sawyer Elementary as she was in one of the first grades to "open the door" to the new school. She donated $3,000 to support families with outstanding lunch balances with students enrolled at Sawyer Elementary. We divided her donation among 10 families.
   - Anonymous $660 donation for the MS and HS Tech programs.
   - On Deck Clothing Company donated $250 for the Student Recognition Program.
   - Econo Foods donated $58.40 to Sawyer winter celebration treats.
   - Anonymous $50 donation to High School Special Education
   - Anonymous $100 donation to student fees
   - Door County Community Foundation donated $500 to the Kind Clipper Club (Kasee Jandrin)
   - Sturgeon Bay Parent Teacher Group donated $1,500 towards the 5th grade Madison trip
   - Door/Kewaunee Retired Educators' Association donated $120 to support 6 students in the Educators Rising program
   - Service Club received a $250 donation from Thrivent for Project Linus and Knit for Peace. Thrivent also donated shirts for the club.

   Thank you to these groups and the individuals associated with them for their generosity.

4. **Resignations and Retirements** – Mike Propsom is resigning from his position as Head Varsity Baseball Coach. Michelle Forrest has resigned from her 4K Teaching Associate position at Sawyer. Sarah Kruck is resigning from her TJ Walker Math Teaching position at the end of the year. Teri VanLieshout is resigning from her TJ Walker Science Teaching position at the end of the year.

   Reminder: Prior to next month's March Board meeting we will hold an informal reception honoring our retirees and 25-year employees. We then will recognize these individuals during the formal recognition portion of the Board meeting itself.

A motion to approve the Consent Agenda items as presented is recommended.

OPERATIONS:

1. **Consent Agenda items requiring attention (if any)**
   This is a standing agenda item and utilized only if needed.

2. **Approve High School Coaching Positions**
   A. **Approve Track and Field Assistant Coach**
   John Rosenthal has decided to return as an assistant high school track coach for the hurdlers. John had stepped down as coach last year. As a result, he needs to be approved to be reinstated. We are very happy to have Coach Rosenthal return as our Assistant Track and Field Coach.

   A motion to approve John Rosenthal as an Assistant Track and Field Coach is recommended.

   B. **Approve Varsity Baseball Head Coach**
   Neal Henrigillis was a social studies teacher and the boys head baseball coach at Peshtigo High School for the last six years, with three years as the JV coach, before he took over as the head baseball coach. Neal is our Middle School Social Studies Teacher and he is very excited about taking over as our new Head Baseball Coach.

   Principal Nerby and Athletic Director Meikle recommend Neal Henrigillis as our new head baseball coach for the Sturgeon Bay High School baseball team.

   A motion to approve Neal Henrigillis as the Varsity Baseball Head Coach is recommended.

   C. **Approve Girls Soccer Coaches**
   I. **Robert Desotelle** is resuming his head coaching career as the Girl's Head Soccer Coach. Bob stepped down last year after coaching the girl's team for more than ten years to enjoy some time in retirement. He is very excited about coming back and working with Assistant Coach Jenna. We are excited to have both of them lead our girl's soccer program for our upcoming spring season.

   Principal Nerby and Athletic Director Meikle recommend Robert Desotelle as our new Girls Soccer Head Coach for 2023 spring soccer season.

   Motion to approve Robert Desotelle as the Girls Head Soccer Coach is recommended.

II. **Jenna Augustson** is an English Teacher in our high school and played soccer for Coach Desotelle as a Clipper during her HS career. Principal Nerby and Athletic Director Meikle recommend Jenna Augustson as our new Girls Soccer Assistant Coach for 2023 spring soccer season.

Motion to approve Jenna Augustson as the Girls Assistant Soccer Coach is recommended.

D. Approve Co-Head Coaches for Strength and Conditioning

Principal Nerby and Athletic Director Meikle recommend Zack Albers and Neal Henrigillis to Co-Head Coach as our new strength and conditioning coaches for the high school students and student athletes. Neal Henrigillis and Zack Albers are both teachers in our school district and both are coaches that have strength and conditioning experience along with the ability to design workouts that would benefit our students and our student athletes. Zack and Neal would cover morning and after school training sessions in our weightroom.

I. A motion to approve Zach Albers as a Co-Head Coach for Strength and Conditioning is recommended.

II. A motion to approve Neal Henrigillis as a Co-Head Coach for Strength and Conditioning is recommended.

3. Approve New Hire of Associate(s)

A. Danielle Tauscher - Library Media Center Teacher Associate Sawyer Elementary School

Principal Katy DeVillers is pleased to recommend Danielle Tauscher for the Library Media Center Teacher Associate Position at Sawyer Elementary School starting on February 6th.. Danielle is a licensed school counselor and has had experience working with Early Childhood through 1st grade students. Danielle's previous supervisor reports that she always goes the "extra mile" to serve her students and school community. Danielle is very excited to use her experience and skill set in her new role in the library. Danielle completed her counseling internship in all buildings in our district during the 2019-2020 school year We are excited to welcome Danielle back to our district at Sawyer and congratulate her on her new position!

A motion to approve Danielle Tauscher as the Library Media Center Teacher Associate at Sawyer is recommended.

4. Approve Non-Classified Contact Renewal

A motion to renew the contracts for our Human Resource Specialist, Bookkeeper/Payroll Clerk, Student Information and Data Specialist, Special Education Assistant and Superintendent/Board Assistant is recommended.

5. Approve Administrative Contract Renewal

Discussion occurred at the January 11, 2023, closed session meeting following the regular Board of Education meeting. As a reminder, administrators must receive a preliminary notice of nonrenewal at least five months prior to expiration of the contract, which is why we give initial attention to this in January. If no formal notice of renewal or nonrenewal is given at least four

months prior to expiration of the contract, the contract continues for two years. Rather than simply have a lack of action constitute renewal, formal action would be appropriate.

As another reminder, even though contracts are brought forward for renewal as per the timelines that align with state statute, the Board has neither entertained compensation recommendations nor decided on compensation until later in the school year. Typically, the Board approves individual teacher contracts in the April board meeting, and then approves the compensation of hourly employees, unclassified contracts, and administrators in May.

A motion to renew the contracts of the High School Principal, Middle School Principal, Sunrise School Principal, Sawyer School Principal, Director of Special Education & Pupil Services, Director of Teaching, Learning, & Technology, Director of Buildings and Grounds, Director of Food Service, Business Manager, and Superintendent is recommended.

6. **Approve Multifunction Printer Contract Lease**
After working with Wisconsin Document Imaging (WDI) since at least 2010 (we have worked with them longer - we believe there was a name change around this time), the Business Office and Technology Department are recommending we continue our relationship for at least another five years.

With the expiration of our current lease later this month, WDI brought us a proposal that sees our monthly base cost go up $90 a month and no change in our per page printing costs. This quote is based on Sourcewell Co-op negotiated pricing.

A motion to approve a 60-month Multifunction Printer Contract Lease, as quoted (and presented), with Wisconsin Document Imaging is recommended.

7. **Approve Rettler Community Facility Process Payment**
Earlier this year (in a Business Manager update) and then again at the Board Retreat earlier this month, we spoke about some new leaders, in Craig Sigl and Mark Schuster, who have taken over an expanded Athletic and Community Center planning and fundraising effort. People have begun working with Rettler Corporation on updated designs, are connecting with community partners, etc.

As the baton was handed off to these gentlemen, so were the plans that the previous group worked on with Mark Isaksen Design and Baudhuin Engineering. The plan is to not only use but build upon the design(s) that were put together with the previous group, as well as planning dollars spent by the Booster Club, City, and school district. Rettler will put together topographic mappings and updated designs for an outdoor athletic facility, a community center, and a PAC. As shared previously, Rettler also assists school and community groups with fundraising to make these types of projects become a reality. A copy of the agreement document with additional information is included in the meeting packet; at this point, we are simply looking to have the Board act upon the associated planning dollars.

To be clear, the school district is neither acting as a sole funder of any construction nor is the school district planning to go to referendum for this purpose. The district is assisting what needs to be a community effort with some financial support for the planning effort, which then allows other community efforts, conversations, and planning efforts to continue.

A motion to approve the $9,850 payment to Rettler Corporation, as presented, is recommended.

8. **Professional Staff Annual Compensation Review Update (informational item)**
As of the preparation of portions of the meeting packet, the meeting has not yet been held on February 6. Once the meeting is held, Superintendent Tjernagel will share the meeting minutes first with the attendees for any corrections or additions, then will share the minutes with professional staff members and Board members. Highlights and priorities from the meeting can be reviewed as part of the informational update in the meeting, as well as how these items may connect with any learning sessions or Board action in spring.

As a quick reminder, returning teacher contracts are typically approved in the April Board meeting in order to meet the May 15 statutory deadline. On a different but related note, non-teacher compensation usually comes before the Board in the May Board meeting.

This is simply an informational item, so no formal action is necessary at this time.

9. **Achievement Gap Reduction School Board Mid-Year Review (informational item)**
The Board has received the Achievement Gap Reduction (AGR) report completed by Director Weber; in addition to the end-of-the-year report, mid-year reports have been added in recent years. The report deals with math and reading for kindergarten through third grade. The AGR program, formerly known as SAGE (Student Achievement Guarantee in Education) may sound more familiar to some board members, staff members, and parents.

This is simply an informational item, so no formal action is necessary.

10. **Board Vacancy Update (informational item)**
Scott Alger notified the district that he and his family have moved, and because the home is in the City but outside of our school district, he must release his position on the Board. Since Scott is one of three people on the ballot for April the timing is different from previous board vacancies at least in our district. The Declarations of Candidacy had already been filed at the County and per state statutes, once filed, the candidate cannot be removed from the ballot.

As the Board has heard, we have been in contact with the Wisconsin Association of School Boards, the Wisconsin Elections Commission, and legal counsel about the best way to communicate the pathway forward. Additional information will be provided from the Elections Commission and Attorney Renning (from Renning Lewis & Lacy).

This is simply an informational item, so no formal action is necessary.

11. **First Reading of Board Policy Updates**
    A. **30.2**
        a. **7450 Property Inventory**
        In December 2014, the U.S. Department of Education (ED) released the newly updated Education Department General Administrative Regulations (EDGAR). This major rewrite of the regulations was issued after nearly 40 years of very little change in the compliance measures that federally funded programs must meet. The regulations covered the application process, financial management, procurement, inventory management, time and effort accountability, cost allowability, record retention, and program oversight.

B. **30.2 Non-Discrimination and Anti-Harassment**

a. **1422.02, 3122.02 and 4122.02 Nondiscrimination Based on Genetic Information of the Employee:** The policies, administrative guidelines and forms related to discrimination and harassment on the basis of a protected class have been revised to comport with the new Title IX regulations. Because of the number of revisions involved, these have been issued as replacement policies.

b. **1422, 3122 and 4122 Nondiscrimination and Equal Employment Opportunity:** The policies, administrative guidelines and forms related to discrimination and harassment on the basis of a protected class have been revised to comport with the new Title IX regulations. Because of the number of revisions involved, these have been issued as replacement policies.

c. **1623, 3123 and 4123 Section 504/ADA Prohibition Against Disability Discrimination in Employment:** The policies, administrative guidelines and forms related to discrimination and harassment on the basis of a protected class have been revised to comport with the new Title IX regulations. Because of the number of revisions involved, these have been issued as replacement policies.

d. **1662, 3362, 4362 & 5517 Employee and Student Anti-Harassment:** The policies, administrative guidelines and forms related to discrimination and harassment on the basis of a protected class have been revised to comport with the new Title IX regulations. A number of provisions/options pertaining to prohibited staff-student relationships have been omitted from the anti-harassment policies listed above, including references to the sexual harassment of students and criminal sexual misconduct with minors. Because the policies referenced above exclude Title IX matters, which instead are addressed in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, including the sexual harassment of students, those provisions are more appropriately included and referenced in Policy 2266.

e. **2260.01 Section 504/ADA Prohibition Against Discrimination Based on Disability:** This policy places particular emphasis on protections for students who are identified as having a disability under Section 504 and the American with Disabilities Act (ADA). This includes accessibility to qualified individuals with regard to facilities, programs and activities as directed by Federal law. Revisions to this policy are based on recent Office for Civil Rights (OCR) investigations and reviews of compliance issues, particularly related to vocational education/Career-Technical education programs, with particular emphasis on vocational education. Other revisions have been made to address changes in the terminology used to refer to students with disabilities and to revise the Complaint and Grievance Procedure for the processing of complaints of discrimination or retaliation so this procedure is consistent with the other nondiscrimination and anti-harassment policies. Due to the significance of the revisions involved, this policy has been issued as a replacement policy.

f. **2260 Nondiscrimination and Access to Equal Educational Opportunity:** The policies, administrative guidelines and forms related to discrimination and harassment on the basis of a protected class have been revised to comport with the new Title IX regulations. Because of the number of revisions involved, this policy has been issued as a replacement policy.

C. 31.1

a. **0100 Definitions**
The term "Administrator" has been added with a definition for when that term is used in policy or administrative guidelines. Districts have the option of using a general definition or listing specific positions for positions considered an administrator.

b. **0142.1 Electoral Process**
Pursuant to statutory changes to 120.06(6)(b)3m Wis. Stats., this policy has been revised to meet the new School Board Election Notice Requirement - Public Notice of Incumbent Non-Candidacy Decisions. This revision is required to comply with statutory requirements.

c. **0142.5 Vacancies**
This policy has been revised to add clarity and linkage to other existing policies relating to quorums and voting to further guide the Board regarding the procedures when voting to fill a vacancy.

d. **0144.5 Board Member Behavior and Code of Conduct**
This policy has been revised to specifically include attendance at meetings as a general expectation of Board members, acknowledge the doctrine of incompatibility of office, and require individual communications of Board members be distinct from Board-authorized messages.

e. **0152 Officers**
Specifies the process by which Board officers are selected by a majority vote of those members present and participating in such action. Recommended for clarity and consistency with other related Bylaws.

f. **0165.1 Notice of Meetings**
The revisions to this policy reflect new statutory language on how meetings of the Board or non-Board Committees that require public notice may be posted. This revision is recommended for compliance with current law.

g. **1421/3121/4121 Criminal History Record Check and Employee Self-Reporting Requirement**
The title has been revised to include a reference to the new language that has been added to the policy regarding the "employee self-reporting requirement". The policy revisions require employees to report any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any criminal or municipal offense within a specific timeline.

h. **1460/3160/4160 Physical Examination**
The revisions to this policy are made to improve alignment with statute requirements. Further, additional options have been included that are permissible and may be considered by the Board. In addition, the physical examination exception is clarified as it pertains only to those who use faith exclusively for medical care. It should also be noted that those who file for the physical exemption still must be free of communicable tuberculosis as it is only a diagnosis and not a treatment.

i. **2210 Curriculum Development**
The policy is revised to reflect the requirements of 2021 Wisconsin Act 30 which amends Section 121.02(1)(L)8 to require instruction regarding the Holocaust and other genocides at least once between grades 5 through 8 and once in grades 9-12. This requirement will begin with the 2022-2023 school year. This policy revision is recommended to assure compliance with state law.

j. **2266 Nondiscrimination on the Basis of Sex in Education Programs or Activities**
Those Districts who opted to include the hearing portion of this policy are advised that a recent decision from a Federal court in Massachusetts (which it asserted applied nationally) and subsequent guidance from the U.S. Department of Education invalidated the portion of the regulations that prohibited the decision-makers reliance on evidence not subject to cross-examination. The Court's decision and the subsequent guidance both specifically refer to post-secondary institutions only. Post-secondary institutions are required to have a hearing component to the Title IX policy and to include specific characteristics of that hearing process. The regulations that pertain to post-secondary institution hearings are the regulations at issue in the case and DOE guidance and those are not applicable to K-12 school districts. Nonetheless, any District that incorporated hearings into their policies may have such a component to the policy and therefore a revision to the policy is provided that deletes that section. Please note that it remains unclear whether such language is prohibited in a policy adopted by a primary or secondary institution and, to the extent those who selected hearings wish to retain that provision, the District is advised to consult with their legal counsel to determine if revisions need to be made. The revision is recommended and Neola templates will no longer provide the deleted section as an option.

k. **3122.01/4122.01 Drug-Free Workplace**
These policies were revised to make the language more user-friendly by inserting new headings, adding clarification, and adding references to the Drug-Free Workplace Act of 1988 and Policy 3161-Unrequested Leaves of Absence/Fitness for Duty. Language is also added to clarify that a prescription is an exception only to the extent the prescription is lawful in Wisconsin and under Federal law (i.e. medical marijuana prescriptions from providers in states that permit it are not an exception to drug-free workplace policies in Wisconsin because prescription marijuana remains illegal both in Wisconsin and under Federal law).

l. **3340/4340 Grievance Procedure**
Language has been added to provide options for the appointment of the IHO when the District Administrator files a grievance with the District.

m. **5113 Open Enrollment Program**
The policy is revised to add the option for the Board to expressly authorize the District Administrator to approve or deny open enrollment applications on behalf of the Board. This authority is provided expressly in regulation and this revision provides the Board with an option for approving such authority.

n. **5200 Attendance**
This policy has been revised to include private school and home-based education students, who are attending the District under part-time open enrollment provisions, with the same excused absence as regular full-time high school students for serving as an election day official.

o. **5215 Missing and Absent Children**
The policy is revised to define the terms used ("missing" and "absent") as used in this policy based on the missing and absent children provisions of the Federal Health and Human Services Code. The revisions are intended to clarify as well that the purpose of this policy is not to facilitate student enrollment, but rather to facilitate the schools' assistance in child welfare in the event a missing or absent child arrives at a school facility.

p. **5410 Promotion, Placement, and Retention**
In accordance with State statute, specific criteria for promotion from 4th to 5th grade and from 8th to 9th grade are listed, along with the option for additional criteria specified by the District.

q. **5461 Children At-Risk of Not Graduating from High School**
The policy is revised to clarify misleading language that appeared to require a plan for each individual student that falls into this category, rather than a District plan that addresses programs, services, and strategies to serve at-risk students.

r. **5722 School-Sponsored Publications and Productions**
This policy has been revised to reflect the diverse types of student publications and productions currently available in the digital age. This replacement policy is proposed because of the wide variety of school-sponsored student media that are present in schools today and due to the many technological advances that have occurred. The policy, as before, provides several options available to the Board regarding the type of forum that will be provided and what level of review and regulation will occur. The language in the policy has been modified to encompass the newer online electronic forms of school-sponsored student media. The policy provides four options to consider for the classification and regulation of such publications and production.

s. **6108 Authorization to Make Electronic Fund Transfers**
The policy is revised to add a reference to ACH payments as a form of electronic funds transfer (EFT) to account for the growing use of that form of payment.

t. **6114 Cost Principles – Spending Federal Funds**
This policy has been revised to provide greater detail in allowability guidance for Districts regarding the expenditure of Federal funds. There has been a significant increase in funding for school districts through the third pandemic stimulus bill (a/k/a, the American Rescue Plan), providing $122 billion in Elementary and Secondary School Emergency Relief (or ESSER III) funds. While the policy has accurately referenced definitions and restrictions cited in various sections of 2 C.F.R. 200, greater specificity has been requested by program reviewers and auditors.

u. **6146 Cost-Issuance Tax Exempt Bond Compliance**
This policy has been revised to meet Federal law with regard to the issuance of tax-exempt obligations and/or obligations eligible for tax credits.

v. **6152 Student Fees, Fines, and Charges**
This policy has been revised to include reference to the DPI fee categories based upon the Board of Education v. Sinclair case, added statutes, and opinions of the Attorney General. While this policy generally frames student fees, it is recommended that the Board develop and share clearly delineated fee information for parents on all student fees, consistent with the user fee categories provided in this policy update.

w. **6152.01 Waiver of School Fees or Fines**
This policy clarifies eligibility for free and reduced lunches as related to school fees. Even if the District (or State) provides free breakfast and lunches for all students, additional income eligibility information is needed for the waiver of fees. This information may be provided from parents directly to the District or through Direct Certification through the Division of Children and Families State database.

x. **7100 Facilities Planning**
The policy is revised to update language and to account for current analytical processes relative to evaluating space needs and enrollment projections. In addition, the inclusion of this policy revision is intended to prompt review of the District's facilities maintenance and management plans so as to take the opportunity to determine whether such plans need to be updated, revisited, or completed.

y. **8310 Public Records**
Language was revised to give the District Administrator authorization to develop administrative guidelines rather than to direct that they be created to account for the fact that not all Districts have administrative guidelines.

z. **8450 Control of Causal-Contact Communicable Diseases**
The policy has been revised to describe a procedure to be followed in the event an initial or isolated communicable disease is identified in a child in the school setting. Certain staff members are designated to contact a child's parents and the local county Health Department. School-wide protocols aligned with Policy 8420.01 – Epidemics and Pandemics are provided as an option. Legal citation is added (232.10, Wis. Stat.). The purpose of these revisions is to differentiate between the obligation to comply with health department directives in an outbreak linked to the facility as compared to generalized mitigation efforts recommended by the health department.

D. 31.1 Technical Corrections (one reading needed)

a. **2421 Career and Technical Education**
This policy was revised to address a technical correction. The word State should be replaced with Start. This revision is required to ensure the program title "Start College Now" is correct.

b. **3310, 4310 Employee Expression of Noninstructional Settings**
These policies have been revised to remove a reference to "guidelines" and identify that the optional provisions would be expectations regarding staff member's expression.

c. **5136 Personal Communication Devices**
This policy has been revised to correct the policy title in cross reference to Policy 5517.01.

d. **5350 Student Suicide Prevention**
Technical correction in the heading adding the word Prevention.

e. **5517.01 Bullying**
The revision modifies current language to engage with legal counsel in the event a complaint involves the District Administrator or a member of the Board.

f. **5880 Public Performance by Students**
The policy was revised to clarify the approval process for student public performances. The Board "approves" has been replaced with "establishes the following minimal criteria for permitting".

g. **7455 Accounting System for Capital Assets**
This policy is being revised to remove the term "fixed" to keep the policy consistent with the requirements of Federal law.

h. **7530.01 Cell Phone Allowance**
This is a technical correction to add "school officials" to be included in the language.

i. **7540.06 District-Issued Staff E-Mail Account**
Deletes language "by signing and submitting Form 7540.03 F1 ( ) annually."

j. **7540.07 District-Issued Student E-Mail Account**
Deletes language "by signing and submitting Form 7540.03 F1 ( ) annually."

k. **7542 Access to District Technology Resources from Personally-Owned Communication Devices**
This policy has been revised to include a reference to the definition for "personal communication device" as outlined in Bylaw 100 - Definitions.

l. **8120 Volunteers**
This policy has been revised to correct the appropriate title for veteran volunteers to the Department of Veteran Affairs. This is a technical correction that should be made to ensure the appropriate department name.

m. **8660 Transportation by Private Vehicle**
The policy is modified to include leased vehicles within the policy regarding the transportation of students.

n. **9700.01 Advertising and Commercial Activities**
This policy revision includes a grammatical correction and adding an option for an administrative guideline.

E. 31.2

a. **2414 Human Growth and Development**
As requested last month, this policy is back before the Board for a first reading. Since that Board meeting we connected with our Neola representative who explained that this particular policy has actually been revised in several Neola Updates in a row. Rather than have another conversation at this point, and then see the next Neola update as we tackle that batch of revisions, we are going to "jump ahead" so to speak and utilize the most recent revised policy that can be accessed as part of this month's agenda item. For your information, the summary or background information for this policy in two updates will be included below:

Information from Neola:
Version 31.1 The policy is revised to include the requirements of 2021 Wisconsin Act 90 which requires that human growth and development instruction regarding the right to drop off a newborn child to various health care locations. This topic of instruction is required in the event a District's curriculum includes certain topics. The policy is also restructured to properly reflect the construct of the statute which requires additional subjects of instruction only if certain other subjects are included.

The policy revisions should be adopted and done so consistent with the District's curriculum to assure a legally compliant policy.

Version 31.2 Prior modifications to this policy have prompted questions as to the rationale behind deleting certain options from the previous template's listing of "recommended" topics as outlined in s.118.019(2), Wis. Stat. The deletions were made because those topics were deleted from the listing of "recommended" topics in the statute. Although those topics (e.g. contraception) were deleted from the statute, their deletion does not suggest they have been outlawed from consideration. Thus, to avoid confusion, those topics have now been added as additional options with an explanatory drafting note. In addition, the description of the Citizens Advisory Committee has been revised to provide greater clarity.

These revisions are recommended but not required.

12. Reports

13. Closed Session –

a. 19.85(1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.
    i. Mid-Year Performance Evaluation of District Administrator

b. Return to open session

14. Adjourn

THE SCHOOL DISTRICT OF STURGEON BAY
Regular Board of Education Meeting
Wednesday, January 11, 2023

President Stephani called the regular meeting to order at 7:02 PM in the high school library. Present: Schulz, Kruse, Holland, Stephani, Jennerjohn, Chisholm, and Wood. Excused: Howard & Alger. Also present were: Superintendent Tjernagel, K Nerby, L Ferry, M. Smullen, K DeVillers, K Smullen, J. Holtz, J Paye-Weber & A DeMeuse.

Holland/Kruse to adopt the agenda noting the board will go into closed session per 19.85(1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility to discuss:

i. Probationary Teacher Performance
ii. Non-classified & Administrative Contract Renewal
iii. Mid-Year Performance Evaluation of District Administrator

and will return to open session. Motion carried unanimously.

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

STUDENT COUNCIL REPRESENTATIVE REPORT: No report, exams tomorrow.

RECOGNITION: The Loaves and Fishes program was recognized.

CONSENT AGENDA:

1. Approve Minutes
   A. Dec. 21, 2022, Regular Board of Education meeting

2. Approve December bills

3. Accept Grants and Donations

4. Approve Resignations and Retirements –Kelly Bretl and Katelyn Connelly have resigned. Amélia Canilho is retiring at the end of the year.

5. Board Policy Updates
   A. Update 29.2
      a. 5200 Attendance (Revised)
      b. 6114 EDGAR 2.0 Cost Principles – Spending Federal Funds (Revised)
      c. 6145 Borrowing (Delete)
      d. 8420.01 COVID 19 Coronavirus Disease (NEW)
      e. 8450.01 Personal Protective Equipment during Pandemic/Epidemic Events (New).
      f. 8450 Control of Casual-Contact Communicable Diseases (Reviewed)
   B. Update 30.1 (Remaining)
      a. 0141.1 Student Representation at Board Meetings
      b. 2260.02 English Language Proficiency
      c. 3340 Grievance Procedure
      d. 4340 Grievance Procedure
      e. 5511 Dress and Grooming
      f. 5895 Student Employment
      g. 8451 Pediculosis
   C. Update 30.2
      a. 0100 Definitions (Revised)

b. 0143 Authority of Individual Board Members (Revised)
c. 0144.2 Board Member Ethics (Delete)
d. 0144.3 Conflict of Interest (Revised)
e. 0145 Board Member Anti-Harassment (Revised)
f. 0167.3 Public Comment at Board Meetings (Revised)
g. 0171.1 President (Revised)
h. 0174.2 School Performance Report (Delete)
i. 1130 Ethics and Conflict of Interest (Revised)
j. 1210 Board-District Administrator Relationship (Revised)
k. 2240 Controversial Issues in the Classroom (Revised)
l. 2266 Nondiscrimination on the Basis of Sex in Education Programs or Activities (Revised)
m. 2414 Human Growth and Development
n. 2430 District-Sponsored Clubs and Activities (Revised)
o. 2431 Interscholastic Athletics (Revised)
p. 2700.01 School Performance Reports and Accountability Report Cards (Revised)
q. 3120.04 Employment of Substitutes (Revised)
r. 3120 Employment of Professional Staff (Revised)
s. 3170/4170 – Substance Abuse (Delete)
t. 3215 Use of Tobacco by Professional Staff (Revised)
u. 3216/4216 - Staff Dress and Grooming (Revised)
v. 3230 1130/3230/4230 - Ethics and Conflict of Interest (Revised)
w. 4120.04 Employment of Substitutes (Revised)
x. 4120 Employment of Support Staff (Revised)
y. 4161 Unrequested Leaves of Absence (Revised)
z. 4170 3170/4170 – Substance Abuse (Delete)
aa. 4215 Use of Tobacco and Nicotine by Support Staff
bb. 4216 3216/4216 - Staff Dress and Grooming (Revised)
cc. 4230 1130/3230/4230 - Ethics and Conflict of Interest (Revised)
dd. 5112 Entrance Age (Revised)
ee. 5500.01 Conduct in Virtual Classroom (New)
ff. 5512 Use of Tobacco and Nicotine by Students
gg. 5520 Disorderly Conduct (Revised)
hh. 5720 Student Activism and Expression (Revised)
ii. 5880 Public Performance by Students (Revised)
jj. 6152 Student Fees, Fines and Charges (Revised)
kk. 6152.01 Waiver of School Fees or Fines (New)
ll. 7434 Use of Tobacco and Nicotine on School Premises
mm. 7440.01 Video Surveillance and Electronic Monitoring (Revised)
nn. 7450 Property Inventory
oo. 7455 Accounting System for Capital Assets (Revised)
pp. 8500 Food Services (Revised)
qq. 8510 Wellness (Revised)
rr. 9270 Home-Based, Private, or Tribal Schooling (Revised)
ss. 9500 Relations with Educational Institutions and Organizations
tt. 9700 Relations with Non-School Affiliated Groups (Revised).

Motion Holland/Chisholm to approve the consent agenda items as presented with the exception of Policy 2414 Human Growth and Development, which will be moved to the operations agenda for further discussion. Motion carried unanimously.

OPERATIONS AGENDA:

1. Consent Agenda items requiring attention (if any)
   Discussion of Policy 2414 Human Growth and Development followed. After further discussion, **motion Holland /Wood that policy 2414 be brought back to next month's meeting for a first reading with box 4 checked (under option 2, section B). Motion carried unanimously.**

2. Approve Open Enrollment Capacity
Motion Jennerjohn/Holland to approve the capacities for the 2023-2024 school year. Motion carried unanimously.

3. Approve Special Education Teacher Associate(s)
Not needed.

4. Approve Special Education Teacher
Motion Jennerjohn/Wood to approve Janelle Hollingshead as a Special Education Teacher at Sawyer School. Motion carried unanimously.

5. Approve Summer School 2023 Pilot
Motion Schulz/Holland to approve the Summer School 2023 pilot as presented, including a summer school teaching hourly rate of $26.00 bachelor's degree and $28.50 for master's degree professional staff. Motion carried unanimously.

6. Approve Sunrise Library Project
Motion Chisholm/Holland to approve the Sunrise Library project as presented. Motion carried unanimously.

7. Reports:
   a. Legislative – none
   b. CESA – none
   c. Committee/Seminars – none.
   d. Administrative Reports presented.
   e. Superintendent's Report presented.

8. **Adjourn Motion: Holland/Wood to adjourn to closed session at 8:30 PM noting the board will go into closed session per 19.85(1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility to discuss:**
   i. Probationary Teacher Performance
   ii. Non-classified & Administrative Contract Renewal
   iii. Mid-Year Performance Evaluation of District Administrator
   and will return to open session. Motion carried unanimously.

   Motion: Jennerjohn/Holland to return to open session at 9:17 P.M. Motion carried unanimously.

   No action taken on closed session items (probationary teacher performance, non-classified & administrative contract renewal and mid-year performance evaluation of district administrator).

9. **Motion Holland/Jennerjohn to adjourn at 9:18 PM. Motion carried unanimously.**

Respectfully submitted,
Ann DeMeuse
Administrative Assistant

Date: _____

President's Signature: _____

THE SCHOOL DISTRICT OF STURGEON BAY
Board of Education Annual Retreat
Wednesday, February 1, 2023

8:30 A.M. Board of Education Annual Retreat – City Hall Council Chambers

Call to Order: The meeting was called to order at 8:45 AM.

Board members present: Mike Stephani, Tina Jennerjohn, Beth Chisholm, Roger Wood & Angie Kruse. Excused Damion Howard, Jess Holland Jake Schulz. Admin team members present: Tjernagel, Holtz, Weber, K Smullen, M Smullen, Nerby, Ferry, DeVillers. Guest present Allison Haus.

Motion to Adopt Agenda: Motion Chisholm/Wood to adopt the agenda as presented. Motion carried unanimously.

Agenda:

1. **Annual Education Convention highlights:** Education Convention attendees shared information from the breakout sessions and keynote addresses.

2. **Strategic Action Plan & Priorities**

   i. Teaching & Learning: Discussed
   ii. Community Engagement: Discussed
   iii. Facilities, Finance, & Operations: Discussed

3. **Board vision/reflecting/future planning:**
   i. Follow-up to anything from the morning: Discussed
   ii. Presentations/discussions with Principals and Directors
   iii. Future Priorities? Other Items for the Board to discuss? Any remaining items or future priority ideas were discussed: Discussed

4. **Motion to adjourn**: Wood/Jennerjohn to adjourn at 3:22 PM. Motion carried unanimously.

Respectfully submitted by,
Ann DeMeuse,
Board Recording Secretary

Date: _____

President's Signature: _____

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/03/2023	102912	R	5.00	98 L 000 000 811671 000	AXA EQUITABLE	J Schopf $5
01/03/2023	102913	R	246.48	98 L 000 000 811680 000	GURSTEL LAW FIRM PC	Case No. 12-CV-224; File #802986
01/03/2023	102914	R	660.00	98 L 000 000 811660 000	SB LUNCH PR0GRAM	Payroll accrual
01/03/2023	102915	R	63.62	98 L 000 000 811680 000	UNEMPLOYMENT INSURAN	ACCT #-795851375-411-16
01/03/2023	102916	R	502.14	98 L 000 000 811680 000	WISCTF	Case ID - 2798607 & Case ID - 555787
01/05/2023	102917	R	183.16	10 E 800 355 263300 000	AT&T	Acct #920 743-5493 930 7 Monthly Billing (11/20/22 - 12/19/22)
01/05/2023	222300441	A	12,970.66	10 E 800 581 295000 000	CAMERA CORNER-CONNEC	HP Nimble Storage HF20H with necessary accessories to replace our existing storage.
01/05/2023	222300442	A	75.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	JV1 BBB official vs Bonduel
01/05/2023	222300443	A	75.00	10 E 800 310 162000 000	CROGAN, ALEXANDER	JV1 BBB official vs Bonduel
01/05/2023	222300443	A	85.00	10 E 800 310 162000 000	CROGAN, ALEXANDER	Varsity BBB official vs Bonduel
01/05/2023	102918	R	100.00	27 E 140 310 158111 341	DOOR COUNTY ADVENTUR	TEAM BUILDING SESSION
01/05/2023	102918	R	50.00	21 E 140 310 170006 000	DOOR COUNTY ADVENTUR	TEAM BUILDING SESSION
01/05/2023	222300444	A	252.49	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-MS
01/05/2023	222300445	A	98.99	21 E 140 411 164910 000	GRAHL, GARY	12/22/2022 Counseling supplies - tax removed
01/05/2023	102919	R	7,500.00	10 E 800 310 231700 000	KERBERROSE S.C.	Client #0725002821 Progress Invoice for Audit
01/05/2023	222300446	A	345.95	27 E 800 310 223300 019	KYLES CONSULTING LLC	DECEMBER 2022 SBS/MAC FEE
01/05/2023	222300447	A	75.00	10 E 800 310 162000 000	LECAPTAIN, MARK	BBB official
01/05/2023	222300448	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	BB Official Intramural Scrimmage vs JV1
01/05/2023	222300448	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV2 BBB official vs Bonduel
01/05/2023	102920	R	50.00	10 E 800 310 239000 000	PROPSOM, MATTHEW	Memorial Gift
01/05/2023	222300449	A	19.15	10 E 800 411 252100 000	QUILL LLC	Copy paper for Sunrise Newspaper/Supplies for Business Office
01/05/2023	222300449	A	161.82	10 E 800 417 258000 000	QUILL LLC	Copy paper for Sunrise Newspaper/Supplies for Business Office
01/05/2023	222300449	A	53.94	10 E 800 417 258000 000	QUILL LLC	Supplies
01/05/2023	222300449	A	58.95	10 E 400 411 241000 000	QUILL LLC	Supplies
01/05/2023	222300450	A	85.00	10 E 800 310 162000 000	ROEDELL, NICK	Varsity BBB official vs Bonduel
01/05/2023	222300451	A	85.00	10 E 800 310 162000 000	ROEDELL, RICHARD	Varsity BBB official vs Bonduel
01/05/2023	222300452	A	75.00	10 E 800 310 162000 000	SANCHEZ, ALEXANDER	JV2 BBB official vs Bonduel
01/05/2023	102921	R	308.00	21 E 140 310 164900 000	WEIDNER CENTER	SR Field Trip - Freedom Flight (Show Only)
01/12/2023	222300453	A	61.54	10 E 800 411 253000 000	BELSON CO	LINERS
01/12/2023	222300453	A	869.80	10 E 800 411 253000 000	BELSON CO	TOWELS/LINERS
01/12/2023	222300454	A	85.00	10 E 800 310 162000 000	BERKEN, DAVID	Varsity BBB Official vs GB East
01/12/2023	102922	R	259.17	10 E 800 432 222200 031	BOUND TO STAY BOUND	Library Books
01/12/2023	102923	R	321.00	21 E 400 411 162205 000	BSN SPORTS REMIT	TOWELS
01/12/2023	102924	R	1,000.00	21 R 400 291 223100 000	CITY OF STURGEON BAY	Scoreboard Replacement Deductible
01/12/2023	222300455	A	85.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	Varsity BBB Official vs GB East
01/12/2023	222300456	A	75.00	10 E 800 310 162000 000	CROGAN, ALEXANDER	JV GBB official vs GIB

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/12/2023	222300456	A	85.00	10 E 800 310 162000 000	CROGAN, ALEXANDER	Varsity GBB official vs GIB
01/12/2023	102925	R	424.85	10 E 800 411 253000 000	CULLIGAN SERVICE	Acct #8566801 Bottled Water/SALT
01/12/2023	102928	R	4,595.69	10 E 800 348 256510 000	DOOR COUNTY COOPERAT	#784909 DECEMBER 2022 MONTHLY BILLING
01/12/2023	102929	R	30.99	10 E 400 411 136000 000	DOOR COUNTY HARDWARE	Account# 96718- DECEMBER 2022 CHARGES
01/12/2023	102929	R	25.98	10 E 400 450 136431 000	DOOR COUNTY HARDWARE	Account# 96718- DECEMBER 2022 CHARGES
01/12/2023	102929	R	23.19	21 E 400 411 161924 000	DOOR COUNTY HARDWARE	Account# 96718- DECEMBER 2022 CHARGES
01/12/2023	102929	R	357.90	10 E 800 411 253000 000	DOOR COUNTY HARDWARE	Account# 96718- DECEMBER 2022 CHARGES
01/12/2023	102930	R	8,300.00	10 E 800 321 295000 000	DOOR COUNTY TREASURE	Yearly TSM/Unitrends backup fee & yearly fiber maintenance
01/12/2023	102932	S	565.00	80 E 800 310 239000 000	DOOR COUNTY TREASURE	HEIDI ANN ULLMAN-STEP PYMT JUL-DEC 2022
01/12/2023	102931	S	38.06	80 E 800 310 239000 000	DOOR COUNTY TREASURE	Mary Williams - STEP Payment July - Dec 2022
01/12/2023	222300457	A	240.00	10 E 800 355 263300 000	DEMEUSE, NELSON	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300458	A	240.00	10 E 800 355 263300 000	DEVILLERS, KATHRYN	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	102927	S	324.00	21 E 140 310 164900 000	DOOR COMMUNITY AUDIT	Student Tickets - Step Afrika (Ruddy - Acct #57434)
01/12/2023	102926	S	188.00	21 E 200 310 164909 000	DOOR COMMUNITY AUDIT	Student Tickets - Step Afrika (Cress - Acct #57465)
01/12/2023	102933	R	790.00	49 E 800 310 239000 000	EUA	Project #318509-01 DECEMBER Billing
01/12/2023	222300459	A	240.00	10 E 800 355 263300 000	FERRY, LINDSAY	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300460	A	374.98	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-SR
01/12/2023	222300460	A	380.88	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-SW
01/12/2023	222300460	A	295.84	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-SW
01/12/2023	222300460	A	597.71	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-MS
01/12/2023	222300461	A	240.00	10 E 800 355 263300 000	GORDON, KIM	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300462	A	240.00	10 E 800 355 263300 000	GUSTAFSON, JAMES	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300463	A	200.00	10 E 800 355 263300 000	HANSON, JENNIFER	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300464	A	1,117.34	10 E 800 411 295000 000	HEARTLAND BUSINESS S	CISCO UCS 770W AC POWER FOR RACK SERVER
01/12/2023	222300465	A	85.00	10 E 800 310 162000 000	HELGESON, TROY	Varsity GBB official vs GIB
01/12/2023	222300466	A	240.00	10 E 800 355 263300 000	HOLTZ, JACOB	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300467	A	8.99	10 E 200 411 125500 000	INSTRUMENTAL MUSIC C	Solo & Ensemble Music
01/12/2023	222300467	A	220.65	10 E 200 450 125500 000	INSTRUMENTAL MUSIC C	Band Supplies
01/12/2023	222300468	A	35,318.54	10 E 800 310 256210 000	KOBUSSEN BUSES LTD	DECEMBER 2022 BUSSING SERVICES
01/12/2023	222300468	A	203.95	10 E 800 310 256270 000	KOBUSSEN BUSES LTD	DECEMBER 2022 BUSSING SERVICES
01/12/2023	222300468	A	4,130.93	10 E 800 310 256240 000	KOBUSSEN BUSES LTD	DECEMBER 2022 BUSSING SERVICES
01/12/2023	222300468	A	244.40	80 E 800 310 256290 000	KOBUSSEN BUSES LTD	DECEMBER 2022 BUSSING

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
						SERVICES
01/12/2023	102934	R	85.00	10 E 800 310 162000 000	KOSTAC, DENNIS	Varsity GBB official vs GIB
01/12/2023	222300469	A	15.18	10 E 400 450 136431 000	LAMPERTS LUMBER	TREATED LUMBER
01/12/2023	222300470	A	200.00	10 E 140 449 241000 000	LAURENT, JILLIAN	Refrigerator purchased from J. Laurent for SR staff workroom
01/12/2023	222300471	A	75.00	10 E 800 310 162000 000	LECAPTAIN, MARK	BBB official
01/12/2023	222300471	A	75.00	10 E 800 310 162000 000	LECAPTAIN, MARK	BBB Official
01/12/2023	102935	R	415.00	10 E 800 310 162000 000	LOURDES ACADEMY	War on the Shore Wrestling Invite fee $415.00
01/12/2023	102936	R	483.00	10 E 800 310 221300 000	MASTER TEACHER	Paraeducator online training-annual subscription
01/12/2023	222300472	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	Jv2 BBB Official vs GB East
01/12/2023	222300472	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV GBB official vs GIB
01/12/2023	222300473	A	20.94	10 E 800 342 264400 000	MEIKLE, TODD	1/4/2023 AD Meeting Meal
01/12/2023	222300474	A	1,601.49	10 E 800 291 221300 000	MUELLER, SAMUEL	9/15/2022-12/16/2022 APE course from UWO
01/12/2023	222300475	A	240.00	10 E 800 355 263300 000	NERBY, KEITH	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300476	A	22.99	10 E 800 990 239000 000	PAYE-WEBER, JENNIFER	REFUND CC CHARGE
01/12/2023	222300476	A	240.00	10 E 800 355 263300 000	PAYE-WEBER, JENNIFER	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	102937	R	25.87	10 E 800 351 239000 000	PENINSULA PULSE	DECEMBER LEGAL NOTICES
01/12/2023	102938	R	160.00	50 E 800 415 257220 549	PINKY PROMISE COFFEE	COFFEE
01/12/2023	222300477	A	4,008.89	50 E 800 415 257220 549	PRAIRIE FARMS	MONTHLY BILLING ACCT #47-471
01/12/2023	102939	R	240.75	10 E 800 310 239000 000	PREVEA HEALTH WORKME	NEW EMPLOYEE PHYSICALS
01/12/2023	102940	R	200.00	10 E 800 310 162000 000	PREBLE HIGH SCHOOL	Wrestling invite fee!
01/12/2023	222300478	A	75.00	10 E 800 310 162000 000	SANCHEZ, ALEXANDER	JV1 BBB Official vs GB East
01/12/2023	222300479	A	31.44	10 E 120 411 110500 000	SCHOOL SPECIALTY, LL	Kindergarten Supplies
01/12/2023	222300479	A	20.96	10 E 120 411 110500 000	SCHOOL SPECIALTY, LL	Kindergarten Supplies
01/12/2023	222300479	A	52.40	10 E 120 411 110500 000	SCHOOL SPECIALTY, LL	Kindergarten Supplies
01/12/2023	102941	R	74.72	10 E 400 411 136360 000	SHARS TOOL COMPANY	Classroom Supplies
01/12/2023	222300480	A	240.00	10 E 800 355 263300 000	SMULLEN, CATHERINE	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300481	A	240.00	10 E 800 355 263300 000	SMULLEN, MARK	Personal Cell Phone Data Usage 07/01/22 - 12/31/22
01/12/2023	222300482	A	279.11	10 E 800 355 263300 000	SPECTRUM BUSINESS	Acct #8245 11 120 0173238 Monthly Charges
01/12/2023	222300483	A	27.14	27 E 800 411 223300 341	STAPLES ADVANTAGE	supplies
01/12/2023	102942	R	-150.00	50 E 800 415 257220 000	SYSCO EASTERN WISCON	CREDIT
01/12/2023	102942	R	1,692.67	50 E 800 415 257220 000	SYSCO EASTERN WISCON	SCHOOL LUNCH FOOD
01/12/2023	102943	R	21,611.91	10 E 800 678 281000 000	THE HUNTINGTON NATIO	LED Video Display Payment-contract number 008-0772494-300
01/12/2023	222300484	A	1,823.80	10 E 800 354 258000 000	US BANK	MONTHLY COPIER MACHINES LEASE PAYMENT
01/12/2023	102944	R	200.00	10 E 800 310 162000 000	VALDERS HIGH SCHOOL	CC HS and MS fees for Invite on 9/15/22
01/12/2023	222300485	A	75.00	10 E 800 310 162000 000	WALKER, WAYNE	JV1 BBB Official vs GB East
01/12/2023	222300485	A	85.00	10 E 800 310 162000 000	WALKER, WAYNE	Varsity BBB Official vs GB East
01/12/2023	102945	R	350.00	10 E 800 943 120000 000	WISC HIGH SCH FORENS	MEMBERSHIP RENEWAL 2022-2023
01/12/2023	222300486	A	180.00	10 E 800 310 239000 000	WIS DRUG TESTING & C	BACKGROUND CHECKS (12)
01/17/2023	102946	R	5.00	98 L 000 000 811671 000	AXA EQUITABLE	J Schopf $5
01/17/2023	102947	R	18.00	98 L 000 000 811690 000	CROSSROADS AT BIG CR	Employee Donations
01/17/2023	102947	R	18.00	98 L 000 000 811690 000	CROSSROADS AT BIG CR	Employee Donations

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/17/2023	102948	R	234.65	98 L 000 000 811680 000	GURSTEL LAW FIRM PC	Case No. 12-CV-224; File #802986
01/17/2023	102949	R	690.00	98 L 000 000 811660 000	SB LUNCH PR0GRAM	Payroll accrual
01/17/2023	102950	R	297.00	98 L 000 000 811690 000	UNITED WAY	Employee Donations
01/17/2023	102950	R	297.00	98 L 000 000 811690 000	UNITED WAY	Employee Donations
01/17/2023	102951	R	502.14	98 L 000 000 811680 000	WISCTF	Case ID - 2798607 & Case ID - 555787
01/19/2023	222300487	A	130.50	10 E 800 324 253000 000	A-1 ELEVATOR SERVICE	ELEVATOR MAINTENANCE-SUNRISE
01/19/2023	222300487	A	198.75	10 E 800 324 253000 000	A-1 ELEVATOR SERVICE	ELEVATOR MAINTENANCE-TJW
01/19/2023	222300488	A	715.95	10 E 800 411 253000 000	BELSON CO	TOWELS
01/19/2023	222300489	A	75.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	JV2 BBB official vs Algoma
01/19/2023	222300489	A	85.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	Varsity GBB vs Denmark Official
01/19/2023	222300490	A	85.00	10 E 800 310 162000 000	CROGAN, ALEXANDER	Varsity GBB vs Denmark Official
01/19/2023	222300491	A	85.00	10 E 800 310 162000 000	DAGGS, JERYN	Varsity BBB official vs Algoma
01/19/2023	222300491	A	75.00	10 E 800 310 162000 000	DAGGS, JERYN	JV BBB official vs Algoma
01/19/2023	222300492	A	85.00	10 E 800 310 162000 000	FISCH, JASON	Varsity BBB official vs Algoma
01/19/2023	222300493	A	914.98	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-SR
01/19/2023	222300493	A	429.35	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-HS
01/19/2023	222300494	A	12.00	10 E 200 411 125500 000	HEID MUSIC CO	Band Supplies
01/19/2023	222300494	A	22.00	10 E 400 411 125500 000	HEID MUSIC CO	Mallets to replace after guest speaker and mutes
01/19/2023	222300494	A	87.00	10 E 400 449 125500 000	HEID MUSIC CO	Mallets to replace after guest speaker and mutes
01/19/2023	222300495	A	220.00	10 E 800 310 125000 000	INSTRUMENTAL MUSIC C	Instrument Repairs
01/19/2023	222300496	A	8.75	10 E 120 411 241000 000	JENNERJOHN, ALEXA	1/12/2023 Safe Harbor Supplies
01/19/2023	222300496	A	28.82	10 E 120 342 264400 000	JENNERJOHN, ALEXA	1/13/2023 Mileage for trip to shadow Safe Harbor program in Green Bay (one way)
01/19/2023	222300497	A	954.71	10 E 800 411 162000 000	JOSTENS REMIT	ATHLETIC EMBLEMS
01/19/2023	222300498	A	255.75	10 E 800 411 253000 000	LAMPERTS LUMBER	MAINTENANCE SUPPLIES
01/19/2023	222300498	A	72.68	10 E 800 411 253000 000	LAMPERTS LUMBER	PINE BOARDS
01/19/2023	222300499	A	85.00	10 E 800 310 162000 000	LASEE, DAVID	Varsity BBB official vs Algoma
01/19/2023	222300500	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV2 BBB official vs Algoma
01/19/2023	222300500	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV GBB vs Denmark Official
01/19/2023	222300501	A	53,356.75	49 E 800 324 254300 000	MIRON CONSTRUCTION C	Order #203170 HS/MS Sunrise
01/19/2023	222300501	A	142,680.16	49 E 800 324 254300 000	MIRON CONSTRUCTION C	Order #203170 HS/MS Sunrise
01/19/2023	222300501	A	67,569.08	49 E 800 324 254300 000	MIRON CONSTRUCTION C	Order #203170 HS/MS Sunrise
01/19/2023	222300502	A	80.00	10 E 120 342 221300 000	MUELLER, SAMUEL	9/1/2022-12/23/2022 Mileage from Sawyer to HS
01/19/2023	222300503	A	4,768.27	21 E 400 310 162107 000	PROPSOM, JENNIFER	Reimbursement for Camp & Choreography Fees-August 2022
01/19/2023	222300504	A	5,466.16	10 E 800 411 253000 000	PROFESSIONAL SUPPLY	CUSTODIAL SUPPLIES
01/19/2023	222300505	A	57.81	10 E 800 342 222200 000	SELLE, HOLLY	9/1/2022-12/24/2022 Mileage
01/19/2023	222300505	A	291.25	10 E 800 342 221300 000	SELLE, HOLLY	9/1/2022-12/24/2022 Mileage
01/19/2023	222300506	A	115.36	21 E 200 411 161931 000	SULLIVAN, PAIGE	12/18/2022-1/13/2023 Classroom Materials and Allied Arts Items
01/19/2023	222300506	A	50.21	21 E 200 411 161931 000	SULLIVAN, PAIGE	12/18/2022-1/13/2023

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01/19/2023	222300506	A	290.09	21 E 200 411 161931 000	SULLIVAN, PAIGE	Classroom Materials and Allied Arts Items 12/18/2022-1/13/2023
01/19/2023	222300506	A	20.38	10 E 200 411 135200 000	SULLIVAN, PAIGE	Classroom Materials and Allied Arts Items 12/18/2022-1/13/2023
01/19/2023	222300506	A	59.02	10 E 200 411 135200 000	SULLIVAN, PAIGE	Classroom Materials and Allied Arts Items 12/18/2022-1/13/2023
01/19/2023	222300507	A	5,573.36	10 E 800 331 253300 000	SYMMETRY ENERGY SOLU	Customer ID 34642 District Gas Billing
01/19/2023	222300508	A	375.98	10 E 800 324 253000 000	VANS FIRE & SAFETY I	CUST # 7900 FIRE EXT INSPECTION HS
01/19/2023	222300509	A	85.00	10 E 800 310 162000 000	WAZNY, CHRISTOPHER	Varsity GBB vs Denmark Official
01/19/2023	222300510	A	2,741.51	10 E 800 354 258000 000	WISCONSIN DOCUMENT I	Acct #GB3909 - Contract #3239-01
01/20/2023	102952	R	239.68	21 E 400 411 162205 000	BSN SPORTS REMIT	AF SHOWTIME APPAREL
01/20/2023	102953	R	1,042.31	10 E 800 355 263300 000	CELLCOM WISCONSIN RS	Acct #003-00319495 Monthly Charges
01/20/2023	102954	R	6,880.00	10 E 800 310 214000 000	DOOR COUNTY MEDICAL	SCHOOL NURSING SERVICES-DECEMBER
01/20/2023	102955	R	210.78	50 E 800 324 257220 000	ECOLAB	PEST CONTROL SERVICES ACCOUNT #STUR0010-0005
01/20/2023	102956	R	111.00	10 E 800 711 270000 000	M3 INSURANCE	Account# STURBAY-03 District insurance premiums 22-23
01/20/2023	102956	R	5,680.00	10 E 800 713 270000 000	M3 INSURANCE	Account# STURBAY-03 District insurance premiums 22-23
01/20/2023	102957	R	276.00	10 E 800 310 221300 000	MASTER TEACHER	Paraeducator online training-annual subscription
01/20/2023	102958	R	86.13	10 E 400 411 136431 000	MC MASTER-CARR SUPPL	Shop Supplies
01/20/2023	102959	R	14.48	10 E 800 411 253000 000	O'REILLY AUTO PARTS	CUSTOMER #1451981 MAINTENANCE SUPPLIES
01/20/2023	102960	R	67.62	10 E 140 411 110000 000	ODP BUSINESS SOLUTIO	PBIS Supplies
01/20/2023	102961	R	5,165.20	10 E 800 411 253000 000	PIKE SYSTEMS INC	MAINTENANCE SUPPLIES
01/20/2023	102962	R	160.00	50 E 800 415 257220 549	PINKY PROMISE COFFEE	COFFEE
01/20/2023	102963	R	2,287.50	10 E 800 324 253000 000	RASS EXCAVATING & MA	SNOW REMOVAL DEC 2022
01/20/2023	102964	R	221.00	10 E 400 411 136360 000	THE LINCOLN ELECTRIC	Welding Supplies
01/20/2023	102965	R	715.50	10 E 800 943 120000 000	WIS SCHOOL MUSIC ASS	SOLO & ENSEMBLE FEES ACCOUNT #10806
01/20/2023	102966	R	647.90	10 E 140 472 110000 000	ZANER-BLOSER, INC	Build Fact Fluency kit
01/24/2023	102967	R	3,935.55	98 L 000 000 811634 000	MADISON NATIONAL LIF	Group Life - February Coverage
01/24/2023	102968	R	623.79	98 L 000 000 811639 000	MADISON NATIONAL LIF	Short-Term Disability Ins.
01/24/2023	102968	R	2,672.96	98 L 000 000 811635 000	MADISON NATIONAL LIF	LTD Insurance - February Coverage
01/24/2023	102968	R	505.39	98 L 000 000 811639 000	MADISON NATIONAL LIF	Short-Term Disability Ins.
01/24/2023	102969	R	403.80	98 L 000 000 811637 000	MADISON NATIONAL LIF	Voluntary Life - 18 Pay - February Coverage
01/24/2023	102969	R	332.50	98 L 000 000 811637 000	MADISON NATIONAL LIF	Voluntary Life - 24 Pay - February Coverage
01/24/2023	102970	R	1,262.88	98 L 000 000 811647 000	SUPERIOR VISION INSU	Policy #03928901 - Vision Ins. - February Coverage
01/26/2023	102974	R	15,512.20	10 E 800 480 295000 000	95 PERCENT GROUP LLC	Phonics Materials

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01/26/2023	222300511	A	487.00	10 E 800 324 253000 000	A-1 ELEVATOR SERVICE	ELEVATOR MAINTENANCE-TJ WALKER
01/26/2023	102975	R	57.45	10 E 800 324 253000 000	AIRGAS USA LLC	Welder Repair Services
01/26/2023	222300512	A	1,211.50	10 E 400 450 136431 000	ALGOMA LUMBER COMPAN	Lumber for Resale
01/26/2023	222300513	A	329.27	10 E 800 310 256240 000	BABLER BUS SERVICE I	CHARTER SERVICE GIRLS BB 1/20/23
01/26/2023	222300513	A	545.73	21 E 400 310 162105 000	BABLER BUS SERVICE I	CHARTER SERVICE GIRLS BB 1/20/23
01/26/2023	222300514	A	869.80	10 E 800 411 253000 000	BELSON CO	TOWELS/LINERS
01/26/2023	222300515	A	85.00	10 E 800 310 162000 000	BERKEN, DAVID	BBB varsity official vs NEW
01/26/2023	222300516	A	85.00	10 E 800 310 162000 000	BERKEN, JAKE	BBB varsity official vs NEW
01/26/2023	222300517	A	4,833.39	27 E 800 386 156600 341	CESA 7	PERSONNEL CHARGES 12/1-12/31/22
01/26/2023	222300518	A	85.00	10 E 800 310 162000 000	CHRISTIANSEN, KYLE	Varsity BBB Official vs Kew
01/26/2023	222300519	A	75.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	JV2 BBB Official vs Kew
01/26/2023	222300519	A	75.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	JV1 GBB vs Oconto Official
01/26/2023	222300519	A	75.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	BBB JV official vs NEW
01/26/2023	222300520	A	75.00	10 E 800 310 162000 000	CROGAN, ALEXANDER	Varsity GBB vs Oconto Official
01/26/2023	102976	R	150.00	21 E 140 310 170006 000	DOOR COUNTY ADVENTUR	STUDENT FEES/JAN 24, 2023
01/26/2023	102977	R	811.39	10 E 800 348 254500 000	DOOR COUNTY TREASURE	DECEMBER 2022 FUEL CHARGES
01/26/2023	102977	R	1,729.76	10 E 800 348 256510 000	DOOR COUNTY TREASURE	DECEMBER 2022 FUEL CHARGES
01/26/2023	102978	R	1,879.04	27 E 800 310 218200 011	DOOR COUNTY MEDICAL	PT-DECEMBER 2022
01/26/2023	102979	R	1,230.00	21 E 800 310 161942 000	DOOR COUNTY ROD & GU	2023 Memberships - Clipper Clays
01/26/2023	102980	R	280.00	10 E 800 310 239100 000	DOOR COUNTY YMCA	MONTHLY MEMBERSHIPS
01/26/2023	102980	R	360.00	10 E 800 310 239100 000	DOOR COUNTY YMCA	MONTHLY MEMBERSHIPS
01/26/2023	222300521	A	85.00	10 E 800 310 162000 000	DIETZ, LARRY	BBB vs NEW varsity official
01/26/2023	222300522	A	35.85	10 E 800 411 253000 000	DOYLE, JOHN	Windshield Wipers for School Vehicle
01/26/2023	222300523	A	120.28	27 E 800 342 221300 341	FAHEY, SHANNON	10/18/2022-10/21/2022 Meals total of $120.28
01/26/2023	222300524	A	1,200.00	10 E 400 411 136000 000	FIRST TECHNOLOGIES I	BOFA Advantage 500 IQ Filter and Hose Kit
01/26/2023	222300524	A	1,620.00	10 E 800 449 253000 000	FIRST TECHNOLOGIES I	BOFA Advantage 500 IQ Filter and Hose Kit
01/26/2023	222300524	A	500.00	21 E 400 449 161924 000	FIRST TECHNOLOGIES I	BOFA Advantage 500 IQ Filter and Hose Kit
01/26/2023	222300525	A	675.79	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-MS
01/26/2023	222300525	A	80.18	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-MS
01/26/2023	102981	R	6.00	10 E 800 411 253000 000	GFL ENVIRONMENTAL	CUSTODIAL SUPPLIES
01/26/2023	222300526	A	46.35	10 E 200 411 125500 000	HEID MUSIC CO	BAND SUPPLIES
01/26/2023	222300527	A	201.74	10 E 800 342 252100 000	HOLTZ, JACOB	1/17/2023-1/20/2023 2023 WI Joint Education Convention
01/26/2023	222300527	A	11.75	10 E 800 342 252100 000	HOLTZ, JACOB	1/17/2023-1/20/2023 2023 WI Joint Education Convention
01/26/2023	222300527	A	89.04	10 E 800 342 231000 000	HOLTZ, JACOB	1/17/2023-1/20/2023 2023 WI Joint Education Convention
01/26/2023	222300527	A	165.80	10 E 800 342 231000 000	HOLTZ, JACOB	1/17/2023-1/20/2023 2023 WI Joint Education Convention
01/26/2023	222300527	A	143.78	10 E 800 342 231000 000	HOLTZ, JACOB	1/17/2023-1/20/2023 2023 WI Joint Education Convention
01/26/2023	222300528	A	85.00	10 E 800 310 162000 000	JANDRIN, MARK	Varsity BBB Official vs Kew
01/26/2023	222300529	A	85.00	10 E 800 310 162000 000	JENSEN, CHARLES	Varsity GBB vs Oconto Official
01/26/2023	222300530	A	781.70	10 E 800 419 249000 000	JOSTENS REMIT	COVERS-95

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01/26/2023	102982	R	106.92	10 E 120 411 111000 000	LAKESHORE LEARNING M	Literacy games
01/26/2023	102983	R	500.00	21 E 200 310 166327 000	LAMERS TOUR & TRAVEL	Down payment - Class of 2027 Washington DC Trip
01/26/2023	222300531	A	85.00	10 E 800 310 162000 000	LASEE, DAVID	Varsity GBB vs Oconto Official
01/26/2023	222300532	A	75.00	10 E 800 310 162000 000	LECAPTAIN, MARK	JV GBB official
01/26/2023	102984	R	253.00	21 E 400 411 135300 000	MAAS FLORAL & GREENH	SOIL/GREENHOUSE
01/26/2023	222300533	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV2 BBB Official vs Kew
01/26/2023	222300533	A	100.00	10 E 800 310 162000 000	MEIKLE, REX	MS GBB vs Sev Official
01/26/2023	222300533	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	BBB JV official vs NEW
01/26/2023	102985	R	150.00	21 E 800 411 161942 000	NORTHERN WI CLAY TAR	Conference Fees and Awards
01/26/2023	102986	R	131.92	10 E 120 411 110000 000	ORIENTAL TRADING COM	February School-Wide Celebration
01/26/2023	102987	R	1,257.60	10 E 800 324 253000 000	OTIS ELEVATOR	Cust #295208 Maintenance Services from 2/1/23 to 1/31/24
01/26/2023	102988	R	308.65	50 E 800 415 257220 000	PAN O GOLD	SCHOOL LUNCH FOOD ACCT #40014
01/26/2023	102989	R	3,500.00	21 E 800 310 161926 000	PAUL FAMILY BOOKS LL	Author Visit Fees
01/26/2023	102989	R	2,805.00	21 E 800 310 161926 679	PAUL FAMILY BOOKS LL	Author Visit Fees
01/26/2023	102990	R	85.00	10 E 800 310 162000 000	PIVONKA, CASEY	Varsity BBB Official vs Kew
01/26/2023	102991	R	486.00	10 E 800 370 213200 000	PSAT/NMSQT	PSAT Testing- School Code 502220
01/26/2023	222300534	A	78.01	10 E 200 411 241000 000	QUILL LLC	MS Office Supplies/Refills
01/26/2023	222300534	A	11.77	10 E 200 411 241000 000	QUILL LLC	MS Office Supplies/Refills
01/26/2023	222300534	A	5.64	10 E 200 411 241000 000	QUILL LLC	MS Office Supplies/Refills
01/26/2023	222300534	A	136.46	10 E 200 411 241000 000	QUILL LLC	MS Office Supplies/Refills
01/26/2023	222300534	A	192.58	10 E 400 411 241000 000	QUILL LLC	Toner for fax machine
01/26/2023	102992	R	23.92	10 E 120 310 221300 000	REALLY GOOD STUFF	Kindergarten Paper Order
01/26/2023	102993	R	2,199.00	21 E 200 411 166327 000	RENARD'S CHEESE STOR	Fundraiser - Class of 2027 Washington DC Trip
01/26/2023	222300535	A	14,231.23	10 E 800 336 253300 000	STURGEON BAY UTILITI	DECEMBER 2022 UTILITY BILL
01/26/2023	222300535	A	1,169.99	10 E 800 337 253300 000	STURGEON BAY UTILITI	DECEMBER 2022 UTILITY BILL
01/26/2023	222300535	A	630.53	10 E 800 338 253300 000	STURGEON BAY UTILITI	DECEMBER 2022 UTILITY BILL
01/26/2023	222300535	A	227.02	10 E 800 339 253300 000	STURGEON BAY UTILITI	DECEMBER 2022 UTILITY BILL
01/26/2023	222300536	A	85.00	10 E 800 310 162000 000	SCHWARZ, RICHARD	Varsity GBB vs Oconto Official
01/26/2023	102994	R	371.44	10 E 800 324 253000 000	SEPTIC MAINTENANCE O	DRAIN CLEANING/SUNRISE & BUS GARAGE
01/26/2023	222300537	A	39.96	10 E 200 450 135200 000	SULLIVAN, PAIGE	1/17/2023 Eggs from Walmart
01/26/2023	102995	R	225.00	10 E 200 310 241000 000	THORSON, DAWN	Clippers Outdoors trailer storage 2023 season
01/26/2023	102995	R	100.00	21 E 800 310 161942 000	THORSON, DAWN	Clippers Outdoors trailer storage 2023 season
01/26/2023	102995	R	100.00	21 E 400 310 161950 000	THORSON, DAWN	Clippers Outdoors trailer storage 2023 season
01/26/2023	102996	R	25.80	10 E 800 353 263300 000	UNITED PARCEL SERVIC	Shipper #586902 Monthly Parcel Service
01/26/2023	102997	R	18.30	10 E 800 411 253000 000	VIKING ELECTRIC SUPP	Acct #V11169 Maintenance Supplies
01/26/2023	102997	R	54.90	10 E 800 411 253000 000	VIKING ELECTRIC SUPP	Acct #V11169 Maintenance Supplies
01/26/2023	222300538	A	54.90	10 E 800 354 258000 000	WISCONSIN DOCUMENT I	Staples-MS
01/04/2023	202200843	W	504.68	98 L 000 000 811675 000	WEA MEMBER BENEFITS	TSA Benefit: Tjernagel $389.57 & Holtz $115.11
01/04/2023	202200840	W	51.76	98 L 000 000 811640 000	WEA TRUST ADVANTAGE	WEA Auto Insurance

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01/04/2023	202200840	W	56.87	98 L 000 000 811641 000	WEA TRUST ADVANTAGE	WEA Home Owner's Ins
01/04/2023	202200840	W	1,140.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA
01/04/2023	202200840	W	2,449.50	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
01/04/2023	202200840	W	3,803.33	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
01/04/2023	202200841	W	245.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
01/04/2023	202200841	W	130.12	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
01/04/2023	202200841	W	325.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Roth Employee Contributions
01/04/2023	202200847	W	241.16	98 L 000 000 811680 000	WIS DEPT OF REVENUE	Case #3937805
01/03/2023	202200848	W	898.89	50 E 800 415 257250 000	PEPSI-COLA OF GREEN	HS VENDING
01/05/2023	102522	V	-368.92	21 E 400 411 162104 000	TEAM SPORTING GOODS	SOFTBALL SOCKS
01/05/2023	102522	V	-198.54	21 E 400 411 162104 000	TEAM SPORTING GOODS	SOFTBALL PANTS
01/06/2023	202201159	W	-34.97	10 E 800 411 252100 000	4IMPRINT INC	Credit Card Payment AP Invoice.
01/06/2023	202201159	W	670.70	10 E 800 411 252100 000	4IMPRINT INC	Credit Card Payment AP Invoice.
01/06/2023	202201183	W	319.59	10 E 800 324 253000 000	AIRGAS SAFETY INC	Credit Card Payment AP Invoice.
01/06/2023	202201190	W	-22.99	10 E 800 990 239000 000	AMAZON.COM	Credit Card Payment AP Invoice.
01/06/2023	202201190	W	30.33	10 E 800 990 239000 000	AMAZON.COM	Credit Card Payment AP Invoice.
01/06/2023	202201190	W	22.99	10 E 800 990 239000 000	AMAZON.COM	Credit Card Payment AP Invoice.
01/06/2023	202201190	W	24.37	10 E 800 990 239000 000	AMAZON.COM	Credit Card Payment AP Invoice.
01/06/2023	202201196	W	-30.58	10 E 800 449 295000 000	B & H FOTO & ELECTRO	Credit Card Payment AP Invoice.
01/06/2023	202201164	W	1,564.81	10 E 800 411 253000 000	BLUETARP FINANCIAL	Credit Card Payment AP Invoice.
01/06/2023	202201170	W	7.98	10 E 400 411 126000 000	COBORN'S INCORPORATE	Credit Card Payment AP Invoice.
01/06/2023	202201170	W	78.32	10 E 200 411 126000 000	COBORN'S INCORPORATE	Credit Card Payment AP Invoice.
01/06/2023	202201193	W	40.00	10 E 800 411 221200 000	DOOR COUNTY COFFEE &	Credit Card Payment AP Invoice.
01/06/2023	202201178	W	22.96	10 E 200 411 126000 000	DOOR COUNTY HARDWARE	Credit Card Payment AP Invoice.
01/06/2023	202201177	W	30.00	21 E 200 411 164907 000	THE DOLLAR TREE	Credit Card Payment AP Invoice.
01/06/2023	202201181	W	-11.00	21 E 400 310 161911 000	FBLA PHI BETA LAMBDA	Credit Card Payment AP Invoice.
01/06/2023	202201187	W	1,621.27	10 E 800 339 253300 000	GFL ENVIRONMENTAL	Credit Card Payment AP Invoice.
01/06/2023	202201179	W	-450.00	10 E 800 480 162000 000	GLAZIER DRIVE	Credit Card Payment AP Invoice.
01/06/2023	202201180	W	199.98	10 E 800 480 295000 000	GODADDY.COM	Credit Card Payment AP Invoice.
01/06/2023	202201197	W	436.77	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
01/06/2023	202201161	W	137.60	10 E 800 411 231000 000	JIMMY JOHN'S	Credit Card Payment AP Invoice.
01/06/2023	202201161	W	382.69	27 E 800 411 223300 341	JIMMY JOHN'S	Credit Card Payment AP Invoice.

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/06/2023	202201157	W	42.49	10 E 800 432 222200 031	JOSTENS REMIT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	14.95	10 E 800 342 264400 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	15.85	10 E 800 342 264400 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	12.81	10 E 800 342 264400 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	189.00	10 E 800 342 264400 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	139.00	10 E 800 342 221300 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	139.00	10 E 800 342 221300 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	209.00	10 E 800 342 221300 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	209.00	10 E 800 342 221300 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201189	W	115.01	10 E 800 342 221300 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
01/06/2023	202201168	W	84.94	27 E 800 411 223300 341	KITTY O'REILLY'S IRI	Credit Card Payment AP Invoice.
01/06/2023	202201171	W	32.59	10 E 400 450 136431 000	MENARDS	Credit Card Payment AP Invoice.
01/06/2023	202201171	W	39.40	21 E 010 411 160999 000	MENARDS	Credit Card Payment AP Invoice.
01/06/2023	202201162	W	390.86	10 E 800 411 253000 000	MESSICK'S EQUIPMENT	Credit Card Payment AP Invoice.
01/06/2023	202201162	W	55.76	10 E 800 411 253000 000	MESSICK'S EQUIPMENT	Credit Card Payment AP Invoice.
01/06/2023	202201160	W	9.95	10 E 800 355 263300 000	METROFAX	Credit Card Payment AP Invoice.
01/06/2023	202201176	W	-46.00	10 E 140 310 221300 000	NAEA MEMBER SERVICES	Credit Card Payment AP Invoice.
01/06/2023	202201176	W	-39.00	10 E 140 310 221300 000	NAEA MEMBER SERVICES	Credit Card Payment AP Invoice.
01/06/2023	202201176	W	329.00	10 E 140 310 221300 000	NAEA MEMBER SERVICES	Credit Card Payment AP Invoice.
01/06/2023	202201176	W	90.00	10 E 140 310 221300 000	NAEA MEMBER SERVICES	Credit Card Payment AP Invoice.
01/06/2023	202201167	W	444.14	27 E 800 411 158100 341	NCS PEARSON INC	Credit Card Payment AP Invoice.
01/06/2023	202201173	W	46.44	21 E 200 411 161939 000	PAPA MURPHY'S	Credit Card Payment AP Invoice.
01/06/2023	202201173	W	7.78	21 E 200 411 161939 000	PAPA MURPHY'S	Credit Card Payment AP Invoice.
01/06/2023	202201166	W	82.83	27 E 800 411 223300 341	PICK'N SAVE ROUNDYS	Credit Card Payment AP Invoice.
01/06/2023	202201172	W	194.00	10 E 140 411 115000 000	ROBONATION INC	Credit Card Payment AP Invoice.
01/06/2023	202201174	W	80.00	21 E 200 411 161939 000	STURGEON BAY CINEMA	Credit Card Payment AP Invoice.
01/06/2023	202201194	W	90.22	10 E 800 411 221200 000	SONNY'S PIZZERIA LLC	Credit Card Payment AP Invoice.
01/06/2023	202201156	W	355.00	10 E 800 360 222200 031	STARFALL EDUCATION F	Credit Card Payment AP Invoice.

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/06/2023	202201169	W	34.08	21 E 200 411 161939 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201169	W	232.87	21 E 400 411 161923 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201169	W	58.37	21 E 200 411 161945 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201169	W	5.00	21 E 200 411 161945 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201169	W	10.00	21 E 200 411 161945 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201169	W	5.70	10 E 200 411 241000 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201169	W	94.49	10 E 200 411 241000 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201169	W	46.67	10 E 200 411 241000 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201169	W	15.16	21 E 400 411 161907 000	TARGET	Credit Card Payment AP Invoice.
01/06/2023	202201185	W	231.55	10 E 800 449 295000 000	ULINE	Credit Card Payment AP Invoice.
01/06/2023	202201186	W	6,145.00	10 E 800 449 295000 000	ULINE	Furniture for HS 114 meeting space and offices
01/06/2023	202201163	W	-297.49	10 E 800 411 253000 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	81.95	10 E 800 449 253000 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	15.83	21 E 200 411 161939 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	145.00	10 E 200 411 241000 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	556.00	10 E 800 449 253000 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	-8.25	10 E 800 480 295000 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	51.38	10 E 800 348 254500 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	62.26	10 E 800 348 254500 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	152.97	10 E 800 342 221300 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201163	W	65.88	10 E 800 342 221300 000	US BANK	Credit Card Payment AP Invoice.
01/06/2023	202201182	W	4,001.62	10 E 800 355 263300 000	US CELLULAR	Credit Card Payment AP Invoice.
01/06/2023	202201195	W	56.70	10 E 800 411 295000 000	VISTAPRINT	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	10.36	10 E 400 411 222200 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	24.29	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	49.16	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	119.47	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	-139.89	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/06/2023	202201158	W	89.38	21 E 400 411 161923 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	139.89	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	78.73	21 E 140 411 164900 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	222.52	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	43.88	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	123.80	21 E 400 411 161923 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	30.00	21 E 200 411 161923 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	52.92	10 E 400 411 241000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	18.06	10 E 120 411 110400 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	35.06	10 E 120 415 110400 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	48.82	27 E 800 411 223300 341	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201158	W	26.21	21 E 140 411 164910 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
01/06/2023	202201192	W	790.00	10 E 800 310 264400 000	WASBO FOUNDATION	Credit Card Payment AP Invoice.
01/06/2023	202201192	W	395.00	10 E 140 310 221300 000	WASBO FOUNDATION	Credit Card Payment AP Invoice.
01/06/2023	202201155	W	852.11	50 E 800 449 257000 000	THE WEBSTAURANT STOR	Credit Card Payment AP Invoice.
01/06/2023	202201155	W	45.71	50 E 800 449 257000 000	THE WEBSTAURANT STOR	Credit Card Payment AP Invoice.
01/06/2023	202201175	W	140.00	10 E 400 310 221300 000	WI TECHNOLOGY EDUCAT	Credit Card Payment AP Invoice.
01/06/2023	202201175	W	75.00	10 E 400 310 136000 400	WI TECHNOLOGY EDUCAT	Credit Card Payment AP Invoice.
01/06/2023	202201175	W	140.00	10 E 200 310 221300 000	WI TECHNOLOGY EDUCAT	Credit Card Payment AP Invoice.
01/06/2023	202201175	W	75.00	10 E 400 310 136000 400	WI TECHNOLOGY EDUCAT	Credit Card Payment AP Invoice.
01/06/2023	202201175	W	140.00	10 E 400 310 221300 000	WI TECHNOLOGY EDUCAT	Credit Card Payment AP Invoice.
01/06/2023	202201175	W	75.00	10 E 400 310 136000 400	WI TECHNOLOGY EDUCAT	Credit Card Payment AP Invoice.
01/06/2023	202201184	W	378.00	10 E 800 411 162000 000	WISC INTERSCHOLASTIC	Credit Card Payment AP Invoice.
01/06/2023	202201188	W	25.08	10 E 400 450 136431 000	WOODWORKER'S SUPPLY	Shop supplies for resale
01/06/2023	202201191	W	158.15	10 E 800 480 295000 000	ZOOM VIDEO COMMUNICA	Credit Card Payment AP Invoice.
01/06/2023	202201165	W	103.80	10 E 800 411 253000 000	ZORO.COM	Credit Card Payment AP Invoice.
01/06/2023	202201165	W	1,691.28	10 E 800 411 253000 000	ZORO.COM	Credit Card Payment AP Invoice.
01/06/2023	202201165	W	117.56	10 E 800 411 253000 000	ZORO.COM	Credit Card Payment AP Invoice.
01/09/2023	202201010	W	729.21	50 E 800 415 257250 000	PEPSI-COLA OF GREEN	HS VENDING

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01/18/2023	202201014	W	504.68	98 L 000 000 811675 000	WEA MEMBER BENEFITS	TSA Benefit: Tjernagel $389.57 & Holtz $115.11
01/18/2023	202201012	W	51.76	98 L 000 000 811640 000	WEA TRUST ADVANTAGE	WEA Auto Insurance
01/18/2023	202201012	W	56.87	98 L 000 000 811641 000	WEA TRUST ADVANTAGE	WEA Home Owner's Ins
01/18/2023	202201012	W	1,140.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA
01/18/2023	202201012	W	15.96	98 L 000 000 811643 000	WEA TRUST ADVANTAGE	WEA Umbrella Ins
01/18/2023	202201012	W	2,449.50	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
01/18/2023	202201012	W	3,803.33	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
01/18/2023	202201013	W	245.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
01/18/2023	202201013	W	130.12	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
01/18/2023	202201013	W	325.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Roth Employee Contributions
01/17/2023	202201011	W	727.47	50 E 800 415 257250 000	PEPSI-COLA OF GREEN	HS VENDING
01/19/2023	202201015	W	3,878.79	10 E 800 331 253300 000	WISCONSIN PUBLIC SER	Acct #0401972111-00007 District Gas
01/24/2023	202201029	W	-3.57	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	-3.57	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	-3.56	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	-3.57	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	219.00	10 E 800 449 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	261.24	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	55.96	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	139.60	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	110.90	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	9.80	10 E 800 411 295000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	195.21	10 E 800 411 295000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	39.84	10 E 800 411 295000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	13.19	10 E 800 411 295000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	558.91	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	5.99	27 E 400 411 158102 341	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	142.49	27 E 800 411 158100 341	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	244.35	27 E 800 449 158100 341	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	25.05	27 E 800 411 158100 341	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	36.00	50 E 800 415 257220 549	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	37.44	50 E 800 415 257220 549	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	42.81	50 E 800 411 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	147.49	10 E 800 449 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	29.76	50 E 800 411 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	66.27	50 E 800 415 257220 549	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	66.27	50 E 800 415 257220 549	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201029	W	195.93	10 E 800 449 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
01/24/2023	202201030	W	22.86	27 E 140 411 158117 341	AMAZON.COM	ID/Autism
01/24/2023	202201031	W	29.99	27 E 140 411 158117 341	AMAZON.COM	ID/Autism
01/24/2023	202201032	W	35.09	27 E 140 411 158117 341	AMAZON.COM	ID/Autism
01/24/2023	202201033	W	10.12	27 E 140 411 158117 341	AMAZON.COM	ID/Autism
01/24/2023	202201034	W	16.50	10 E 400 411 136431 000	AMAZON.COM	Classroom Supplies
01/24/2023	202201035	W	15.99	10 E 400 411 136431 000	AMAZON.COM	Classroom Supplies
01/24/2023	202201036	W	13.80	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201037	W	15.84	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201038	W	14.57	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201039	W	14.09	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class

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						supplies - donation $
01/24/2023	202201040	W	23.87	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201041	W	10.57	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201042	W	8.54	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201043	W	8.53	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201044	W	10.53	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201045	W	9.53	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201046	W	8.54	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201047	W	7.53	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201048	W	9.54	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201049	W	10.54	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201050	W	6.91	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation $
01/24/2023	202201051	W	11.44	27 E 400 411 158102 341	AMAZON.COM	Life Strategies for Teens Workbook
01/24/2023	202201052	W	299.90	10 E 800 480 222200 031	AMAZON.COM	Dash Robots
01/24/2023	202201053	W	5.13	10 E 200 411 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201053	W	1.14	10 E 200 414 120000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201053	W	7.98	10 E 200 450 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201054	W	25.54	10 E 200 411 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201054	W	5.68	10 E 200 414 120000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201054	W	39.73	10 E 200 450 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201055	W	4.42	10 E 200 411 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201055	W	0.98	10 E 200 414 120000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201055	W	6.89	10 E 200 450 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201056	W	19.08	10 E 200 411 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201056	W	4.24	10 E 200 414 120000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201056	W	29.67	10 E 200 450 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201057	W	3.92	10 E 200 411 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201057	W	0.87	10 E 200 414 120000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201057	W	6.11	10 E 200 450 136000 000	AMAZON.COM	Middle School 3D printer supplies

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/24/2023	202201058	W	5.75	10 E 200 411 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201058	W	1.28	10 E 200 414 120000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201058	W	8.93	10 E 200 450 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201059	W	11.27	10 E 200 411 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201059	W	2.51	10 E 200 414 120000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201059	W	17.53	10 E 200 450 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201060	W	5.25	10 E 200 411 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201060	W	1.17	10 E 200 414 120000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201060	W	8.15	10 E 200 450 136000 000	AMAZON.COM	Middle School 3D printer supplies
01/24/2023	202201061	W	71.40	10 E 140 411 113000 000	AMAZON.COM	Classroom supplies
01/24/2023	202201062	W	13.62	10 E 140 411 113000 000	AMAZON.COM	Classroom supplies
01/24/2023	202201063	W	11.85	10 E 140 411 113000 000	AMAZON.COM	Classroom supplies
01/24/2023	202201064	W	65.99	10 E 200 411 222200 000	AMAZON.COM	Library supplies
01/24/2023	202201065	W	11.03	10 E 400 450 136431 000	AMAZON.COM	Classroom Supplies for Resale
01/24/2023	202201066	W	15.80	10 E 400 450 136431 000	AMAZON.COM	Classroom Supplies for Resale
01/24/2023	202201067	W	38.24	27 E 120 411 152002 341	AMAZON.COM	materials for LEAP
01/24/2023	202201068	W	17.98	27 E 120 411 152002 341	AMAZON.COM	materials for LEAP
01/24/2023	202201069	W	79.99	27 E 120 411 152002 341	AMAZON.COM	materials for LEAP
01/24/2023	202201070	W	315.00	10 E 800 411 239000 000	AMAZON.COM	Books for Equity Work Group
01/24/2023	202201071	W	15.28	10 E 800 432 222200 031	AMAZON.COM	Library books
01/24/2023	202201072	W	19.99	10 E 800 432 222200 031	AMAZON.COM	Library books
01/24/2023	202201073	W	5.99	10 E 800 432 222200 031	AMAZON.COM	Library books
01/24/2023	202201074	W	13.19	10 E 800 432 222200 031	AMAZON.COM	Library books
01/24/2023	202201075	W	4.99	10 E 800 432 222200 031	AMAZON.COM	Library books
01/24/2023	202201076	W	14.95	10 E 800 432 222200 031	AMAZON.COM	Library books
01/24/2023	202201077	W	49.95	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201078	W	29.55	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201079	W	54.95	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201080	W	64.95	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201081	W	39.95	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201082	W	44.10	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201083	W	42.55	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201084	W	59.95	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201085	W	54.95	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201086	W	59.95	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201087	W	44.95	10 E 400 470 122000 000	AMAZON.COM	Novel for HS English Classes
01/24/2023	202201088	W	12.69	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201089	W	10.97	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201090	W	26.81	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201091	W	28.19	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201092	W	11.06	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201093	W	20.15	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201094	W	28.18	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201095	W	7.54	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201096	W	18.75	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201097	W	7.00	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies
01/24/2023	202201098	W	23.41	80 E 800 411 239000 000	AMAZON.COM	Reunification supplies

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/24/2023	202201099	W	12.19	10 E 800 432 222200 031	AMAZON.COM	Library Books
01/24/2023	202201100	W	5.97	10 E 800 432 222200 031	AMAZON.COM	Library Books
01/24/2023	202201101	W	16.89	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201102	W	7.53	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201103	W	28.26	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201104	W	41.87	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201105	W	13.53	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201106	W	30.02	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201107	W	26.47	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201108	W	39.56	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201109	W	7.04	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201110	W	19.18	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201111	W	8.50	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201112	W	41.20	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201113	W	13.83	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201114	W	48.59	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201115	W	16.20	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201116	W	15.73	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201117	W	17.57	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201118	W	11.49	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201119	W	10.49	27 E 400 411 158110 341	AMAZON.COM	Classroom Supplies, and supplies for Holiday Party
01/24/2023	202201120	W	17.49	10 E 120 411 112000 000	AMAZON.COM	reading supplies
01/24/2023	202201121	W	16.99	10 E 120 411 112000 000	AMAZON.COM	reading supplies
01/24/2023	202201122	W	10.72	10 E 120 411 112000 000	AMAZON.COM	reading supplies
01/24/2023	202201123	W	32.97	10 E 120 411 111000 000	AMAZON.COM	cardstock and small clips
01/24/2023	202201124	W	38.09	10 E 120 411 110000 000	AMAZON.COM	PBIS Clipper Cash Store items for students to purchase
01/24/2023	202201125	W	38.32	10 E 120 411 110000 000	AMAZON.COM	PBIS Clipper Cash Store items for students to purchase
01/24/2023	202201126	W	40.53	10 E 120 411 110000 000	AMAZON.COM	PBIS Clipper Cash Store items for students to purchase
01/24/2023	202201127	W	20.98	10 E 120 411 110000 000	AMAZON.COM	PBIS Clipper Cash Store items for students to purchase
01/24/2023	202201128	W	497.96	10 E 200 411 143000 000	AMAZON.COM	Badminton/Pickle Ball nets with stands
01/24/2023	202201129	W	17.99	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201130	W	15.50	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/24/2023	202201131	W	8.99	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201132	W	8.55	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201133	W	25.58	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201134	W	23.98	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201135	W	53.99	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201136	W	29.84	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201137	W	8.78	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201138	W	11.99	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201139	W	21.99	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201140	W	31.29	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201141	W	28.94	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201142	W	39.51	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201143	W	59.99	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201144	W	15.80	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201145	W	37.90	21 E 100 411 164900 000	AMAZON.COM	SEL curriculum materials
01/24/2023	202201146	W	13.99	21 E 140 411 164910 000	AMAZON.COM	Previous order of popcorn for "Sunrise Clubs" was never delivered and refund was issued. This is try #2.
01/24/2023	202201147	W	33.03	21 E 140 411 164910 000	AMAZON.COM	Previous order of popcorn for "Sunrise Clubs" was never delivered and refund was issued. This is try #2.
02/01/2023	202201022	W	16,856.00	98 L 000 000 811901 000	DEAN HEALTH INC	Health Insurance - February Coverage
02/01/2023	202201022	W	116,313.70	98 L 000 000 811630 000	DEAN HEALTH INC	Health Insurance - February Coverage
02/01/2023	202201022	W	25,389.60	10 E 800 290 292000 000	DEAN HEALTH INC	Health Insurance - February Coverage
02/01/2023	202201023	W	13,366.06	98 L 000 000 811632 000	DELTA DENTAL	Dental Ins. - February Coverage
02/01/2023	202201023	W	2,227.67	98 L 000 000 811901 000	DELTA DENTAL	Dental Ins. - February Coverage
02/01/2023	202201023	W	652.98	10 E 800 290 292000 000	DELTA DENTAL	Dental Ins. - February Coverage
02/01/2023	202201016	W	748.59	98 L 000 000 811646 000	STANDARD INSURANCE C	Accident Insurance - February Coverage
02/01/2023	202201019	W	827.81	98 L 000 000 811648 000	STANDARD INSURANCE C	Critical Illness Ins. - February Coverage
02/01/2023	202201021	W	269.71	98 L 000 000 811649 000	STANDARD INSURANCE C	Hospital Indemnity - February Coverage
02/01/2023	202201017	W	663.29	98 L 000 000 811646 000	STANDARD INSURANCE C	Accident Insurance - February Coverage
01/18/2023	202201018	W	738.49	98 L 000 000 811648 000	STANDARD INSURANCE C	Critical Illness Ins. - February Coverage
02/01/2023	202201020	W	235.01	98 L 000 000 811649 000	STANDARD INSURANCE C	Hospital Indemnity - February Coverage
01/31/2023	202201024	W	1.10	10 E 800 355 263300 000	CENTURYLINK	MONTHLY CHARGES
01/23/2023	102931	V	-38.06	80 E 800 310 239000 000	DOOR COUNTY TREASURE	Mary Williams - STEP Payment July - Dec 2022
01/26/2023	202201025	W	757.93	10 E 800 331 253300 000	WISCONSIN PUBLIC SER	Acct #0401972111-00005 DECEMBER Gas for Bus Garage
01/31/2023	202201153	W	175.65	10 E 800 310 239000 000	EMPLOYEE BENEFITS CO	EBC Flex Fees/HRA Fees/UM Accts
01/31/2023	202201153	W	787.47	98 L 000 000 811900 000	EMPLOYEE BENEFITS CO	EBC Flex Fees/HRA Fees/UM Accts

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
01/31/2023	202201153	W	1,835.28	10 E 800 248 239000 000	EMPLOYEE BENEFITS CO	EBC Flex Fees/HRA Fees/UM Accts
01/31/2023	202201154	W	22,570.10	50 E 800 415 257220 000	GORDON FOOD SERVICE	January 2023 Food Bill
01/31/2023	202201154	W	5,305.43	50 E 800 415 257220 549	GORDON FOOD SERVICE	January 2023 Food Bill
01/31/2023	202201154	W	435.60	50 E 800 411 257000 000	GORDON FOOD SERVICE	January 2023 Food Bill
01/31/2023	202201154	W	1,031.46	21 E 100 411 164900 000	GORDON FOOD SERVICE	January 2023 Food Bill
01/31/2023	202201152	W	58,324.56	98 L 000 000 811611 000	INTERNAL REVENUE SER	FEDERAL TAXES
01/31/2023	202201152	W	54,248.89	98 L 000 000 811612 000	INTERNAL REVENUE SER	FEDERAL TAXES
01/31/2023	202201151	W	43,764.98	98 L 000 000 811613 000	WISCONSIN DEPARTMENT	STATE TAXES
01/31/2023	202201150	W	71,655.75	98 L 000 000 811621 000	WISCONSIN RETIREMENT	STATE RETIREMENT
01/31/2023	202201150	W	29,813.62	98 L 000 000 811622 000	WISCONSIN RETIREMENT	STATE RETIREMENT
			1,038,502.75	Totals for checks		

F U N D S U M M A R Y

FUND	DESCRIPTION	BALANCE SHEET	REVENUE	EXPENSE	TOTAL
10	GENERAL FUND	0.00	0.00	261,349.20	261,349.20
21	SPECIAL REVENUE - GIFTS	0.00	1,000.00	21,305.45	22,305.45
27	SPECIAL EDUCATION	0.00	0.00	9,426.76	9,426.76
49	CAPITAL PROJECTS FUND	0.00	0.00	264,395.99	264,395.99
50	FOOD SERVICE FUND	0.00	0.00	38,234.06	38,234.06
80	COMMUNITY SERVICE FUND	0.00	0.00	1,004.15	1,004.15
98	PAYROLL CLEARING FUND	441,787.14	0.00	0.00	441,787.14
*** Fund Summary Totals ***		441,787.14	1,000.00	595,715.61	1,038,502.75

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

Fwd: Mike Propsom - Varsity baseball coach resignation

Inbox

Todd Meikle 3:01 PM (44 minutes ago) Reply

to Keith, me

Hi Ann,

Please add Mike Propsom's resignation for board approval.

Thank you,
Todd

---------- Forwarded message ---------
From: **Mike Propsom** <mike.propsom@gmail.com>
Date: Mon, Jan 23, 2023 at 2:52 PM
Subject: Mike Propsom - Varsity baseball coach resignation
To: Keith Nerby <knerby@sbsdmail.net>, Todd Meikle <tmeikle@sbsdmail.net>

Todd,
I'm writing to inform you of my resignation as Head Varsity Baseball Coach for Sturgeon Bay, effective immediately.

While I've enjoyed my time, I simply cannot continue due to work and family demands. I'd be happy to transition to the new Head Coach once that person is identified.
Sincerely,
Mike Propsom

--
Todd Meikle
Sturgeon Bay High School
Athletic Director
HS/MS
High School PE
(920)746-1830

Ann Demeuse <ademeuse@sbsdmail.net>

Fwd: Resignation

1 message

Mark Smullen <msmullen@sturbay.k12.wi.us> Mon, Feb 6, 2023 at 9:12 AM
To: Ann Demeuse <ademeuse@sbsdmail.net>

---------- Forwarded message ---------
From: **Sarah Kruck** <skruck@sbsdmail.net>
Date: Wed, Feb 1, 2023 at 12:29 PM
Subject: Resignation
To: Mark Smullen <msmullen@sbsdmail.net>

Hello!

Thank you for the past few years to be able to serve the school and community of Sturgeon Bay! However, my husband and I have decided to take a break from teaching full time while we raise our children. I resign from the math position.

Sarah Kruck

Received 2/6/2023
PJ

Teri VanLieshout
324 N 12th Avenue
Sturgeon Bay, WI 54235

February 6, 2023

Superintendent Dan Tjernagel
Principal Mark Smullen
Sturgeon Bay School District
1230 Michigan Street
Sturgeon Bay, WI 54235

Dear Superintendent Tjernagel and Principal Smullen:

Effective at the end of this school year, I will be tendering my resignation for the sixth grade science teaching position . While I have appreciated working for Sturgeon Bay Schools, which is the best district on the peninsula, I find I am enjoying the work less than I did when I was at the beginning of my career. I have found managing middle-level behavior and work-life balance difficult in this role. At this time, I think my skills could be used in a better way.

I will do everything possible to leave things neat and orderly for the next science teacher; Kasee Jandrin,Theresa Hrubecky, Deb Jeanquart, Matt Propsom and Jennifer Lasee have all been excellent sources of support, as has Principal Smullen and the TJ Walker team. I will miss working with them.

The opportunity Sturgeon Bay Schools has given me will forever be appreciated, but my gut tells me that it is time to pursue other opportunities. Thank you very much for allowing me to be part of your team.

Always a Clipper,

Teri VanLieshout

Wisconsin Document Imaging

1850 Velp Avenue
Green Bay, WI 54303
Menomonee Falls WI

Cell 920-639-8777
Fax 920-593-1831

E-mail mark@wis-imaging.com

January 27, 2023

Sturgeon Bay Schools
Sturgeon Bay WI

Dear Jacob and Staff,

Equipment: Ricoh IM C4500 Digital COLOR MFP

Locations:
Middle School Administration
Sawyer Main Office
Sawyer Multi-purpose room
Sunrise Teachers Workroom
High School Workroom

Equipment: Ricoh IM 7000 BW MFP

Locations:
Middle School Workroom
Sawyer Teachers Workroom
Sunrise Workroom
High School 1st floor teacher's workroom
High School 2nd Floor

Equipment: Ricoh IM 4000 BW MFP

Locations:
District office reception

Equipment: Ricoh IM 430F BW MFP

Locations:
High School Library
High School Main office Mikki
District Office Linnea Pichette

Equipment: Ricoh IM 550F BW MFP

Locations:
Middle School Library 2nd floor

The following units will be kept in the system:

Ricoh MPC2504EX currently in the Art Department will be moved to Tech Ed

Ricoh SPC440DN color laser printer currently in the Middle School work room will be moved to the Art Department

---

Lease Pricing

60-month FMV lease, zero down $1,879.00
36-month FMV lease, zero down $2,819.00

Service pricing: All per click service pricing will remain the same

BW click charge $.0052/page no minimum, billed monthly
Color click charge $.045/page no minimum, billed monthly

Value added items:

- **@remote system diagnosis and reporting**
- **FM Audit monitoring for worry free supply replenishment and meter billings**
- **On-line account portal includes ability to monitor and pay invoices, place service calls, track supply orders, account summary and much more.**
- **Free removal and disposal of old unit if needed**
- **Factory trained technicians**
- **Electronic technician dispatching**
- **Firmware updates done on a regular basis to alleviate any performance issues**

If you have any questions please don't hesitate to call

Sincerely,

Mark J Kitzerow
Wisconsin Document Imaging

	Current ID#	Item numbers	Speed color or BW	Options Included/Location
1	SB105	IMC4500	Color 45 PPM	Ricoh IMC4500
1		418360		2k LCT
1		418345		Bridge
1		418335		1K finisher
1		418381		3-hole punch
1		P2500-15-120		Power filter
				Middle School Admin
1	SB106	IMC4500	Color 45 PPM	Ricoh IMC4500
1		418360		2k LCT
1		418345		Bridge
1		418337		1K finisher
1		418381		3-hole punch
1		P2500-15-120		Power filter
				Sawyer Main Office
1	SB104	IMC4500	Color 45 PPM	Ricoh IMC4500
1		418360		2k LCT
1		418345		Bridge
1		418337		1K finisher
1		418381		3-hole punch
1		P2500-15-120		Power Filter
				Sawyer Multi Purpose Room
1	SB102	IMC4500	Color 45 PPM	Ricoh IMC4500
1		418360		2k LCT
1		418345		Bridge
1		418337		1K finisher
1		418381		3-hole punch
1		P2500-15-120		Power Filter
				Sunrise Teacher workroom
1	SB108	IM7000	BW 70 PPM	Ricoh IM7000
1		418178		3K Finisher
1		418332		3-hole punch
1		P2500-20-120		Power Filter

				High School 2nd Floor
1	SB107	IM7000	BW 70 PPM	Ricoh IM7000
1		418178		3K Finisher
1		418332		3-hole punch
				Middle School work room
1	SB103	IM4000	BW 40 PPM	Ricoh IM4000
1		418360		2K LCT
		418345		Bridge
1		418337		1K Finisher
1		418381		3-hole punch
1		2500-15-120		Power Filter
				District Office Reception
1	172.16.1.106	MPC2504EX Color	C777RC10014	Ricoh MPC2504EX ID#SB101
1		100478FNG	KEEP	Stand
1		P2500-15-120		Power Filter
				MOVE to Tech ED
1	SB111	IM550	BW 55 PPM	Ricoh IM550F
1		52642		Medium Stand
1		418475		500 sheet paper tray
1				
				Middle School Library 2nd Floor
1	SB109	IM430	BW 45 PPM	Ricoh IM430
1		52341		Tall Stand
				High School Library(IMC)
1	172.16.1.101	SPC440DN	X686P300076	Ricoh SPC440dn color laser ID#SB110
			Keep	MOVE to Art Department
1	*SB115*	*Ricoh IM430*	*BW 45 PPM*	*Ricoh IM430F*
				High School Main Office Mikki

1	SB114	IM7000	BW 70 PPM	Ricoh IM7000
1		418178		3K Finisher
1		418332		3-hole punch
				Sawyer Teachers Work Room
1	SB112	IM7000	BW 70 PPM	Ricoh IM7000
1		418178		3K Finisher
1		418332		3-hole punch
				Sunrise -workroom
1	SB113	IM7000	BW 70 PPM	Ricoh IM7000
1		418178		3K Finisher
1		418332		3-hole punch
				High School 1st Teachers -workroom
1	SB118	IMC4500	Color 45 PPM	Ricoh IMC4500
1		418360		2k LCT
1				Internal Folder
1		418345		Bridge
1		418335		Booklet maker finisher
1		418381		3-hole punch
1		P2500-15-120		Power filter
				High School work room
1	SB116	IM430	BW 45 PPM	Ricoh IM430
1		52341		Tall Stand
				High School Library(IMC)

November 30, 2022

Todd Meikle
Sturgeon Bay High School
Athletic Director
1230 Michigan St,
Sturgeon Bay, WI 54235

Re: Athletic Facilities Master Planning & Design Documents
Rettler Corporation Professional Services Proposal

Dear Mr. Meikle;

I would like to thank you for allowing time to meet with you on November 18th to discuss the track and field and athletic facilities at the High School. The attached proposal provides the framework for developing the master plan and future design development documents. As discussed, we will be preparing a master plan for the track, field, and stadium facilities. The Master Plan will review the track, competition athletic field, field events, grandstands, stadium building program, baseball / softball impacts south of the high school, and possible air inflated structure north of the high school. This effort will assist in the development of final layouts, cost estimates, future bid documents, and required permitting.

The attached Professional Services Agreement details the scope of services for Rettler Corporation to provide the necessary elements to complete the planning, design, bidding, permitting, and construction of the outdoor athletic facilities.

We are ready to proceed and are available to initiate these services immediately upon receipt of a signed copy of the Agreement.

Sincerely,

John V. Kneer, PLA, ASLA
President

3317 Business Park Drive, Stevens Point, WI 54482-8834
TEL 715.341.2633 FAX 715.341.0431 www.rettler.com

PROFESSIONAL SERVICES AGREEMENT

DESIGN - SCOPE OF SERVICES:

Sturgeon Bay High School desires to complete design services the track, competition athletic field, field events, grandstands, stadium building program, baseball / softball impacts south of the high school, and possible air inflated structure north of the high school. Properties south of the high school are owned by a combination of the City of Sturgeon Bay and the School District.

To assist Sturgeon Bay High School (Owner) in the design of these facilities, Rettler Corporation proposes to provide the following professional services;

I. Program Development

A. Topographic mapping (Optional service, or provided by Owner from previous work completed)
   1. Complete topographic survey of the track, athletic fields and adjacent project areas north and south of the high school.
   2. Horizontal alignment will be referenced to the Door County coordinate system and vertical control will be related to the United States Geological Service (USGS) datum.
   3. Contact Digger's Hotline to locate utilities prior to the survey.
   4. Coordinate private utility locate. Fees will be billed separately as a direct reimbursable.
   5. Complete base mapping illustrating the results of the survey.

B. Data Collection
   1. Obtain any existing survey and topographic information as supplied by Owner and Door County GIS Department.
   2. Obtain any existing wetland, floodplain, environmental and soils information from Owner
   3. Obtain any existing soil boring information and as-built utility mapping from Owner.
   4. Evaluate water sources for irrigating the athletic fields including any existing well or water sources.
   5. Identify adjacent land uses, current zoning and potential neighborhood issues.
   6. Meet with Owner, to discuss existing site conditions and identify objectives/concerns with respect to development of the site.

C. Development Program

1. Meet with Owner to identify and prioritize development and generate approximate spacial commitments to each activity proposed for the site. Final list to date:

   a. 8 lane / 9 sprint lane track
      - Demolish, relocate and repave track
      - Fencing on the outer perimeter of the track
      - Rubberized surfacing
      - High Jump 'D' area inside track
      - Long and triple jump and pole vault outside track
      - Relocated throwing venue west of the track.
      - Drainage improvements.

   b. Competition athletic field
      - Construct new synthetic turf athletic field inside track.
      - Improve field subsurface and perimeter drainage.
      - Maximize field width and multi-activity uses.
      - Goals, goalposts, in ground access boxes and field amenities.

   c. Stadium infrastructure improvements
      - Elevated, enclosed home grandstand.
      - Press box, enclosed below.
      - Support building for restrooms, concessions, officials room, and trainers' room.
      - Entry feature and perimeter fencing.

   d. Baseball and softball impacts
      - Review baseball field in place.
      - Relocate softball and field options.

   e. Air inflated structure
      - Located north of the high school.
      - Synthetic turf full size field.
      - Access options.

2. Other development considerations

   a. Site lighting and other electrical needs.
   b. Accessibility for players and spectators.
   c. Adjacent landscape and hard scape design for connectivity, function, and aesthetics.

d. Athletic field surfacing options.
e. Scoreboard sound system.
f. Security lighting, cameras, locking devices, etc.
g. Plaza and gathering spaces.
h. Amenities (signage, flag pole, seating, etc.).
i. Maintenance needs and consideration.

D. Conceptual Plan
1. Provide up to two (2) concept plan layouts, which combine all elements from the development program.
2. Document positive and negative items and include all input into preferred concept plan development.
3. Refine conceptual Master Plan and review final cost estimates with Owner.

E. Final Master Plan
1. Provide Master Plan drawing, which incorporates final input from concept development.
2. Present Master Plan to Owner for review and comment. Revise the Master Plan accordingly.
3. Present Final Master Plan to the Owner for review and approval.
4. Submit line item cost estimates for all improvements, based on 2022 construction costs of similar projects completed by Rettler Corporation.
5. Provide one (1) 24” X 36” or 30’ x 42” color rendering of the Master Plan.
6. Provide 3-D perspective renderings of the final master plan.

II. Local Coordination and Permitting

A. Municipal Permitting
1. Review municipal and County permitting criteria addressing the following from the Master Plan;
   a. Maintenance of access to municipal utilities
   b. Zoning requirements
   c. Parking requirements
   d. Landscape requirements
   e. Storm water management and erosion control requirements
2. Identify municipal requirements and identify tasks for overall, schedule and budget.

B. Wisconsin Department of Natural Resources (WDNR) and DSPS Storm Water Permits
1. Discuss permitting criteria with WDNR and DSPS addressing the following;

a. Storm water management requirements
b. Erosion control
c. Environmentally sensitive areas, including wetlands and conservancy areas.

C. Local Utilities
1. Meet with local utilities to identify services, access, and easements.

III. Design Document Preparation

A. Verify Final Development Program to prepare design documents for components of the project including:
1. Demolition plan for site elements to be removed and redeveloped.
2. Final layout plan for proposed items.
3. Final grading plan.
4. Erosion control plan.
5. Storm water design.
6. Sanitary and water utility lines.
7. Turf areas and landscape restoration.
8. Irrigation plan
9. Site electrical improvements
10. Athletic Support Buildings and Structures - (Architecture / MEP)

B. Develop appropriate construction details

C. Develop outline technical specifications in CSI format based on Rettler Corporation's master specifications

D. Provide estimates of probable construction cost for site design elements based on final design plans.

IV. Storm Water Management Plan

A. Prepare a final storm water management plan for obtaining future approvals from the local municipality, Wisconsin Department of Natural Resources (WDNR), and DSPS for all proposed work. The plan shall address;
1. Predevelopment discharges:
a. Determine existing basin boundaries.
b. Determine existing longest flow paths.
c. Determine existing land uses.
d. Confirm adjacent drainage patterns onto the site.
e. Model hydrology utilizing TR-55 software for the required design storms.
2. Post development discharges:

a. Determine proposed basin boundaries.
b. Determine proposed longest flow paths.
c. Assume proposed land uses.
d. Compare post development verses predevelopment hydrology utilizing TR-55 software for the required design storms.
e. Design storm water best management practices (BMP's) necessary to meet Municipal and/or WDNR / DSPS storm water ordinance requirements.
f. Prepare a final storm water report to summarize the design hydrology.
g. Post construction storm water management:
    i. Provide storm water quality design to address suspended solids removal for post construction storm water if required by the Municipality and/or WDNR / DSPS.
    ii. Conduct coordination of an infiltration assessment of potential infiltration sites utilizing the services of a Certified Soil Scientist meeting the requirements of the DSPS and WDNR if required. The Agreement for infiltration assessment services will be between the Owner and the Geotechnical firm.
    iii. Provide storm water infiltration design if required by the Municipality and/or WDNR / DSPS.

V. Bidding and Contract Administration

A. Provide plan sets for bidding (anticipated online bid package, plan printing and mailing to be direct reimbursable paid by Owner if utilized).

B. Use QUESTCDN.com to provide bidding documents required for receiving competitive bids on the project. Contractors will be required to purchase bidding documents on a non-refundable basis. Supply up to five (5) copies of the bidding documents to the Owner for Owner use.

C. Assist the OWNER in advertising for and receiving bids, attend the bid opening, analyze the bids received, and prepare a recommendation to the OWNER for award of contract.

D. Respond to questions during bidding and provide timely addenda documents as required.

E. Provide bid opening and review of Contractor bids with Owner and provide recommendation of selected Contractors.

VI. Construction Phase

A. Answer questions, provide clarifications, respond to Requests for Information (RFIs) and issue Construction Bulletins as necessary.

B. Assist with preparation and review of revisions and/or Change Orders as required.

C. Work with contractors to help determine a satisfactory solution should conflicts or problems occur during construction.

D. One (1) site visit to prepare the Punch List.

E. Review of all close-out documents: O&M Manuals, Parts Manuals, and Owner Manuals.

F. Any completion statements that may be required to meet State or Local Code requirements must be completed and submitted.

G. Review Final As-Built Record Drawings as provided by the Contractors at the completion of the Project. These As-Built Drawings and any Construction Bulletins, clarifications, and/or Change Orders shall be incorporated into the consultant's CAD drawings and a final hard copy and a CAD file shall be provided to the Owner.

H. Construction site review including visits to the worksite at appropriate intervals during construction, to become familiar with the quality of the site construction and to determine if the construction is proceeding in accordance with the Construction Plans and Specifications.

VII. Assumptions

A. The development of an Environmental Assessment including review of existing buildings for the presence of hazardous materials, and archaeological, threatened and endangered species and culturally significant resource screening for the project site are not within the scope of this Agreement.

B. A formal Traffic Impact Analysis is not within the scope of this agreement

C. Additional property, topographic and construction survey services are not within the scope of this initial Agreement but can be provided for an additional fee if projects needs warrant.

VIII. Compensation for Services

A. All payments will be billed on a percent complete basis against the percentage and lump sum or percentage fee items.

B. If the Owner changes the Scope of Services after initiation of services, the Consultant has the right to renegotiate the compensation for the charged services.

C. All governmental fees will be paid directly by the Owner.

D. Periodic invoices will be submitted on a 30-day basis. The billing amount will be determined based upon the current percent completion of services.

E. The billing amount will be determined based upon the current percent completion of services.

IX. Fees

A. Topographic Mapping - Item I., A. (Optional).....$4,850.00

B. Design Development, Master Planning - Item I-II $5,000.00

C. Future Design Services - Items III- VI

Up to $500,000.00	7.0%
$500,000.00 - $1,000,000.	6.5%
$1,000,000.00 +	6.25%

D. Future Construction Phase 2.5%

Percentages are based on the cost of the work constructed:

X. Contract Agreement

If additional design items are added to the Scope of Services above those defined herein, Owner and Consultant agree to negotiate additional fees. This contract agreement proposal shall remain firm for a period of thirty (30) days after the contract date below as signed by Rettler Corporation. The proposal may be withdrawn after this time. Receipt of a signed copy of this agreement shall service as our authorization to commence services

Rettler Corporation

John V. Kneer, PLA, ASLA
President

11/30/2022
Date

Sturgeon Bay High School

Authorized Signature

Date

STANDARD AGREEMENT PROVISIONS

1. The Owner, upon receipt of monthly invoices shall make payments to the Landscape Architect /Engineer under this Agreement for Services. Payment is due within thirty (30) days of invoice date. Amounts unpaid after 30 days will bear interest of 1½% per month (18% annually) until paid. Rettler Corporation reserves the right to cease or suspend services if amounts remain unpaid after 60 days.

2. The law of The State of Wisconsin will govern this agreement.

3. The Owner and the Landscape Architect /Engineer agree to attempt to settle any disputes arising out of or relating to this agreement by mediation. The mediator shall be a neutral third party, such person to be agreeable for this purpose to both parties. The cost of such mediator to be born equally by both parties.

4. Either party upon not less than seven days written notice may terminate this Agreement. At such time the Landscape Architect /Engineer shall be compensated for work performed and expenses incurred prior to written notice of termination.

5. The owner agrees to LIMIT THE ARCHITECT'S LIABILITY to the owner, due to the Architect's negligent acts, errors or omissions, such that the total aggregate liability of the Landscape Architect/Engineer shall not exceed $1,000,000 per occurrence of $1,000,000 aggregate.

6. The Landscape Architect/Engineer shall have no responsibility for construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the work, for the acts or omissions of the contractor, subcontractors or any other persons performing any of the work, or the failure of any of them to carry out the work in accordance with the contract documents.

7. The Landscape Architect /Engineer shall have no responsibility for the discovery, identification, presence, handling, removal or disposal of or exposure of persons to hazardous materials in any form at the Project site(s), including but not limited to asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic substances.

8. Unless otherwise agreed to in writing, compensation for services performed under this Agreement shall not be contingent on the Project proceeding into implementation and construction.

9. All documents produced by the Landscape Architect/Engineer for use on this project including, but not limited to, preliminary sketches, renderings, final contract documents and specifications are instruments or service for use solely on this project. The Landscape Architect/Engineer is the author of such documents and retains all ownership, statutory and reserved rights, including copyright. Such documents and the resultant architectural work (built project) are protected under federal copyright law, specifically the Architectural Works Copyright Protection Act of 1990. Copying documents for bidding and construction can be done only for use on this project and shall not constitute publication. The Owner shall not use or cause the use of these documents on other projects, or on additions to this project without the permission of and compensation to the Architect.

Authorized Representative's Initials: _____

ACHIEVEMENT GAP REDUCTION (AGR) DATA TRACKING TEMPLATE
to support application and reporting

The table below will help you draft your responses for the contract application and collect information required for program evaluations and reports to your school board. Make sure your performance objectives for each grade relate to reducing achievement gaps in math and reading. They must be specific, measurable, and achievable.

- **AGR Five-Year Achievement Guarantee Contract Application**
- AGR Dropbox
- AGR website
- Important dates
- AGR legislation: Wis. Stat. § 118.44(4)

Use these columns to draft responses for the AGR contract application:							**At the end of the semester, describe your progress for school board reporting:**	
Grade	**Subject**	**Baseline Performance Level**	**Performance Objective – (**expected student growth)	**Assessment Methods** (formative & summative assessments)	**AGR Strategy** (class size reduction, instructional coaching, or one-to-one tutoring)	**Rationale** (Describe how the implemented strategy will help achieve the performance objective)	**Fall Semester Progress Toward the Objective** (include the number of identified students meeting the objective)	**Spring Semester Progress Toward the Objective** (provide any performance data from the time before schools closed)
K	**Reading**	BOY % 69 proficient or advanced	EOY goal 80% proficient or advanced	Acadience Reading Composite Score	Instructional coaching and flexible, data-driven intervention grouping (small group/one-to-one tutoring)	Instructional coaching and flexible, data-driven intervention grouping paired with consistent progress monitoring to fill student gaps	MOY 66% proficient or advanced. This is 34/51 kindergarten students and a 5% decrease in the composite score, but diagnostics include the following details: Phoneme segmentation: 88% Correct letter sounds: 80% First sound fluency: 75% decreased to 58%	
K	**Math**	BOY 75% proficient or advanced	EOY goal 80% proficient or advanced	Acadience Math Composite Score	Small group interventions and data-based instruction provide personalized approaches to student achievement in each classroom	Instructional coaching and flexible, data-driven intervention grouping paired with consistent progress monitoring to fill student gaps	MOY % proficient or advanced.	
1	**Reading**	BOY 43% proficient or advanced	EOY goal 80% proficient or advanced	Acadience Reading Composite Score	Instructional coaching and flexible, data-driven intervention grouping (small group/one-to-one tutoring)	Instructional coaching and flexible, data-driven intervention grouping paired with consistent progress monitoring to fill student gaps	MOY 46% proficient or advanced. This is 29/64 1st grade students and a 3% increase in the composite score and diagnostics include the following details:	

							Correct letter sounds: 50% increased to 58%, First sound fluency (whole words read): 57% increased to 63%, Oral Reading Fluency: 39% Accuracy: 47%	
1	**Math**	BOY 58% proficient or advanced	EOY goal 80% proficient or advanced	Acadience Math Composite Score	Small group interventions and data-based instruction provide personalized approaches to student achievement in each classroom	Instructional coaching and flexible, data-driven intervention grouping paired with consistent progress monitoring to fill student gaps	MOY 49% proficient or advanced. This is 32/65 1st grade students and a 9% decrease.	
2	**Reading**	BOY 56% proficient or advanced	EOY goal 80% proficient or advanced	Acadience Reading Composite Score	Instructional coaching and flexible, data-driven intervention grouping (small group/one-to-one tutoring)	Instructional coaching and flexible, data-driven intervention grouping paired with consistent progress monitoring to fill student gaps	MOY 68% proficient or advanced. This is 42/62 2nd grade students and a 12% increase. Diagnostics include the following: Oral reading fluency (words correct): 49% increased to 50%, Accuracy: 62% increased to 63%, Retell/comprehension: 74% increased to 88%	
2	**Math**	BOY 58 % proficient or advanced	EOY goal 80% proficient or advanced	Acadience Math Composite Score	Small group interventions and data-based instruction provide personalized approaches to student achievement in each classroom	Instructional coaching and flexible, data-driven intervention grouping paired with consistent progress monitoring to fill student gaps	MOY 47% proficient or advanced. This is 29/62 2nd grade students and an 11% decrease.	
3	**Reading**	BOY 45 % proficient or advanced	EOY goal 80% proficient or advanced	BOY STAR Reading Score	Instructional coaching and flexible, data-driven intervention grouping (small group/one-to-one tutoring)	Instructional coaching and flexible, data-driven intervention grouping paired with consistent progress monitoring to fill student gaps	MOY 58% of students at or above benchmark. This is 39/67 3rd grade students and a 13% increase. Details include: 12 students moved up 1 level, 1 student moved up 2	

							levels, 2 students moved up 3 levels. Of our students at benchmark at the BOY, 27/29 remained at benchmark.	
3	**Math**	BOY % 58 proficient or advanced	EOY goal 80% proficient or advanced	BOY STAR Math Score	Small group interventions and data-based instruction provide personalized approaches to student achievement in each classroom	Instructional coaching and flexible, data-driven intervention grouping paired with consistent progress monitoring to fill student gaps	MOY 76% of students at or above benchmark. This is 52/68 of 3rd grade students and an 18% increase. 12 students moved up one level, 3 students moved up 2 levels, one student moved up 3 levels. Of our students at benchmark at the BOY, 38/39 remained at benchmark.	

Source: Wis. Stat. § 118.44(4)

MEMO

To: Board of Education

From: Keith Nerby

Date: February 6, 2023

Re: February 2023 Principal's Report

Teaching and Learning

2023-24 class schedules: Counselors will begin building the schedule for the 2023-2024 class schedule in the coming weeks. Students are in the process of selecting their class requests and students and families will be notified of final schedules in the coming weeks and months.

Youth Apprenticeship Updates: We currently have 20 students in Youth Apprenticeship placements in 14 various businesses. Our students earn an average wage of $14.29 per hour with a high of $17.50 and a low of $12.00. We currently have students placed in various fields, including: Architecture and Construction, Health Sciences, Hospitality and Tourism, Manufacturing, Marketing, STEM, and Transportation, Distribution, and Logistics. We are excited to see this program continue to expand and provide more opportunities for more students.

State-mandated testing.

- March 7 – ACT with Writing – All Juniors (In-person)
- April 4 – Forward Social Studies – All Sophomores (In-person)
- April 12 – Pre-ACT– All Freshmen and Sophomores (In-person)

Community Engagement

Family/Teacher Conferences: Similar to first semester conferences, our teachers will be calling and reaching out to families to personally invite them to sign up for a conference time. We will be holding our 3 quarter conferences on February 23. When families are invited, we found great response and turn out. In addition, by signing up for a time, families have less wait time to meet with teachers and teachers are able to better prepare for each student since they know ahead of time who will be coming in.

Class of 2023 end-of-year activities: As was mentioned at the board retreat, all end of the year activities including Senior Night, the awards ceremony, and the commencement ceremony are scheduled, and finalization of the plans are taking place. I am hoping that at least two Board members help with handing out diplomas at graduation this year. Graduation will take place on Saturday, June 3 at 10:00am with the boat parade immediately following.

Finance / Facilities and Operations

Update on Auditorium Plans: As you know, we have started a capital campaign to raise funds to update the auditorium as it is both something that is needed and a truly wonderful way to honor and recognize Bob Nickel while also creating a space that is updated and meeting the needs of our students. This past week, we had a walk-through with an auditorium specialist to help identify the priority areas. The committee has also started reaching out to potential donors to bring them on board. At this point, we are focusing on replacing the seating, redoing the flooring, and upgrading the sound system.

Upcoming Events

Here is a list of upcoming events:

Teacher In-Service / No Classes	Friday, February 17
Family/Teacher Conferences	Thursday, February 23
Grade 11 ACT Testing	Tuesday, March 7
Academic Awards Night	Monday, March 13
Quarter 3 Exams	Thursday, March 16, and Friday, March 17
March 16: Classes for Blocks 1, 2, 3, and 4 in a.m. Exams for Blocks 3 and 4 in p.m. *March 17: Exams for Blocks 1 and 2 in a.m. Students released at 11:45 a.m. Buses run an regular time.*	

	Sept (9/1/22)	Oct (10/5/22)	Nov (11/7/22)	Dec (12/1/22)
Total Students	198	195	194	192
Student Primary Disability Areas				
LD	44	43	42	43
ID	10	9	9	9
SDD	32	32	32	29
AUT	28	27	27	27
EBD	21	20	20	22
S/L	34	34	34	32
HI	2	2	2	2
VI	1	0	0	0
D/B	0	0	0	0
OHI	27	28	28	29
Related Services				
S/L	48	49	50	46
OT	43	42	44	44
PT	11	9	9	8
Private School Students	11	12	12	12
Evaluations initiated				
Initial Evaluations (incl pvt school)	2	4	4	6
of above #, how many are B-3	0	1	1	0
Re-Evaluations (incl re-eval to dismiss)	0	9	6	5
No-Re-evaluation needed (No 3 Yr)	0	5	4	7
Initial Mtgs held	0	1	2	3
Re-Eval Mtgs held	0	0	2	10
New Placements offered	0	1	1	2
Transfer in students (includes students coming back from homeschool)	14	3	0	2
Exits (incldues grads, dismissals & students going to homeschool)	11	7	2	4
Revocation of Services	0	0	0	0
Moved during Eval	0	0	0	0
504/Health Plans				
Current 504 Plans	31	31	31	32

Jan (1/4/23)	Feb (2/1/23)	March			
194	190				
42	42				
9	9				
29	30				
27	27				
22	22				
32	32				
2	2				
0	0				
0	0				
31	31				
48	49				
47	47				
8	8				
11	9				
4	6				
1	1				
2	10				
3	3				
2	3				
2	3				
2	1				
0	3				
1	7				
0	0				
0	0				
32	32				

STURGEON BAY
CLIPPERS

MEMO

To: Board of Education

From: Lindsay Ferry

Date: February 6, 2023

Re: February Director of Special Education and Pupil Services Report

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Special Education: The special education team has continued their work to meet student needs as well as participate in initial special education evaluation team meetings, reevaluation team meetings, and community service meetings. This work is often done behind the scenes and requires additional time from our special education teaching staff. We are thankful for the dedication and commitment of our team.

Pupil Services Team:
The Pupil Service team is looking forward to two Community events in the next two months.

- February 9, 2023: Supporting Executive Functioning Skills in your Anxious Child at Sunrise Elementary School from 5:30-7:00.
- March 7, 2023: Community Resource Fair held at Sturgeon Bay High School Commons from 5:30-7:00.

In addition, the Pupil Service team is working to develop the MLSS for all Tier 2 and Tier 3 interventions to support the social-emotional learning of students in the Sturgeon Bay School District. Staff continue to develop interventions, meet with grade level and building level teams, and design programming options for students in need.
Our Middle School and High School Pupil Service Teams are preparing for a busy season of scheduling for the 2023/24 school year.

Meetings/Workshops:

Recent and Upcoming meetings include the following:

- February 8: SAEBR's mental health screener training
- February 9: Supporting Executive Functioning Skills in your Anxious Child Family Engagement Session
- March 1: RSN CESA Monthly Meeting
- March 2-3: School Psychologist State Conference

TJ Walker Board Report
February 15, 2023

Teaching and Learning

- STAR Math and Reading Proficiency Percentages by Grade update
    - 6th Gr. Math +11%, 7th Gr. Math -8%, 8th Gr. Math - no change
    - 6th Gr. Reading +13%, 7th Gr. Reading - no change, 8th Gr. Reading +15%

- ClipperTime Adjustment
    - Students moved to small groups so teachers can reteach skills
    - Weekly Forward Exam Test prep in ELA and Math
    - Homework time still available

- Collaborating on Student Learning in Grade Level Meetings
    - Teachers informal share out with colleagues providing back learning tasks and student work examples to share with our colleagues
    - Share what you are doing this week using the guiding points:
        - What is the purpose? (what standard, learning target, and/or success criteria does it meet?)
        - What insight can related contents offer? (ie: collaborating and using teammates as sounding boards to bounce ideas off each other)
        - How can it/how was it differentiated? What accommodations can be/were made?
        - Update item in your Unit Planning Template

- **2023-2024 Scheduling**
    - Schedules have been submitted and we'll work with Casey Manders and Jen Weber to complete 23-24' schedules.

Additional Updates:

March 17 - 11:56 AM release
March 27 - classes resume
April 10 - track practice begins

To: Board of Education
From: Katie Smullen, Principal, Sunrise Elementary School
Date: Feb 6, 2023
Re: February Report to the Board

Teaching and Learning

Benchmark Testing Complete

Teachers were excited to review their Winter Benchmark Assessment data (STAR, Acadience, and more) during our data digs at the end of January. Each grade level spent an afternoon reviewing these results, while students participated in winter survival activities at Crossroads. The growth we saw in both Reading and Math was significant and was motivating for us all to keep up this important work. Now we are back to the business of growing kids based on the needs we identified. Interventions and extension activities are back in full swing, in addition to our work to differentiate during our core instruction.

Community Engagement

Author Baptiste Paul Visited Sunrise

Sunrise students were inspired by children's book author, Baptiste Paul. After presenting to all three grade levels, he led a poetry writing workshop for a small group of students in the afternoon. The poetry they produced was meaningful and the experience of working with Mr. Paul as they brainstormed was unforgettable.

Finance, Facilities and Operations

More Grants

Sunrise staff keep writing grants to fund their creative endeavors! Many thanks to Donors Choose for funding these requests and to Jane Lewis, Jenny Rabas and Molly Cornell for writing this latest round of grants.

Safety Team

Our safety team has been excited to chip away at our goals for the year. February 9th and 16th, close to twenty of our staff members will be trained in CPR. We also conducted our first full lockdown drill that went very smoothly. Finally, we had a window placed in the top half of the door to our office, creating a much more secure entry.

Upcoming Events

- Feb. 17: Teacher Inservice - We learn about Comprehension as part of our Top Ten Tools
- Mar. 9 and 10: Parent-Teacher Conferences

SCHOOL DISTRICT OF STURGEON BAY
ANCHORED IN EXCELLENCE

Sawyer Elementary School
60 Willow Dr | Sturgeon Bay, WI 54235
Phone: 920-746-1825 | www.sturbay.k12.wi.us

Board of Education Report
February, 2023
Katy DeVillers
Sawyer Principal

Teaching and Learning

- Our teaching staff will be continuing their work on the Top Ten tools during the professional learning day on **Friday, February, 17th** with the focus on comprehension

- On **February 22nd**, during our after-school Literacy professional learning session, teaching staff will take a deep dive into the recently completed Middle-of-the-Year (MOY) assessment data

- Our PBIS Student Acknowledgement Committee is planning a School-Wide Celebration/Disco Dance Party on **February 16th**

Community Engagement

- 4K students are taking a field trip to the Weidner Center at UWGB on **February 27th** to see a performance of *It's Okay to Be Different*

- The second grade students are taking a field trip on **February 21st** to the Weidner Center at UWGB to see a performance of *The Magic School Bus*

Finance/Facilities and Operations

-

Board of Education Report
February 15, 2023
Jennifer Weber
Director of Teaching, Learning and Technology

Teaching and Learning

- Casey Manders, Constance Vogel and I will be attending the Federal Funding conference February 27-28 Wisconsin Dells. The annual conference is an opportunity to keep up to date with and gather information about our federal grants. Our goal is to establish our team knowledge base and shared responsibility for writing and monitoring the Federal Title grants.
- January is data month! During the month of January, literacy coaches, interventionists and principals held data digs at every grade level K-5. As we looked at district literacy and math data it is clear that the changes we have made to our building schedules, intervention groups, and the newly implemented data protocols are making a difference! This is happening in correlation with the planning we are doing to change our core instruction strategies to be aligned with the Science of Reading. The newly established Core Literacy Review Team has begun the important work of researching resources and best literacy practices in a focused effort to have a recommendation for a core literacy materials adoption to the Board by the end of the current school year.
- Have you had an opportunity to listen to the podcast Sold a Story or read through the document How We Teach Reading in Sturgeon Bay Schools? Both are posted on the school website and were shared with families in building level communications. As we continue to rethink the way we approach literacy, the information available in these two sources will help to create context for why this process is critically important.
- Abby Jacobson, Sturgeon Bay High School Academic Coach and I are working to reestablish curriculum teams across high school academic departments. We have begun to plan half day meetings in the Teaching & Learning Center starting in March. The goals of these meetings are to routinely look at current data to inform our instruction, collectively problem solve, and actively plan for increased student engagement and achievement.

- We are excited to announce a move toward online ACT testing. Traditionally, the ACT has been what we refer to as a 'paper-pencil' test. This shift will be a major change for our staff and one we hope will provide us with more immediate, positive data. I look forward to updating you about the successes with online ACT testing soon.

Department of Technology

- The move to online ACT testing is no small feat and extends into the Technology Department. A special thanks to Casey Manders for his extensive work behind the scenes in gathering information, inputting accommodations, problem-solving and providing the team with the necessary information and resources to make this change. Nelson DeMeuse holds the title of Testing Technology Coordinator and has worked to validate, configure and ensure that we can freeze the testing environment during the exam. We are in the beginning stages of this process which requires a team effort on all fronts.
- New Student Online Registration for the upcoming 2023-24 school year opened on Monday, February 6th. This also coincides with the annual DPI Public School Open Enrollment application cycle, available on DPI's website for prospective non-resident students. New Student online registration is intended for students who do not currently attend SBSD, but plan to enroll for next school year. New this year for current families with new students is to utilize their active PowerSchool Parent Portal account to seamlessly access the online registration form instead of creating a separate "Enrollment/Registration" account. This new feature will continue with the upcoming "Returning Student Annual Registration" period that will open in May, allowing parents to complete annual registration earlier this year and quickly through their established account.
- Our District Technology Mentors team, made up of Travis Grooters, Aaron Pairolero, Stephen Jacobson, Abby Jacobson, Holly Selle, and Jen Hanson met in January to plan for technology professional development for staff, brainstorm technology needs for new teacher onboarding, discuss recent developments in the use of artificial intelligence in education, and to analyze media resources used in classrooms. As you may know, student data privacy is a major issue in education, with reports of data breaches occurring regularly. This group performed a critical role in examining the terms of use and privacy policies of online resources that require a login for students. Jen Hanson and Casey Manders then collaborated to inform parents on the use of these resources via the online registration process.

CHAPTER 62

CITIES

SUBCHAPTER I
GENERAL CHARTER LAW

62.01 Saving clause.
62.02 Repeal of special charters.
62.03 First class cities excepted.
62.04 Intent and construction.
62.05 Classes of cities.
62.071 Annexations to cities of the first class.
62.075 Detachment of farm lands from cities.
62.08 Alteration of aldermanic districts.
62.09 Officers.
62.11 Common council.
62.115 Defense of officers by city attorney.
62.12 Finance.
62.13 Police and fire departments.
62.133 Ambulance service.
62.135 Highway safety coordinator.
62.14 Board of public works.
62.15 Public works.
62.155 Acquisition of facilities without bids.
62.16 Street grades; service pipes.
62.17 Enforcement of building codes.
62.175 Sewer and water extensions in 1st and 2nd class cities; sewage from other municipalities.
62.18 Sewers.
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62.19 Water and heat pipe extensions.
62.22 Acquiring property; opening or changing streets.
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62.23 City planning.
62.231 Zoning of wetlands in shorelands.
62.232 Required notice on certain approvals.
62.233 Zoning of annexed or incorporated shorelands.
62.234 Construction site erosion control and storm water management zoning.
62.237 Municipal mortgage housing assistance.
62.25 Claims and actions.
62.26 General provisions.

SUBCHAPTER II
FIRST CLASS CITIES

62.50 Police and fire departments in 1st class cities.
62.51 Mayoral appointments in 1st class cities.
62.53 Real property used for school purposes; 1st class cities.
62.55 Requirements for surety bonds of officers and employees in 1st class cities.
62.57 Uniform salaries in 1st class cities.
62.59 Police authority to alderpersons in 1st class cities repealed.
62.61 Health insurance; 1st class cities.
62.62 Appropriation bonds for payment of employee retirement system liability in 1st class cities.
62.621 Agreements and ancillary arrangements for certain notes and appropriation bonds.
62.622 Employee retirement system liability financing in 1st class cities; additional powers.
62.623 Payment of contributions in an employee retirement system of a 1st class city.
62.624 Employee retirement system of a 1st class city; duty disability benefits for a mental injury.
62.63 Benefit funds for officers and employees of 1st class cities.
62.65 Death benefit payments to foreign beneficiaries.
62.67 Uninsured motorist coverage; 1st class cities.
62.69 First class city utilities.
62.71 Pedestrian malls in 1st class cities.
62.73 Discontinuance of public grounds.

SUBCHAPTER I

GENERAL CHARTER LAW

62.01 Saving clause. That no inconvenience may arise by reason of change of government of cities from special charter to general charter, or by reason of the revision of the general charter law, it is declared that:

(1) All vested rights, pending actions and prosecutions, and existing judgments, claims, and contracts, both as to individuals and bodies corporate, shall continue as though no change had taken place.

(3) Ordinances in force, so far as not inconsistent herewith, shall continue in force until altered or repealed.

(5) Nothing herein shall change the time for paying taxes as provided in any special city charter until the council shall by ordinance change the same to conform to general law.

62.02 Repeal of special charters. All special charters for cities of the 2nd, 3rd and 4th classes are hereby repealed and such cities are hereby incorporated under this subchapter. The city clerk shall forthwith certify the boundaries of such city to the secretary of administration, who shall file the same and issue to such city a certificate of incorporation as of the date when this subchapter became effective, and record the same.

History: 1977 c. 151; 2015 a. 55.

62.03 First class cities excepted. (1) This subchapter, except ss. 62.071, 62.08 (1), 62.09 (1) (e) and (11) (j) and (k), 62.175, 62.23 (7) (em) and (he) and 62.237, does not apply to 1st class cities under special charter.

(2) Any such city may adopt by ordinance this subchapter or any section or sections thereof, which when so adopted shall apply to such city.

(3) The revision of the general charter law by chapter 242, laws of 1921 shall not affect the application of any provisions of the general charter previously adopted by any 1st class city under special charter, but such provisions shall as to such cities retain the same force and application as they had before the enactment of chapter 242, laws of 1921.

History: 1977 c. 151; 1979 c. 90 s. 21; 1979 c. 221, 260, 355; 1981 c. 281 s. 17; 1983 a. 395, 532, 538; 1989 a. 113; 1993 a. 400; 1999 a. 150.

Milwaukee can adopt less than a statute "section" from this chapter. State ex rel. Cortez v. Board of Fire & Police Commissioners, 49 Wis. 2d 130, 181 N.W.2d 378 (1970).

The city of Milwaukee cannot, by charter ordinance, adopt s. 62.13 (5) (b) since s. 62.13 deals with a subject of state–wide concern; it cannot do so under this section since that requires the adoption of whole sections. 58 Atty. Gen. 59.

62.04 Intent and construction. It is declared to be the intention of the revision of the city charter law, to grant all the privileges, rights and powers, to cities which they heretofore had unless the contrary is patent from the revision. For the purpose of giving to cities the largest measure of self–government compatible with the constitution and general law, it is hereby declared that ss. 62.01 to 62.26 shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of such cities and the inhabitants thereof.

62.05 Classes of cities. (1) Cities shall be divided into 4 classes for administration and the exercise of corporate powers as follows:

(a) Cities of 150,000 population and over shall constitute 1st class cities.

(b) Cities of 39,000 and less than 150,000 population shall constitute 2nd class cities.

(c) Cities of 10,000 and less than 39,000 population shall constitute 3rd class cities.

(d) Cities of less than 10,000 population shall constitute 4th class cities.

(2) Population of cities shall be determined by the last federal census, including a special federal census taken of such city, except in newly incorporated cities when a census is taken as provided by law. Cities shall pass from one class to another when such census shows that the change in population so requires, when provisions for any necessary changes in government are duly made, and when a proclamation of the mayor, declaring the fact, is published according to law.

History: 1995 a. 225; 1997 a. 35.

Cross–reference: See s. 990.001 (15), which provides that "If a statute refers to a class of city specified under s. 62.05 (1), such reference does not include any city with a population which makes the city eligible to be in that class unless the city has taken the actions necessary to pass into the class under s. 62.05 (2)".

62.071 Annexations to cities of the first class. **(1)** Except as provided in subs. (3) and (4), no petition for annexation to a city operating its schools under ch. 119 shall be considered which will result in detachment of more than 20 percent of the equalized value of a school district. Upon receipt of a petition for annexation the city clerk shall determine in the following manner whether the proposed annexation will result in such detachment. The equalized value of the school district shall be determined as of the date of filing the petition for annexation. The city clerk shall add to the equalized value of the territory proposed to be annexed, as of the date of filing the petition for annexation, the equalized value as of the date of such detachment of any territory detached within the 3 years previous to the filing of the annexation petition from the district in any manner, and the city clerk shall certify a copy of his or her determination to the school district clerk and the secretary of the school district boundary appeal board. If the total of such value exceeds 20 percent of the equalized value of the district as of the date of filing the annexation petition, the proposed annexation shall not occur except as provided in subs. (3) and (4). All equalized values shall be determined by the department of revenue upon application by the city clerk. When more than one school district is involved in a proposed annexation, a separate determination shall be made for each district involved.

(2) If the common council wishes to consider the annexation petition, it shall direct the city clerk to notify the clerk of each school district concerned and the secretary of the school district boundary appeal board that a petition for annexation, which will result in detachment of more than 20 percent of a school district, has been filed. Such notice shall be in writing and shall describe the territory proposed to be annexed and name the school district or districts from which it will be detached.

(3) If the area to be annexed by such proposal includes more than 20 percent of the equalized valuation of a district, as determined by sub. (1), then the electors residing in the remainder of such school district not included in the annexation petition shall be afforded an opportunity to determine whether such remaining area of the district shall be included with the area proposed to be annexed in the following manner. The school district clerk shall, within 20 days of receipt of the report from the city clerk, call a special meeting of the district according to s. 120.08 (2) for the purpose of voting on the question: "Shall the remainder of .... School District No. .... of the .... be included in the territory and petition for annexation to the City of ....?".

YES ☐ NO ☐

If the referendum at the special district meeting is decided in the affirmative, such remaining school district area shall be included within the coverage of the description in the annexation proposal and the annexation petition shall thereupon, without further notice, be considered amended to include all territory of the school district and s. 66.0217 shall be complied with for the entire area.

(4) If the vote at the school district referendum is negative, the annexation proceedings on the original petition may continue in the same manner as if less than 20 percent of the district had been involved in the original petition.

History: 1975 c. 200; 1983 a. 27; 1983 a. 275 s. 15 (2); 1999 a. 150 s. 672; 2009 a. 177.

62.075 Detachment of farm lands from cities. **(1)** PROCEDURE. When land used for agricultural purposes of an area of 200 acres or more contiguous to the boundary of any city, whether of one or more farms, which shall have been within the corporate limits of such city for 20 years or more, and during all of said time shall have been used exclusively for agricultural purposes, the circuit court of the county in which such land is situated shall enter judgment detaching such land from such city and annexing it to an adjoining town or towns, if the provisions of this section shall have been complied with. Such detachment and annexation thereof shall become effective for all purposes on the first day of January next thereafter, and the procedure therefor shall be substantially as provided in subs. (3) and (4). There shall be no adjustment, assignment and transfer of assets and liabilities under s. 66.0235, but the detached territory shall continue to pay its proportional share, based on assessed valuation, of the bonded indebtedness of the city at the time of detachment.

(2) LAND ELIGIBLE; "OWNER" DEFINED. No owner shall be eligible to sign a petition for the detachment of any such territory unless that owner is the owner of a parcel of land comprising at least 20 acres. No such land shall be detached from any city unless the remaining territory of said city shall be left reasonably compact and the boundaries thereof left substantially regular; provided, that such determination shall be made without regard to the existence of railroad rights–of–way, public utility easements or public or private highways traversing any part of such lands and remaining within such city. No lands shall be eligible for detachment where any public improvements have been extended to or installed for the benefit of such lands. As used in this section, "owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of that person's interest.

(3) HEARING; NOTICE. When the owner or owners of all of the said lands of any such area file a verified petition in the office of the clerk of said court, setting forth the facts in accordance with subs. (1) and (2), the court shall make an order fixing the time of hearing thereof, which shall not be less than 60 nor more than 90 days thereafter, and at least 40 days prior to said time fixed, notice of hearing of such petition shall be served on such city, town or towns and all owners found in this state of any land in such area, in the manner prescribed in s. 801.12 for the service of a summons. Said notice shall be in substantially the following form:

Notice is hereby given that the petition of .... will be heard by the circuit court of .... County, at the court house, in the city of ...., Wisconsin, on the .... day of ...., ... (year), at .... M., or as soon thereafter as counsel can be heard. That said petition prays for the detachment of the following area of land from the city of .... and annexation to the town of ...., in accordance with section 62.075 of the Wisconsin statutes, which area of land is described as follows:

Dated ....

.... (Petitioner's attorney) ....

P.O. Address ....

(4) OBJECTIONS; DECISIONS. The city, town or towns, owners of land in the vicinity, or owners of any interest therein, if opposed to the proceedings, shall, at least 15 days before the time of hearing fixed by the order, file in the office of the clerk of circuit court and serve on the petitioners their verified objections to the granting of the prayer of the petition, specifying the grounds of objections thereto. The proceedings may be adjourned or continued for cause. The issue raised by the petition shall be tried by the circuit court upon the evidence submitted by the petitioners and objectors; and witnesses shall be compelled to appear and testify as in other cases in circuit court and the rules of evidence, practice and procedure shall be the same. The circuit court may render judgment under subs. (1) and (2), detaching from the city and annexing

to the town or towns the area, if the facts required by the subsections are proved by a preponderance of the evidence. If the facts are not so proved, the petition shall be dismissed. In the event of a contest, costs may be awarded to the successful party.

(5) NOTICE OF ENTRY OF JUDGMENT; UPON WHOM SERVED. A certified copy of every such order shall be filed with the town and city clerk and with the county clerk and 4 copies with the secretary of administration. The secretary of administration shall forward 2 copies to the department of transportation and one copy to the department of revenue.

(7) PLATTED LANDS. No land which has been platted may be detached, and any land detached pursuant to this section shall not be eligible for platting pursuant to ch. 236 unless re–annexed to the city.

History: Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1977 c. 29 s. 1654 (8) (c); 1977 c. 187; 1979 c. 110 s. 60 (11); 1983 a. 219; 1985 a. 225; 1991 a. 316; 1993 a. 490; 1997 a. 250; 1999 a. 150 s. 672; 2015 a. 55.

62.08 Alteration of aldermanic districts. (1) Within 60 days after the wards have been readjusted under s. 5.15 (1) and (2) the common council of every city, including every 1st class city, shall redistrict the boundaries of its aldermanic districts, by an ordinance introduced at a regular meeting of the council, published as a class 2 notice, under ch. 985, and thereafter adopted by a majority vote of all the members of the council, so that all aldermanic districts are as compact in area as possible and contain, as nearly as practicable by combining contiguous whole wards, an equal number of inhabitants according to the most recent decennial federal census of population. Territory within each aldermanic district to be created under the plan shall be contiguous, except that territory within the city that is wholly surrounded by another city or water, or both, may be combined with noncontiguous territory, or island territory, as defined in s. 5.15 (2) (f) 3., may be combined with noncontiguous territory within the same municipality to form an aldermanic district. The aldermanic district plan shall not include provision for division of any census block unless the block is bisected by a municipal boundary or the division is made as required under s. 5.15 (2) (c). The populations of the aldermanic districts shall be determined on the basis of the federal decennial census and any official corrections to the census to reflect the correct populations of the municipality and the blocks within the municipality on April 1 of the year of the census, if the corrections are issued prior to division of the municipality into wards under s. 5.15. Within 60 days after enactment or adoption of a revised division ordinance or resolution under s. 5.15 (4) (a), the common council shall amend the aldermanic district plan to reflect any renumbering of the wards specified in the plan.

(2) If territory becomes a part of any city after April 1 of the year of the federal decennial census, the limitations of s. 5.15 relating to population or area do not apply to the creation of new wards in the attached territory, or to the addition of the territory to an existing ward, but no ward line adjustment may cross the boundary of a congressional, assembly, or supervisory district.

(3) Whenever the boundaries of aldermanic districts are altered, or new aldermanic districts created, every aldermanic district or ward officer residing within the territory of a new or altered aldermanic district shall hold the same respective office therein for the remainder of the officer's term; and all other vacancies shall be filled as provided by law for the filling of such vacancies.

(4) The common council of any city may, by a two–thirds vote of all its members but not more frequently than once in 2 years, increase or decrease the number of aldermanic districts or the number of members of the city council, and in that case shall redistrict, readjust and change the boundaries of aldermanic districts, so that they are as nearly equal in population according to the most recent city–wide federal census as practicable by combining contiguous whole wards. In redistricting such cities the original numbers of the aldermanic districts in their geographic outlines shall as far as possible be retained, and the aldermanic districts so created and those the boundaries of which are changed shall be in as compact form as possible. This subsection does not apply to changes in aldermanic districts authorized under sub. (4m).

(4m) If in a city that is solely contained within one county the aldermanic districts are coterminous with the supervisory districts of the county and the county board decreases the number of supervisors in the county after enactment of a redistricting plan under s. 59.10 (3) (cm), the common council of the city may, by a majority vote of all of the members of the council, no later than November 15 immediately preceding the expiration of the terms of office of members of the council, decrease the number of aldermanic districts and the corresponding number of members of the council in the city to maintain coterminous boundaries between the aldermanic and supervisory districts and may change the expiration date of the term of any council member to an earlier date than the date provided under the current ordinance if required to implement the redistricting or to maintain classes of members. Any amended aldermanic district plan that is adopted under this subsection is subject to the same procedures and requirements that apply to decennial plans adopted under sub. (1).

(5) If a city fails to comply with sub. (1), any elector of the city may submit to the circuit court for any county in which the city is located within 14 days from the expiration of the 60–day period under sub. (1) a proposed plan for creation of aldermanic districts in compliance with this section. If the court finds that the existing division of the city into aldermanic districts fails to comply with this section, it shall review the plan submitted by the petitioner and after reasonable notice to the city may promulgate the plan, or any other plan in compliance with this section, as a temporary aldermanic district plan until superseded by a districting plan adopted by the council in compliance with this section.

History: 1971 c. 304, 336; 1973 c. 12; 1979 c. 260; 1981 c. 4; 1985 a. 304; 1991 a. 316; 2005 a. 100; 2011 a. 39.

62.09 Officers. (1) ENUMERATION AND CHANGE. (a) The officers shall be a mayor, treasurer, clerk, comptroller, attorney, engineer, one or more assessors unless the city is assessed by a county assessor under s. 70.99, one or more constables as determined by the common council, a local health officer, as defined in s. 250.01 (5), or local board of health, as defined in s. 250.01 (3), street commissioner, board of police and fire commissioners except in cities where not applicable, chief of police except in a city where it is not applicable, chief of the fire department except in a city where it is not applicable, chief of a combined protective services department except in a city where it is not applicable, board of public works, 2 alderpersons from each aldermanic district, and such other officers or boards as are created by law or by the council. If one alderperson from each aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance adopted by a two–thirds vote of all its members and approved by the electors at a general or special election, provide that there shall be 2 alderpersons from each aldermanic district. If a city creates a combined protective services department under s. 62.13 (2e) (a) 1., it shall create the office of chief of such a department and shall abolish the offices of chief of police and chief of the fire department.

(b) The council, by a two–thirds vote, may dispense with the offices of street commissioner, engineer, comptroller, constable and board of public works, and provide that the duties thereof be performed by other officers or board, by the council or a committee thereof. The council may, by charter ordinance, adopted pursuant to s. 66.0101, provide that there shall be one alderperson from each aldermanic district. Any office dispensed with under this paragraph may be recreated in like manner, and any office created under this section may be dispensed with in like manner.

(c) A corporation or an independent contractor may be appointed as the city assessor. The corporation or independent contractor so appointed shall designate the person responsible for the assessment. The designee shall file the official oath under s. 19.01, and sign the affidavit of the assessor attached to the assessment roll under s. 70.49. No person may be designated by any corporation or independent contractor unless he or she has been

granted the appropriate certification under s. 73.09. For purposes of this subsection, "independent contractor" means a person who either is under contract to furnish appraisal and assessment services or is customarily engaged in an independently established trade, business or profession in which the services are offered to the general public.

(d) No person may assume the office of city assessor unless certified by the department of revenue under s. 73.09 as qualified to perform the functions of the office of assessor. If a person who has not been so certified is elected to the office, the office shall be vacant and the appointing authority shall fill the vacancy from a list of persons so certified by the department of revenue.

(e) The office of constable is abolished in 1st class cities. The duties of the constable in such cities shall be performed by the sheriff of the county in which the city is located.

(2) ELIGIBILITY. (a) No person shall be elected by the people to a city office who is not at the time of election a citizen of the United States and of this state, and an elector of the city, and in case of an aldermanic district office, of the aldermanic district, and actually residing therein.

(d) An appointee by the mayor requiring to be confirmed by the council who shall be rejected by the council shall be ineligible for appointment to the same office for one year thereafter.

(3) MANNER OF CHOOSING. (a) The mayor and alderpersons shall be elected by the voters.

(b) The other officers except as provided in s. 62.13 shall be selected by one of the following methods:

1. Appointment by the mayor.

2. Appointment by the mayor subject to confirmation by the council.

3. Appointment by the council.

4. Election by the voters.

5. Selection under any of the above methods, the selection to be made from an eligible list established under s. 66.0509.

6. Such other officers shall continue to be selected in the manner prevailing on April 15, 1939, provided one of the above plans was in force on that date. Such method shall be continued until changed in the manner provided by s. 66.0101.

(c) Any city may also proceed pursuant to s. 66.0101 to consolidate any such other office or offices.

(d) Whenever a city is newly created the officers other than those specified by par. (a) shall be appointed by the mayor until provided otherwise pursuant to par. (b).

(e) Appointments by the mayor shall be subject to confirmation by the council unless otherwise provided by law.

(4) QUALIFYING. (a) Every person elected or appointed to any office shall take and file the official oath within 10 days after notice of election or appointment, except that elected assessors shall take and file the official oath within 5 days before June 1.

(b) If the council requires them to do so, the treasurer, comptroller, chief of police and such others as the statutes or the council may direct, shall execute and file an official bond in such sum as the council may determine, with 2 or more sureties or such bond may be furnished by a surety company as provided by s. 632.17 (2), or the council may provide a schedule or blanket bond that includes any or all of these officials. The council may at any time require new and additional bonds of an officer. All official bonds must be approved by the mayor, and when so approved shall be filed within 10 days after the officer executing the same shall have been notified of election or appointment. Official bonds filed with the city clerk shall be recorded in a book kept for that purpose. If the council does not require any or all of these officials to execute and file an official bond, the council shall obtain a dishonesty insurance policy or other appropriate insurance policy that covers such officials, in an amount determined by the council, in lieu of the bond requirement.

(c) When an appointive officer has filed the oath, and bond if required, the clerk shall issue to the officer a certificate of appointment. If the appointment is to a board or commission the appointee shall file the certificate with the secretary thereof.

(d) A city may pay the cost of an official bond furnished by an officer of the city, pursuant to law or any rules or regulations requiring the bond, if the officer furnishes a bond with a surety company or companies authorized to do business in this state. The cost of the bond furnished by the officer may not exceed the current rate of premium per year on the amount of the bond or obligation executed by the surety. The cost of the bond shall be charged to the fund appropriated and set up in the budget for the department, board, commission or other body, the officer of which is required to furnish a bond.

(5) TERMS; SUBSTITUTES. (a) The regular term of office of mayor and alderperson shall commence on the 3rd Tuesday of April in the year of their election. The regular terms of other officers shall commence on May 1 succeeding their election unless otherwise provided by ordinance or statute.

(b) Except as otherwise specially provided the regular term of elective officers shall be 2 years. A different tenure for such officers or any of them may be provided by charter ordinance.

(c) The council may, by a record vote of two–thirds of all the members, by ordinance adopted and published previous to publication of the notice of the election at which alderpersons are to be elected, provide for a division of the alderpersons into 2 classes, one class to be elected for 2 years and the other for 4 years, and thereafter the term of alderpersons shall be 4 years.

(d) If any officer other than an alderperson is incapacitated or absent from any cause the common council may appoint some person to discharge the officer's duties until the officer returns or until such disability is removed. If an alderperson is temporarily incapacitated because of physical or mental disability, the common council may appoint a person to discharge the alderperson's duties until the disability is removed.

(e) Persons serving in appointive offices shall serve until their respective successors are appointed and qualify, unless otherwise provided by ordinance.

(6) COMPENSATION. (a) Salaries shall be paid the mayor or alderpersons only when ordered by a vote of three–fourths of all the members of the council.

(am) 1. In this paragraph, "compensation" means a salary, a per diem compensation for each day or part of a day necessarily devoted to the service of the city and the discharge of duties, or a combination of salary and per diem compensation.

2. Except as provided in subd. 3., and subject to par. (a), the compensation for an elective city office shall be established before the earliest time for filing nomination papers for the office. After that time, no change may be made in the compensation for the office that applies to the term of office for which the deadline applies. The compensation established for an elective office remains in effect for ensuing terms unless changed.

3. In a newly incorporated city, the compensation for an elective office may be established during the first term of office.

(c) Salaries shall be paid at the end of each month unless the council shall at any regular meeting by ordinance order payment at more frequent intervals.

(7) GENERAL PROVISIONS. (a) The corporate authority of the city shall be vested in the mayor and common council.

(b) Officers shall have generally the powers and duties prescribed for like officers of towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and except as to the mayor shall perform such duties as shall be required of them by the council. Officers whose powers and duties are not enumerated in this subchapter shall have such powers and duties as are prescribed by law for like officers or as are directed by the council.

(c) All officers and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

(d) The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to city officers.

(e) Whenever a city official in that official's official capacity is proceeded against or obliged to proceed before any court, board or commission, to defend or maintain his or her official position, or because of some act arising out of the performance of that official's official duties, and that official has prevailed in such proceeding, or the council has ordered the proceeding discontinued, the council may provide for payment to such official such sum as it sees fit, to reimburse the official for the expenses reasonably incurred for costs and attorney fees.

(8) MAYOR. (a) The mayor shall be the chief executive officer. The mayor shall take care that city ordinances and state laws are observed and enforced and that all city officers and employees discharge their duties.

(b) The mayor shall from time to time give the council such information and recommend such measures as the mayor may deem advantageous to the city. When present the mayor shall preside at the meetings of the council.

(c) The mayor shall have the veto power as to all acts of the council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two–thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

(d) Except in cities that have adopted s. 62.13 (6), the mayor shall be the head of the fire and police departments, and where there is no board of police and fire commissioners shall appoint all police officers, and the mayor may, in any city, appoint security personnel to serve without pay, and in case of riot or other emergency, appoint as many special police officers as may be necessary.

(e) The council at its first meeting subsequent to the regular election and qualification of new members, shall after organization, choose from its members a president, who, in the absence of the mayor, shall preside at meetings of the council, and during the absence or inability of the mayor shall have the power and duties of the mayor, except that the president shall not have power to approve an act of the council which the mayor has disapproved by filing objections with the clerk. The president shall when so officiating be styled "Acting Mayor".

(9) TREASURER. (a) Except as provided in s. 66.0608, the treasurer shall collect all city, school, county, and state taxes, receive all moneys belonging to the city or which by law are directed to be paid to the treasurer, and pay over the money in the treasurer's hands according to law.

(b) The treasurer shall keep a detailed account in suitable books in such manner as the council shall direct. The treasurer shall keep in a separate book an account of all fees received. The treasurer's books shall at all reasonable times be open to inspection.

(c) The treasurer shall each month at the first meeting of the council and as often as it shall require make to the council a verified report of moneys received and disbursed and of the condition of the treasury. Ten days before each regular city election the treasurer shall file in the clerk's office a full and minute verified report of moneys received and disbursed, tax certificates, vouchers and other things of pecuniary value in the treasurer's custody, and of all transactions of the treasurer's office from the date of the preceding like report.

(d) The treasurer may receive no compensation except the salary fixed by the council. If the treasurer sells property for the payment of taxes, the treasurer may also receive any fee a constable would receive for this service. The treasurer shall deposit all other fees he or she collects into the treasury at the end of each day.

(e) Except as provided in s. 66.0608, the treasurer shall deposit immediately upon receipt thereof the funds of the city in the name of the city in the public depository designated by the council. Such deposit may be in either a demand deposit or in a time deposit, maturing in not more than one year. Failure to comply with the provisions hereof shall be prima facie grounds for removal from office. When the money is so deposited, the treasurer and the treasurer's bonders shall not be liable for such losses as are defined by s. 34.01 (2). The interest arising therefrom shall be paid into the city treasury.

(f) The treasurer may in writing, filed in the office of the clerk, appoint a deputy who shall act under the treasurer's direction and in the treasurer's absence or disability, or in case of a vacancy shall perform the treasurer's duties. The deputy shall receive such compensation as the council shall provide. The acts of such deputy shall be covered by official bond as the council shall direct.

(10) COMPTROLLER. (a) The comptroller shall monthly report in writing to the council at its first meeting the condition of outstanding contracts and of each of the city funds and claims payable therefrom, and shall each year on or before October first file with the clerk a detailed statement of the receipts and disbursements on account of each fund of the city and of each aldermanic district or other financial district during the preceding fiscal year, specifying the source of each receipt and the object of each disbursement, and also an estimate of the receipts and disbursements for the current fiscal year.

(b) The comptroller shall each month and as often as reported examine the treasurer's accounts as reported and as kept, and attach thereto a report to the council as to their correctness and as to any violation by the treasurer of the treasurer's duty in the manner of keeping accounts or disbursing moneys.

(c) The comptroller shall examine each claim presented against the city, and determine whether it is in proper form, and if it is on contract, whether authorized and correct. For these purposes the comptroller may swear witnesses and take testimony. If the comptroller finds no objection the comptroller shall mark his or her approval on the claim. If the comptroller disapproves in whole or in part, the comptroller shall report the reasons for that disapproval to the council. The comptroller shall in all cases report evidence taken. No claim shall be considered by the council or be referred to a committee until it has been so examined and reported on.

(f) The comptroller shall countersign all contracts with the city if the necessary funds have been provided to pay the liability that may be incurred thereunder, and no contract shall be valid until so countersigned.

(g) The comptroller shall each year make a list of all certificates for the payment of which special taxes are to be levied, in time for the same to be inserted in the tax roll, and certify its correctness.

(h) The comptroller may in writing, filed in the office of the clerk, appoint a deputy who shall act under the comptroller's direction and in the comptroller's absence or disability, or in case of a vacancy shall perform the comptroller's duties. The deputy shall receive such compensation as the council provides. The acts of such deputy shall be covered by official bond as the council directs.

(11) CLERK. (a) The clerk shall have the care and custody of the corporate seal and all papers and records of the city.

(b) The clerk shall attend the meetings of the council and keep a full record of its proceedings.

(c) The clerk shall enter at length, immediately after it goes into effect, every ordinance in an "ordinance book," with proof of publication, date of passage and page of journal where final vote is recorded. The clerk shall keep a record of all licenses and permits granted and record all bonds, in appropriate books.

(d) The clerk shall draw and sign all orders upon the treasury in the manner provided by s. 66.0607, and keep a full account thereof in appropriate books. The clerk shall carefully preserve all receipts filed with the clerk.

(e) The clerk shall keep an accurate account with the treasurer and charge the treasurer with all tax lists presented for collection and with all moneys paid into the treasury.

(f) The clerk shall keep all papers and records in the clerk's office open to inspection at all reasonable hours subject to subch. II of ch. 19.

(h) The clerk shall have power to administer oaths and affirmations under these statutes.

(i) The clerk may in writing filed in the clerk's office appoint a deputy, who shall act under the clerk's direction, and in the clerk's absence or disability or in case of a vacancy shall perform the clerk's duties, and shall have power to administer oaths and affirmations. The deputy shall receive such compensation as the council shall provide. The clerk and the clerk's sureties shall be liable on the clerk's official bond for the acts of such deputy.

(j) The clerk shall notify the treasurer of the county in which the city is located, by February 20, of the proportion of property tax revenue and of the credits under s. 79.10 that is to be disbursed by the taxation district treasurer to each taxing jurisdiction located in the city.

(k) The clerk shall stamp or endorse street trade permits at the request of an employer under s. 103.25 (3m) (b).

(L) The clerk shall stamp or endorse traveling sales crew worker permits at the request of an employer under s. 103.34 (11) (c).

(12) ATTORNEY. (a) The attorney shall conduct all the law business in which the city is interested.

(c) The attorney shall when requested by city officers give written legal opinions, which shall be filed with the clerk.

(d) The attorney shall draft ordinances, bonds and other instruments as may be required by city officers.

(e) The attorney shall examine the tax and assessment rolls and other tax proceedings, and advise the proper city officers in regard thereto.

(f) The attorney may appoint an assistant, who shall have power to perform the attorney's duties and for whose acts the attorney shall be responsible to the city. Such assistant shall receive no compensation from the city, unless previously provided by ordinance.

(g) The council may employ and compensate special counsel to assist in or take charge of any matter in which the city is interested.

(13) POLICE. (a) The chief of police shall have command of the police force of the city, or the chief of a combined protective services department created under s. 62.13 (2e) (a) 1. shall have command of the combined protective services force, under the direction of the mayor. The chief shall obey all lawful written orders of the mayor or common council. The chief and each police officer or combined protective services officer shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon constables, and be taken as included in all writs and papers addressed to constables; shall arrest with or without process and with reasonable diligence take before the municipal judge or other proper court every person found in the city engaged in any disturbance of the peace or violating any law of the state or ordinance of the city and may command all persons present in that case to assist, and if any person, being so commanded, refuses or neglects to render assistance the person shall forfeit not exceeding $10. They shall collect the same fees prescribed for sheriffs in s. 814.70 for similar services, unless a higher fee is applicable under s. 814.705 (1) (b).

(b) The chief of police, or the chief of a combined protective services department created under s. 62.13 (2e) (a) 1., shall have charge of all city jails, including that portion of any jail which is used by the city in a joint city–county building.

(c) Every officer in charge of a jail shall keep a record concerning each person placed in the jail, including the person's name, residence and description, the time and cause of the person's confinement, and the authority under which the person was confined; and when any person is released, the time of and the authority for such release.

(d) The personnel required to comply with ss. 302.41 and 302.42 shall be provided at the expense of the municipality.

(15) CONSTABLES. (a) A constable who is given law enforcement duties by the common council, and who meets the definition of a law enforcement officer under s. 165.85 (2) (c), shall comply with the minimum employment standards for law enforcement officers established by the law enforcement standards board and shall complete training under s. 165.85 (4) (a) 1.

(b) A constable shall keep his or her office in the city. No constable who keeps his or her office outside the limits of the city may receive fees for any service performed during the period the outside office is maintained.

History: 1971 c. 154, 175; 1971 c. 304 s. 29 (1); 1973 c. 90, 243; 1975 c. 21, 39, 41, 199, 258; 1975 c. 375 s. 44; 1975 c. 421; 1977 c. 29, 151; 1977 c. 305 s. 64; 1979 c. 34, 221, 251; 1981 c. 20, 317; 1983 a. 189 s. 329 (21); 1983 a. 210, 395; 1983 a. 532 ss. 10, 14; 1985 a. 29, 39; 1985 a. 135 s. 83 (5); 1985 a. 225; 1987 a. 27, 181, 378; 1989 a. 31, 56, 113; 1991 a. 39, 316; 1993 a. 27, 184, 490; 1995 a. 225; 1997 a. 27, 257; 1999 a. 32; 1999 a. 150 s. 299, 672; 2001 a. 16; 2003 a. 47, 204; 2005 a. 40; 2009 a. 3, 173; 2011 a. 32; 2013 a. 214; 2017 a. 51.

NOTE: 2003 Wis. Act 47, which affects this section, contains extensive explanatory notes.

Cross–reference: See s. 196.675, which provides that a city attorney may not be employed by common carrier or public utility.

Cross–reference: See s. 66.0609 for an alternative system of approving claims under sub. (10).

A mayor may not veto council action or inaction on public works contracts. Sturzl Construction Co. v. City of Green Bay, 88 Wis. 2d 403, 276 N.W.2d 771 (1979).

Discussing conflicts arising from the election of a school principal to the office of alderperson. 60 Atty. Gen. 367.

Alderperson and police officer spouses can continue to hold offices as long as the alderperson does not violate s. 946.13 (1) with respect to the police officer's contract. 63 Atty. Gen. 43.

A mayor in a city with a police and fire commission does not have the authority to order a police chief to reinstate a discharged probationary police officer. 81 Atty. Gen. 1.

When no provision fixes the term of appointive officers, such as a city treasurer, the term is limited to that of the appointing authority; removal by a successor does not implicate a due process property interest. Wolf v. City of Fitchburg, 870 F.2d 1327 (1989).

Police accountability in Wisconsin. 1974 WLR 1131.

62.11 Common council. (1) HOW CONSTITUTED. The mayor and alderpersons shall be the common council. The mayor shall not be counted in determining whether a quorum is present at a meeting, but may vote in case of a tie. When the mayor does vote in case of a tie the mayor's vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure.

(2) TIME OF MEETING. The council shall meet at least once a month, and on the first Tuesday unless a different day be fixed by the council. More frequent regular meetings may be established by the council. The mayor may call a special meeting by notifying members in a manner likely to give each member notice of the meeting and providing the notice at least 6 hours before the meeting. Following a regular city election the new council shall first meet on the 3rd Tuesday of April.

(3) PROCEDURE. (a) The council shall be the judge of the election and qualification of its members, may compel their attendance, and may fine or expel for neglect of duty.

(b) Two–thirds of the members shall be a quorum, except that in cities having not more than 5 alderpersons a majority shall be a quorum. A less number may compel the attendance of absent members and adjourn. A majority of all the members shall be necessary to a confirmation. In case of a tie the mayor shall have a casting vote as in other cases.

(c) Meetings shall be open to the public; and the council may punish by fine members or other persons present for disorderly behavior.

(d) The ayes and noes may be required by any member. On confirmation and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the city or any fund thereof, the vote shall be by ayes and noes. All aye and nay votes shall be recorded in the journal.

(e) The council shall in all other respects determine the rules of its procedure.

(f) The style of all ordinances shall be: "The common council of the city of .... do ordain as follows".

(4) PUBLICATION. (a) Proceedings of the council shall be published in the newspaper designated under s. 985.06 as a class 1 notice, under ch. 985. The proceedings for the purpose of publication shall include the substance of every official action taken by the governing body. Except as provided in this subsection every ordinance shall be published either in its entirety, as a class 1 notice, under ch. 985, or as a notice, as described under par. (c) 2., within 15 days of passage, and shall take effect on the day after the publication or at a later date if expressly prescribed.

(b) All ordinances passed by the governing body of any city of the second class between January 1, 1914, and January 1, 1924, which were or may have been required to be published before becoming effective, but which were not published, shall be valid to the same extent as if they had been published in the first instance, as required by law, providing said ordinances and all amendments thereto are printed in the official journal of any such body together with the record of the passage of the same; however, the provisions of this paragraph shall not be effective in any city unless the governing body thereof shall so elect by a vote of two–thirds of its members.

(c) 1. In this paragraph, "summary" has the meaning given in s. 59.14 (1m) (a).

2. A notice of an ordinance that may be published under this paragraph shall be published as a class 1 notice under ch. 985 and shall contain at least all of the following:

a. The number and title of the ordinance.

b. The date of enactment.

c. A summary of the subject matter and main points of the ordinance.

d. Information as to where the full text of the ordinance may be obtained, including the phone number of the city clerk, a street address where the full text of the ordinance may be viewed, and a website, if any, at which the ordinance may be accessed.

(5) POWERS. Except as elsewhere in the statutes specifically provided, the council shall have the management and control of the city property, finances, highways, navigable waters, and the public service, and shall have power to act for the government and good order of the city, for its commercial benefit, and for the health, safety, and welfare of the public, and may carry out its powers by license, regulation, suppression, borrowing of money, tax levy, appropriation, fine, imprisonment, confiscation, and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants, and shall be limited only by express language.

History: 1991 a. 316; 1993 a. 184; 1995 a. 225; 2007 a. 72; 2017 a. 50; 2017 a. 365 s. 112.

Cross–reference: See s. 118.105 for control of traffic on school premises.

When a municipality's power to contract is improperly or irregularly exercised and the municipality receives a benefit under the contract, it is estopped from asserting the invalidity of the contract. Village of McFarland v. Town of Dunn, 82 Wis. 2d 469, 263 N.W.2d 167 (1978).

Madison's power to forbid chemical treatment of Madison lakes was withdrawn by s. 144.025 (2) (i) [now s. 281.17 (2)]. Wisconsin Environmental Decade, Inc. v. DNR, 85 Wis. 2d 518, 271 N.W.2d 69 (1978).

When a city council creates a governing board for a utility under s. 66.068 (1) [now s. 66.0805 (1)], the council is prohibited by s. 66.068 (3) [now s. 66.0805 (3)] from fixing wages for utility employees. Schroeder v. City of Clintonville, 90 Wis. 2d 457, 280 N.W.2d 166 (1979).

Sub. (5) authorizes an ordinance regulating massage parlors. City of Madison v. Schultz, 98 Wis. 2d 188, 295 N.W.2d 798 (Ct. App. 1980).

There is a four–part test in evaluating whether a municipality may regulate a matter of state–wide concern: 1) whether the legislature has expressly withdrawn the power of municipalities to act; 2) whether the ordinance logically conflicts with the state legislation; 3) whether the ordinance defeats the purpose of the state legislation; or 4) whether the ordinance goes against the spirit of the state legislation. Anchor Savings & Loan Ass'n v. Equal Opportunities Commission, 120 Wis. 2d 391, 355 N.W.2d 234 (1984).

The common council and mayor properly limited the power of the police and fire commission to promote police officers. State ex rel. Wilson v. Schocker, 142 Wis. 2d 179, 418 N.W.2d 8 (Ct. App. 1987).

Liberally construing home rule authority, a city is not authorized to institute a public safety officer program. Local Union No. 487 v. City of Eau Claire, 147 Wis. 2d 519, 433 N.W.2d 578 (1989).

The power granted under sub. (5) is broader than that granted under article XI, section 3, of the Wisconsin Constitution. Sub. (5) does not limit a city's authority to act only in local affairs. A city may act in matters of state–wide concern if the conditions of the four–part test stated in this case are met. DeRosso Landfill Co. v. City of Oak Creek, 191 Wis. 2d 46, 528 N.W.2d 468 (Ct. App. 1995).

The state regulatory scheme for tobacco sales preempts municipalities from adopting regulations that are not in strict conformity with those of the state. U.S. Oil, Inc. v. City of Fond du Lac, 199 Wis. 2d 333, 544 N.W.2d 589 (Ct. App. 1995), 95–0213.

One who deals with a municipality does so at his or her own risk and may be subject to any provisions of law that might prevent him or her from being paid by a municipality even though the services are rendered. Unless the power to bind the municipality financially has been specifically delegated, the only entity with the statutory authority to contract is the municipality. Holzbauer v. Safway Steel Products, Inc., 2005 WI App 240, 288 Wis. 2d 250, 712 N.W.2d 35, 04–2058.

When a challenge to the exercise of police powers is directed at the legislative means employed, the issue is properly framed as one of substantive due process. The legislative means chosen must have a rational relationship to the purpose or object of the enactment; if it has, and the object is a proper one, the exercise of the police power is valid. The fundamental inquiry is not whether the challenged provisions in an ordinance are rationally related to the stated purpose of the ordinance but whether the challenged provisions are rationally related to any legitimate municipal objective. Metropolitan Milwaukee Ass'n of Commerce, Inc. v. City of Milwaukee, 2011 WI App 45, 332 Wis. 2d 459, 798 N.W.2d 287, 09–1874.

An ordinance is not invalid as unreasonable merely because substantially the same result might be accomplished by the enactment of a different type of ordinance, or because a less burdensome course might have been adopted to accomplish the end. The correct standard is whether the legislative means chosen has a rational relationship to the permissible object. Metropolitan Milwaukee Ass'n of Commerce, Inc. v. City of Milwaukee, 2011 WI App 45, 332 Wis. 2d 459, 798 N.W.2d 287, 09–1874.

The fact that the regulation of sex offenders is a matter of statewide concern does not preclude municipalities from using their home–rule powers to impose further restrictions consistent with those imposed by the state. An ordinance regulating an area of statewide concern is preempted only if: 1) the legislature has expressly withdrawn the power of municipalities to act; 2) the ordinance logically conflicts with state legislation; 3) the ordinance defeats the purpose of state legislation; or 4) the ordinance violates the spirit of state legislation. City of South Milwaukee v. Kester, 2013 WI App 50, 347 Wis. 2d 334, 830 N.W.2d 710, 12–0724.

A city probably can contract with a county to provide fire protection to a county institution located outside of boundaries of the city. 62 Atty. Gen. 84.

A municipality has no jurisdiction over chemical treatment of waters to suppress aquatic nuisances. The Department of Natural Resources is granted statewide supervision over aquatic nuisance control under s. 144.025 (2) (i) [now s. 281.17 (2)]. Applications for permits to chemically treat aquatic nuisances under s. 144.025 (2) (i) may be denied even though statutory and regulatory requirements have been met if the chemical treatment would be counter–productive in achieving the goals set out in s. 144.025 (1) [now s. 281.11]. 63 Atty. Gen. 260.

Local units of government may not create and accumulate unappropriated surplus funds. However, a local unit of government may maintain reasonable amounts necessary in the exercise of sound business principles to meet the immediate cash flow needs of the municipality during the current budgetary period or to accumulate needed capital in non–lapsing funds to finance specifically identified future capital expenditures. 76 Atty. Gen. 77.

Article VIII, section 5 restricts the state from levying taxes to create a surplus having no public purpose. Although the constitutional provision does not apply directly to municipalities, the same limitation applies indirectly to them because the state cannot delegate more power than it has. 76 Atty. Gen. 77.

Conflicts between state statute and local ordinance in Wisconsin. 1975 WLR 840.

Madison's Minimum–Wage Ordinance, Section 104.001, and the Future of Home Rule in Wisconsin. Burchill. 2007 WLR 151.

62.115 Defense of officers by city attorney. (1) The common council of any city, however incorporated, may by ordinance or resolution authorize the city attorney to defend actions brought against any officer or employee of such city or of any board or commission thereof, growing out of any acts done in the course of employment, or out of any alleged breach of duty as such officer or employee, excepting actions brought to determine the right of such officer or employee to hold or retain that person's office or position, and excepting also actions brought by such city against any officer or employee thereof.

(2) Nothing in this section contained, nor any action taken by any city or by any city attorney pursuant to the provisions of this

section, shall be construed to impose any liability, either for costs, damages or otherwise, upon such city or city attorney.

History: 1991 a. 316.

62.12 Finance. (1) FISCAL YEAR. The calendar year shall be the fiscal year.

(2) BUDGET. Annually on or before October 1, each officer or department shall file with the city clerk an itemized statement of disbursements made to carry out the powers and duties of the officer or department during the preceding fiscal year, a detailed statement of the receipts and disbursements on account of any special fund under the supervision of the officer or department during the year and of the condition and management of the fund and detailed estimates of the same matters for the current fiscal year and for the ensuing fiscal year.

(3) ACCOUNTING. The city treasurer shall keep separate all special funds, and the city clerk shall keep a separate account with the general fund for each officer or department through which disbursements are made from the general fund to carry out the powers and duties of such officer or department. The council shall examine and adjust the accounts of the clerk, treasurer and all other officers or agents of the city after the same shall have been audited by the comptroller.

(5) LICENSE MONEYS. Moneys received for licenses may be used for such purpose as the council shall direct in the absence of specific appropriation by law.

(6) FUNDS; APPROPRIATIONS; DEBTS. (a) Unless otherwise provided by law city funds shall be paid out only by authority of the council. Such payment shall be made in the manner provided by s. 66.0607.

(b) The council shall not appropriate nor the treasurer pay out:

1. Funds appropriated by law to a special purpose except for that purpose;

2. Funds for any purpose not authorized by the statutes; nor

3. Funds from any fund in excess of the moneys therein.

(c) No debt shall be contracted against the city nor evidence thereof given unless authorized by a majority vote of all the members of the council.

(7) CITY DEPOSITORIES. The council shall designate the public depository or depositories within this state with which city funds shall be deposited, and when the money is deposited in such depository in the name of the city, the treasurer and bondsmen shall not be liable for such losses as are defined by s. 34.01 (2). The interest arising therefrom shall be paid into the city treasury.

(8) CLAIMS. (a) All claims and demands against the city shall be itemized and filed with the clerk, who shall deliver the same to the comptroller for examination. The comptroller shall within 30 days thereafter examine such claim or demand and return the same to the clerk with the comptroller's report thereon in writing, who shall place the same before the council for action at its next meeting.

(b) Payment of regular wages or salary pursuant to the budget and salary schedule adopted by the council may be by payroll, verified by the proper official, and filed in time for payment on the regular pay day.

(9) LOANS. The council may loan money to any school district located within the city, or within which the city is wholly or partially located, in such sums as are needed by such district to meet the immediate expenses of operating the schools thereof, and the board of the district may borrow money from such city accordingly and give its note therefor. No such loan shall be made to extend beyond August 30 next following the making thereof or in an amount exceeding one–half of the estimated receipts for such district as certified by the state superintendent of public instruction and the local school clerk. The rate of interest on any such loan shall be determined by the city council.

History: 1973 c. 90, 333; 1975 c. 39, 80, 180, 224, 353, 421; 1977 c. 113 ss. 3, 6; 1977 c. 142; 1977 c. 203 s. 101; 1977 c. 272, 418; 1979 c. 34; 1979 c. 175 s. 51; 1981 c. 20, 61, 93; 1983 a. 27; 1983 a. 189 s. 329 (17), (21); 1985 a. 29, 225; 1991 a. 316; 1995 a. 27, 225; 1997 a. 27; 1999 a. 150 s. 672.

Cross–reference: See ss. 62.25 and 893.80 for actions upon claims.

See s. 66.0609 for an alternative system of approving claims.

Local government units cannot include the value of tax–exempt manufacturing machinery and specific processing equipment and tax exempt merchants' stock–in–trade, manufacturers' materials and finished products, and livestock in their property valuation totals for non–tax purposes, such as for municipal debt ceilings, tax levy limitations, shared tax distributions, and school aid payments. 63 Atty. Gen. 465.

62.13 Police and fire departments. (1) COMMISSIONERS. Except as provided in subs. (2g), (2m), (2s), and (8) (b) each city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of whom shall constitute a quorum. The mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of 5 years. No appointment shall be made which will result in more than 3 members of the board belonging to the same political party. The board shall keep a record of its proceedings.

(2) EXCEPTION. (a) Except as provided under sub. (6m), subs. (1) to (6) shall not apply to cities of less than 4,000 population except by ordinance adopted by a majority of all the members of the council. A repealing ordinance may be adopted by a like vote.

(b) A city that creates a joint police or fire department with a village under s. 61.65 is not required to create a separate board of police and fire commissioners under this section. The city shall create a joint board of commissioners to govern the joint department, as required in s. 61.65. If the city also creates one separate protective services department in addition to the joint protective services department, the city shall create a separate board of commissioners to govern that department. A city's joint board of commissioners is subject to s. 61.65 (3g) (d). A city's separate board of commissioners is subject to this section.

(2e) COMBINED PROTECTIVE SERVICES. (a) A city may provide police and fire protection services by any of the following:

1. A combined protective services department which is neither a police department as otherwise constituted under this section nor a fire department as otherwise constituted under this section, in which the same person may be required to perform police protection and fire protection duties without being required to perform police protection duties for more than 8 hours in each 24 hours except in emergency situations, as described under sub. (7n).

2. Persons in a police department or fire department who, alone or in combination with persons designated as police officers or fire fighters, may be required to perform police protection and fire protection duties without being required to perform police protection duties for more than 8 hours in each 24 hours except in emergency situations, as described under sub. (7n).

(b) The governing body of a city acting under par. (a) may designate any person required to perform police protection and fire protection duties under par. (a) as primarily a police officer or fire fighter for purposes described in subs. (7m), (7n), (10m), and (11) and ss. 891.45, 891.453, and 891.455.

(2g) CONTRACTING FOR POLICE PROTECTIVE SERVICES. A city may enter into a contract for police protective services with a village, a town, another city, or a county. A city that contracts for police protective services shall pay the full cost of services provided. A city that contracts for all of its police protective services under this subsection and for all of its fire protective services under sub. (8) (b) is not required to have a board of police and fire commissioners. A city that contracts for all of its police protective services under this subsection, but not for all of its fire protective services under sub. (8) (b), shall have a board of police and fire commissioners under this section, but the board may only address issues related to the fire department. A city may not contract with a county to provide all of the city's police protective services under this subsection.

(2m) JOINT DEPARTMENTS, CONTRACT SERVICES. (a) A city may create a joint police department or a joint fire department, or both, with another city.

(b) A city that creates a joint police department or a joint fire department, or both, with another city under par. (a) is not required to create a separate board of police and fire commissioners under this section. The cities shall create a joint board of commissioners to govern the joint department. If only one joint department is created, each city shall retain its existing board of police and fire commissioners to govern the separate department. The cities may jointly determine the number of commissioners to be appointed to the joint board by each city and the length of the commissioners' terms. A majority of the commissioners is a quorum. A joint board of commissioners that is created under this paragraph to govern a joint police department is subject to the provisions of subs. (3) to (7n), a joint board of commissioners that is created under this paragraph to govern a joint fire department is subject to the provisions of subs. (8) to (12) and a joint board of commissioners that is created under this paragraph to govern a joint police and fire department is subject to the provisions of subs. (2) to (12).

(2s) ABOLITION OF POLICE DEPARTMENT, COUNTY LAW ENFORCEMENT. (a) Subject to pars. (b) to (d), a city may abolish its police department or combined protective services department if it enters into a contract with a county under s. 59.03 (2) (e) for the county sheriff to provide law enforcement services in all parts of the city. If the city is located in more than one county, it may not abolish its police department or combined protective services department under this paragraph unless the city enters into a contract under this paragraph with the county in which the greatest amount of the city's equalized value, population or territory is located. If a city that is located in more than one county enters into a contract with a county under this paragraph, the jurisdiction of the contracting county's sheriff and deputies includes the entire territory of the city.

(b) If a city wishes to contract with a sheriff for law enforcement services, the common council shall adopt a resolution, as described under s. 59.03 (2) (a), requesting that such services be provided. The resolution shall provide that such services are to be provided exclusively by the county.

(c) The contract described under par. (a) shall address at least all of the following elements:

1. The division, with the county, of the city's assets and liabilities that relate to the city's police department and the amount that the county will pay, if any, for such assets.

2. A description of the level of law enforcement and the number of deputies that the county will provide to the city and the amount that the city will pay for the services in excess of the city's portion of the county's law enforcement levy.

3. A procedure for the city to request, or require, that the county provide additional law enforcement services and the cost the county may charge the city for providing additional services.

4. The term of the agreement and procedures for the renewal, extension, or termination of the agreement.

(d) No contract that is entered into under this subsection may take effect until all of the following occur:

1. The county board approves under s. 59.03 (2) (a) the resolution adopted under par. (b).

2. The governing bodies of the city and the county approve the contract.

3. The expiration of any collective bargaining agreement between the city and its police department employees.

4. The city and county discuss the provision of emergency "911" telephone service within the area to which the contract applies.

(3) CHIEFS. The board shall appoint the chief of police and the chief of the fire department or, if applicable, the chief of a combined protective services department, who shall hold their offices during good behavior, subject to suspension or removal by the board for cause.

(4) SUBORDINATES. (a) The chiefs shall appoint subordinates subject to approval by the board. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the board and kept on file with the clerk.

(b) Any person who, on June 23, 1943 has served and acted as a full–time city police patrolman, patrolwoman or police officer performing the services by virtue of regular assignment therefor under the orders and supervision of the chief of police of said city, and receiving his or her salary on the regular official payroll of said police department for a continuous period of more than 10 years, although not regularly appointed from an eligible list, is deemed to have been regularly appointed, as of the time of the commencement of his or her service.

(c) For the choosing of such list the board shall adopt, and may repeal or modify, rules calculated to secure the best service in the departments. These rules shall provide for examination of physical and educational qualifications and experience, and may provide such competitive examinations as the board shall determine, and for the classification of positions with special examination for each class. The board shall print and distribute the rules and all changes in them, at city expense.

(d) The examination shall be free for all U.S. citizens over 18 and under 55 years of age, with proper limitations as to health and, subject to ss. 111.321, 111.322, and 111.335, arrest and conviction record. The examination, including minimum training and experience requirements, shall be job–related in compliance with appropriate validation standards and shall be subject to the approval of the board and may include tests of manual skill and physical strength. All relevant experience, whether paid or unpaid, shall satisfy experience requirements. The board shall control examinations and may designate and change examiners, who may or may not be otherwise in the official service of the city, and whose compensation shall be fixed by the board and paid by the city. Veterans and their spouses shall be given preference points in accordance with s. 63.08 (1) (fm).

(e) The council of any city of the 2nd, 3rd or 4th class may provide that members of the police force shall be of both sexes. The fire and police commission shall select each police officer from an eligible list.

(5) DISCIPLINARY ACTIONS AGAINST SUBORDINATES. (a) A subordinate may be suspended as hereinafter provided as a penalty. The subordinate may also be suspended by the commission pending the disposition of charges filed against the subordinate.

(b) Charges may be filed against a subordinate by the chief, by a member of the board, by the board as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the president of the board. Pending disposition of such charges, the board or chief may suspend such subordinate.

(c) A subordinate may be suspended for just cause, as described in par. (em), by the chief or the board as a penalty. The chief shall file a report of such suspension with the commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the suspended subordinate. If the subordinate suspended by the chief requests a hearing before the board, the chief shall be required to file charges with the board upon which such suspension was based.

(d) Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The board shall set date for hearing not less than 10 days nor more than 30 days following service of charges. The hearing on the charges shall be public, and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the president of the board on request and be served as are subpoenas under ch. 885.

(e) If the board determines that the charges are not sustained, the accused, if suspended, shall be immediately reinstated and all lost pay restored. If the board determines that the charges are sustained, the accused, by order of the board, may be suspended or reduced in rank, or suspended and reduced in rank, or removed, as the good of the service may require.

(em) No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the board under par. (e), based on charges filed by the board, members of the board, an aggrieved person or the chief under par. (b), unless the board determines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the board shall apply the following standards, to the extent applicable:

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

2. Whether the rule or order that the subordinate allegedly violated is reasonable.

3. Whether the chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.

4. Whether the effort described under subd. 3. was fair and objective.

5. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.

6. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.

7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.

(f) Findings and determinations hereunder and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within 3 days thereof with the secretary of the board.

(g) Further rules for the administration of this subsection may be made by the board.

(h) No person shall be deprived of compensation while suspended pending disposition of charges.

(i) Any person suspended, reduced, suspended and reduced, or removed by the board may appeal from the order of the board to the circuit court by serving written notice of the appeal on the secretary of the board within 10 days after the order is filed. Within 5 days after receiving written notice of the appeal, the board shall certify to the clerk of the circuit court the record of the proceedings, including all documents, testimony and minutes. The action shall then be at issue and shall have precedence over any other cause of a different nature pending in the court, which shall always be open to the trial thereof. The court shall upon application of the accused or of the board fix a date of trial, which shall not be later than 15 days after such application except by agreement. The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence is there just cause, as described under par. (em), to sustain the charges against the accused? No costs shall be allowed either party and the clerk's fees shall be paid by the city. If the order of the board is reversed, the accused shall be forthwith reinstated and entitled to pay as though in continuous service. If the order of the board is sustained it shall be final and conclusive.

(j) The provisions of pars. (a) to (i) shall apply to disciplinary actions against the chiefs where applicable. In addition thereto, the board may suspend a chief pending disposition of charges filed by the board or by the mayor of the city.

(5m) DISMISSALS AND REEMPLOYMENT. (a) When it becomes necessary, because of need for economy, lack of work or funds, or for other just causes, to reduce the number of subordinates, the emergency, special, temporary, part–time, or provisional subordinates, if any, shall be dismissed first, and thereafter subordinates shall be dismissed in the order of the shortest length of service in the department, provided that, in cities where a record of service rating has been established prior to January 1, 1933, for the said subordinates, the emergency, special, temporary, part–time provisional subordinates, if any, shall be dismissed first, and thereafter subordinates shall be dismissed in the order of the least efficient as shown by the said service rating.

(b) When it becomes necessary for such reasons to reduce the number of subordinates in the higher positions or offices, or to abolish any higher positions or offices in the department, the subordinate or subordinates affected thereby shall be placed in a position or office in the department less responsible according to the subordinate's efficiency and length of service in the department.

(c) The name of a subordinate dismissed for any just cause set forth in this section shall be left on an eligible reemployment list for a period of 2 years after the date of dismissal, except that if the dismissal was for disciplinary reasons the subordinate may not be left on an eligible reemployment list. If any vacancy occurs, or if the number of subordinates is increased, in the department, the vacancy or new positions shall be filled by persons on the eligible reemployment list in the inverse order of the dismissal of the persons on the list.

(6) OPTIONAL POWERS OF BOARD. (a) The board of fire and police commissioners shall have the further power:

1. To organize and supervise the fire and police, or combined protective services, departments and to prescribe rules and regulations for their control and management.

2. To contract for and purchase all necessary apparatus and supplies for the use of the departments under their supervision, exclusive of the erection and control of the police station, fire station, and combined protective services station buildings.

3. To audit all bills, claims and expenses of the fire, police, and combined protective services departments before the same are paid by the city treasurer.

(b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than 70 days prior to a regular city election a petition therefor, conforming to the requirements of s. 8.40 and signed by electors equal in number to not less than 20 percent of the total vote cast in the city for governor at the last general election, shall be filed with the clerk as provided in s. 8.37, the clerk shall give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with the regular city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and 10.02, and the question shall be "Shall s. 62.13 (6) of the statutes be adopted?"

(6m) If a city of less than 4,000 population has not by ordinance applied subs. (1) to (6) to the city, the city may not suspend, reduce, suspend and reduce, or remove any police chief, combined protective services chief, or other law enforcement officer who is not probationary, and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction or removal, unless the city does one of the following:

(a) Establishes a committee of not less than 3 members, none of whom may be an elected or appointed official of the city or be employed by the city. The committee shall act under sub. (5) in place of the board of police and fire commissioners. The city council may provide for some payment to each member for the member's cost of serving on the committee at a rate established by the city council.

(b) Appoint a person who is not an elected or appointed official of the city and who is not employed by the city. The person shall act under sub. (5) in place of the board. The city council may provide for some payment to that person for serving under this paragraph at a rate established by the city council.

(7) COMPENSATION. The salaries of chiefs and subordinates shall be fixed by the council. Unless the council otherwise provides, in cities of the 4th class rewards for the apprehension of criminals may be retained by the person entitled thereto. Such salaries when so fixed may be increased but not decreased by the council without a previous recommendation of the board. The council may provide that the salaries shall increase with length of service.

(7m) REST DAY. (a) The council of every city of the fourth class shall provide for, and the chief of the police or fire department, or the chief of the combined protective services department, shall assign to, each subordinate police officer, or each subordinate designated as primarily a police officer under sub. (2e) (b), in the service of such city one full rest day of 24 consecutive hours during each 192 hours, except in cases of positive necessity by some sudden and serious emergency, which, in the judgment of the chief of police, the fire chief, or the chief of the combined protective services department, demands that such day of rest not be given at such time. Arrangements shall be made so that each full rest day may be had at such time or times as will not impair the efficiency of the department.

(b) The council of every city of the second or third class shall provide for, and the chief of the police or fire department, or the chief of the combined protective services department, shall assign to, each subordinate police officer, or each subordinate designated as primarily a police officer under sub. (2e) (b), in the service of such city 2 full rest days of 24 consecutive hours each during each 192 hours, except in cases of positive necessity by some sudden and serious emergency, which, in the judgment of the chief of police, the fire chief, or the chief of the combined protective services department, demands that any such day of rest not be given at such time. Arrangements shall be made so that each full rest day may be had at such time or times as will not impair the efficiency of the department. This section shall not apply to villages to which s. 61.65 is applicable.

(7n) HOURS OF LABOR. Except when a labor agreement under subch. IV of ch. 111 that governs hours of employment exists, the council of every 2nd, 3rd or 4th class city shall provide for a working day of not more than 8 hours in each 24 except in cases of positive necessity by some sudden and serious emergency, which, in the judgment of the chief of police, the fire chief, or the chief of the combined protective services department, demands that such workday shall be extended beyond the 8–hour period at such time; and, when such emergency ceases to exist, all overtime given during such emergency shall be placed to the credit of such subordinate police officer, or each subordinate designated as primarily a police officer under sub. (2e) (b), and compensatory time under s. 103.025 given therefor.

(8) FIRE DEPARTMENT. (a) The council may provide by ordinance for either a paid or a volunteer fire department and for the management and equipment of either insofar as not otherwise provided for by law. In the case where a combination of paid and volunteer fire department is provided for, such city shall be reimbursed by the department of transportation, not to exceed $500 for any fire calls on a state trunk highway or on any highway that is a part of the national system of interstate highways and is maintained by the department of transportation if the city submits written proof that the city has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided, except that the city may attempt to collect the cost from the person only if the city is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the city collects the cost from an insurer or such person after the department reimburses the city, the city shall return the amount collected to the department.

(b) A city may enter into a contract for fire protective services with a village, a town, or another city. A city that contracts for fire protective services shall pay the full cost of services provided. A city that contracts for all of its fire protective services under this paragraph and for all of its police protective services under sub. (2g) is not required to have a board of police and fire commissioners. A city that contracts for all of its fire protective services under this paragraph, but not for all of its police protective services under sub. (2g), shall have a board of police and fire commissioners under this section, but the board may address only issues related to the police department.

(10m) RULES GOVERNING LEAVING CITY. Subject to approval of the common council the fire chief, police chief, or the chief of the combined protective services department, may establish rules requiring subordinate fire fighters, or each subordinate designated as primarily a fire fighter under sub. (2e) (b), to obtain permission before leaving the city.

(11) FIRE FIGHTERS, REST DAY. The common council of every 4th class city, having a population of 5,000 or more and a fire department, or a combined protective services department, shall provide for, and the chief of the fire department, police department, or combined protective services department shall assign to each full paid subordinate member of the fire department or subordinate designated as primarily a fire fighter under sub. (2e) (b), a period of 24 consecutive hours off duty during each 72 hours, except in cases of positive necessity by some sudden and serious fire, accident or other peril, which, in the judgment of the chief engineer or other officer in charge demands that the day of rest not be given at that time. The provisions of this section shall not apply to cities having a 2–platoon or double shift system. The provisions of this subsection apply to a person designated as primarily a fire fighter who is employed by a police department, as described in sub. (2e).

(11a) FIRE DEPARTMENT PLATOONS. (a) The common council, or other governing body of every city of the first, second and third class, whether organized under a general or special charter, having a paid fire department, shall provide for, and the governing power of the fire department shall divide the full paid fire fighting force in the fire department into 2 or more bodies or platoons. Each platoon shall work, or be on duty, alternately an equal number of hours or as nearly so as the governing power of the fire department of each such city decides, but no member of said platoon shall be on duty for a longer continuous period of time than the governing power of the fire department designates, except in cases of positive necessity by some sudden and serious fire, accident, or other peril, which in the judgment of the chief engineer or other officer in charge demands.

(b) The hours of duty of each member of the fire fighting force of the fire department in every city of the first class shall be limited to 72 hours in any one week. If any such department shall be on a platoon system of hours of duty, 12 hours may be added to one of 2 successive weeks and such period of time deducted from the previous or succeeding week, as the case may be.

(12) LEGISLATIVE INTENT. Section 62.13 and chapter 589, laws of 1921, chapter 423, laws of 1923, and chapter 586, laws of 1911, shall be construed as an enactment of statewide concern for the purpose of providing a uniform regulation of police, fire, and combined protective services departments.

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182; 2003 a. 205; 2005 a. 40; 2009 a. 173; 2011 a. 32, 75; 2013 a. 20; 2015 a. 150.

A written charge of conduct unbecoming an officer filed by the chief was sufficiently specific when the officer did not object at the hearing. That one member of the board prejudged the case was immaterial when the decision was unanimous. State ex rel. Richey v. Neenah Police & Fire Commission, 48 Wis. 2d 575, 180 N.W.2d 743 (1970).

An amnesty agreement by a city not to prosecute a firefighter for striking, made as part of the settlement of the strike, does not bar a complaint by a citizen alleging a violation because of the strike. Durkin v. Madison Board of Police & Fire Commissioners, 48 Wis. 2d 112, 180 N.W.2d 1 (1971).

In 2nd and 3rd class cities, monthly compensation for purposes of computing a pension does not include employer contributions to the pension fund and health and life insurance. These items cannot be included by a collective bargaining agreement. State ex rel. Manitowoc v. Police Pension Board, 56 Wis. 2d 602, 203 N.W.2d 74 (1973).

Standby time required of municipal police officers by the issuance of a "yellow alert" under which officers were required to leave their names, phone numbers, and

locations with the station house and were forbidden to leave the city without permission, did not constitute work or overtime under sub. (7n), since the officers were not confined at the police station and, although restricted in some senses, were basically free to spend the standby time for their own purposes. Theune v. Sheboygan, 67 Wis. 2d 33, 226 N.W.2d 396 (1975).

Legislatively created agencies or boards such as city police and fire commissions have the capacity to sue or be sued if that authority is necessary to carry out an express power or to perform an express duty, or if the action arises out of the performance of statutory powers or obligations. Racine Fire & Police Commission v. Stanfield, 70 Wis. 2d 395, 234 N.W.2d 307 (1975).

Review of determinations of fire and police commissions may be had only by writ of certiorari or by the appeal procedure provided by the legislature since the procedure under sub. (5) (i) is exclusive and conclusive. A party failing to commence certiorari proceeding within six months of a decision is guilty of laches. State ex rel. Enk v. Mentkowski, 76 Wis. 2d 565, 252 N.W.2d 28 (1977).

A labor contract under s. 111.70 may limit the scope of the police chief's discretion under sub. (4) (a). Glendale Professional Policemen's Ass'n v. Glendale, 83 Wis. 2d 90, 264 N.W.2d 594 (1978).

By imposing an arbitrary and capricious penalty, a board exceeded its jurisdiction. State ex rel. Smits v. City of De Pere, 104 Wis. 2d 26, 310 N.W.2d 607 (1981).

A probationary officer had neither a constitutional nor a statutory right to a statement of specifications and a hearing on a city's decision not to retain him. Kaiser v. Wauwatosa Board of Police & Fire Commissioners, 104 Wis. 2d 498, 311 N.W.2d 646 (1981).

Service under sub. (5) (i) must be personal. Gibson v. Racine Police & Fire Commission, 123 Wis. 2d 150, 366 N.W.2d 144 (Ct. App. 1985).

Because this section protects police officers against wrongful discipline or discharge, a police officer cannot state a cause of action by invoking the public policy exception to the employment–at–will doctrine. Larson v. City of Tomah, 193 Wis. 2d 225, 532 N.W.2d 726 (1995).

A collective bargaining agreement cannot provide for the right to seek arbitration of a discipline decision rather than to seek a hearing before the police and fire commission under this section. City of Janesville v. WERC, 193 Wis. 2d 492, 535 N.W.2d 34 (Ct. App. 1995).

Suppression of evidence is not required when a law enforcement officer obtains evidence outside of his or her jurisdiction. Any jurisdictional transgression violates the appropriate jurisdiction's authority not the defendant's rights. State v. Mieritz, 193 Wis. 2d 571, 534 N.W.2d 632 (Ct. App. 1995).

Service of a notice of appeal under sub. (5) (i) is sufficient when served on the secretary of the police and fire commission. There is no requirement that the notice must first be filed with the court. Truttschel v. Martin, 208 Wis. 2d 361, 560 N.W.2d 315 (Ct. App. 1997), 96–2183.

Sub. (5) (i) deprives the court of appeals jurisdiction to review orders issued by a circuit court under sub. (5) (i). Younglove v. City of Oak Creek, 219 Wis. 2d 133, 579 N.W.2d 294 (Ct. App. 1998), 97–1522.

It is unconstitutional to condition continued public employment upon a waiver of the privilege against self–incrimination. An employee may be required to answer questions in a disciplinary hearing when granted immunity from criminal prosecution. There is no immunity for uncoerced false statements made during a disciplinary investigation. There also is no requirement for *Miranda*–like warnings, which in their absence would require the suppression of all statements made in the disciplinary proceedings. Herek v. Police & Fire Commission, 226 Wis. 2d 504, 595 N.W.2d 113 (Ct. App. 1999), 98–1927.

A police officer promoted to sergeant, subject to a one–year period of probation, could not be demoted without a just cause hearing under sub. (5) (em). An original appointment is on a probationary basis under s. 165.85 (4) (b). Once that period has passed, no promotion can be taken away without a hearing under sub. (5) (em). Antisdel v. City of Oak Creek Police & Fire Commission, 2000 WI 35, 234 Wis. 2d 154, 609 N.W.2d 464, 97–3818.

The court properly determined whether salaries had been decreased under sub. (7) by comparing the plaintiff police officer's total cash receipts for each year at issue with his total cash receipts for the immediately preceding year. Gold v. City of Adams, 2002 WI App 45, 251 Wis. 2d 312, 641 N.W.2d 446, 01–1173.

The Department of Workforce Development has statutory authority to receive and investigate a firefighter's employment discrimination claim under s. 111.321 that is tied directly to the charges sustained and disciplinary sanctions imposed by a police and fire commission under this section, to which claim preclusion is no bar. City of Madison v. DWD, 2002 WI App 199, 257 Wis. 2d 348, 651 N.W.2d 292, 01–1910.

There are two ways to appeal police and fire commission decisions: 1) under sub. (5) (i) when the court determines, on the evidence in the administrative record, if there is just cause to sustain the charges against the accused; and 2) by certiorari action, by which legal defects in the administrative record for which there is no statutory judicial review under sub. (5) (i) may be reviewed. An accused may file both and the trial court may address them in any order it deems prudent. State ex rel. Heil v. Green Bay Police & Fire Commission, 2002 WI App 228, 256 Wis. 2d 1008, 652 N.W.2d 118, 01–1781.

Having a common council liaison to the police and fire commission was not a reasonable local adaptation of the statute. The liaison effectively was a representative of one of the parties yet sat with the commission at hearings and, although nonvoting, participated in deliberations, tainting the appearance of commission independence and rendering the commission's decision void. State ex rel. Heil v. Green Bay Police & Fire Commission, 2002 WI App 228, 256 Wis. 2d 1008, 652 N.W.2d 118, 01–1781.

Sub. (4) (a) and (c) grant police chiefs and PFCs the authority to promote subordinates, subject to a reasonable probationary period. Sub. (5) (em) requires just cause to act only in disciplinary actions. A promoted officer who does not successfully complete the probationary period may be returned to a former rank without either a sub. (5) (em) or due process hearing as the demotion is not discipline. Kraus v. City of Waukesha, 2003 WI 51, 261 Wis. 2d 485, 662 N.W.2d 294, 01–1106.

Fire chiefs, police chiefs, and police and fire commissions are exclusively empowered to make, and are responsible for, appointment and promotion decisions in their respective departments. An arbitrator may not overrule decisions that are specifically entrusted to the chiefs and the commissions. Nothing in s. 111.70 requires such an interpretation of this section. City of Madison v. WERC, 2003 WI 52, 261 Wis. 2d 423, 662 N.W.2d 318, 99–0500.

A PFC has authority under sub. (5) (g) to adopt a rule permitting a hearing examiner to conduct initial and evidentiary hearings and to make reports to the PFC on the examiner's recommendations when the rule ensures that the ultimate decision–making authority remains with the PFC. Conway v. Board of Police & Fire Commissioners, 2003 WI 53, 262 Wis. 2d 1, 662 N.W.2d 335, 01–0784.

The police and fire commission has exclusive statutory authority under sub. (5) to review disciplinary actions against firefighters. Any claim that a disciplinary termination is discriminatory under ch. 111 must be raised before the commission. The Department of Workforce Development may not take jurisdiction over a ch. 111 complaint arising out of a decision of a commission to terminate a firefighter. City of Madison v. DWD, 2003 WI 76, 262 Wis. 2d 652, 664 N.W.2d 584, 01–1910.

Sub. (4) (a), providing appointments are to be made by promotion within the ranks when qualified insiders exist, neither specifies the promotion process nor restricts a chief's discretion in any way, other than making a chief's selection subject to departmental approval. If promotion from within the department cannot be "done with advantage," the alternative appointment process involving "an eligible list" comes into play, but those provisions are not triggered when a chief has appointed a subordinate who can be promoted "with advantage." Baures v. North Shore Fire Department, 2003 WI App 103, 264 Wis. 2d 815, 664 N.W.2d 113, 02–1936.

Sub. (5) (i) is not the exclusive remedy for a claim that the rules a subordinate was found to have violated were unconstitutionally vague and overbroad. Constitutional issues of vagueness or overbreadth may be considered under certiorari because they concern whether the police and fire commission board kept within its jurisdiction and proceeded on a correct theory of the law. Gentilli v. Board of Police & Fire Commissioners, 2004 WI 60, 272 Wis. 2d 1, 680 N.W.2d 335, 02–3208.

A recruit who does not complete the initial probationary term of employment as a police officer is not entitled to avail himself or herself of the just cause protections afforded by sub. (5) (em). State ex rel. Massman v. City of Prescott, 2020 WI App 3, 390 Wis. 2d 378, 938 N.W.2d 602, 18–1621.

A citizenship requirement for peace officers is constitutional. 68 Atty. Gen. 61.

A mayor in a city with a police and fire commission does not have the authority to order a police chief to reinstate a discharged probationary police officer. 81 Atty. Gen. 1.

A firefighter's dismissal violated due process. Schulz v. Baumgart, 738 F.2d 231 (1984).

Sub. (5) confers a property interest in employment protected by the 14th amendment to the U.S. Constitution on police officers and fire fighters. Dixon v. City of New Richmond, 334 F.3d 691 (2003).

There was no suspension under this section when police chief carried out an agreement that a part–time officer, normally assigned work on an as–needed basis, would not be assigned shifts pending the completion of disciplinary proceedings against the officer in another jurisdiction where he was also employed as a police officer. Dixon v. City of New Richmond, 334 F.3d 691 (2003).

Police accountability in Wisconsin. 1974 WLR 1131.

62.133 Ambulance service. The common council may purchase, equip, operate and maintain ambulances and contract for ambulance service with one or more providers for conveyance of the sick or injured. The common council may determine and charge a reasonable fee for ambulance service provided under this section.

History: 1991 a. 39.

62.135 Highway safety coordinator. In cities with a population of 150,000 and more, the mayor may appoint a city highway safety coordinator who shall be a member of the city agency or commission responsible for traffic accident analysis and traffic safety related matters. The commission or agency shall meet at least quarterly to review city traffic accident data and other traffic safety related matters.

History: 1983 a. 291.

62.14 Board of public works. (1) HOW CONSTITUTED; TERMS. There shall be a department known as the "Board of Public Works" to consist of 3 commissioners. In cities of the 2nd class the commissioners shall be appointed by the mayor and confirmed by the council at their first regular meeting or as soon thereafter as may be. The members of the first board shall hold their offices, 1, 2 and 3 years, respectively, and thereafter for 3 years or until their successors are qualified. In all other cities the board shall consist of the city attorney, city comptroller and city engineer. The council, by a two–thirds vote, may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the members thereof, or it may, by a like vote, dispense with such board, in which case its duties and powers shall be exercised by the council or a committee thereof, or by such officer, officers or boards as the council designates. The words "board of public works" wherever used in this subchapter shall include such officer, officers, or boards as shall be designated to discharge its duties.

(2) ORGANIZATION. The members of the board of public works shall, on the first Tuesday in May of each year, choose a president

of the board from their number, and in cities of the first class a secretary; in other cities the city clerk shall be the secretary of the board.

(3) COMPENSATION. The commissioners of public works in cities of the second class shall receive a salary, but in all other cities the salaries of the attorney, comptroller and engineer respectively shall be in full for their services as members of such board.

(4) RULES FOR, BY COUNCIL. The council may make such rules as the council deems proper, not contravening this subchapter, for the government of the board of public works and the manner in which the business of said board shall be conducted.

(5) QUORUM; RECORD; REPORT. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such city, and shall make a report to the council on or before the first day of March in each year, and oftener if required.

(6) DUTIES AND POWERS. (a) *In general.* It shall be the duty of the board, under the direction of the council, to superintend all public works and keep the streets, alleys, sewers and public works and places in repair.

(b) *Unusual use of streets.* No building shall be moved through the streets without a written permit therefor granted by the board of public works, except in cities where the council shall, by ordinance authorize some other officer or officers to issue a permit therefor; said board shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles therein; provided, that its decision in this regard may be reviewed by the council.

(c) *Restoring streets.* In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual. The expense thereof, when chargeable to a lot owner, shall be certified to the city clerk by the board, and if not paid shall be carried into the tax roll as a special tax against the lot.

(7) RECORDS OF CITY ENGINEER. The city engineer shall keep on file in the engineer's office, in the office of the city clerk, a record of all the engineer's official acts and doings and also a copy of all plats of lots, blocks and sewers embraced within the city limits, all profiles of streets, alleys and sewers and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any buildings belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the inspection of parties interested, and shall be delivered over by said engineer to the engineer's successor or to the board of public works. Whenever requested, the engineer shall make a report of all doings of the engineer's department to the board of public works.

History: 1977 c. 151; 1991 a. 316.

62.15 Public works. (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. All public construction, the estimated cost of which exceeds $25,000, shall be let by contract to the lowest responsible bidder; all other public construction shall be let as the council may direct. If the estimated cost of any public construction exceeds $5,000 but is not greater than $25,000, the board of public works shall give a class 1 notice, under ch. 985, of the proposed construction before the contract for the construction is executed. This provision does not apply to public construction if the materials for such a project are donated or if the labor for such a project is provided by volunteers. The council may also by a vote of three–fourths of all the members–elect provide by ordinance that any class of public construction or any part thereof may be done directly by the city without submitting the same for bids.

(1a) ESCALATOR CLAUSES. Contracts may include escalator clauses providing for additional charges for labor and materials if as a result of general inflation the rates and prices of the same to the contractor increase during performance of the contract. Such escalator provision shall be applicable to all bidders and shall not exceed 15 percent of the amount of the firm bid nor the amount of the increase paid by the contractor. Each bid on a contract that is to include an escalator provision shall be accompanied by a schedule enumerating the estimated rates and prices of items of labor and materials used in arriving at the bid. Only as to such items as are enumerated shall an increased charge be allowed the contractor.

(1b) EXCEPTION AS TO PUBLIC EMERGENCY. The provisions of sub. (1) and s. 281.41 are not mandatory for the repair and reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the board of public works or board of public utility commissioners, in which the public health or welfare of the city is endangered. Whenever the city council determines by majority vote at a regular or special meeting that an emergency no longer exists, this subsection no longer applies.

(1c) INCREASED QUANTITY CLAUSES. Contracts may include clauses providing for increasing the quantity of construction required in the original contract by an amount not to exceed 15 percent of the original contract price.

(1d) LIMITATION ON HIGHWAY WORK PERFORMED BY A COUNTY. Notwithstanding ss. 66.0131, 66.0301, and 83.035, a city having a population of 5,000 or more may not have a highway improvement project performed by a county workforce except as provided under s. 86.31 (2) (b).

(1e) DONATED IMPROVEMENT. Subsection (1) does not apply to the construction by a private person of an improvement that is donated to the city after the completion of construction.

(2) PLANS; CONTRACT; BOND. When the work is required or directed to be let to the lowest responsible bidder, the board of public works shall prepare plans and specifications for the same, containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required and file the same with the city clerk for the inspection of bidders, and shall also prepare a form of contract and bond with sureties required, and furnish a copy of the same to all persons desiring to bid on the work.

(3) ADVERTISEMENT FOR BIDS. After the plans, specifications and form of contract have been prepared, the board of public works shall advertise for proposals for doing such work by publishing a class 2 notice, under ch. 985. No bid shall be received unless accompanied by a certified check or a bid bond equal to at least 5 percent but not more than 10 percent of the bid payable to the city as a guaranty that if the bid is accepted the bidder will execute and file the proper contract and bond within the time limited by the city. If the successful bidder so files the contract and bond, upon the execution of the contract by the city the check shall be returned. In case the successful bidder fails to file such contract and bond the amount of the check or bid bond shall be forfeited to the city as liquidated damages. The notice published shall inform bidders of this requirement.

(4) SURETIES, JUSTIFICATION. The sureties shall justify as to their responsibility and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract in property not by law exempt from execution. A certified check in amount equal to 5 percent of the bid, and a provision in the contract for the retention by the city of 20 percent of the estimates made from time to time may be accepted in place of sureties.

(4m) SUBSTANTIAL COMPLIANCE. If any certified check or bid bond is in substantial compliance with the minimum guaranty requirements of subs. (3) or (4), the letting authority may, in its discretion, accept such check or bid bond and allow such bidder 30 days to furnish such additional guaranty as may be required by said authority. Substantial compliance hereunder may be found

if said check or bond is insufficient by not more than one–fourth of one percent of the bid.

(5) REJECTION OF BIDS; PERFORMANCE OF WORK BY CITY. (a) Unless the power has been expressly waived, the city may reject any bid. The board of public works may reject any bid, if, in its opinion, any combination has been entered into to prevent free competition.

(b) If the council finds that any of the bids are fraudulent, collusive, excessive, or against the best interests of the city, it may, by resolution adopted by two–thirds of its members, reject any bids received and order the work done directly by the city under the supervision of the board of public works.

(c) If a city performs any work under par. (b), it may secure all necessary materials to perform the work.

(d) The city shall collect the cost of all work performed under par. (b) in the same manner as if done by any other person under contract with the city and may, subject to par. (e), defray such costs by special assessment.

(e) If the city imposes a special assessment under par. (d), it may not assess against any property an amount that is greater than would have been assessed against the property had the lowest bid received under this section been accepted. The city shall bear any costs in excess of that bid.

(6) INCOMPETENT BIDDERS. Whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which the bidder bids, the board shall report to the council a schedule of all the bids for such work, together with a recommendation to accept the bid of the lowest responsible bidder, with their reasons; and thereupon the council may direct said board either to let the work to such competent and reliable bidder or to readvertise the same; and the failure to let such contract to the lowest bidder in compliance with this provision shall not invalidate such contract or any special assessment made to pay the liability incurred thereunder.

(7) PATENTED MATERIAL OR PROCESS. Any public work, whether chargeable in whole or in part to the city, or to any lot or lots or parcels of land therein, may be done by the use of a patented article, materials or process, in whole or in part, or in combination with articles, materials, or processes not patented, when the city shall have obtained from the owner of the patented article, materials or process, before advertising for bids for such work, an agreement to furnish to any contractor, desiring to bid upon such work as a whole, the right to use the patented article, materials and processes in the construction of said work, and also to furnish to any contractor the patented article itself upon the payment of what the authorities of said city charged with the duty of letting a contract for such public work shall determine to be a reasonable price therefor, which price shall be publicly stated and furnished upon application to any contractor desiring to bid on said work.

(8) ALTERNATIVE PLANS AND SPECIFICATIONS. Different plans and specifications for any public work may be prepared by the proper authorities requiring the use of different kinds of materials, whether patented or not, thereby bringing one kind of article, material or process in competition with one or more other kinds of articles, materials or processes designed to accomplish the same general purpose, and bids received for each such kind of article, material or process, and thereafter a contract let for one kind of article, material or process; provided, that before any contract is let all the bids received shall be opened, and considered before the kind of article or process to be used in such work shall be decided upon by the proper city authorities, and thereupon the proper city authorities shall first determine which kind of article, material or process shall be used in the work, and the contract shall be let to the lowest responsible bidder for the kind of article, material or process so selected for use in the proposed public work.

(9) GUARANTY. (a) Any contract for doing public work may contain a provision requiring the contractor to keep the work done under the contract in good order or repair for not to exceed 5 years.

(b) The inclusion in the contract of a provision described in par. (a) shall not invalidate any special assessment or certificate thereof or tax certificate based thereon.

(10) ESTIMATES; DEPOSIT; DEFAULT; COMPLETION. As the work progresses under any contract for the performance of which a surety bond has been furnished, s. 66.0901 (9) (b) shall apply. All contracts shall contain a provision authorizing such board, in case the work under any contract is defaulted or not completed within the time required, to take charge of or authorize the surety to take charge of the work and finish it at the expense of the contractor and the sureties, and to apply the amounts retained from estimates to the completion of the work. In no case shall the 5 percent deposit described in sub. (4) be returned to a successful bidder until the contract is performed; but it, together with the retained amounts, shall be used in whole or in part to complete the work. Any amount remaining from the deposit or from retained estimates after the completion of a contract shall be paid to the contractor.

(11) STREET OBSTRUCTION. All contractors doing any work which shall in any manner obstruct the streets or sidewalks shall put up and maintain barriers conforming to the standards for traffic control devices in the manual adopted by the department of transportation under s. 84.02 (4) (e) to prevent accidents, and be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability, and also a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from the contractor's carelessness in the prosecution of such work.

(12) CONTRACTS; HOW EXECUTED. All contracts shall be signed by the mayor and clerk, unless otherwise provided by resolution or ordinance, and approved as to form by the city attorney. No contract shall be executed on the part of the city until the comptroller shall have countersigned the same and made an endorsement thereon showing that sufficient funds are in the treasury to meet the expense thereof, or that provision has been made to pay the liability that will accrue thereunder.

(14) REPORT TO COUNCIL OF NONBID CONTRACTS. (a) Whenever the council of any city shall have provided by ordinance that any class of public work or any part thereof may be done directly by the city without submitting the same for bids as provided in sub. (1), and the public work shall be done in accordance with the ordinance, the board of public works shall keep an accurate account of the cost of the public work, including the necessary overhead expense.

(b) Upon the completion of the work described in par. (a), the board of public works shall make a complete report of the work to the council, stating in detail the items of cost and the total cost of doing the work. The city clerk shall publish the report as a part of the proceedings of the council.

(c) Any member of the board of public works who fails to comply with the provisions of this subsection shall be liable to a forfeiture of $50 to be recovered as in the case of other penalties.

History: 1975 c. 244, 390, 421; 1985 a. 183; 1987 a. 378; 1991 a. 316; 1995 a. 225, 227; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 202; 2009 a. 173, 177; 2011 a. 32, 246; 2017 a. 167.

When work has been performed for a municipality under a contract that is void or unenforceable, a cause of action for unjust enrichment can be maintained with damages limited to the actual cost to the plaintiff and not exceeding the unit cost of the original contract; any recovery being limited to the value of the actual benefit conferred. Blum v. Hillsboro, 49 Wis. 2d 667, 183 N.W.2d 47 (1971).

When a contract establishes a "unit price" for work done, with only an estimate of the total, excess work may be paid for without regard to the 15 percent limitation in sub. (1c). Gottschalk Bros., Inc. v. City of Wausau, 56 Wis. 2d 848, 203 N.W.2d 140 (1973).

A mayor may not veto council action or inaction on public works contracts. Sturzl Construction Co. v. City of Green Bay, 88 Wis. 2d 403, 276 N.W.2d 771 (1979).

A city cannot waive liquidated damages under sub. (3). Discussing the award, acceptance, and execution of public contracts. City of Merrill v. Wenzel Brothers, Inc., 88 Wis. 2d 676, 277 N.W.2d 799 (1979).

The low bidder has no absolute right to the contract. The statute implies the exercise of discretion in letting the contract. An administrative rule will not be interpreted to prevent the exercise of that discretion. Envirologix v. City of Waukesha, 192 Wis. 2d 277, 531 N.W.2d 357 (Ct. App. 1995).

Acceptance of a late bid is not precluded by this section and is within the city's discretionary powers. Power Systems Analysis v. City of Bloomer, 197 Wis. 2d 817, 541 N.W.2d 214 (Ct. App. 1995), 95–0458.

Municipal competitive bidding statutes do not apply to projects undertaken by intergovernmental agreement or when the municipalities that will perform the work have made a determination under sub. (1) to do the work themselves with their own employees. OAG 5–09.

Recovery for value of services furnished without compliance with statutory bidding requirements. Redmond. 55 MLR 397.

62.155 Acquisition of facilities without bids. A city may contract for the acquisition of any element of the following without submitting the contract for bids as required under s. 62.15 if the city invites developers to submit proposals to provide a completed project and evaluates proposals according to site, cost, design and the developers' experience in other similar projects:

(1) A recycling or resource recovery facility.

(2) If the city contains an electronics and information technology manufacturing zone that is designated under s. 238.396 (1m):

(a) Water and sewer systems.

(b) Wastewater treatment facilities.

History: 1983 a. 425; 2017 a. 58.

62.16 Street grades; service pipes. (1) GRADE. (a) *Establishment; damage.* The council shall have authority to establish the grade of all streets and alleys in the city, and to change and reestablish the same as it deems expedient. Whenever it changes or alters the permanently established grade of any street any person thereby sustaining damages to that person's property on the affected street may have such damages set off against any special assessment levied against the person's property for any public improvement made in conjunction with such grade change or may maintain an action to recover such damages.

(b) *Record.* The grade of all streets shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded in the manner herein set forth.

(2) SERVICE PIPE. (a) *Expense.* Whenever the council, department of transportation, or county board shall declare its intention to improve any street in which water, gas, or heat mains and sewers, or any of them, shall have been previously laid or are to be laid the council shall also by resolution require water, heat, sewer and gas service pipes to be first laid in such street, at the cost of the property fronting therein, except as herein provided, from the sewer, water, heat and gas mains in such street to the curb line on either or both sides thereof, at such intervals as the council shall direct along that part of said street to be improved, except at street and alley crossings. Such work may be done by contract or by the city directly without the intervention of a contractor, under the supervision of the board of public works, or in the case of service pipes of a municipal owned utility under the supervision of the board or officers charged with the management of such utility. The board or officers under whose supervision such service pipes shall be laid shall keep an accurate account of the expenses of putting in the same in front of each lot or parcel of land, whether the work be done by contract or otherwise, and report the same to the comptroller who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land, and report the same to the city clerk, and the amount therein charged to each lot or parcel of land shall be by such clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.

(b) *Public service corporation.* Whenever the council, department of transportation or county board shall declare its intention to improve any street in which water or gas mains of any privately owned public utility shall have been previously laid or are about to be laid the council shall by resolution require, subject to review as provided in s. 196.58, water and gas service pipes to be first laid in such street, at the cost of such utility, unless the franchise of such utility otherwise provides as to the cost, from the main to the curb line on each side thereof, at such intervals as the council shall direct, along that part of said street so to be improved, except at street or alley crossings, and may, subject to such review, fix a reasonable time within which such work shall be done by the utility. Notice of such requirement shall thereupon be given to such utility by delivering a copy thereof to the superintendent, or agent in charge thereof, requiring such utility to do such work opposite the lots indicated according to plans and specifications, to be theretofore prepared and filed in the office of the city clerk, showing the location and size and the kind and quality of material of such water and gas service pipes; and if such utility shall refuse or neglect to do the same before the expiration of the time fixed for the improvement of said street so ordered the board of public works may procure the same to be done, in which event said board shall keep accurate account of the expense of constructing such gas or water service pipes, as the case may be, and report the same to the city clerk who shall annually enter in the tax roll as special taxes against such utilities, the total of the amounts so certified to the clerk for such charges, and the same shall be collected in all respects like other city taxes against said utilities, and the city shall have a legal and valid claim for the amount of such special taxes against such utilities. No application for such review shall be effective unless the same be made and notice thereof filed in the office of the clerk of the city making such requirement within 30 days after service of the notice of such requirement as above provided; and on such review the public service commission shall make such order as to extension of time for the doing of such work and as to all other conditions affecting such requirement as the commission shall deem reasonable or expedient.

(c) *When laid.* No street shall be improved by order of the council, department of transportation or county board unless the water, heat and gas mains and service pipes and necessary sewers and their connections shall, as required under this subsection be first laid and constructed in that portion of such street so to be improved.

(d) *Application to towns and villages.* This subsection applies to towns and villages and when applied to towns and villages:

1. "City" means town or village.
2. "Comptroller" means clerk.
3. "Council" means town board or village board.

History: 1977 c. 29 s. 1654 (8) (c); 1983 a. 532; 1991 a. 316.

Cross–reference: See s. 840.11, requiring applicant for change in streets to file notice of pendency of the application.

62.17 Enforcement of building codes. For the purpose of facilitating enforcement of municipal and state building, plumbing, electrical and other such codes, ordinances or statutes established for the protection of the health and safety of the occupants of buildings referred to elsewhere in this section as "building codes", any municipality may adopt an ordinance with any of the following provisions:

(1) Requiring the owner of real estate subject to any building code to record with the register of deeds a current listing of the owner's address and the name and address of any person empowered to receive service of process for the owner. Any changes of names or address in the recording shall be reported within 10 days of the change. This subsection does not apply to owner–occupied one– and 2–family dwellings.

(2) Establishing as sufficient notice to an owner that a building inspector or agency entrusted with the enforcement of the building code has found a violation of any applicable building code, if the building inspector or agency, after making an unsuccessful attempt of personal service during daytime hours at the latest address recorded with the register of deeds as that of the owner or agent of the owner, sends the notice by certified mail to the address noted and in addition posts a copy of the notice in a conspicuous place in or about the building where the violation exists. If the owner has not recorded under sub. (1) with the register of deeds a current address or name and address of a person empowered to receive service of process, then posting of a notice of violation on the premises and certified mailing of the notice to the last–known

address of the owner as well as to the address of the premises in violation is sufficient notice to the owner that a violation has been found.

(3) That when notice of a violation of the building code which is found by a building inspector or agency entrusted with the enforcement of the building code is made according to sub. (2), such notice shall be effective notice to anyone having an interest in the premises, whether recorded or not, at the time of the giving of such notice; and shall be effective against any subsequent owner of the premises as long as the violation remains uncorrected and there exists a copy of the notice of violation in a public file maintained by the local agency charged with enforcement of the building codes.

(4) Requiring an owner to give notice to any prospective purchaser that a notice has been issued concerning a building violation, where the condition giving rise to the notice of violation has not been corrected; providing for a fine not exceeding $500 for failure to so notify; and granting the purchaser who has not received the required notice the right to make any repairs necessary to bring the property up to the requirements of the local building code and to recover the reasonable cost of those repairs from the seller.

History: 1975 c. 354; 1993 a. 301.

62.175 Sewer and water extensions in 1st and 2nd class cities; sewage from other municipalities. (1) First class cities may construct and extend the sewer and water system into the adjoining towns, subject to s. 200.63. The extensions shall be made without expense to the cities. The rates to be charged for water to consumers beyond the corporate limits of the city shall be fixed by the common council of the city upon the recommendation of the city's board of public works.

(2) If any 1st or 2nd class city has begun to plan, construct and establish, or has completed the planning, construction and establishment of, a sewage system and a sewage disposal works, any town, village or other city located in the same county where the 1st or 2nd class city is located and whose purified or unpurified sewage flows directly or indirectly into any lake which is the source of the water system of the 1st or 2nd class city shall, before constructing any sewers or sewerage system or extensions of any existing sewers or sewerage system for the purposes of connection with the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city, secure the written approval of the plans by the sewerage commission, or other board or body or official having charge and control of the planning, construction, establishment, operation and maintenance of the sewage disposal system of the 1st or 2nd class city. The sewerage commission, or other board, body or official of the 1st or 2nd class city, may approve the plans or approve them subject to recommended changes or substitutions in order that if the sewers or sewerage system, or extensions thereof, of any of the towns, villages or cities are connected with the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city, the sewers or sewerage system, or extensions thereof, will conform with the plan of the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city. If the town, village or city constructs in accordance with the approved plans, the town, village or city may connect its sewers, sewerage system or extensions thereof with the sewers, sewerage system and sewage disposal works of the 1st or 2nd class city, as specified in writing by the sewerage commission, or other board, body or official having charge and control of the sewage disposal system of the 1st or 2nd class city. Except as otherwise provided by statute, a 2nd class city may charge compensation as provided under sub. (3), for the use of its sewers, sewerage system and sewage disposal works for the transmission of the sewage of the towns, villages or cities.

(3) Immediately after each January 1, the sewerage commission, or other board, body or official, having charge and control of the sewage disposal system of the 2nd class city furnishing service under sub. (2), shall determine a reasonable compensation to charge the towns, villages or cities for the service furnished for the preceding year and report the same to the city clerk of the 2nd class city. On or before August 1, the city clerk shall certify the report to the clerk of the town, village or city which received the service. The clerk of the town, village or city shall extend a sufficient amount opposite each valuation on the tax roll of the town, village or city to realize the amount certified in the report. The tax shall be collected as other local taxes are collected and paid over to the treasurer of the 2nd class city which furnished the service.

History: 1981 c. 281 ss. 3m, 14, 15; 1981 c. 391; 1993 a. 213; 1995 a. 378; 1999 a. 150 s. 672.

62.18 Sewers. (1) CITIES MAY CONSTRUCT. Cities shall have power to construct systems of sewerage, including a sewage disposal plant and all other appurtenances thereto, to make additions, alterations and repairs to such systems and plants, and when necessary abandon any existing system and build a new system, and to provide for the payment of the same by the city, by sewerage districts or by abutting property owners or by any combination of these methods. Whenever the council shall determine to lay sewers or provide sewerage in any portion of the city it shall so order by resolution which shall describe with reasonable particularity the district to be sewered. Whenever the territory of any city of this state shall be adjacent to or border on the territory of any other state, such city shall have power to build or construct a sewage disposal plant in such adjacent state, either alone for its sole use or jointly with some city or municipality in such adjacent state for their joint use on terms to be agreed upon by such municipalities. And if either city or municipality shall build or construct a sewage disposal plant, the city in this state may contract with the other city or municipality for its joint use on terms to be agreed upon.

(13) SEWERS, WHERE LAID. Any contractor or other person acting under the direction of the board of public works may lay sewers in and through any alleys and streets, and through any breakwater into any lake and also in any highways of the county, whether within the limits of said city or not; such contractor shall repair such streets, alleys, breakwaters and highways and restore the same to their former condition upon the completion of such sewers.

(16) SPECIAL SEWER DISTRICT TAX. (a) Any city may levy a special tax for the extension or improvement of the sewer system of its sewer district.

(b) 1. In this paragraph:

a. "Company" has the meaning given in s. 76.02.

b. "Operating real property" does not include poles, towers, wires, equipment, mains, lines, tracks and other service structures located within the limits of public highways or constructed and maintained on private rights–of–way, and conduits, cables, devices, equipment and other facilities located upon or in the operating real property.

2. The tax under par. (a) is declared to be a special tax for local improvement, as defined in s. 76.23. When any company owns operating real property within a sewer district described in par. (a), the assessor in the sewer district shall determine the value of the operating real property of all companies located within the district. The value of the operating real property shall be determined on the same basis as is the value of other real property subject to the special tax. The valuation of the operating real property shall be placed upon the tax roll for the purposes of the special tax only. The tax so assessed to the companies owning operating real property within the district shall be collected as other special sewer district taxes of the district are collected.

History: 1985 a. 29; 1993 a. 490; 1995 a. 225.

62.185 Sewer district bonds. Whenever a city is divided into sewer districts, bonds may be issued against any such district for the purpose of paying the district's portion of any sewer. Said bonds shall be issued in the manner authorized and provided by ch. 67. Such bonds shall not be a general city obligation but shall be payable both as to principal and interest, solely out of the spe-

cial sewer district tax provided by s. 62.18 (16). Any bonds heretofore authorized to be issued in accordance with this section shall be legal, valid and binding, to the same extent as if such district, at the time of authorizing such bonds, had the power to issue the same.

62.19 Water and heat pipe extensions. The expense of laying water and heat mains which are extensions to mains of a private utility under written contract with a city to lay or extend mains on order of the council, shall be defrayed by the city at large, or by the abutting property as the council determines.

62.22 Acquiring property; opening or changing streets. (1) PURPOSES. (a) Except as provided in par. (b), the governing body of any city may by gift, purchase or condemnation acquire property, real or personal, within or outside the city, for parks, recreation, water systems, sewage or waste disposal, airports or approaches thereto, cemeteries, vehicle parking areas, and for any other public purpose; may acquire real property within or contiguous to the city, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for public purposes; and may sell and convey such property. The power of condemnation for any such purpose shall be as provided by ch. 32.

(b) The governing body of any city may not use the power of condemnation to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).

(1e) CERTAIN INDUSTRIAL SITES. The governing body of a 2nd class city which is adjacent to Lake Michigan and which is located in a county with a population of less than 110,000, according to the most recent estimate by the department of administration, may acquire real property by gift outside the city boundaries for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for public purposes; and may sell and convey such property.

(1m) ACQUISITION OF EASEMENTS AND LIMITED PROPERTY INTERESTS. Confirming all powers granted to it and in furtherance thereof, the governing body of any city is expressly authorized to acquire by gift, purchase or condemnation under ch. 32 any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with the land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under s. 62.23; and may sell and convey such easements or property rights when no longer needed for public use or protection.

(2) DONATION OF PROPERTY TO NONPROFIT PRIVATE CORPORATIONS. The governing body of any city may donate, convey, sell or lease property owned by such city to any nonprofit private corporation for public purposes and may acquire property for the purpose of donating, conveying, selling or leasing the same to nonprofit private corporations for public purposes.

(3) RIPARIAN RIGHTS. The city may by gift, purchase or condemnation take, injure or destroy any riparian rights or privileges appurtenant to land abutting upon Lake Michigan whenever it shall become necessary for the proper construction and use of any highway, street, boulevard, park or other public improvement without taking the lands or any portion thereof to which said riparian rights are appurtenant.

(4) PROCEDURE. (a) *Petition to open streets.* As to streets it shall be competent for any 10 resident freeholders in any aldermanic district to petition the council for the opening, widening, extension or change of any street in such aldermanic district, and if the land proposed to be taken for that purpose shall lie in 2 or more aldermanic districts, then 10 resident freeholders of each of the aldermanic districts shall be required to join in the petition. Such petition shall be addressed to the council and shall designate in general terms the location, extent of the proposed laying out, widening, extension or change, but need not contain a particular description of the land proposed to be taken. For the purposes of such petition a person in possession of land under a contract of purchase and sale or a bond for a deed shall be deemed a freeholder.

(b) *Petition as to alleys.* As to alleys, a petition for the opening, widening, extension or change of an alley may be made to the council by the owner or owners of one–third or more of the land in the block in which the alley or proposed alley is situated, whether such owner or owners shall be residents of the city or not. Land held under a land contract or bond for a deed shall, for the purpose of such petition, be deemed to be owned by the person so holding it; infants and others under guardianship may petition by their guardians.

(c) *Action on.* When the petition shall be presented to the council it shall be referred to the board of public works, and said board shall make a report to the council stating whether or not such petition is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley or street, widening, extension or change. Upon the coming in of such report the council may, if the petition be reported sufficiently signed, by a vote of a majority of its members adopt a resolution declaring that it is necessary to condemn the land designated in such petition and report, referring to them, for the purpose named in the petition, and direct the city attorney to commence and prosecute condemnation proceedings. Such petition shall, before any resolution upon it shall be adopted, be referred to the board of public works, who shall thereupon make a report to the council stating whether or not it is sufficiently signed, and if so, giving a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed alley as the same will be when laid out, widened, extended or changed. Upon the coming in of such report, if it shall appear thereby that the petition is signed by the owner or owners of one–third or more of the land in the block, the council may adopt a resolution by a vote of a majority of its members, the same as in the case of a petition for the opening, widening, extension or change of a street, and like proceedings shall be had thereon. If it shall afterwards appear that the petition was not sufficiently signed, that fact shall not, in the absence of fraud, vitiate the petition or the subsequent proceedings thereon.

(d) *Proceedings without petition.* The council may, without a petition, by resolution declare it necessary to condemn land, describing it, for any authorized purpose, and direct the city attorney to prosecute condemnation proceedings therefor. If the purpose is the opening, widening, extension, or change of a street or alley, the resolution must be adopted by a vote of four–fifths of all the members. Before adopting the resolution it shall be referred to the board of public works, who shall make a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, drain or water pipe, or land to be used for other authorized purposes, and report the same to the council.

(e) *Abandoned portion vacated.* When a street or alley shall be changed by proceedings under this section so much of the original street or alley as shall be left out of it as changed shall be deemed vacated without any other proceeding, and the fact of such vacation shall be taken into account in assessing benefits and damages by reason of the condemnation proceedings.

History: 1971 c. 304 s. 29 (1); 1987 a. 324, 399; 1995 a. 378; 2017 a. 59; 2021 a. 240 s. 30.

Cross–reference: See s. 840.11, requiring applicant for change in streets or alleys to file notice of pendency of the application.

The public purpose doctrine does not require in every case where public property is conveyed to the private sector that public use be reserved for perpetuity. The rehabilitation of deteriorating public facilities is a legitimate public purpose. The consideration for transfers of public property to private entities may consist of benefits other than, or in addition to, money, such as the public benefit from the transfer and the obligations the private actor assumes. Bishop v. City of Burlington, 2001 WI App 154, 246 Wis. 2d 879, 631 N.W.2d 656, 00–2346.

62.225 Recycling or resource recovery facilities. A city may establish and require use of facilities for the recycling of solid waste or for the recovery of resources from solid waste as provided under s. 287.13.

History: 1983 a. 27; 1989 a. 335 s. 89; 1995 a. 227.

62.23 City planning. (1) COMMISSION. (a) The council of any city may by ordinance create a "City Plan Commission," to consist of 7 members. The commission shall also include, as a nonvoting member, a representative from a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in the city, if the base's or installation's commanding officer appoints such a representative. All members of the commission, other than the representative appointed by the commanding officer of a military base or installation, shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least 3 citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The council may by ordinance provide that the membership of the commission shall be as provided thereunder.

(d) The members of the commission shall be appointed to hold office for a period of 3 years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.

(e) The city plan commission shall have power and authority to employ experts and a staff, and to pay for their services and such other expenses as may be necessary and proper, not exceeding, in all, the appropriation that may be made for such commission by the legislative body, or placed at its disposal through gift, and subject to any ordinance or resolution enacted by the governing body.

(f) Any city may by ordinance increase the number of members of the city plan commission so as to provide that the building commissioner or building inspector shall serve as a member thereof.

(2) FUNCTIONS. Except as provided under sub. (7a) (am), it shall be the function and duty of the commission to make and adopt a master plan for the physical development of the city, including any areas outside of its boundaries that in the commission's judgment bear relation to the development of the city provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a city may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and shall, as described in sub. (3) (b), contain at least the elements described in s. 66.1001 (2). The commission may from time to time amend, extend, or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(3) THE MASTER PLAN. (a) The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

(b) The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts of a master plan. Beginning on January 1, 2010, or, if the city is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the city plan commission. The resolution shall refer expressly to the elements under s. 66.1001 and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

(4) MISCELLANEOUS POWERS OF THE COMMISSION. The commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the mayor or council, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning.

(5) MATTERS REFERRED TO CITY PLAN COMMISSION. The council, or other public body or officer of the city having final authority thereon, shall refer to the city plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters: The location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether publicly or privately owned; all plats of lands in the city or within the territory over which the city is given platting jurisdiction by ch. 236; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any ordinance adopted pursuant to this section. Unless such report is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer, may take final action without it.

(6) OFFICIAL MAP. (a) As used in this subsection, "waterways" includes rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas, regardless of whether the areas are natural or artificial.

(am) 1. In this paragraph:

a. "Airport" means an airport as defined under s. 114.002 (7) which is owned or operated by a county, city, village or town either singly or jointly with one or more counties, cities, villages or towns.

b. "Airport affected area" means the area established by an agreement under s. 66.1009. If a county, city, village or town has not established such an agreement, "airport affected area" in that county, city, village or town means the area located within 3 miles of the boundaries of an airport.

2. If the council of any city which is not located in whole or in part in a county with a population of 750,000 or more has established an official map under par. (b), the map shall show the location of any part of an airport located within the area subject to zon-

ing by the city and any part of an airport affected area located within the area subject to zoning by the city.

(b) The council of any city may by ordinance or resolution establish an official map of the city or any part thereof showing the streets, highways, historic districts, parkways, parks and playgrounds laid out, adopted and established by law. The city may also include the location of railroad rights–of–way, waterways and public transit facilities on its map. A city may include a waterway on its map only if the waterway is included in a comprehensive surface water drainage plan. The map is conclusive with respect to the location and width of streets, highways, waterways and parkways, and the location and extent of railroad rights–of–way, public transit facilities, parks and playgrounds shown on the map. The official map is declared to be established to conserve and promote the public health, safety, convenience or general welfare. The ordinance or resolution shall require the city clerk at once to record with the register of deeds of the county or counties in which the city is situated a certificate showing that the city has established an official map. An ordinance or resolution establishing any part of an official map enacted prior to June 16, 1965, which would be valid under this paragraph is hereby validated.

(c) The city council may amend the official map of the city so as to establish the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights–of–way, public transit facilities, waterways, parks or playgrounds, or to widen, narrow, extend or close existing streets, highways, historic districts, parkways, railroad rights–of–way, public transit facilities, waterways, parks or playgrounds. No such change may become effective until after a public hearing concerning the proposed change before the city council or a committee appointed by the city council from its members, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a class 2 notice under ch. 985. Before amending the map, the council shall refer the matter to the city plan commission for report, but if the city plan commission does not make its report within 60 days of reference, it forfeits the right to further suspend action. When adopted, amendments become a part of the official map of the city, and are conclusive with respect to the location and width of the streets, highways, historic districts, waterways and parkways and the location and extent of railroad rights–of–way, public transit facilities, parks and playgrounds shown on the map. The placing of any street, highway, waterway, parkway, railroad right–of–way, public transit facility, park or playground line or lines upon the official map does not constitute the opening or establishment of any street, parkway, railroad right–of–way, public transit facility, park or playground or alteration of any waterway, or the taking or acceptance of any land for these purposes.

(d) The locating, widening or closing, or the approval of the locating, widening or closing of streets, highways, waterways, parkways, railroad rights–of–way, public transit facilities, parks or playgrounds by the city under provisions of law other than this section shall be deemed to amend the official map, and are subject to this section, except that changes or additions made by a subdivision plat approved by the city under ch. 236 do not require the public hearing specified in par. (c) if the changes or additions do not affect any land outside the platted area.

(e) No permit may be issued to construct or enlarge any building within the limits of any street, highway, waterway, railroad right–of–way, public transit facility or parkway, shown or laid out on the map except as provided in this section. The street, highway, waterway, railroad right–of–way, public transit facility or parkway system shown on the official map may be shown on the official map as extending beyond the boundaries of a city or village a distance equal to that within which the approval of land subdivision plats by the city council or village board is required as provided by s. 236.10 (1) (b) 2. Any person desiring to construct or enlarge a building within the limits of a street, highway, railroad right–of–way, public transit facility or parkway so shown as extended may apply to the authorized official of the city or village for a building permit. Any person desiring to construct or enlarge a building within the limits of a street, highway, waterway, railroad right–of–way, public transit facility or parkway shown on the official map within the incorporated limits of the municipality shall apply to the authorized official of the city or village for a building permit. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction of the street, highway, railroad right–of–way, public transit facility or parkway shown on the official map. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction or alteration of the waterway shown on the official map within the incorporated limits of the municipality. If the land within the mapped street, highway, waterway, railroad right–of–way, public transit facility or parkway is not yielding a fair return, the board of appeals in any municipality which has established such a board having power to make variances or exceptions in zoning regulations may, by the vote of a majority of its members, grant a permit for a building or addition in the path of the street, highway, waterway, railroad right–of–way, public transit facility or parkway, which will as little as practicable increase the cost of opening the street, highway, waterway, railroad right–of–way, public transit facility or parkway or tend to cause a change of the official map. The board may impose reasonable requirements as a condition of granting the permit to promote the health, convenience, safety or general welfare of the community. The board shall refuse a permit where the applicant will not be substantially affected by not constructing the addition or by placing the building outside the mapped street, highway, waterway, railroad right–of–way, public transit facility or parkway.

(f) In any city in which there is no such board of appeals, the city council shall have the same powers and shall be subject to the same restrictions. For this purpose such council is authorized to act as a discretionary administrative or quasi–judicial body. When so acting it shall not sit as a legislative body but in a separate meeting and with separate minutes kept.

(g) Before taking any action authorized in this subsection, the board of appeals or city council shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least 15 days before the hearing notice of the time and place of the hearing shall be published as a class 1 notice, under ch. 985. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of a board of appeals upon zoning regulations.

(h) In any city which has established an official map as herein authorized no public sewer or other municipal street utility or improvement shall be constructed in any street, highway or parkway until such street, highway or parkway is duly placed on the official map. No permit for the erection of any building shall be issued unless a street, highway or parkway giving access to such proposed structure has been duly placed on the official map. Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways or parkways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board of appeals in any city which has established a board having power to make variances or exceptions in zoning regulations, and the same provisions are applied to such appeals and to such boards as are provided in cases of appeals on zoning regulations. The board may in passing on such appeal make any reasonable exception, and issue the permit subject to conditions that will protect any future street, highway or parkway layout. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decision of such board upon zoning regulations. In any city in which there is no such board of appeals the city council

shall have the same powers and be subject to the same restrictions, and the same method of court review shall be available. For such purpose such council is authorized to act as a discretionary administrative or quasi–judicial body. When so acting it shall not sit as a legislative body, but in a separate meeting and with separate minutes kept.

(i) In those counties where the county maintains and operates parks, parkways, playgrounds, bathing beaches and other recreational facilities within the limits of any city, such city shall not include said facilities in the master plan without the approval of the county board of supervisors.

(7) ZONING. (ab) *Definition.* In this subsection "nonconforming use" means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

(am) *Grant of power.* For the purpose of promoting health, safety, morals or the general welfare of the community, the council may regulate and restrict by ordinance, subject to par. (hm), the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, subject to s. 66.10015 (3) the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes if there is no discrimination against temporary structures. This subsection and any ordinance, resolution or regulation enacted or adopted under this section, shall be liberally construed in favor of the city and as minimum requirements adopted for the purposes stated. This subsection may not be deemed a limitation of any power granted elsewhere.

(b) *Districts.* For any and all of said purposes the council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts. No ordinance enacted or regulation adopted under this subsection may prohibit forestry operations that are in accordance with generally accepted forestry management practices, as defined under s. 823.075 (1) (d). The council may establish mixed–use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form. The council may with the consent of the owners establish special districts, to be called planned development districts, with regulations in each, which in addition to those provided in par. (c), will over a period of time tend to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and insure adequate standards of construction and planning. Such regulations may also provide for the development of the land in such districts with one or more principal structures and related accessory uses, and in planned development districts and mixed–use districts the regulations need not be uniform.

(c) *Purposes in view.* Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to preserve burial sites, as defined in s. 157.70 (1) (b). Such regulations shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

(d) *Method of procedure.* 1. a. Upon the request of the city council, the city plan commission, the board of public land commissioners, or if the city has neither, the city plan committee of the city council shall prepare and recommend a district plan and regulations for the city. Following the formulation of tentative recommendations a public hearing shall be held by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. At least 10 days' prior written notice of any such hearings shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed plan and regulations, and to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city, but failure to give such notice shall not invalidate such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the tentative recommendations and hearings thereon must be made once during each of the 2 weeks prior to such hearing. If the proposed district plan and regulations have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the plan and regulations or a description of the property affected by the plan and regulations and a statement that a map may be obtained from the city council.

b. The council may make changes in the tentative recommendations after first submitting the proposed changes to the plan commission, board of public land commissioners or plan committee for recommendation and report and after publishing a class 2 notice, under ch. 985, of the proposed changes and hearings thereon as well as the notice to the clerk of any contiguous municipality and to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city, as required in subd. 1. a. Hearings on the proposed changes may be held by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. If the proposed changes to the proposed district plan and regulations have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the changes or a description of the property affected by the changes and a statement that a map may be obtained from the city council.

2. The council may adopt amendments to an existing zoning ordinance after first submitting the proposed amendments to the city plan commission, board of public land commissioners or plan committee for recommendation and report and after providing the notices as required in subd. 1. b. of the proposed amendments and hearings thereon. In any city which is not located in whole or in part in a county with a population of 750,000 or more, if the proposed amendments would make any change in an airport affected area, as defined in sub. (6) (am) 1. b., the council shall mail a copy of such notice to the owner or operator of the airport bordered by the airport affected area. A hearing shall be held on the proposed amendments by, at the council's option, the council, the plan commission, the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any com-

ments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. If the proposed amendments have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the amendments or a description of the property affected by the amendments and a statement that a map may be obtained from the city council. If the council does not receive recommendations and a report from the plan commission, board of public land commissioners or plan committee within 60 days of submitting the proposed amendments, the council may hold hearings without first receiving the recommendations and report.

2m. In any city which is not located in whole or in part in a county with a population of 750,000 or more, if a proposed amendment under subd. 2. would make any change in an airport affected area, as defined under sub. (6) (am) 1. b. and the owner or operator of the airport bordered by the airport affected area protests against the amendment, the amendment shall not become effective except by the favorable vote of two–thirds of the members of the council voting on the proposed change.

3. The council may repeal or repeal and reenact the entire district plan and all zoning regulations in accordance with subd. 1. The council may repeal or repeal and reenact a part or parts of the district plan and regulations in accordance with subds. 2. and 2m.

4. The city council shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed zoning action that may be taken under subd. 1. a. or b. or 2. that affects the allowable use of the person's property. Annually, the city council shall inform residents of the city that they may add their names to the list. The city council may satisfy this requirement to provide such information by any of the following means: publishing a 1st class notice under ch. 985; publishing on the city's Internet site; 1st class mail; or including the information in a mailing that is sent to all property owners. If the plan commission, the board of public land commissioners, or city plan committee of the city council completes action on any tentative recommendations that are noticed under subd. 1. a., proposed changes to a proposed district plan and regulations that are submitted under subd. 1. b., or proposed amendments that are submitted under subd. 2., and the city council is prepared to vote on the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, the city council shall send a notice, which contains a copy or summary of the tentative recommendations, proposed changes to a proposed district plan, and regulations or proposed amendments, to each person on the list whose property, the allowable use of which, may be affected by the tentative recommendations or proposed changes or amendments. The notice shall be by mail or in any reasonable form that is agreed to by the person and the city council, including electronic mail, voice mail, or text message. The city council may charge each person on the list who receives a notice by 1st class mail a fee that does not exceed the approximate cost of providing the notice to the person. An ordinance or amendment that is subject to this subdivision may take effect even if the city council fails to send the notice that is required by this subdivision.

(da) *Interim zoning.* The common council of any city which has not adopted a zoning ordinance may, without referring the matter to the plan commission, enact an interim zoning ordinance to preserve existing uses while the comprehensive zoning plan is being prepared. Such ordinance may be enacted as is an ordinary ordinance but shall be effective for no longer than 2 years after its enactment.

(de) *Conditional use permits.* 1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.

(e) *Board of appeals.* 1. The council which enacts zoning regulations pursuant to this section shall by ordinance provide for the appointment of a board of appeals, and shall provide in such regulations that said board of appeals may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subdivision shall preclude the granting of special exceptions by the city plan commission or the common council in accordance with the zoning regulations adopted pursuant to this section which were in effect on July 7, 1973 or adopted after that date.

2. The board of appeals shall consist of 5 members appointed by the mayor subject to confirmation of the common council for terms of 3 years, except that of those first appointed one shall serve for one year, 2 for 2 years and 2 for 3 years. The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The mayor shall appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.

3. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this section. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in the chairperson's absence, the acting chairperson, may administer

oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

3m. If a quorum is present, the board of appeals may take action under this subsection by a majority vote of the members present.

4. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

5. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

6. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. In any action involving a listed property, as defined in s. 44.31 (4), the board shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning commission.

7. a. In this subdivision, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

c. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

f. A variance granted under this subdivision runs with the land.

8. In exercising the above mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

10. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the board of appeals and on due cause shown, grant a restraining order. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

14. Costs shall not be allowed against the board unless it shall appear to the court that the board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.

15. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

(ea) *Filing fees.* The common council may by ordinance or resolution establish reasonable fees for the filing of a petition for amendment of the zoning ordinance or official map, or for filing an appeal to the board of appeals.

(em) *Historic preservation.* 1. Subject to subds. 2. and 2m., a city, as an exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate by ordinance, or if a city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall, not later than 1995, enact an ordinance to regulate, any place, structure or object with a special character, historic, archaeological or aesthetic interest, or other significant value, for the purpose of preserving the place, structure or object and its significant characteristics. Subject to subds. 2., 2m., and 3., a city may create a landmarks commission to designate historic or archaeo-

logical landmarks and establish historic districts. Subject to subds. 2. and 2m., the city may regulate, or if the city contains any property that is listed on the national register of historic places in Wisconsin or the state register of historic places shall regulate, all historic or archaeological landmarks and all property within each historic district to preserve the historic or archaeological landmarks and property within the district and the character of the district.

2. Before the city designates a historic landmark or establishes a historic district, the city shall hold a public hearing. If the city proposes to designate a place, structure, or object as a historic landmark or establish a historic district that includes a place, structure, or object, the city shall, by 1st class mail, notify the owner of the place, structure, or object of the determination and of the time and place of the public hearing on the determination.

2m. In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.

3. An owner of property that is affected by a decision of a city landmarks commission may appeal the decision to the common council. The common council may overturn a decision of the commission by a majority vote of the common council.

(f) *Enforcement and remedies.* 1. The council may provide by ordinance for the enforcement of this section and of any ordinance or regulation made thereunder. In case of a violation of this section or of such ordinance or regulation such council may provide for the punishment by fine and by imprisonment for failure to pay such fine. It is also empowered to provide civil penalties for such violation.

2. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this section or of any ordinance or other regulation made under authority conferred hereby, the proper authorities of the city, or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(g) *Conflict with other laws.* Wherever the regulations made under authority of this section require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this section shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this section, the provisions of such statute or local ordinance or regulation shall govern.

(gm) *Permits.* Neither the city council, nor the city plan commission, nor the city plan committee of the city council, nor the board of appeals may condition or withhold approval of a permit under this section based upon the property owner entering into a contract, or discontinuing, modifying, extending, or renewing any contract, with a 3rd party under which the 3rd party is engaging in a lawful use of the property.

(h) *Nonconforming uses.* The continued lawful use of a building, premises, structure, or fixture existing at the time of the adoption or amendment of a zoning ordinance may not be prohibited although the use does not conform with the provisions of the ordinance. The nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.

(ham) *Manufactured home communities.* Notwithstanding par. (h), a manufactured home community licensed under s. 101.935 that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

1. Repair or replacement of homes.

2. Repair or replacement of infrastructure.

(hb) *Repair, rebuilding, and maintenance of certain nonconforming structures.* 1. In this paragraph:

a. "Development regulations" means the part of a zoning ordinance that applies to elements including setback, height, lot coverage, and side yard.

b. "Nonconforming structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.

2. An ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

(hc) *Restoration or replacement of certain nonconforming structures.* 1. Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this subsection may not prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, subject to subd. 2., location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

a. The nonconforming structure was damaged or destroyed on or after March 2, 2006.

b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

2. An ordinance enacted under this subsection to which subd. 1. applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

(he) *Antenna facilities.* The governing body of a city may not enact an ordinance or adopt a resolution on or after May 6, 1994, or continue to enforce an ordinance or resolution on or after May 6, 1994, that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

1. The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective.

2. The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of satellite–delivered signals by a satellite antenna with a diameter of 2 feet or less.

3. The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10 percent of the purchase price and installation fee of the antenna and associated equipment.

(hf) *Amateur radio antennas.* The governing body of a city may not enact an ordinance or adopt a resolution on or after April 17, 2002, or continue to enforce an ordinance or resolution on or after April 17, 2002, that affects the placement, screening, or height of antennas, or antenna support structures, that are used for amateur radio communications unless all of the following apply:

1. The ordinance or resolution has a reasonable and clearly defined aesthetic, public health, or safety objective, and represents the minimum practical regulation that is necessary to accomplish the objectives.

2. The ordinance or resolution reasonably accommodates amateur radio communications.

(hg) *Amortization prohibited.* 1. In this paragraph, "amortization ordinance" means an ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be lawfully used as described under par. (h), but only for a specified period of time, after which the lawful use of such building, premises, structure, or fixture must be discontinued without the payment of just compensation.

2. Subject to par. (h), an ordinance enacted under this subsection may not require the removal of a nonconforming building, premises, structure, or fixture by an amortization ordinance.

(hi) *Payday lenders.* 1. In this paragraph:

a. "Licensee" has the meaning given in s. 138.14 (1) (i).

b. "Payday lender" means a business, owned by a licensee, that makes payday loans.

c. "Payday loan" has the meaning given in s. 138.14 (1) (k).

2. Except as provided in subds. 3., 4., and 5., no payday lender may operate in a city unless it receives a permit to do so from the city council, and the city council may not issue a permit to a payday lender if any of the following applies:

a. The payday lender would be located within 1,500 feet of another payday lender.

b. The payday lender would be located within 150 feet of a single–family or 2–family residential zoning district.

3. A city may regulate payday lenders by enacting a zoning ordinance that contains provisions that are more strict than those specified in subd. 2.

4. If a city has enacted an ordinance regulating payday lenders that is in effect on January 1, 2011, the ordinance may continue to apply and the city may continue to enforce the ordinance, but only if the ordinance is at least as restrictive as the provisions of subd. 2.

5. Notwithstanding the provisions of subd. 4., if a payday lender that is doing business on January 1, 2011, from a location that does not comply with the provisions of subd. 2., the payday lender may continue to operate from that location notwithstanding the provisions of subd. 2.

(hm) *Migrant labor camps.* The council of a city may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair or expansion is required by an administrative rule promulgated by the department of workforce development under ss. 103.90 to 103.97. An ordinance or resolution of a city that is in effect on May 12, 1992, and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

(i) *Community and other living arrangements.* For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1), in any city shall be subject to the following criteria:

1. No community living arrangement may be established after March 28, 1978 within 2,500 feet, or any lesser distance established by an ordinance of the city, of any other such facility. Agents of a facility may apply for an exception to this requirement, and such exceptions may be granted at the discretion of the city. Two community living arrangements may be adjacent if the city authorizes that arrangement and if both facilities comprise essential components of a single program.

2. Community living arrangements shall be permitted in each city without restriction as to the number of facilities, so long as the total capacity of such community living arrangements does not exceed 25 or one percent of the city's population, whichever is greater. When the capacity of the community living arrangements in the city reaches that total, the city may prohibit additional community living arrangements from locating in the city. In any city of the 1st, 2nd, 3rd or 4th class, when the capacity of community living arrangements in an aldermanic district reaches 25 or one percent of the population, whichever is greater, of the district, the city may prohibit additional community living arrangements from being located within the district. Agents of a facility may apply for an exception to the requirements of this subdivision, and such exceptions may be granted at the discretion of the city.

2m. A foster home that is the primary domicile of a foster parent and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subds. 1. and 2. except that foster homes operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subds. 1. and 2.

2r. a. No adult family home described in s. 50.01 (1) (b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the city, of any other adult family home described in s. 50.01 (1) (b) or any community living arrangement. An agent of an adult family home described in s. 50.01 (1) (b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the city.

b. An adult family home described in s. 50.01 (1) (b) that meets the criteria specified in subd. 2r. a. and that is licensed under s. 50.033 (1m) (b) is permitted in the city without restriction as to the number of adult family homes and may locate in any residential zone, without being required to obtain special zoning permission except as provided in subd. 9.

3. In all cases where the community living arrangement has capacity for 8 or fewer persons being served by the program, meets the criteria listed in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, that facility is entitled to locate in any residential zone, without being required to obtain special zoning permission except as provided in subd. 9.

4. In all cases where the community living arrangement has capacity for 9 to 15 persons being served by the program, meets the criteria listed in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, that facility is entitled to locate in any residential area except areas zoned exclusively for single–family or 2–family residences except as provided in subd. 9., but is entitled to apply for special zoning permission to locate in those areas. The city may grant such special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.

5. In all cases where the community living arrangement has capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, that facility is entitled to apply for special zoning permission to locate in areas zoned for residential use. The city may grant such special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.

6. The department of health services shall designate a single subunit within that department to maintain appropriate records indicating the location and number of persons served by each community living arrangement for adults, and such information shall be available to the public. The department of children and families shall designate a single subunit within that department to maintain appropriate records indicating the location and number of persons served by each community living arrangement for children, and such information shall be available to the public.

7. In this paragraph, "special zoning permission" includes but is not limited to the following: special exception, special permit, conditional use, zoning variance, conditional permit and words of similar intent.

8. The attorney general shall take all necessary action, upon the request of the department of health services or the department of children and families, to enforce compliance with this paragraph.

9. Not less than 11 months nor more than 13 months after the first licensure of an adult family home under s. 50.033 or of a community living arrangement and every year thereafter, the common council of a city in which a licensed adult family home or a community living arrangement is located may make a determination as to the effect of the adult family home or community living arrangement on the health, safety or welfare of the residents of the city. The determination shall be made according to the procedures provided under subd. 10. If the common council determines that the existence in the city of a licensed adult family home or a community living arrangement poses a threat to the health, safety or welfare of the residents of the city, the common council may order the adult family home or community living arrangement to cease operation unless special zoning permission is obtained. The order is subject to judicial review under s. 68.13, except that a free copy of the transcript may not be provided to the adult family home or community living arrangement. The adult family home or community living arrangement must cease operation within 90 days after the date of the order, or the date of final judicial review of the order, or the date of the denial of special zoning permission, whichever is later.

9m. The fact that an individual with acquired immunodeficiency syndrome or a positive HIV test, as defined in s. 252.01 (2m), resides in a community living arrangement with a capacity for 8 or fewer persons may not be used under subd. 9. to assert or prove that the existence of the community living arrangement in the city poses a threat to the health, safety or welfare of the residents of the city.

10. A determination made under subd. 9. shall be made after a hearing before the common council. The city shall provide at least 30 days' notice to the licensed adult family home or the community living arrangement that such a hearing will be held. At the hearing, the licensed adult family home or the community living arrangement may be represented by counsel and may present evidence and call and examine witnesses and cross–examine other witnesses called. The common council may call witnesses and may issue subpoenas. All witnesses shall be sworn by the common council. The common council shall take notes of the testimony and shall mark and preserve all exhibits. The common council may, and upon request of the licensed adult family home or the community living arrangement shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the city. Within 20 days after the hearing, the common council shall mail or deliver to the licensed adult family home or the community living arrangement its written determination stating the reasons therefor. The determination shall be a final determination.

(7a) EXTRATERRITORIAL ZONING. The governing body of any city which has created a city plan commission under sub. (1) and has adopted a zoning ordinance under sub. (7) may exercise extraterritorial zoning power as set forth in this subsection. Insofar as applicable sub. (7) (am), (b), (c), (ea), (h) and (i) shall apply to extraterritorial zoning ordinances enacted under this subsection. This subsection shall also apply to the governing body of any village.

(a) Extraterritorial zoning jurisdiction means the unincorporated area within 3 miles of the corporate limits of a first, second or third class city, or 1 1/2 miles of a fourth class city or a village. The unincorporated area subject to extraterritorial zoning jurisdiction includes areas that are either surrounding or entirely surrounded by a single city or village. Wherever extraterritorial zoning jurisdictions overlap, the provisions of s. 66.0105 shall apply and any subsequent alteration of the corporate limits of the city by annexation, detachment or consolidation proceedings shall not affect the dividing line as initially determined under s. 66.0105. The governing body of the city shall specify by resolution the description of the area to be zoned within its extraterritorial zoning jurisdiction sufficiently accurate to determine its location and such area shall be contiguous to the city. The boundary line of such area shall follow government lot or survey section or fractional section lines or public roads, but need not extend to the limits of the extraterritorial zoning jurisdiction. Within 15 days of the adoption of the resolution the governing body shall declare its intention to prepare a comprehensive zoning ordinance for all or part of its extraterritorial zoning jurisdiction by the publication of the resolution in a newspaper having general circulation in the area proposed to be zoned, as a class 1 notice, under ch. 985. The city clerk shall mail a certified copy of the resolution and a scale map reasonably showing the boundaries of the extraterritorial jurisdiction to the clerk of the county in which the extraterritorial jurisdiction area is located and to the town clerk of each town, any part of which is included in such area.

(am) 1. In this paragraph, "primary geographical area" means the area of a city or village that serves as the location of the primary seat of government and all territory that is contiguous to that area.

2. Unless otherwise agreed to by a town, the authority of a city or village to exercise jurisdiction outside of its adjacent outlying waters when acting under s. 30.745 (2), or outside of its boundaries or corporate limits when acting under this subsection or sub. (2), or under s. 66.0415 (1), 236.10 (1) (b) or (2), or 254.57, includes only town territory within the extraterritorial zoning jurisdiction of the city or village surrounding or included entirely within the primary geographical area of the city or village.

(b) The governing body may enact, without referring the matter to the plan commission, an interim zoning ordinance to preserve existing zoning in areas subject to a general zoning ordinance under s. 59.69, 60.61, or 60.62 and to preserve existing uses in areas not subject to a general zoning ordinance in all or part of the extraterritorial zoning jurisdiction while the comprehensive zoning plan is being prepared. Such ordinance may be enacted as is an ordinary ordinance but shall be effective for no longer than 18 months after its enactment, unless extended as provided in this paragraph. Within 15 days of its passage, the governing body of the city shall publish the ordinance in a newspaper having general circulation in the area proposed to be zoned as a class 1 notice, under ch. 985, or as a notice, as described under s. 62.11 (4) (c) 2., and the city clerk shall mail a certified copy of the ordinance to the clerk of the county in which the extraterritorial jurisdiction is located and to the clerk of each town affected by the interim zoning ordinance and shall file a copy of the ordinance with the city plan commission. The governing body of the city may extend the interim zoning ordinance for no longer than one year, upon the recommendation of the joint extraterritorial zoning committee established under par. (c). No other interim zoning ordinance shall be enacted affecting the same area or part thereof until 5 years after the date of the expiration of the interim zoning ordinance or the one year extension thereof. While the interim zoning ordinance is in effect, the governing body of the city may amend the districts and regulations of the ordinance according to the procedure set forth in par. (f).

(c) If the governing body of the city adopts a resolution under par. (a), it shall direct the plan commission to formulate tentative recommendations for the district plan and regulations within all or a part of the extraterritorial zoning jurisdiction as described in the resolution adopted under par. (a). When the plan commission is engaged in the preparation of such district plan and regulations, or amendments thereto, a joint extraterritorial zoning committee shall be established. Such joint committee shall consist of 3 citizen members of the plan commission, or 3 members of the plan commission designated by the mayor if there are no citizen members of the commission, and 3 town members from each town

affected by the proposed plan and regulations, or amendments thereto. The 3 town members shall be appointed by the town board for 3 year terms and shall be residents of the town and persons of recognized experience and qualifications. Town board members are eligible to serve. If the town board fails to appoint the 3 members within 30 days following receipt of the certified resolution under par. (a), the board shall be subject to a mandamus proceeding which may be instituted by any resident of the area to be zoned or by the city adopting such resolution. The entire plan commission shall participate with the joint committee in the preparation of the plan and regulations, or amendments thereto. Only the members of the joint committee shall vote on matters relating to the extraterritorial plan and regulations, or amendments thereto. A separate vote shall be taken on the plan and regulations for each town and the town members of the joint committee shall vote only on matters affecting the particular town which they represent. The governing body shall not adopt the proposed plan and regulations, or amendments thereto, unless the proposed plan and regulations, or amendments thereto, receive a favorable vote of a majority of the 6 members of the joint committee. Such vote shall be deemed action taken by the entire plan commission.

(d) The joint committee shall formulate tentative recommendations for the district plan and regulations and shall hold a public hearing thereon. Notice of a hearing shall be given by publication in a newspaper having general circulation in the area to be zoned, as a class 2 notice, under ch. 985, during the preceding 30 days, and by mailing the notice to the town clerk of the town for which the plan and regulations are proposed. The notice shall contain the layout of tentative districts either by maps or words of description, and may contain the street names and house lot numbers for purposes of identification if the joint committee or the governing body so determines. At a public hearing an opportunity to be heard shall be afforded to representatives of the town board of the town and to any person in the town for which the plan and regulations are proposed.

(e) The governing body of the city may adopt by ordinance the proposed district plan and regulations recommended by the joint committee after giving notice and holding a hearing as provided in par. (d), or the governing body may change the proposed districts and regulations after first submitting the proposed changes to the joint committee for recommendation and report. The joint committee and the governing body may hold a hearing on the proposed changes after giving notice as provided in par. (d). The joint committee recommendation on the proposed changes shall be submitted to the governing body in accordance with the voting requirements set forth in par. (c).

(f) The governing body of the city may amend the districts and regulations of the extraterritorial zoning ordinance after first submitting the proposed amendment to the joint committee for recommendation and report. The procedure set forth in pars. (c), (d) and (e) shall apply to amendments to the extraterritorial zoning ordinance. In the case of a protest against an amendment the applicable provisions under sub. (7) (d) shall be followed.

(g) Insofar as applicable the provisions of subs. (7) (e), (f), (8) and (9) shall apply. The governing body of a city which adopts an extraterritorial zoning ordinance under this subsection may specifically provide in the ordinance for the enforcement and administration of this subsection. A town which has been issuing building permits may continue to do so, but the city building inspector shall approve such permits as to zoning prior to their issuance.

(8) OTHER MEASURES OF ENFORCEMENT AND REMEDIES; PENALTY. Any building erected, constructed or reconstructed in violation of this section or regulations adopted pursuant thereto shall be deemed an unlawful structure, and the building inspector or city attorney or other official designated by the council may bring action to enjoin such erection, construction or reconstruction, or cause such structure to be vacated or removed. It shall be unlawful to erect, construct or reconstruct any building or structure in violation of this section or regulations adopted pursuant thereto. Any person, firm or corporation violating such provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500. Each and every day during which said illegal erection, construction or reconstruction continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is or is proposed to be used in violation of this section or regulations adopted pursuant thereto, the building inspector or the city attorney or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.

(9) BUILDING INSPECTION; APPEAL PROCESS. (a) The city council may provide for the enforcement of this section and all other laws and ordinances relating to buildings by means of the withholding of building permits, imposition of forfeitures and injunctive action, and for such purposes may establish and fill the position of building inspector. From and after the establishment of such position and the filling of the same, it shall be unlawful to erect, construct or reconstruct any building or other structure without obtaining a building permit from such building inspector; and such building inspector shall not issue any permit unless the requirements of this section are complied with.

(b) The council may by ordinance designate general fire limits and regulate for safety and fire prevention the construction, alteration, enlargement and repair of buildings and structures within such limits, and may designate special fire limits within the general limits, and prescribe additional regulations therein. Any such proposed ordinance or amendment thereto shall be referred to the city plan commission, if such commission exists, for consideration and report, before final action is taken thereon by the council. However, no such ordinance or amendment thereto shall be adopted or become effective until after a public hearing in relation thereto, which may be held by the city plan commission or council, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as a class 2 notice, under ch. 985.

(c) If an applicant is denied a temporary use permit or an extension of a temporary use permit and the individual denying the permit or extension is the chief of a fire district, or an authorized individual acting on the chief's behalf, and if the basis of the denial is a discretionary determination by the chief or authorized individual, the permit or extension applicant may appeal the denial to the common council of the city to which the application relates. Following a hearing on the fire district chief's or authorized individual's denial, the common council may approve the applicant's temporary use permit or extension application.

(9a) MAY EXERCISE POWERS OF BOARD OF PUBLIC LAND COMMISSIONERS. In cities of the first class, said city plan commission may exercise all of the powers conferred on board of public land commissioners under s. 27.11.

(10) WIDENING STREETS. (a) When the council by resolution declares it necessary for the public use to widen any street or a part thereof, it may proceed as prescribed in ch. 32, except as herein modified. The determination of necessity by the council shall not be a taking, but shall be an establishment of new future boundary lines.

(b) After such establishment no one shall erect any new structure within the new lines, nor rebuild or alter the front or add to the height of any existing structure without receding the structure to conform to the new lines. No damages shall be received for any construction in violation hereof.

(c) The council may at any time after the establishment of new lines provide compensation for any of the lands to be taken, whereupon such lands shall be deemed taken, and the required further proceedings shall be commenced.

(d) If a structure on lands taken under this subsection is not removed after 3 months' written notice served in the manner

directed by the council, the city may cause it to be removed, and may dispose of it and apply the proceeds to the expense of removal. Excess proceeds shall be paid to the owner. Excess expenses shall be a lien on the rest of the owner's land abutting on the street to be widened under this subsection. If the excess expenses are not paid, they shall be assessed against the owner's land abutting on the street and collected as are other real estate taxes. If the owner does not own the adjoining piece of land abutting on the new line, the owner shall be personally liable to the city for the expense of removal.

(e) Until the city has taken all of the lands within the new lines, it may lease any taken lands, to the person owning the taken lands at the time of the taking, at an annual rental of not more than 5 percent of the amount paid for the taken lands by the city or of the market value, if the lands were donated. Improvements may be maintained on the leased lands until all lands within the new lines are taken, whereupon the improvements shall be removed as provided in par. (d). No damages shall be had for improvements made under a lease entered into under this paragraph.

(11) BUILDING LINES. (a) The council may by ordinance, in districts consisting of one side of a block or more, establish the distance from the street that structures may be erected. The city engineer shall thereupon make a survey and plat, and report the same, with description of any structure then situated contrary to such ordinance, to the council.

(b) The council may by ordinance make such regulation or prohibition of construction on any parts of lots or parcels of land or on any specified part of any particular realty, as shall be for the public health, safety or welfare.

(c) Whenever to carry out any ordinance under this subsection it is necessary to take property for public use, the procedure of ch. 32 shall be followed.

(13) FUNDS. Funds to carry out the purposes of this section may be raised by taxation or by bonds issued as provided in ss. 67.05, 67.06, 67.07, 67.08 and 67.10.

(14) ASSESSMENTS. The expense of acquiring, establishing, laying out, widening, enlarging, extending, paving, repaving and improving streets, arterial highways, parkways, boulevards, memorial grounds, squares, parks and playgrounds, and erecting bridges under any plan adopted by the common council pursuant to this section or s. 27.11, including the cost of all lands and improvements thereon which it is necessary to acquire to carry out such plan, whether acquired by direct purchase or lease, or through condemnation, and also including the cost of constructing any bridge, viaduct or other improvement which is a part of the plan adopted by the common council, may be assessed, in whole or in part, to the real estate benefited thereby, in the same manner in which under existing law in such city benefits and damages are assessable for improvements of streets. Whenever plans are adopted which are supplementary to each other the common council may by ordinance combine such plans into a single plan within the meaning of this section. Section 66.0713 shall apply to all assessments made under this subsection.

(15) EXCESS CONDEMNATION. Whenever any of the purposes of sub. (14) are planned to be carried out by excess condemnation, benefits may be assessed in the manner provided in said subsection.

(16) BENEFITS FROM PUBLIC BUILDINGS. Any benefits of public buildings and groups thereof may be assessed in the manner provided in sub. (14).

(17) ACQUIRING LAND. (a) Except as provided in par. (am), cities may acquire by gift, lease, purchase, or condemnation any lands within its corporate limits for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and about and along and leading to any or all of the same or any lands adjoining or near to such city for use, sublease, or sale for any of the following purposes:

1. To relieve congested sections by providing housing facilities suitable to the needs of such city;

2. To provide garden suburbs at reasonable cost to the residents of such city;

3. To establish city owned vacation camps for school children and minors up to 20 years of age, such camps to be equipped to give academic and vocational opportunities, including physical training.

(am) Cities may not use the power of condemnation to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a).

(b) After the establishment, layout and completion of such improvements, such city may convey or lease any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate, so as to protect such public works and improvements, and their environs, and to preserve the view, appearance, light, air and usefulness of such public works, and to promote the public health and welfare.

(c) The acquisition and conveyance of lands for such purpose is a public purpose and is for public health and welfare.

(18) LAKES AND RIVERS. The city may improve lakes and rivers within the city and establish the shorelines thereof so far as existing shores are marsh, and where a navigable stream traverses or runs along the border of a city, such city may make improvements therein throughout the county in which such city shall be located in aid of navigation, and for the protection and welfare of public health and wildlife.

History: 1973 c. 60; 1975 c. 281; 1977 c. 205; 1979 c. 221, 355; 1981 c. 289, 341, 354, 374; 1983 a. 49, 410; 1985 a. 136 ss. 7 to 9, 10; 1985 a. 187, 225, 281, 316; 1987 a. 161, 395; 1989 a. 201; 1991 a. 255, 316; 1993 a. 27, 184, 301, 327, 400, 446, 471, 490, 491; 1995 a. 27 ss. 9126 (19), 9130 (4); 1995 a. 225; 1997 a. 3, 35, 246; 1999 a. 9, 148; 1999 a. 150 s. 672; 2001 a. 30 ss. 16, 17, 108; 2001 a. 50; 2005 a. 26, 34, 79, 81, 112, 171, 208; 2007 a. 20 ss. 1868 to 1873, 9121 (6) (a); 2007 a. 72; 2009 a. 28, 209, 276, 351, 372, 405; 2011 a. 32, 135, 170; 2013 a. 347; 2015 a. 176, 223, 391; 2017 a. 59, 67; 2017 a. 207 s. 5; 2017 a. 243, 317, 364; 2019 a. 140; 2021 a. 198; 2021 a. 240 s. 30.

A contract made by a zoning authority to zone, rezone, or not to zone is illegal. An ordinance made pursuant to the contract is void as a municipality may not surrender its governmental powers and functions or thus inhibit the exercise of its police or legislative powers. When a zoning authority does not make an agreement to zone but is motivated to zone by agreements as to use of the land made by others or by voluntary restrictions running with the land, although suggested by the authority, the zoning ordinance is valid and not considered to be contract or conditional zoning. State ex rel. Zupancic v. Schimenz, 46 Wis. 2d 22, 174 N.W.2d 533 (1970).

The rezoning of one parcel in a neighborhood shopping area for local business was not a violation of sub. (7) (b) because there was no minimum size requirement and "local business" was not substantially different from "neighborhood shopping." State ex rel. Zupancic v. Schimenz, 46 Wis. 2d 22, 174 N.W.2d 533 (1970).

Spot rezoning from residential to industrial is arbitrary and unreasonable when the result would be detrimental to the surrounding residential area, had no substantial relation to the public health, safety, morals, or general welfare of the community, and the reasons advanced therefor were neither material nor substantial enough to justify the amendment. Heaney v. Oshkosh, 47 Wis. 2d 303, 177 N.W.2d 74 (1970).

A nonconforming use may be continued even though it violated an earlier regulatory ordinance, so long as the earlier use was not prohibited. Franklin v. Gerovac, 55 Wis. 2d 51, 197 N.W.2d 772 (1972).

The owner of a tract of land may, by leaving a 100 foot strip along one side unchanged, eliminate the right of property owners adjacent to the strip to legally protest. Rezoning a 42 acre parcel cannot be considered spot zoning. Rodgers v. Village of Menomonee Falls, 55 Wis. 2d 563, 201 N.W.2d 29 (1972).

A zoning ordinance adopted by a new city that changed the zoning of the former town did not expire in two years under sub. (7) (da), even though labeled an interim ordinance. City of New Berlin v. Stein, 58 Wis. 2d 417, 206 N.W.2d 207 (1973).

A long–standing interpretation of a zoning ordinance by zoning officials is to be given great weight by the court. State ex rel. B'nai B'rith Foundation v. Walworth County, 59 Wis. 2d 296, 208 N.W.2d 113 (1973).

A challenge to a refusal by the board of appeals to hear an appeal on the grounds of an alleged constitutional lack of due process in the proceedings can only be heard in a statutory certiorari proceeding, not in an action for declaratory judgment. Master Disposal v. Village of Menomonee Falls, 60 Wis. 2d 653, 211 N.W.2d 477 (1973).

Sub. (9) (a) is not a direct grant of power to the building inspector. Racine v. J–T Enterprises of America, Inc., 64 Wis. 2d 691, 221 N.W.2d 869 (1973).

A municipal ordinance rezoning property upon the occurrence of specified conditions and providing that "the property shall revert back to its present zoning" if the conditions are not met is valid as effecting a rezoning of the realty immediately upon the failure to satisfy the conditions because the rezoning, rather than becoming effective immediately and reverting to the previous classification upon noncompliance with the conditions, never becomes effective until the conditions are met. Konkel v. Delafield Common Council, 68 Wis. 2d 574, 229 N.W.2d 606 (1975).

The minimum requirements of sub. (7) (a) [now sub. (7) (am)] do not include publication of a map. City of Lake Geneva v. Smuda, 75 Wis. 2d 532, 249 N.W.2d 783 (1977).

A nonconforming use is an active and actual use of land and buildings that existed prior to the commencement of the zoning ordinance and continued in the same or related use until the present. The owner must prove that the use of the property prior to the effective date of the ordinance was so active and actual that it can be said he has acquired a vested interest in its continuance. If the specific use was but casual and occasional or merely accessory or incidental to the principal use, then it cannot be said that the owner had acquired a vested interest. City of Lake Geneva v. Smuda, 75 Wis. 2d 532, 249 N.W.2d 783 (1977).

When the zoning board of appeals had power under sub. (7) (e) 1. and 7. to invalidate conditions imposed by the plan commission and to afford relief to affected property owners without invalidating a disputed ordinance, the owners' failure to challenge the conditions before the board precluded the owners from challenging in court the constitutionality of the commission's implementation of the ordinance. Nodell Investment Corp. v. Glendale, 78 Wis. 2d 416, 254 N.W.2d 310 (1977).

Sub. (7a) (b) allows interim freezes of existing zoning or, if none exists, interim freezing of existing uses. It does not allow a city to freeze the more restrictive of zoning or uses. Town of Grand Chute v. City of Appleton, 91 Wis. 2d 293, 282 N.W.2d 629 (Ct. App. 1979).

A zoning board acted in excess of its power by reopening a proceeding that had once been terminated. Goldberg v. Milwaukee Zoning Appeals Board, 115 Wis. 2d 517, 340 N.W.2d 558 (Ct. App. 1983).

A variance runs with the land. Goldberg v. Milwaukee Zoning Appeals Board, 115 Wis. 2d 517, 340 N.W.2d 558 (Ct. App. 1983).

Notice under sub. (7) (d) 1. b. is required when a proposed amendment makes a substantial change. Herdeman v. City of Muskego, 116 Wis. 2d 687, 343 N.W.2d 814 (Ct. App. 1983).

A zoning ordinance that denied an owner the entire use value of its property was unconstitutional. State ex rel. Nagawicka Island Corp. v. Delafield, 117 Wis. 2d 23, 343 N.W.2d 816 (Ct. App. 1983).

A zoning ordinance itself can be the "comprehensive plan" required by sub. (7) (c). No separate comprehensive plan need be adopted by a city as a condition precedent to enacting a zoning ordinance. Bell v. City of Elkhorn, 122 Wis. 2d 558, 364 N.W.2d 144 (1985).

A city had no authority to elect against the notice provisions of sub. (7) (d). Gloudeman v. City of St. Francis, 143 Wis. 2d 780, 422 N.W.2d 864 (Ct. App. 1988).

Under sub. (7) (e) 7., the board does not have authority to invalidate a zoning ordinance and must accept the ordinance as written. Ledger v. Waupaca Board of Appeals, 146 Wis. 2d 256, 430 N.W.2d 370 (Ct. App. 1988).

Under sub. (7) (i) 1., "adjacent" means contiguous. Brazeau v. DHSS, 154 Wis. 2d 752, 454 N.W.2d 32 (Ct. App. 1990).

Sub. (7) (e) 1. allows a municipality to provide by ordinance that the municipal governing body has exclusive authority to consider special exception permit applications; the board of appeals retains exclusive authority absent such ordinance. Town of Hudson v. Hudson Town Board of Adjustment, 158 Wis. 2d 263, 461 N.W.2d 827 (Ct. App. 1990).

Discussing impermissible prejudice of an appeals board member. Marris v. City of Cedarburg, 176 Wis. 2d 14, 498 N.W.2d 843 (1993).

Sub. (7) (i) 1. does not excuse a municipality for failing to make reasonable accommodation of a group home as required by federal law. Tellurian U.C.A.N., Inc. v. Goodrich, 178 Wis. 2d 205, 504 N.W.2d 342 (Ct. App. 1993).

The federal Fair Housing Act controls sub. (7) (i) 1. to the extent that its spacing requirements may not be used for a discriminatory purpose. "K" Care, Inc. v. Town of Lac du Flambeau, 181 Wis. 2d 59, 510 N.W.2d 697 (Ct. App. 1993).

General, rather than explicit, standards regarding the granting of special exceptions may be adopted and applied by the governing body. The applicant has the burden of formulating conditions showing that the proposed use will meet the standards. Upon approval, additional conditions may be imposed by the governing body. Kraemer & Sons v. Sauk County Adjustment Board, 183 Wis. 2d 1, 515 N.W.2d 256 (1994).

Casual, occasional, accessory, or incidental use after the primary nonconforming use is terminated cannot serve to perpetuate a nonconforming use. Village of Menomonee Falls v. Veirstahler, 183 Wis. 2d 96, 515 N.W.2d 290 (Ct. App. 1994).

The power to regulate nonconforming uses includes the power to limit the extension or expansion of the use if it results in a change in the character of the use. Waukesha County v. Pewaukee Marina, Inc., 187 Wis. 2d 18, 522 N.W.2d 536 (Ct. App. 1994).

Sub. (7) (f) 1. allowing "civil penalties" for zoning violations does not authorize imposing a lien against the subject property retroactive to the date of the violation. Waukesha State Bank v. Village of Wales, 188 Wis. 2d 374, 525 N.W.2d 110 (Ct. App. 1994).

Though a conditional use permit was improperly issued by a town board, rather than a board of appeals, the permit was not void when the subject property owner acquiesced to the error for many years. Brooks v. Hartland Sportsman's Club, 192 Wis. 2d 606, 531 N.W.2d 445 (Ct. App. 1995).

When a zoning ordinance is changed, a builder may have a vested right, enforceable by mandamus, to build under the previously existing ordinance if the builder has submitted, prior to the change, an application for a permit in strict and complete conformance with the ordinance then in effect. Lake Bluff Housing Partners v. City of South Milwaukee, 197 Wis. 2d 157, 540 N.W.2d 189 (1995), 94–1155.

Unless the zoning ordinance provides otherwise, a court should measure the sufficiency of a conditional use application at the time that notice of the final public hearing is first given. Weber v. Town of Saukville, 209 Wis. 2d 214, 562 N.W.2d 412 (1997), 94–2336.

A permit issued for a use prohibited by a zoning ordinance is illegal per se. A conditional use permit only allows a property owner to put the property to a use that is expressly permitted, as long as conditions have been met. A use begun under an illegal permit cannot be a prior nonconforming use. Foresight, Inc. v. Babl, 211 Wis. 2d 599, 565 N.W.2d 279 (Ct. App. 1997), 96–1964.

A municipal attorney may not serve as both prosecutor and advisor to the tribunal in a hearing under sub. (7) (i). Nova Services, Inc. v. Village of Saukville, 211 Wis. 2d 691, 565 N.W.2d 283 (Ct. App. 1997), 96–2198.

Sub. (7a) authorizes transfer of zoning administration and enforcement to cities and villages upon enactment of an interim extraterritorial ordinance. Filing an application for a conditional use permit prior to adoption of the interim ordinance did not prevent the transfer of decision making; the applicant had no vested right by virtue of having requested a permit whose issuance was discretionary. Village of DeForest v. County of Dane, 211 Wis. 2d 804, 565 N.W.2d 296 (Ct. App. 1997), 96–1574.

An area variance and a use variance each require unnecessary hardship, but there is an "unnecessarily burdensome" test for an area variance while the test for a use variance is "no feasible use." State v. Kenosha County Board of Adjustment, 212 Wis. 2d 310, 569 N.W.2d 54 (Ct. App. 1997), 96–1235.

A nonconforming use, regardless of its duration, may be prohibited or restricted if it also constitutes a public nuisance or is harmful to public health, safety, or welfare. Town of Delafield v. Sharpley, 212 Wis. 2d 332, 568 N.W.2d 779 (Ct. App. 1997), 96–2458.

The legal standard of unnecessary hardship requires that the property owner demonstrate that without a variance there is no reasonable use for the property. When the property owner has a reasonable use for the property, the statute takes precedence and the variance should be denied. State v. Kenosha County Board of Adjustment, 218 Wis. 2d 396, 577 N.W.2d 813 (1998), 96–1235. See also State v. Outagamie, 2001 WI 78, 244 Wis. 2d 613, 628 N.W.2d 376, 98–1046.

A certiorari action exists only to test the validity of judicial or quasi–judicial determinations. It does not allow for answers, denials, or defenses by the respondent. Merkel v. Village of Germantown, 218 Wis. 2d 572, 581 N.W.2d 552 (Ct. App. 1998), 97–3347.

It is within the power of the court to deny a municipality's request for injunctive relief when a zoning ordinance violation is proven. The court should take evidence and weigh equitable interests including those of the state's citizens. Forest County v. Goode, 219 Wis. 2d 654, 579 N.W.2d 715 (1998), 96–3592.

Sub. (7) (e) 6. does not mandate a hearing for each variance application—only those that satisfy the legal requirements for applications. A city rule that a variance request would not be reheard unless accompanied by evidence of a substantial change of circumstances did not violate due process or equal protection guarantees. Denial of a variance based on the rule was not arbitrary and capricious. Tateoka v. City of Waukesha Board of Zoning Appeals, 220 Wis. 2d 656, 583 N.W.2d 871 (Ct. App. 1998), 97–1802.

Construction in violation of zoning, even when authorized by a voluntarily issued permit, is unlawful. Those who build in violation of zoning rules are not shielded from razing under sub. (8) because construction was completed before the lawfulness of the zoning was determined. However, in rare cases, there may be compelling equitable reasons when a requested order of abatement should not be issued. Lake Bluff Housing v. City of South Milwaukee, 222 Wis. 2d 222, 588 N.W.2d 45 (Ct. App. 1998), 97–1339.

The burden is on the applicant for a variance to demonstrate through evidence that without the variance he or she is prevented from enjoying any reasonable use of the property. State ex rel. Spinner v. Kenosha County Board of Adjustment, 223 Wis. 2d 99, 588 N.W.2d 662 (Ct. App. 1998), 97–2094.

A conditional use permit did not impose a condition that the conditional use not be conducted outside the permitted area. It was improper to revoke the permit based on that use. An enforcement action in relation to the parcel where the use was not permitted is an appropriate remedy. Bettendorf v. St. Croix County Board of Adjustment, 224 Wis. 2d 735, 591 N.W.2d 916 (Ct. App.1999), 98–2327.

Once a municipality has shown an illegal change in use to a nonconforming use, the municipality is entitled to terminate the entire nonconforming use. The decision is not within the discretion of the court reviewing the order. Village of Menomonee Falls v. Preuss, 225 Wis. 2d 746, 593 N.W.2d 496 (Ct. App. 1999), 98–0384.

To violate substantive due process guarantees, a zoning decision must involve more than simple errors in law or an improper exercise of discretion; it must shock the conscience. The city's violation of a purported agreement regarding zoning was not a violation. A court cannot compel a political body to adhere to an agreement regrading zoning if it has legitimate reasons for breaching. Eternalist Foundation v. City of Platteville, 225 Wis. 2d 759, 593 N.W.2d 84 (Ct. App. 1999), 98–1944.

Review of a certiorari action is limited to determining: 1) whether the board kept within its jurisdiction; 2) whether the board proceeded on a correct theory of law; 3) whether the board's action was arbitrary, oppressive, or unreasonable; and 4) whether the evidence was such that the board might reasonably make its order. Kapischke v. County of Walworth, 226 Wis. 2d 320, 595 N.W.2d 42 (Ct. App. 1999), 98–0796.

Zoning may not be legislated or modified by initiative under s. 9.20. An ordinance constituting a pervasive regulation of, or prohibition on, the use of land is zoning. Heitman v. City of Mauston, 226 Wis. 2d 542, 595 N.W.2d 450 (Ct. App. 1999), 98–3133.

A town with village powers has the authority to adopt ordinances authorizing its plan commission to review and approve industrial site plans before issuing a building permit. An ordinance regulating development need not be created with a particular degree of specificity other than is necessary to give developers reasonable notice of the areas of inquiry that the town will examine in approving or disapproving proposed sites. Town of Grand Chute v. U.S. Paper Converters, Inc., 229 Wis. 2d 674, 600 N.W.2d 33 (Ct. App. 1999), 98–2797.

The state, in administering the Fair Housing Act, may not order a zoning board to issue a variance based on characteristics unique to the landowner rather than the land. County of Sawyer Zoning Board v. DWD, 231 Wis. 2d 534, 605 N.W.2d 627 (Ct. App. 1999), 99–0707.

While the Department of Natural Resources has the authority to regulate the operation of game farms, its authority does not negate the power to enforce zoning ordinances against game farms. Both are applicable. Willow Creek Ranch v. Town of Shelby, 2000 WI 56, 235 Wis. 2d 409, 611 N.W.2d 693, 97–2075.

Statutory certiorari review exists to test the validity of agency decisions by reviewing the record, and the court has jurisdiction only for that limited purpose. An action to enforce a variance is an entirely different matter. It is coercive, and personal jurisdiction must be established by serving a summons and complaint or original writ separate from any related certiorari action. Winkelman v. Town of Delafield, 2000 WI App 254, 239 Wis. 2d 542, 620 N.W.2d 438, 99–3158.

The consideration by a separate city council committee, without notice, of a duplicate file of matters then under consideration by the city's zoning committee was not void. Oliveira v. City of Milwaukee, 2001 WI 27, 242 Wis. 2d 1, 624 N.W.2d 117, 98–2474.

Financial investment is a factor to consider when determining whether a zoning violation must be abated, but it does not outweigh all other equitable factors to be considered. Lake Bluff Housing Partners v. City of South Milwaukee, 2001 WI App 150, 246 Wis. 2d 785, 632 N.W.2d 485, 00–1958.

A variance authorizes a landowner to establish or maintain a use prohibited by zoning regulations. A special exception allows the landowner to put the property to a use expressly permitted but that conflicts with some requirement of the ordinance. The grant of a special exception does not require the showing of hardship required for a variance. Fabyan v. Waukesha County Board of Adjustment, 2001 WI App 162, 246 Wis. 2d 851, 632 N.W.2d 116, 00–3103.

If residents would not be living in a proposed community living arrangement because of disabilities, although some may have disabilities, a municipality is not required by the federal American with Disabilities Act or Fair Housing Amendments Act to make reasonable accommodations in the application of the sub. (7) (i) 1. 2,500 foot requirement. State ex rel. Bruskewitz v. City of Madison, 2001 WI App 233, 248 Wis. 2d 297, 635 N.W.2d 797, 00–2563.

A change in method or quantity of production of a nonconforming use is not a new use when the original character of the use remains the same. The incorporation of modern technology into the business of the operator of a nonconforming use is allowed. Racine County v. Cape, 2002 WI App 19, 250 Wis. 2d 44, 639 N.W.2d 782, 01–0740.

The public policy of promoting confidence in impartial tribunals may justify expansion of the certiorari record when evidence outside of the record demonstrates procedural unfairness. However, before a circuit court may authorize expansion, the party alleging bias must make a prima facie showing of wrongdoing. Sills v. Walworth County Land Management Committee, 2002 WI App 111, 254 Wis. 2d 538, 648 N.W.2d 878, 01–0901.

While an increase in the volume, intensity, or frequency of a nonconforming use is not sufficient to invalidate it, if the increase is coupled with some element of identifiable change or extension, the enlargement will invalidate a legal nonconforming use. A proposed elimination of cabins and the expansion from 21 to 44 RV sites was an identifiable change in a campground and extension of the use for which it had been licensed. Lessard v. Burnett County Board of Adjustment, 2002 WI App 186, 256 Wis. 2d 821, 649 N.W.2d 728, 01–2986.

To find discontinuance of a nonconforming use, proof of intent to abandon the nonconforming use is not required. Lessard v. Burnett County Board of Adjustment, 2002 WI App 186, 256 Wis. 2d 821, 649 N.W.2d 728, 01–2986.

A purpose of sub. (5) is that a plan commission have the opportunity to review and make a recommendation on a final plat before the governing body makes a final decision, but not to require that body to wait more than 30 days for the plan commission's report. KW Holdings, LLC v. Town of Windsor, 2003 WI App 9, 259 Wis. 2d 357, 656 N.W.2d 752, 02–0706.

A conditional use permit (CUP) is not a contract. A CUP is issued under an ordinance. A municipality has discretion to issue a permit and the right to seek enforcement of it. Noncompliance with the terms of a CUP is tantamount to noncompliance with the ordinance. Town of Cedarburg v. Shewczyk, 2003 WI App 10, 259 Wis. 2d 818, 656 N.W.2d 491, 02–0902.

An ordinance requirement that no special use permit will be granted unless it is "necessary for the public convenience" meant that the petitioner had to present sufficient evidence that the proposed use was essential to the community as a whole. Hearst–Argyle Stations v. Board of Zoning Appeals, 2003 WI App 48, 260 Wis. 2d 494, 659 N.W.2d 424, 02–0596.

Spot zoning grants privileges to a single lot or area that are not granted or extended to other land in the same use district. Spot zoning is not per se illegal but, absent any showing that a refusal to rezone will in effect confiscate the property by depriving all beneficial use thereof, should only be indulged in when it is in the public interest and not solely for the benefit of the property owner who requests the rezoning. Step Now Citizens Group v. Town of Utica, 2003 WI App 109, 264 Wis. 2d 662, 663 N.W.2d 833, 02–2760.

The failure to comply with an ordinance's notice requirements, when all statutory notice requirements were met, did not defeat the purpose of the ordinance's notice provision. Step Now Citizens Group v. Town of Utica, 2003 WI App 109, 264 Wis. 2d 662, 663 N.W.2d 833, 02–2760.

Under *Goode*, 219 Wis. 2d 654 (1998), a landowner may contest whether he or she is in violation of the zoning ordinance and, if so, can further contest on equitable grounds the enforcement of a sanction for the violation. Town of Delafield v. Winkelman, 2004 WI 17, 269 Wis. 2d 109, 675 N.W.2d 470, 02–0979.

Area variance applicants need not meet the no reasonable use of the property standard that is applicable to use variance applications. The standard for unnecessary hardship required in area variance cases is whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with those restrictions unnecessarily burdensome. Ziervogel v. Washington County Board of Adjustment, 2004 WI 23, 269 Wis. 2d 549, 676 N.W.2d 401, 02–1618.

In evaluating whether to grant an area variance to a zoning ordinance, a board of adjustment should focus on the purpose of the zoning law at issue in determining whether an unnecessary hardship exists for the property owner seeking the variance. The facts of the case should be analyzed in light of that purpose, and boards of adjustment must be afforded flexibility so that they may appropriately exercise their discretion. State v. Waushara County Board of Adjustment, 2004 WI 56, 271 Wis. 2d 547, 679 N.W.2d 514, 02–2400.

A municipality cannot be estopped from seeking to enforce a zoning ordinance, but a circuit court has authority to exercise its discretion in deciding whether to grant enforcement. Upon the determination of an ordinance violation, the proper procedure for a circuit court is to grant an injunction enforcing the ordinance, except when it is presented with compelling equitable reasons to deny it. Village of Hobart v. Brown County, 2005 WI 78, 281 Wis. 2d 628, 698 N.W.2d 83, 03–1907.

A board of appeals may not simply grant or deny an application with conclusory statements that the application does or does not satisfy the statutory criteria, but shall express, on the record, its reasoning why an application does or does not meet the statutory criteria. Even when a board's decision is dictated by a minority, these controlling members of the board ought to be able to articulate why an applicant has not satisfied its burden of proof on unnecessary hardship or why the facts of record cannot be reconciled with some requirement of the ordinance or statute. A written decision is not required as long as a board's reasoning is clear from the transcript of its proceedings. Lamar Central Outdoor, Inc. v. Board of Zoning Appeals, 2005 WI 117, 284 Wis. 2d 1, 700 N.W.2d 87, 01–3105.

Sub. (7) (h) relates to the use to which the building was put, not to the physical structure of the building itself. It limits the repairs and improvements that can be made on a structure that is used in a manner that does not conform to uses permitted by applicable zoning codes. Hillis v. Village of Fox Point Board of Appeals, 2005 WI App 106, 281 Wis. 2d 147, 699 N.W.2d 636, 04–1787.

An existing conditional use permit (CUP) is not a vested property right and the revocation of the permit is not an unconstitutional taking. A CUP merely represents a species of zoning designations. Because landowners have no property interest in zoning designations applicable to their properties, a CUP is not property and no taking occurs by virtue of a revocation. Rainbow Springs Golf Company, Inc. v. Town of Mukwonago, 2005 WI App 163, 284 Wis. 2d 519, 702 N.W.2d 40, 04–1771.

Neither the desire for a different remedy nor a resort to alternative legal theories was sufficient to insulate a party filing an action under sub. (8) from the impact of claim preclusion when that party had adequate opportunity to litigate its claims before the zoning board. Barber v. Weber, 2006 WI App 88, 292 Wis. 2d 426, 715 N.W.2d 683, 05–1196.

In deciding whether to grant a variance under sub. (7) (e) 7., a zoning board of appeals may consider the role municipal officials played in a zoning violation when determining whether a hardship was self–created and whether strict enforcement of the ordinance would result in an unnecessary hardship. Accent Developers, LLC v. City of Menomonie Board of Zoning Appeals, 2007 WI App 48, 300 Wis. 2d 561, 730 N.W.2d 194, 06–1268.

The court's opinion that a deck was optimally located in its current position was not the relevant inquiry in regard to the granting of an area variance. The board of adjustment was justified in determining that the property owner's desire for the variance to retain their nonconforming deck was based on a personal inconvenience rather than an unnecessary hardship. Block v. Waupaca County Board of Zoning Adjustment, 2007 WI App 199, 305 Wis. 2d 325, 738 N.W.2d 132, 06–3067.

A municipality may not effect a zoning change by simply printing a new map marked "official map." Village of Hobart v. Brown County, 2007 WI App 250, 306 Wis. 2d 263, 742 N.W.2d 907, 07–0891.

Zoning that restricts land so that the landowner has no permitted use as of right must bear a substantial relation to the health, safety, morals, or general welfare of the public in order to withstand constitutional scrutiny. Town of Rhine v. Bizzell, 2008 WI 76, 311 Wis. 2d 1, 751 N.W.2d 780, 06–0450.

Ziervogel, 2004 WI 23, did not state that use cannot be a factor in an area variance analysis. It stated that use cannot overwhelm all other considerations in the analysis, rendering irrelevant any inquiry into the uniqueness of the property, the purpose of the ordinance, and the effect of a variance on the public interest. Here, the board properly considered the purpose of the zoning code, the effect on neighboring properties, and the hardship alleged. Driehaus v. Walworth County, 2009 WI App 63, 317 Wis. 2d 734, 767 N.W.2d 343, 08–0947.

Condominiums are not a form of land use. A condominium unit set aside for commercial use runs afoul of a zoning ordinance prohibiting commercial use. When an intended commercial use did not comport with a town's zoning restrictions, approval of the condominium by the town was de facto rezoning. A town could not seek to avoid the restrictions of applicable extraterritorial zoning by aiming to define its action as something other than a zoning change. Village of Newburg v. Town of Trenton, 2009 WI App 139, 321 Wis. 2d 424, 773 N.W.2d 500, 08–2997.

Having a vested interest in the continuance of a use is fundamental to protection of a nonconforming use. There can be no vested interest if the use is not actually and actively occurring at the time the ordinance amendment takes effect. However, it does not follow that any use that is actually occurring on the effective date of the amendment is sufficient to give the owner a vested interest in its continued use. To have a vested interest in the continuation of a use requires that if the continuance of the use were to be prohibited, substantial rights would be adversely affected, which will ordinarily mean that there has been a substantial investment in the use. The longevity of a use and the degree of development of a use are subsumed in an analysis of what investments an owner has made, rather than separate factors to be considered. Town of Cross Plains v. Kitt's "Field of Dreams" Korner, Inc., 2009 WI App 142, 321 Wis. 2d 671, 775 N.W.2d 283, 08–0546.

There must be reasonable reliance on the existing law in order to acquire a vested interest in a nonconforming use. Reasonable reliance on the existing law was not present when the owners knew the existing law was soon to change at the time the use was begun. Town of Cross Plains v. Kitt's "Field of Dreams" Korner, Inc., 2009 WI App 142, 321 Wis. 2d 671, 775 N.W.2d 283, 08–0546.

The language of this section clearly and unambiguously conveys that the mechanism for an appeal of a board of appeals decision is an action in certiorari for review of the board's decision. The action is against the board of appeals, not against the city. Acevedo v. City of Kenosha, 2011 WI App 10, 331 Wis. 2d 218, 793 N.W.2d 500, 10–0070.

When a village eliminated the selling of cars as a conditional use in general business districts, a previously granted conditional use permit (CUP) was voided, the property owner was left with a legal nonconforming use to sell cars, and the village could not enforce the strictures of the CUP against the property owner. Therefore, the owner could continue to sell cars in accordance with the historical use of the property, but if the use were to go beyond the historical use of the property, the village could seek to eliminate the property's status as a legal nonconforming use. Hussein v. Village of Germantown Board of Zoning Appeals, 2011 WI App 96, 334 Wis. 2d 764, 800 N.W.2d 551, 10–2178.

The line distinguishing general police power regulation from zoning ordinances is far from clear. The question of whether a particular enactment constitutes a zoning ordinance is often a matter of degree. Broad statements of the purposes of zoning and the purposes of an ordinance are not helpful in distinguishing a zoning ordinance from an ordinance enacted pursuant to non–zoning police power. The statutorily enumerated purposes of zoning are not the exclusive domain of zoning regulation. A more specific and analytically helpful formulation of the purpose of zoning, at least in the present case, is to separate incompatible land uses. Multiple factors are consid-

ered and discussed. Zwiefelhofer v. Town of Cooks Valley, 2012 WI 7, 338 Wis. 2d 488, 809 N.W.2d 362, 10–2398.

Nothing in s. 59.694 (10) prevented an applicant whose conditional use permit (CUP) was denied from filing a second CUP application rather than seeking certiorari review. A municipality may enact a rule prohibiting a party whose application to the zoning board has been denied from filing a new application absent a substantial change in circumstances, but that was not done in this case. O'Connor v. Buffalo County Board of Adjustment, 2014 WI App 60, 354 Wis. 2d 231, 847 N.W.2d 881, 13–2097.

Zoning ordinances are in derogation of the common law and are to be construed in favor of the free use of private property. To operate in derogation of the common law, the provisions of a zoning ordinance must be clear and unambiguous. HEEF Realty & Investments, LLP v. City of Cedarburg Board of Appeals, 2015 WI App 23, 361 Wis. 2d 185, 861 N.W.2d 797, 14–0062.

Short–term rental was a permitted use for property in a single–family residential district under the city of Cedarburg's zoning code. A zoning board cannot arbitrarily impose time or occupancy restrictions in a residential zone where there are none adopted democratically by the city. There is nothing inherent in the concept of residence or dwelling that includes time. HEEF Realty & Investments, LLP v. City of Cedarburg Board of Appeals, 2015 WI App 23, 361 Wis. 2d 185, 861 N.W.2d 797, 14–0062.

A municipality has the flexibility to regulate land use through zoning up until the point when a developer obtains a building permit. Once a building permit has been obtained, a developer may make expenditures in reliance on a zoning classification. Wisconsin follows the bright–line building permit rule that a property owner's rights do not vest until the developer has submitted an application for a building permit that conforms to the zoning or building code requirements in effect at the time of application. McKee Family I, LLC v. City of Fitchburg, 2017 WI 34, 374 Wis. 2d 487, 893 N.W.2d 12, 14–1914.

The building permit rule is a bright–line rule vesting the right to use property consistent with current zoning at the time a building permit application that strictly conforms to all applicable zoning regulations is filed. The rule extends to all land specifically identified in a building permit application as part of the project. Golden Sands Dairy LLC v. Town of Saratoga, 2018 WI 61, 381 Wis. 2d 704, 913 N.W.2d 118, 15–1258.

Pursuant to sub. (7) (e) 10., certiorari review of a local zoning board's decision is triggered when a written copy of the decision is filed in the board's office. Moreschi v. Village of Williams Bay & Town of Linn ETZ Zoning Board of Appeals, 2020 WI 95, 395 Wis. 2d 55, 953 N.W.2d 318, 18–0283.

Wisconsin law requires two elements for abandonment of a legal nonconforming use: 1) actual cessation of the nonconforming use; and 2) an intent to abandon the nonconforming use. In this case, the property owner sought and obtained rezoning from agricultural to residential; entered into a subdivision development agreement restricting the property to residential use; recorded a declaration of covenants, conditions, and restrictions that explicitly stated that the property owner intended to develop a subdivision for residences; installed residential infrastructure; and built two homes on the property. Although the property owner's specific acts may have signified an intent to abandon the nonconforming use, the undisputed fact that the property owner continued farming on the property after the rezoning confirmed that there was no actual cessation of the nonconforming use. Village of Slinger v. Polk Properties, LLC, 2021 WI 29, 396 Wis. 2d 342, 957 N.W.2d 229, 17–2244.

Zoning ordinances may be applied to land held by the United States for an Indian tribe so long as they do not conflict with a federal treaty, agreement, or statute and so long as the land use proscribed is not a federal governmental function. 58 Atty. Gen. 91.

Zoning ordinances utilizing definitions of "family" to restrict the number of unrelated persons who may live in a single family dwelling are of questionable constitutionality. 63 Atty. Gen. 34.

County shoreland zoning of unincorporated areas adopted under s. 59.971 [now s. 59.692] is not superseded by municipal extraterritorial zoning under sub. (7a). Discussing subs. (7) and (7a) and ss. 59.971 and 144.26 [now s. 281.31]. Municipal extraterritorial zoning within shorelands is effective insofar as it is consistent with, or more restrictive than, the county shoreland zoning regulations. 63 Atty. Gen. 69.

Discussing extraterritorial zoning under sub. (7a). 67 Atty. Gen. 238.

A city's ban on almost all residential signs violated the right of free speech. City of LaDue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36 (1994).

There is no property interest in a position on a zoning board of appeals and none was created by a common council member's assertion that the council would not approve a board member's successor. Generally, the 1st amendment protects a person from being removed from public employment for purely political reasons, but a board member is an exempt policymaker. Pleva v. Norquist, 195 F.3d 905 (1999).

Plaintiffs were not required to exhaust administrative remedies under sub. (7) (e) before bringing a civil rights act suit challenging the definition of "family" as used in that portion of a village zoning ordinance creating single–family residential zones since plaintiffs' claim was based on federal law. Timberlake v. Kenkel, 369 F. Supp. 456 (1974).

The denial of a permit for a second residential facility within a 2,500 foot radius pursuant to sub. (7) (i) 1., which had the effect of precluding handicapped individuals, absent evidence of adverse impact on the legislative goals of the statute or of a burden upon the village constituted a failure to make reasonable accommodations in violation of federal law. United States v. Village of Marshall, 787 F. Supp. 872 (1992).

Sub. (2) (i) 1. and 2r. are preempted by the Federal Fair Housing Amendment Act and the Americans With Disabilities Act. Sub. (2) (i) 1. and 2r. impermissibly classify people on the basis of disability by imposing a 2,500 foot spacing requirement on community living arrangements for the disabled. Oconomowoc Residential Programs v. City of Greenfield, 23 F. Supp. 2d 941 (1998).

The necessity of a zoning variance or amendments notice to the Wisconsin department of natural resources under the shoreland zoning and navigable waters protection acts. Whipple. 57 MLR 25.

Architectural Appearances Ordinances and the 1st Amendment. Rice. 76 MLR 439 (1992).

Conditional Use Permits: Strategies for Local Zoning Proceedings. Peranteau. Wis. Law. Sept. 2015.

62.231 Zoning of wetlands in shorelands. (1) DEFINITIONS. As used in this section:

(a) "Shorelands" has the meaning specified under s. 59.692 (1) (b).

(b) "Wetlands" has the meaning specified under s. 23.32 (1).

(2) FILLED WETLANDS. Any wetlands which are filled prior to the date on which a city receives a final wetlands map from the department of natural resources in a manner which affects their characteristics as wetlands are filled wetlands and not subject to an ordinance adopted under this section.

(2m) CERTAIN WETLANDS ON LANDWARD SIDE OF AN ESTABLISHED BULKHEAD LINE. Any wetlands on the landward side of a bulkhead line, established by the city under s. 30.11 prior to May 7, 1982, and between that bulkhead line and the ordinary high–water mark are exempt wetlands and not subject to an ordinance adopted under this section.

(3) ADOPTION OF ORDINANCE. To effect the purposes of s. 281.31 and to promote the public health, safety and general welfare, each city shall zone by ordinance all unfilled wetlands of 5 acres or more which are shown on the final wetland inventory maps prepared by the department of natural resources for the city under s. 23.32, which are located in any shorelands and which are within its incorporated area. A city may zone by ordinance any unfilled wetlands which are within its incorporated area at any time.

(4) CITY PLANNING. (a) *Powers and procedures.* Except as provided under sub. (5), s. 62.23 applies to ordinances and amendments enacted under this section.

(b) *Impact on other zoning ordinances.* If a city ordinance enacted under s. 62.23 affecting wetlands in shorelands is more restrictive than an ordinance enacted under this section affecting the same lands, it continues to be effective in all respects to the extent of the greater restrictions, but not otherwise.

(5) REPAIR AND EXPANSION OF EXISTING STRUCTURES PERMITTED. Notwithstanding s. 62.23 (7) (h), an ordinance adopted under this section may not prohibit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of an ordinance adopted under this section or any environmental control facility in existence on May 7, 1982 related to that structure.

(5m) RESTORATION OF CERTAIN NONCONFORMING STRUCTURES. (a) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.

2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(b) An ordinance enacted under this section to which par. (a) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

(6) FAILURE TO ADOPT ORDINANCE. If any city does not adopt an ordinance required under sub. (3) within 6 months after receipt of final wetland inventory maps prepared by the department of natural resources for the city under s. 23.32, or if the department of natural resources, after notice and hearing, determines that a city adopted an ordinance which fails to meet reasonable minimum standards in accomplishing the shoreland protection objectives of s. 281.31 (1), the department of natural resources shall

adopt an ordinance for the city. As far as applicable, the procedures set forth in s. 87.30 apply to this subsection.

(6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2), (3) (a), or (4) (a), the department of natural resources may not proceed under sub. (6), or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet reasonable minimum standards.

History: 1981 c. 330, 391; 1995 a. 201; 1995 a. 227; 1999 a. 9; 2005 a. 112; 2011 a. 6.

Cross–reference: See also ch. NR 117, Wis. adm. code.

The legal standard of unnecessary hardship requires that the property owner demonstrate that without a variance there is no reasonable use for the property. When the property owner has a reasonable use for the property, the statute takes precedence and the variance should be denied. State v. Kenosha County Board of Adjustment, 218 Wis. 2d 396, 577 N.W.2d 813 (1998), 96–1235. See also State v. Outagamie, 2001 WI 78, 244 Wis. 2d 613, 628 N.W.2d 376, 98–1046.

The burden is on the applicant for a variance to demonstrate through evidence that without the variance he or she is prevented from enjoying any reasonable use of the property. State ex rel. Spinner v. Kenosha County Board of Adjustment, 223 Wis. 2d 99, 588 N.W.2d 662 (Ct. App. 1998), 97–2094.

Wisconsin's Shoreland Management Program: An Assessment With Implications for Effective Natural Resources Management and Protection. Kuczenski. 1999 WLR 273.

62.232 Required notice on certain approvals. (1) In this section, "wetland" has the meaning given in s. 23.32 (1).

(2) (a) Except as provided in par. (b), a city that issues a building permit or other approval for construction activity, shall give the applicant a written notice as specified in subs. (3) and (4) at the time the building permit is issued.

(b) 1. A city is not required to give the notice under par. (a) at the time that it issues a building permit if the city issues the building permit on a standard building permit form prescribed by the department of safety and professional services.

2. A city is not required to give the notice under par. (a) at the time that it issues a building permit or other approval if the building permit or other approval is for construction activity that does not involve any land disturbing activity including removing protective ground cover or vegetation, or excavating, filling, covering, or grading land.

(3) Each notice shall contain the following language: "YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER."

(4) The notice required in sub. (2) (a) shall contain the electronic website address that gives the recipient of the notice direct contact with that website.

(5) A city in issuing a notice under this section shall require that the applicant for the building permit sign a statement acknowledging that the person has received the notice.

History: 2009 a. 373; 2011 a. 32; 2017 a. 365 s. 112.

62.233 Zoning of annexed or incorporated shorelands. (1) In this section:

(a) "Principal building" means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

(b) "Shorelands" has the meaning given in s. 59.692 (1) (b).

(c) "Shoreland setback area" has the meaning given in s. 59.692 (1) (bn).

(2) Every city shall, on or before July 1, 2014, enact an ordinance that applies to all of the following shorelands:

(a) A shoreland that was annexed by the city after May 7, 1982, and that prior to annexation was subject to a county shoreland zoning ordinance under s. 59.692.

(b) For a city that incorporated after April 30, 1994, under s. 66.0203, 66.0211, 66.0213, or 66.0215, a shoreland that before incorporation as a city was part of a town that was subject to a county shoreland zoning ordinance under s. 59.692.

(3) A city ordinance enacted under this section shall accord and be consistent with the requirements and limitations under s. 59.692 (1d), (1f), and (1k) and shall include at least all of the following provisions:

(a) A provision establishing a shoreland setback area of at least 50 feet from the ordinary high–water mark, except as provided in par. (b).

(b) A provision authorizing construction or placement of a principal building within the shoreland setback area established under par. (a) if all of the following apply:

1. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

2. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high–water mark, whichever distance is greater.

(5) Provisions of a county shoreland zoning ordinance under s. 59.692 that were applicable, prior to annexation, to any shoreland annexed by a city after May 7, 1982, shall continue in effect and shall be enforced after annexation by the annexing city until the effective date of an ordinance enacted by the city under sub. (2).

(6) Provisions of a county shoreland zoning ordinance under s. 59.692 that were applicable prior to incorporation to any shoreland that is part of a town that incorporates as a city under s. 66.0203, 66.0211, 66.0213, or 66.0215 after April 30, 1994, shall continue in effect and shall be enforced after incorporation by the incorporated city until the effective date of an ordinance enacted by the city under sub. (2).

(7) An ordinance enacted under sub. (2) does not apply to lands adjacent to an artificially constructed drainage ditch, pond, or stormwater retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.

History: 2013 a. 80, 151; 2015 a. 55.

62.234 Construction site erosion control and storm water management zoning. (1) DEFINITION. As used in this section, "department" means the department of natural resources.

(2) AUTHORITY TO ENACT ORDINANCE. To effect the purposes of s. 281.33 and to promote the public health, safety and general welfare, a city may enact a zoning ordinance, that is applicable to all of its incorporated area, for construction site erosion control at sites described in s. 281.33 (3) (a) 1. a. and b. and for storm water management. This ordinance may be enacted separately from ordinances enacted under s. 62.23. An ordinance enacted under this subsection is subject to the strict conformity requirements under s. 281.33 (3m).

(4) APPLICABILITY OF CITY ZONING PROVISIONS. (a) Except as otherwise specified in this section, s. 62.23 applies to any ordinance or amendment to an ordinance enacted under this section.

(b) Variances and appeals regarding construction site erosion control or storm water management regulations under this section are to be determined by the board of appeals for that city. Procedures under s. 62.23 (7) (e) apply to these determinations.

(c) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. 62.23 that relate to construction site erosion control at sites described in s. 281.33 (3) (a) 1. a. and b. or to storm water management regulation.

(5) APPLICABILITY OF COMPREHENSIVE ZONING PLAN OR GENERAL ZONING ORDINANCE. Ordinances enacted under this section

shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable to the enacting cities, so far as practicable.

(6) APPLICABILITY OF LOCAL SUBDIVISION REGULATION. All powers granted to a city under s. 236.45 may be exercised by it with respect to construction site erosion control at sites described in s. 281.33 (3) (a) 1. a. and b. or with respect to storm water management regulation, if the city has or provides a planning commission or agency.

(7) APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES. An ordinance enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2).

(8) INTERGOVERNMENTAL COOPERATION. (a) Except as provided in par. (c), s. 66.0301 applies to this section, but for the purposes of this section any agreement under s. 66.0301 shall be effected by ordinance.

(b) If a city is served by a regional planning commission under s. 66.0309 and if the commission consents, the city may empower the commission by ordinance to administer the ordinance enacted under this section throughout the city, whether or not the area otherwise served by the commission includes all of that city.

(c) If a city is served by the Dane County Lakes and Watershed Commission, and if the commission consents, the city may empower the commission by ordinance to administer the ordinance enacted under this section throughout the city, whether or not the area otherwise served by the commission includes all of that city. Section 66.0301 does not apply to this paragraph.

History: 1983 a. 416; 1983 a. 538 s. 271; 1989 a. 31, 324; 1993 a. 16; 1995 a. 227; 1999 a. 150 s. 672; 2013 a. 20.

This section contains no prohibition against imposing municipal fees for services in connection with erosion control projects. It does not mandate that fees be listed "within the four corners" of the ordinance. The statute does not mention fees. Sub. (4) (c) states that an ordinance adopted under s. 62.23 that relates to construction site erosion control at sites where the construction activities do not include the construction of a building or to storm water management regulation is superseded by an ordinance adopted under this section. A fee schedule adopted via resolution was not an ordinance enacted under s. 62.23 and was not superseded by the city's erosion control ordinance. Edgerton Contractors, Inc. v. City of Wauwatosa, 2010 WI App 45, 324 Wis. 2d 256, 781 N.W.2d 228, 09–1042.

62.237 Municipal mortgage housing assistance. **(1)** DEFINITIONS. In this section:

(a) "Debt service" means the amount due of principal, interest and premium for mortgage revenue bonds or revenue bonds issued under this section.

(b) "Dwelling" means any structure used or intended to be used for habitation with up to 2 separate units certified for occupancy by the city. "Dwelling" also means any housing cooperative incorporated under ch. 185 or 193.

(c) "Lending institution" means any private business issuing home mortgages.

(d) "Municipality" means any city with a population greater than 75,000.

(e) "Owner–occupied dwelling" means a dwelling in which the owner occupies or will occupy any unit.

(2) ISSUING LOANS. (a) The legislative body of any municipality may adopt a resolution, authorizing the municipality to:

1. Issue mortgage loans with an interest rate less than the lowest rate available at lending institutions within the municipality, for the purchase or construction of any owner–occupied dwelling located within an area described in sub. (3). Financing for rehabilitation or home improvements may be made available as part of these loans.

2. Issue loans to any lending institution within the municipality that agrees to loan the money at designated terms for the purchase, purchase and rehabilitation or construction of any owner–occupied dwelling located within an area described in sub. (3).

3. Foreclose any mortgage and sell the mortgaged property for collection purposes if the mortgagor defaults on the payment of principal and interest of a loan issued under this section.

(b) The resolution shall designate each area in which dwellings are eligible for loans.

(c) No loan may be issued to purchase, purchase and rehabilitate or construct a dwelling that violates applicable provisions of the one– and 2–family dwelling code under ss. 101.60 to 101.66, or that violates any ordinance the municipality adopts regulating the dwelling. If the dwelling is found to be violating the dwelling code or any ordinance after issuance of the loan, the loan shall default. The municipality may require the full loan to become due or may increase the interest rate to the maximum allowable. The municipality may defer imposing a penalty for up to one year after the violation is found to exist.

(3) ELIGIBLE AREAS. Owner–occupied dwellings in any area of the municipality are eligible for loans under this section if any 2 of the following conditions exist:

(a) The median assessed property value of one– and 2–family dwellings in the area is less than or equal to 80 percent of the median assessed property value of one– and 2–family dwellings in the municipality.

(b) The median family income of the area is less than or equal to 80 percent of the median family income of the municipality.

(c) The proportion of owner–occupied dwellings in the area is less than or equal to 80 percent of the proportion of owner–occupied dwellings in the municipality.

(d) The vacancy rate of dwellings in the area is greater than or equal to 120 percent of the vacancy rate of dwellings in the municipality.

(4) REVENUE BONDING. (a) The governing body of any municipality may issue revenue bonds by resolution, to finance low–interest mortgage loans under this section. The resolution shall state the maximum dollar amount of authorized bonds and the purpose for which the municipality may issue the bonds. The resolution shall state the terms, form and content of the bonds. These bonds may be registered under s. 67.09.

(b) Debt service is payable solely from revenues received from the loans issued under this section. No mortgage revenue bond or revenue bond issued under this section is a debt of the municipality or a charge against the city's general credit or taxing powers. The municipality shall plainly state the provisions of this paragraph on the face of each mortgage revenue bond or revenue bond.

(c) The municipality shall use revenues from payment of the principal and interest of loans issued under this section to pay debt service. The municipality shall use any excess revenues to pay other costs accruing from the issuance of the loans. The municipality shall deposit any remaining revenues in a revolving fund of the municipal treasury, to use for additional loans under this section.

(d) The resolution may authorize appointment of a receiver to collect interest and principal on loans issued under this section for paying debt service, if the municipality defaults on paying debt service.

History: 1979 c. 221; 1983 a. 24, 27, 207; 1999 a. 150 s. 378; Stats. 1999 s. 62.237; 2005 a. 441.

62.25 Claims and actions. **(1)** CLAIMS. No action may be brought or maintained against a city upon a claim or cause of action unless the claimant complies with s. 893.80. This subsection does not apply to actions commenced under s. 19.37, 19.97 or 281.99.

(2) ACTIONS. (a) Damages, if any, in an action against a city officer in the officer's official capacity, except the action directly involve the title to the officer's office, shall not be awarded against such officer, but may be awarded against the city.

(b) In an action to restrain payment by a city for work performed or material furnished, the plaintiff shall give a bond conditioned for payment to the claimant, if the action is finally deter-

mined in the claimant's favor, of damages caused by the delay, including expense incurred in the action, and interest. The bond shall be with 2 sureties to be approved by the court, and in an amount fixed by the court and sufficient to cover all probable damages.

(d) No person shall be ineligible to sit as judge, justice or juror in an action to which the city is a party, by reason of being an inhabitant of the city.

History: 1977 c. 285; 1979 c. 323 s. 33; 1991 a. 316; 1995 a. 158, 225; 1997 a. 27.

Cross–reference: See s. 62.12 (8) as to filing claims and demands against the city.

Cross–reference: See s. 66.0609 for an alternative system of approving claims.

An action against a municipality based on a filed "claim" that did not state a dollar amount must be dismissed. The fact that the city council denied the claim did not bar the defense. By purchasing liability insurance, the city did not waive the protection of the statute. Sambs v. Nowak, 47 Wis. 2d 158, 177 N.W.2d 144 (1970).

Sub. (1) is applicable to a counterclaim for money damages in a lawsuit commenced by a city. City of Milwaukee v. Milwaukee Civic Developments, Inc., 71 Wis. 2d 647, 239 N.W.2d 44 (1976).

Nothing in either this chapter or ch. 120 precludes a school board from qualifying as a proper "claimant" under this section. Joint School Dist. No. 1 v. City of Chilton, 78 Wis. 2d 52, 253 N.W.2d 879 (1977).

This section does not apply to a claim for equitable relief. Kaiser v. City of Mauston, 99 Wis. 2d 345, 299 N.W.2d 259 (Ct. App. 1980).

62.26 General provisions. (1) LAWS IN FORCE. The general laws for the government of cities, villages and towns, the assessment and collection of taxes, the preservation of public and private property, highways, roads and bridges, the punishment of offenders, the collection of penalties and the manner of conducting elections shall be in force in all cities organized under this subchapter except as otherwise provided under this subchapter.

(2) EQUITY IN LAND. The acquisition or retention by a city of an equity of redemption in lands shall not create any liability on the part of the city to pay any bonds issued or mortgage or trust deed upon such lands executed prior to the acquisition by the city of such equity.

(3) FORMS. The use of any forms prescribed by the statutes of this state, as far as the same are applicable, shall be as legal and of the same force and effect as the use of the forms prescribed by this subchapter.

(4) REWARDS. When any heinous offense or crime has been committed against life or property within any city the mayor, with the consent of a majority of the alderpersons, may offer a reward for the apprehension of the criminal or perpetrator of such offense.

(6) CITIES IN MORE THAN ONE COUNTY. In cities lying in more than one county the following shall apply:

(b) Accused persons may be put in custody of an officer or committed to the jail of the city or of the county where the offense was committed.

(d) Officers of the city, who by law have the powers of constables in the county in which the city is located, shall have such powers in either county.

(7) CHANGE OF CITY NAME. The name of any city of the fourth class shall be changed if a majority of the electors shall address a written petition therefor to the council designating the new name, and the council shall by a two–thirds vote of all the members adopt an ordinance changing to such new name. The change shall be in effect upon publication of the ordinance in the official paper, and the filing of a copy thereof with the secretary of administration.

History: 1977 c. 151; 1993 a. 184; 2015 a. 55.

SUBCHAPTER II

FIRST CLASS CITIES

62.50 Police and fire departments in 1st class cities. (1e) DEFINITION. In this section, "offense" means any felony or Class A or Class B misdemeanor violation of any of the following:

(a) Chapters 940 and 941.

(b) Section 942.08.

(c) Section 942.09.

(d) Chapters 943 to 948.

(1h) ORGANIZATION. In all 1st class cities, however incorporated, there shall be a board of fire and police commissioners, consisting of either 7 or 9 citizens, not more than 3, if the board has 7 members, or 4, if the board has 9 members, of whom shall at any time belong to the same political party. The staff and members of the board shall receive the salary or other compensation for their services fixed by the common council. The salary shall be fixed at the same time and in the same manner as the salary of other city officials and employees. Except as otherwise provided in this subsection, a majority of the members–elect, as that term is used in s. 59.001 (2m), of the board shall constitute a quorum necessary for the transaction of business. A 3–member panel of the board may conduct, and decide by majority vote, a trial described under sub. (12) or may hear and decide, by majority vote, charges filed by an aggrieved person under sub. (19). It shall be the duty of the mayor of the city, on or before the 2nd Monday in July, to appoint 7, or 9, members of the board, designating the term of office of each, one to hold one year, 2 to hold 2 years, 2 to hold 3 years, one to hold 4 years if the board has 7 members, and 2 to hold 4 years if the board has 9 members, and one to hold 5 years if the board has 7 members, and 2 to hold 5 years if the board has 9 members, and until their respective successors shall be appointed and qualified. Thereafter the terms of office shall be 5 years from the 2nd Monday in July, and until a successor is appointed and qualified. The mayor may reduce the size of the board from 9 to 7 members by failing to appoint 2 successors for individuals whose terms expire at the same time. Every person appointed a member of the board shall be subject to confirmation by the common council and every appointed member shall, before entering upon the duties of the office take and subscribe the oath of office prescribed by article IV, section 28, of the constitution, and file the same duly certified by the officer administering it, with the clerk of the city. Not later than the first day of the 7th month beginning after a member appointed by the mayor is confirmed by the common council, the member shall enroll in a training class that is related to the mission of the board and, not later than the first day of the 13th month beginning after a member appointed by the mayor is confirmed by the common council, the member shall complete the class. The training class shall be conducted by the city. Appointments made prior to the time this subchapter first applies to a 1st class city shall not be subject to confirmation by the common council.

(1m) POLICY REVIEW. The board shall conduct at least once each year a policy review of all aspects of the operations of the police and fire departments of the city. The board may prescribe general policies and standards for the departments. The board may inspect any property of the departments, including but not limited to books and records, required for a review under this section.

(2) CONTROL OF APPOINTMENTS. No person may be appointed to any position either on the police force or in the fire department of the city, except with the approval of the board.

(3) RULES. (a) The board may prescribe rules for the government of the members of each department and may delegate its rule–making authority to the chief of each department. The board shall prescribe a procedure for review, modification and suspension of any rule which is prescribed by the chief, including, but not limited to, any rule which is in effect on March 28, 1984.

(am) The common council may suspend any rule prescribed by the board under par. (a).

(b) The board shall adopt rules to govern the selection and appointment of persons employed in the police and fire departments of the city. The rules shall be designed to secure the best service for the public in each department. The rules shall provide for ascertaining, as far as possible, physical qualifications, standing and experience of all applicants for positions, and may provide for the competitive examination of some or all applicants in such subjects as are deemed proper for the purpose of best determining the applicants' qualifications for the position sought. The rules

may provide for the classification of positions in the service and for a special course of inquiry and examination for candidates for each class.

(c) The rules of each department shall be available to the public at a cost not to exceed the actual copying costs.

(4) PRINTING AND DISTRIBUTION OF REGULATIONS. The board shall cause the rules and regulations prepared and adopted under this section, and all changes therein, to be printed and distributed as the board deems necessary, and the expense thereof shall be certified by the board to the city comptroller and shall be paid by the city. The rules and regulations shall specify the date when they take effect, and thereafter all selections of persons for employment, appointment or promotion, either in the police force or the fire department of such cities except of the chief of police, the inspector of police, the chief engineer and the first assistant of the fire department, shall be made in accordance with such rules and regulations.

(5) EXAMINATIONS. The examinations which the rules and regulations provide for shall be public and free to all U.S. citizens with proper limitations as to age, health and, subject to ss. 111.321, 111.322 and 111.335, arrest and conviction record. The examinations shall be practical in their character and shall relate to those matters which fairly test the relative capacity of the candidates to discharge the duties of the positions in which they seek employment or to which they seek to be appointed and may include tests of manual skill and physical strength. The board shall control all examinations and may designate suitable persons, either in the official service of the city or not, to conduct such examinations and may change such examiners at any time, as seems best.

(6) APPOINTMENT OF CHIEFS. If a vacancy exists in the office of chief of police or in the office of chief engineer of the fire department, the board by a majority vote shall appoint proper persons to fill such offices respectively. When filling a vacancy in the office of chief of police or in the office of chief engineer of the fire department occurring after June 15, 1977, the board shall appoint the person to a term of office the number of years and commencement date of which shall be set by the city of the 1st class by ordinance and which may not exceed 10 years, or for the remainder of an unexpired term.

(7) ASSISTANT CHIEFS, INSPECTORS AND CAPTAINS; VACANCIES. (a) If a vacancy exists in the office of assistant chief, the chief of police shall nominate and, with the approval of the board, shall appoint a person to a term of office coinciding with the term of the chief making the appointment, subject thereafter to reinstatement to a previously held position on the force in accordance with rules prescribed by the board. Removal of the assistant chief shall be pursuant to s. 17.12 (1) (c). The chief may summarily suspend the assistant chief whose removal is sought by the chief.

(b) If a vacancy exists in the office of inspector of police or captain of police, the chief of police shall nominate and, with the approval of the board, shall appoint a person to the office subject to suspension and removal under this section.

(8) FIRST ASSISTANT ENGINEER, VACANCY. If a vacancy exists in the office of the first assistant engineer of the fire department, the chief engineer shall nominate and with the approval of the board shall appoint a suitable person to the office, subject to suspension and removal under this section.

(9) MEMBERS OF FORCE, VACANCIES. All of the members of the force in either department named, at the time when the rules and regulations go into effect, shall continue to hold their respective positions at the pleasure of their respective chiefs, subject to trial under this section, and all persons subsequently appointed shall so hold. All vacancies in either department shall be filled and all new appointments shall be made by the respective chiefs with the approval of the board. Where vacancies in old offices or newly created offices can, with safety to the department, be filled by the promotion of officers or persons already in the service and who have proved their fitness for the promotion, the vacancies in newly created offices shall be so filled by promotion by the respective chiefs with the approval of the board.

(10) SALARIES; PENSIONS. Provision may be made by the common council of a city by general ordinance that the salaries of the members of the force in the police and fire department of the city shall increase with the length of term of service. The salary and compensation of all members of the force in such departments shall be at all times subject to change by the common council, but the salary or compensation of the members of the force in the service of either department may not be decreased, except upon the previous recommendations of such change made in writing by the board to the common council. The common council may provide for an annual pension for life for such members of either service as are honorably discharged from same.

(10m) REST DAYS. The council of every city of the 1st class, however organized, may provide for, and when such provision is made, the chief of the police department shall assign to each police officer in the service of the city one full rest day of 24 consecutive hours during each 192 hours, except in cases of positive necessity by some sudden and serious emergency, which, in the judgment of the chief of police, demands that such day of rest not be given at such time. Arrangements shall be made so that each full rest day may be had at such time as will not impair the efficiency of the department.

(11) DISCHARGE OR SUSPENSION. No member of the police force or fire department may be discharged or suspended for a term exceeding 30 days by the chief of either of the departments except for cause and after trial under this section.

(12) TRIAL TO BE ORDERED. Whenever complaint against any member of the force of either department is made to the chief thereof, the chief shall immediately communicate the same to the board of fire and police commissioners and a trial shall be ordered by the board under this section.

(13) NOTICE OF DISCHARGE OR SUSPENSION; APPEALS. The chief discharging or suspending for a period exceeding 5 days any member of the force shall give written notice of the discharge or suspension to the member and, at the same time that the notice is given, shall also give the member any exculpatory evidence in the chief's possession related to the discharge or suspension. The chief shall also immediately report the notice of the discharge or suspension to the secretary of the board of fire and police commissioners together with a complaint setting forth the reasons for the discharge or suspension and the name of the complainant if other than the chief. Within 10 days after the date of service of the notice of a discharge or suspension order the members so discharged or suspended may appeal from the order of discharge or suspension or discipline to the board of fire and police commissioners, by filing with the board a notice of appeal in the following or similar form:

To the honorable board of fire and police commissioners:

Please take notice that I appeal from the order or decision of the chief of the .... department, discharging (or suspending) me from service, which order of discharge (or suspension) was made on the .... day of ...., ... (year).

(14) COMPLAINT. The board, after receiving the notice of appeal shall, within 5 days, serve the appellant with a copy of the complaint and a notice fixing the time and place of trial, which time of trial may not be less than 60 days nor more than 120 days after service of the notice and a copy of the complaint.

(15) NOTICE OF TRIAL. Notice of the time and place of the trial, together with a copy of the charges preferred shall be served upon the accused in the same manner that a summons is served in this state.

(16) TRIAL; ADJOURNMENT. The board may grant the accused or the chief an adjournment of the trial or investigation of the charges, for cause, not to exceed 15 days. In the course of any trial or investigation under this section each member of the fire and police commission may administer oaths, secure by its subpoenas

both the attendance of witnesses and the production of records relevant to the trial and investigation, and compel witnesses to answer and may punish for contempt in the same manner provided by law in trials before municipal judges for failure to answer or to produce records necessary for the trial. The trial shall be public and all witnesses shall be under oath. The accused shall have full opportunity to be heard in defense and shall be entitled to secure the attendance of all witnesses necessary for the defense at the expense of the city. The accused may appear in person and by attorney. The city in which the department is located may be represented by the city attorney. All evidence shall be taken by a stenographic reporter who first shall be sworn to perform the duties of a stenographic reporter in taking evidence in the matter fully and fairly to the best of his or her ability.

(17) DECISION, STANDARD TO APPLY. (a) Within 3 days after hearing the matter the board, or a 3–member panel of the board, shall, by a majority vote of its members and subject to par. (b), determine whether by a preponderance of the evidence the charges are sustained. If the board or panel determines that the charges are sustained, the board shall at once determine whether the good of the service requires that the accused be permanently discharged or be suspended without pay for a period not exceeding 60 days or reduced in rank. If the charges are not sustained the accused shall be immediately reinstated in his or her former position, without prejudice. The decision and findings of the board, or panel, shall be in writing and shall be filed, together with a transcript of the evidence, with the secretary of the board.

(b) No police officer may be suspended, reduced in rank, suspended and reduced in rank, or discharged by the board under sub. (11), (13) or (19), or under par. (a), based on charges filed by the board, members of the board, an aggrieved person or the chief under sub. (11), (13) or (19), or under par. (a), unless the board determines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the board shall apply the following standards, to the extent applicable:

1. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

2. Whether the rule or order that the subordinate allegedly violated is reasonable.

3. Whether the chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.

4. Whether the effort described under subd. 3. was fair and objective.

5. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.

6. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.

7. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.

(18) SALARY DURING SUSPENSION. No chief officer of either department or member of the fire department may be deprived of any salary or wages for the period of time suspended preceding an investigation or trial, unless the charge is sustained. No member of the police force may be suspended under sub. (11) or (13) without pay or benefits until the matter that is the subject of the suspension is disposed of by the board or the time for appeal under sub. (13) passes without an appeal being made.

(19) CHARGES BY AGGRIEVED PERSON. In cases where duly verified charges are filed by any aggrieved person with the board of fire and police commissioners, setting forth sufficient cause for the removal of any member of either of the departments, including the chiefs or their assistants, the board or chief may suspend such member or officer pending disposition of such charges. The board shall cause notice of the filing of the charges with a copy to be served upon the accused and shall set a date for the trial and investigation of the charges, following the procedure under this section. The board, or a 3–member panel of the board, shall decide by a majority vote and subject to the just cause standard described in sub. (17) (b) whether the charges are sustained. If sustained, the board shall immediately determine whether the good of the service requires that the accused be removed, suspended from office without pay for a period not exceeding 60 days or reduced in rank. If the charges are not sustained, the accused shall be immediately reinstated without prejudice. The secretary of the board shall make the decision public.

(20) CIRCUIT COURT REVIEW; NOTICE. Any officer or member of either department discharged, suspended or reduced, may, within 10 days after the decision and findings under this section are filed with the secretary of the board, bring an action in the circuit court of the county in which the city is located to review the order. Such action shall begin by the serving of a notice on the secretary of the board making such order and on the city attorney of such city, which notice may be in the following or similar form:

In Circuit Court, ... County.

To .... Board of Fire and Police Commissioners.

To .... City Attorney:

Please take notice that I hereby demand that the circuit court of .... County review the order made by the Board of Fire and Police Commissioners on the ... day of ... A.D. .... discharging, (or suspending) .... from the .... department.

(Signed) ....

(21) CERTIFICATION AND RETURN OF RECORD; HEARING. Upon the service of the demand under sub. (20), the board upon which the service is made shall within 5 days thereafter certify to the clerk of the circuit court of the county all charges, testimony, and everything relative to the trial and discharge, suspension or reduction in rank of the member. Upon the filing of the return with the clerk of court, actions for review shall be given preference. Upon application of the discharged member or the board, the court shall fix a date for the trial which shall be no later than 15 days after the date of the application except upon agreement between the board and the discharged or suspended member. The action shall be tried by the court without a jury and shall be tried upon the return made by the board. In determining the question of fact presented, the court shall be limited in the review thereof to the question: "Under the evidence is there just cause, as described in sub. (17) (b), to sustain the charges against the accused?" The court may require additional return to be made by the board, and may also require the board to take additional testimony and make return thereof.

(22) COSTS; REINSTATEMENT. No costs may be allowed in the action to either party and the clerks' fees shall be paid by the city in which the department is located. If the decision of the board is reversed, the discharged or suspended member shall forthwith be reinstated in his or her former position in the department and shall be entitled to pay the same as if not discharged or suspended. If the decision of the board is sustained, the order of discharge, suspension or reduction shall be final and conclusive in all cases.

(23) DUTIES OF CHIEF. The chief engineer of the fire department and the chief of police of a 1st class city, shall be the head of their respective departments. The chief of police shall preserve the public peace and enforce all laws and ordinances of the city. The chiefs shall be responsible for the efficiency and general good conduct of the department under their control. The board may review the efficiency and general good conduct of the departments. A chief shall act as an adviser to the board when the board reviews his or her department. The board may issue written directives to a chief based on a review of the chief's department. The chief receiving a directive shall implement the directive unless the directive is overruled in writing by the mayor. Each of the chiefs shall maintain and have custody of all property of their respective departments, including but not limited to, all books and records, which shall be available and subject to inspection by the board.

(24) SIGNAL SERVICE DEPARTMENT. All apparatus and all mechanical appliances requiring the use of telegraph or telephone wire or other wire for signaling purposes, with the consequent use of the public highways, together with such wire and all appurtenances to such apparatus and the constructional work therefor, may be placed under the management and control of a separate department. Such department shall be established and the compensation of the superintendent and all employees of such department shall be fixed by ordinance of the common council. The superintendent of the department shall be appointed by the board, and all other employees of the department shall be appointed in the same manner, and shall be subject to removal upon the same conditions as the members of the fire and police departments, and wherever applicable this section shall apply to such department the same as to the fire and police departments.

(25) CHIEF EXAMINER. The board may appoint a chief examiner. The board shall prescribe the chief examiner's duties and compensation, which shall be paid by the city on the certificate of the board. Such examiner is subject to removal at any time by a majority of the board, and the board may change such duties and compensation at any time as it deems proper. The board may fix and alter compensation for any other examiners appointed by the board, and such compensation shall be paid by the city on certificate of the board.

(26) RESERVATION OF EXISTING TERMS. Nothing contained in this section may be construed to affect the term of office of any person who is a member of any police or fire commission in any city of the 1st class nor to affect the term of office of any member appointed to fill out the unexpired term of any person who is a member of such commission at the time this section first applies to such city.

(27) MAYOR TO APPOINT ADDITIONAL MEMBERS. A mayor of a city of the 1st class, whether acting under a general or special charter, shall appoint a sufficient number of members for the police and fire commission of such city so that the commission shall conform with this section, and such additional members and their successors shall be appointed for a term of 5 years.

(28) ENGAGING IN POLITICAL ACTIVITY. Subject to the requirements of ch. 164, the common council of any 1st class city may enact an ordinance which regulates the political activities of its law enforcement officers, as defined in s. 165.85 (2) (c), including, but not limited to, providing for leaves of absence for members who are candidates for or who are elected to public office.

(29) OFFICERS' RIGHTS. In case of a conflict with ch. 164, the provisions of ch. 164 supersede the provisions of this section.

History: 1977 c. 19, 20, 53, 151; 1977 c. 272 ss. 24 to 30, 92 to 95; 1979 c. 307, 351; 1979 c. 361 s. 113; 1981 c. 213, 380; 1981 c. 391 s. 211; 1983 a. 58, 179, 192, 219; 1989 a. 31; 1997 a. 237, 250; 1999 a. 9; 2001 a. 16; 2007 a. 114; 2009 a. 28; 2013 a. 20, 166.

Circuit court review of a decision of the Milwaukee Board of Fire and Police Commissioners by a writ of certiorari was proper. Edmonds v. Board of Fire & Police Commissioners, 66 Wis. 2d 337, 224 N.W.2d 575 (1975).

The finding of the City of Milwaukee Board of Fire and Police Commissioners was insufficient in failing to specify what particular wrongful acts the officers performed or why those acts constituted conduct unbecoming an officer under the circumstances, and in failing to make separate findings as to each officer, because in making its determination the board is required to state specific findings of fact and conclusions of law in the manner required of state agencies under this section. *Heffernan*, 247 Wis. 77 (1945), is overruled. Edmonds v. Board of Fire & Police Commissioners, 66 Wis. 2d 337, 224 N.W.2d 575 (1975).

An arbitrator exceeded his power by directing that the grievant be transferred when the contract reserved transfer authority to the city and chief of police. City of Milwaukee v. Milwaukee Police Ass'n, 97 Wis. 2d 15, 292 N.W.2d 841 (1980).

Discharges based solely on coerced confessions were improper. Oddsen v. Board of Fire & Police Commissioners, 108 Wis. 2d 143, 321 N.W.2d 161 (1982).

A circuit court may sua sponte address constitutional issues not presented by the parties, but must allow the parties to develop a factual record pursuant to sub. (21). Slawinski v. Milwaukee Fire & Police Commission, 212 Wis. 2d 777, 569 N.W.2d 740 (Ct. App. 1997), 96–1347.

When multiple disciplinary charges and suspensions arise from a single transaction, the length of the suspension for purposes of sub. (13) must be measured by aggregating the suspensions. Parker v. Jones, 226 Wis. 2d 310, 595 N.W.2d 92 (Ct. App. 1999), 98–3218.

It is unconstitutional to condition continued public employment upon a waiver of the privilege against self–incrimination. An employee may be required to answer questions in a disciplinary hearing when granted immunity from criminal prosecution. There is no immunity for uncoerced false statements made during a disciplinary investigation. There is no requirement for *Miranda*–like warnings, which in their absence would require the suppression of all statements made in disciplinary proceedings. Herek v. Police & Fire Commission, 226 Wis. 2d 504, 595 N.W.2d 113 (Ct. App. 1999), 98–1927.

The 60–day period in sub. (17) refers to working days. Balcerzak v. Board of Fire & Police Commissioners, 2000 WI App 50, 233 Wis. 2d 644, 608 N.W.2d 382, 98–2889.

Sub. (9) only designates who must fill vacancies and new appointments in the department, not when the vacancies must be filled. It does not create a positive duty to fill vacancies as they occur. If the chief determines that vacancies can be filled by promotion with safety to the department, the chief must fill these positions by promotion, but the chief is not required to fill those positions at any certain time. Pasko v. City of Milwaukee, 2002 WI 33, 252 Wis. 2d 1, 643 N.W.2d 72, 99–2355.

The board of fire and police commissioners has express and implied authority to promulgate a rule implementing sub. (19) pertaining to complaints by aggrieved persons against a member. Under sub. (3) (a), the board may prescribe rules for the authoritative direction or control of its members. While sub. (19) affects how complaints from members of the general public will be processed, it also deals with the discipline of members. Sub. (19) implicitly conveys some powers to the board because it leaves open some of the methods by which the board should operate. Milwaukee Regional Medical Center v. City of Wauwatosa, 2007 WI 101, 304 Wis. 2d 53, 735 N.W.2d 156, 05–1160.

Police officers who are discharged have a right to a trial before the board that comports with due process. The legitimacy of a discharge is not "disposed of by the board" under sub. (18) until the board provides such a trial. Milwaukee Police Ass'n v. City of Milwaukee, 2008 WI App 119, 313 Wis. 2d 253, 757 N.W.2d 76, 07–2433.

Subs. (11) to (19) require a just cause due process hearing only when a police officer or firefighter has been disciplined. There is nothing in the statute's language or context that suggests that this section applies to an officer placed on unpaid Family Medical Leave Act leave. Milwaukee Police Ass'n v. Flynn, 2011 WI App 112, 335 Wis. 2d 495, 801 N.W.2d 466, 10–2254.

Correcting a mistake of law is neither specifically authorized nor specifically prohibited, but compliance with the specific standards imposed on the board by statute is certainly expected by the legislature. The board is a quasi–judicial body and was functioning as such when it held hearings into the alleged infractions of the rules and regulations of the Milwaukee Police Department in this case. The authority to reconsider a decision based on an error was implicit in the grant of authority to the board as a quasi–judicial body. Schoen v. Board of Fire & Police Commissioners, 2015 WI App 95, 366 Wis. 2d 279, 873 N.W.2d 232, 14–2821.

A board does not have original rule–making authority under sub. (23). A board can suspend rules prescribed by the chiefs of the fire and police departments and can enact rules to replace suspended rules. 71 Atty. Gen. 60.

A property interest in employment with the police department is recognized in sub. (11), but there is no property interest in a particular job assignment. Without a protected interest there can be no violation of procedural due process rights in the making of a job assignment. Gustafson v. Jones, 117 F.3d 1015 (1997).

Discharge or suspension of a Milwaukee police officer has two distinct phases: 1) discharge or suspension by the chief, which must be for cause, as embodied in sub. (11); and 2) trial and appeal of discharge or suspension, as provided in subs. (14) to (17). The second phase occurs if requested by the discharged or suspended officer under sub. (13). An officer discharged for cause is guaranteed an opportunity to reclaim his or her property interest in employment on appeal after a trial. Sub. (18) provides that "salary or wages for the period of time ... preceding an investigation or trial" are owed only to suspended officers, not those discharged. Milwaukee Police Ass'n v. Flynn, 863 F.3d 636 (2017).

A city rule that provided that the chief of police could discharge an appointee during a probationary period if the appointee proved unfit for the position could be harmonized with this section by interpreting the phrase "member of the police force" to exclude those individuals who had not satisfied the requirements of the rule. Milwaukee Police Ass'n v. Board of Fire & Police Commissioners, 787 F. Supp. 2d 888 (2011).

This section directs that officers discharged by the chief but who await trial before the board of police and fire commissioners are not to receive pay during that period. Milwaukee Police Ass'n v. Flynn, 213 F. Supp. 3d 1113 (2016).

62.51 Mayoral appointments in 1st class cities. (1) In this section:

(a) "Public office" means the following positions or their equivalent: city engineer; city purchasing agent; commissioner of building inspection, of city development, of health or of public works; director of administration, of budget and management, of community development agency, of employee relations, of office of telecommunications, or of safety; emergency management coordinator; employee benefits administrator; executive director of the commission on community relations; municipal port director; commissioner of assessments; director of liaison; city personnel director; executive director of the retirement board; executive director of the city board of election commissioners; city librarian; city labor negotiator; executive secretary of the board of fire and police commissioners; and supervisor of the central electronics board.

(b) "Public official" means a person appointed to a public office under this section.

(2) In any 1st class city, the mayor shall appoint, subject to confirmation of the common council, a person to serve in the unclassified service in each public office. A public official serves at the pleasure of the mayor until the end of the mayoral term of office during which the public official is appointed unless reappointed and reconfirmed or until a successor is appointed and confirmed, whichever is later. The mayor shall make appointments under this subsection within 90 days after taking office or within 90 days after a vacancy in the public office occurs, whichever is later. The common council shall vote on confirmation of any appointment under this subsection within 45 days after that appointment.

(3) If a 1st class city authorizes the position of deputy for a public office, the public official in that office shall appoint a person to serve in the unclassified service as deputy. That deputy shall serve at the pleasure of the public official, but not longer than the public official's term of office unless reappointed.

(4) This section does not affect the authority of a 1st class city to abolish, consolidate or create a public office or other position.

History: 1987 a. 289, 382; 1989 a. 31; 1991 a. 156; 1995 a. 247; 1999 a. 150 s. 302; Stats. 1999 s. 62.51.

62.53 Real property used for school purposes; 1st class cities. Beginning on July 14, 2015, the lessor of any lease entered into between a 1st class city and a school district operating under subch. I of ch. 119 and involving the use of city–owned real property for school purposes shall do the following:

(1) Provide for the superintendent of schools, on behalf of the superintendent of schools opportunity schools and partnership program under s. 119.33, to be an agent of the board of school directors in charge of the public schools under ch. 119 upon transfer under s. 119.33 (2) (c) of the school using the land, buildings, and facilities to the superintendent of schools opportunity schools and partnership program under s. 119.33.

(2) Provide for the commissioner of the opportunity schools and partnership program under subch. II of ch. 119 to be an agent of the board of school directors in charge of the public schools under ch. 119 upon transfer under s. 119.9002 (3) of the school using the land, buildings, and facilities to the opportunity schools and partnership program under subch. II of ch. 119.

History: 2015 a. 55.

62.55 Requirements for surety bonds of officers and employees in 1st class cities. If an office or position in the service of a 1st class city involves fiduciary responsibility or the handling of money, the appointing officer may require the appointee to furnish a bond or other security to the officer and the city for the faithful performance of the appointee's duty. The amount of the bond or security shall be fixed by the appointing officer, with the approval of the mayor. Notice of the mayor's approval shall be given to the city clerk by the mayor. Each bond shall be approved by the city attorney as to form and execution and by the common council as to sufficiency of sureties. Any surety company, the bonds of which are accepted by the judge of any court of record in this state, or which is approved by the comptroller of the city, is sufficient security on the bond. The premium on a bond under this section, within the limits fixed by law, shall be paid out of the city treasury. The appointing officer shall immediately after the execution of the bond file the bond with the city clerk. The city clerk shall require compliance with the terms of this section requiring the filing of bonds with the city clerk by officers and employees. Bonds of city officers and employees under this section, duly witnessed and acknowledged, after being approved by the common council, shall be delivered to the city comptroller, who shall have them recorded in the office of the register of deeds. After the bonds are recorded, the bonds shall be returned to the city clerk, who shall keep them on file in the city clerk's office; except that after the recording of the bond of the city clerk by the city comptroller, that bond shall remain on file in the office of the city comptroller. Each bond filed by any surety company shall be accompanied by a duplicate of the bond. The duplicate shall be filed by the clerk with the city comptroller.

History: 1991 a. 316; 1999 a. 150 s. 301; Stats. 1999 s. 62.55.

62.57 Uniform salaries in 1st class cities. The common council of a 1st class city may at any regular or special meeting adopt a uniform and comprehensive salary or wage ordinance, or both, based on a classification of officers, employments and positions in the city service, whether previously so classified or not, if provision has been made in the budget of the current year for the total sum of money required for the payment of the salaries and wages and a tax levied to fund the wages and salaries. Wages under this section may be fixed by resolution. The common council may, at any time, determine a cost–of–living increment or deduction, to be paid in addition to wages or salaries under this section, based on a proper finding of the United States bureau of labor statistics. The common council may provide for overtime pay and compensatory time under s. 103.025 for employees who work in excess of 40 hours per week.

History: 1993 a. 144; 1999 a. 150 s. 498; Stats. 1999 s. 62.57.

62.59 Police authority to alderpersons in 1st class cities repealed. No common council in a 1st class city by ordinance may give alderpersons the powers of city police officers.

History: 1983 a. 210; 1993 a. 184; 1999 a. 150 s. 308; Stats. 1999 s. 62.59.

62.61 Health insurance; 1st class cities. The common council of a 1st class city may, by ordinance or resolution, provide for, including the payment of premiums of, general hospital, surgical and group insurance for both active and retired city officers and city employees and their respective dependents in private companies, or may, by ordinance or resolution, elect to offer to all of its employees a health care coverage plan through a program offered by the group insurance board under ch. 40. Municipalities which elect to participate under s. 40.51 (7) are subject to the applicable sections of ch. 40 instead of this section. Contracts for insurance under this section may be entered into for active officers and employees separately from contracts for retired officers and employees. Appropriations may be made for the purpose of financing insurance under this section. Moneys accruing to a fund to finance insurance under this section, by investment or otherwise, may not be diverted for any other purpose than those for which the fund was set up or to defray management expenses of the fund or to partially pay premiums to reduce costs to the city or to persons covered by the insurance, or both.

History: 1985 a. 29; 1999 a. 150 s. 307; Stats. 1999 s. 62.61.

62.62 Appropriation bonds for payment of employee retirement system liability in 1st class cities. (1) DEFINITIONS. In this section:

(a) "Appropriation bond" means a bond issued by a city to evidence its obligation to repay a certain amount of borrowed money that is payable from all of the following:

1. Moneys annually appropriated by law for debt service due with respect to such appropriation bond in that year.

2. Proceeds of the sale of such appropriation bonds.

3. Payments received for that purpose under agreements and ancillary arrangements described in s. 62.621.

4. Investment earnings on amounts in subds. 1. to 3.

(b) "Bond" means any bond, note, or other obligation of a city issued under this section.

(c) "City" means a 1st class city.

(d) "Common Council" means the common council of a city.

(e) "Refunding bond" means an appropriation bond issued to fund or refund all or any part of one or more outstanding pension–related bonds.

(1m) LEGISLATIVE FINDING AND DETERMINATION. Recognizing that a city, by prepaying part or all of the city's unfunded prior service liability with respect to an employee retirement system of the city, may reduce its costs and better ensure the timely and full pay-

ment of retirement benefits to participants and their beneficiaries under the employee retirement system, the legislature finds and determines that it is in the public interest for the city to issue appropriation bonds to obtain proceeds to pay its unfunded prior service liability.

(2) AUTHORIZATION OF APPROPRIATION BONDS. (a) A common council shall have all powers necessary and convenient to carry out its duties, and to exercise its authority, under this section.

(b) Subject to pars. (c) and (d), a common council may issue appropriation bonds under this section to pay all or any part of the city's unfunded prior service liability with respect to an employee retirement system of the city, or to fund or refund outstanding appropriation bonds issued under this section. A city may use proceeds of appropriation bonds to pay issuance or administrative expenses, to make deposits to reserve funds, to pay accrued or funded interest, to pay the costs of credit enhancement, to make payments under other agreements entered into under s. 62.621, or to make deposits to stabilization funds established under s. 62.621.

(c) Other than refunding bonds issued under sub. (6), all bonds must be issued simultaneously.

(d) 1. Before a city may issue appropriation bonds under par. (b), its common council shall enact an ordinance that establishes a 5–year strategic and financial plan related to the payment of all or any part of the city's unfunded prior service liability with respect to an employee retirement system of the city. The strategic and financial plan shall provide that future annual pension liabilities are funded on a current basis. The strategic and financial plan shall contain quantifiable benchmarks to measure compliance with the plan. The common council shall make a determination that the ordinance meets the requirements of this subdivision and, absent manifest error, the common council's determination shall be conclusive. The common council shall submit to the governor and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a copy of the strategic and financial plan.

2. Annually, the city shall submit to the governor, the department of revenue, and the department of administration, and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report that includes all of the following:

a. The city's progress in meeting the benchmarks in the strategic and financial plan.

b. Any proposed modifications to the plan.

c. The status of any stabilization fund that is established under s. 62.622 (3).

d. The most current actuarial report related to the city's employee retirement system.

e. The amount, if any, by which the city's contributions to the employee retirement system for the prior year is less than the normal cost contribution for that year as specified in the initial actuarial report for the city's employee retirement system for that year.

f. The amount that the actuary determines is the city's required contribution to the employee retirement system for that year.

(2m) PENALTY FOR INADEQUATE CONTRIBUTION. If the city's contributions to the employee retirement system for the prior year is less than the lower of the required contribution for that year, as described in sub. (2) (d) 2. f., or the normal cost for that year, the department of revenue shall reduce and withhold the amount of the shared revenue payments to the city under subch. I of ch. 79, in the following year, by an amount equal to the difference between the required cost contribution for that prior year and the city's actual contribution in that prior year. The department of revenue shall deposit the amount of the reduced and withheld shared revenue payment into the city's employee retirement system.

(3) TERMS. (a) A city may borrow moneys and issue appropriation bonds in evidence of the borrowing pursuant to one or more written authorizing resolutions under sub. (4). Unless otherwise provided in an authorizing resolution, the city may issue appropriation bonds at any time, in any specific amounts, at any rates of interest, for any term, payable at any intervals, at any place, in any manner, and having any other terms or conditions that the common council considers necessary or desirable. Appropriation bonds may bear interest at variable or fixed rates, bear no interest, or bear interest payable only at maturity or upon redemption prior to maturity.

(b) The common council may authorize appropriation bonds having any provisions for prepayment the common council considers necessary or desirable, including the payment of any premium.

(c) Interest shall cease to accrue on an appropriation bond on the date that the appropriation bond becomes due for payment if payment is made or duly provided for.

(d) All moneys borrowed by a city that is evidenced by appropriation bonds issued under this section shall be lawful money of the United States, and all appropriation bonds shall be payable in such money.

(e) All appropriation bonds owned or held by a fund of the city are outstanding in all respects, and the common council or other governing body controlling the fund shall have the same rights with respect to an appropriation bond as a private party, but if any sinking fund acquires appropriation bonds that gave rise to such fund, the appropriation bonds are considered paid for all purposes and no longer outstanding and shall be canceled as provided in sub. (7) (d).

(f) A city shall not be generally liable on appropriation bonds, and appropriation bonds shall not be a debt of the city for any purpose whatsoever. Appropriation bonds, including the principal thereof and interest thereon, shall be payable only from amounts that the common council may, from year to year, appropriate for the payment thereof.

(4) PROCEDURES. (a) No appropriation bonds may be issued by a city unless the issuance is pursuant to a written authorizing resolution adopted by a majority of a quorum of the common council. The resolution may be in the form of a resolution or trust indenture, and shall set forth the aggregate principal amount of appropriation bonds authorized thereby, the manner of their sale, and the form and terms thereof. The resolution or trust indenture may establish such funds and accounts, including a reserve fund, as the common council determines.

(b) Appropriation bonds may be sold at either public or private sale and may be sold at any price or percentage of par value. All appropriation bonds sold at public sale shall be noticed as provided in the authorizing resolution. Any bid received at public sale may be rejected.

(5) FORM. (a) As determined by the common council, appropriation bonds may be issued in book–entry form or in certificated form. Notwithstanding s. 403.104 (1), every evidence of appropriation bond is a negotiable instrument.

(b) Every appropriation bond shall be executed in the name of and for the city by the president of the common council and city clerk, and shall be sealed with the seal of the city, if any. Facsimile signatures of either officer may be imprinted in lieu of manual signatures, but the signature of at least one such officer shall be manual. An appropriation bond bearing the manual or facsimile signature of a person in office at the same time the signature was signed or imprinted shall be fully valid notwithstanding that before or after the delivery of such appropriation bond the person ceased to hold such office.

(c) Every appropriation bond shall be dated not later than the date it is issued, shall contain a reference by date to the appropriate authorizing resolution, shall state the limitation established in sub. (3) (f), and shall be in accordance with the appropriate authorizing resolution in all respects.

(d) An appropriation bond shall be substantially in such form and contain such statements or terms as determined by the com-

mon council, and may not conflict with law or with the appropriate authorizing resolution.

(6) REFUNDING BONDS. (a) 1. A common council may authorize the issuance of refunding appropriation bonds. Refunding appropriation bonds may be issued, subject to any contract rights vested in owners of the appropriation bonds being refunded, to refund all or any part of one or more issues of appropriation bonds notwithstanding that the appropriation bonds may have been issued at different times or issues of general obligation promissory notes under s. 67.12 (12) were issued to pay unfunded prior service liability with respect to an employee retirement system. The principal amount of the refunding appropriation bonds may not exceed the sum of: the principal amount of the appropriation bonds or general obligation promissory notes being refunded; applicable redemption premiums; unpaid interest on the refunded appropriation bonds or general obligation promissory notes to the date of delivery or exchange of the refunding appropriation bonds; in the event the proceeds are to be deposited in trust as provided in par. (c), interest to accrue on the appropriation bonds or general obligation promissory notes to be refunded from the date of delivery to the date of maturity or to the redemption date selected by the common council, whichever is earlier; and the expenses incurred in the issuance of the refunding appropriation bonds and the payment of the refunded appropriation bonds or general obligation promissory notes.

2. A common council may authorize the issuance of general obligation promissory notes under s. 67.12 (12) (a) to refund appropriation bonds, notwithstanding s. 67.01 (9) (intro.).

(b) If a common council determines to exchange refunding appropriation bonds, they may be exchanged privately for, and in payment and discharge of, any of the outstanding appropriation bonds being refunded. Refunding appropriation bonds may be exchanged for such principal amount of the appropriation bonds being exchanged therefor as may be determined by the common council to be necessary or desirable. The owners of the appropriation bonds being refunded who elect to exchange need not pay accrued interest on the refunding appropriation bonds if and to the extent that interest is accrued and unpaid on the appropriation bonds being refunded and to be surrendered. If any of the appropriation bonds to be refunded are to be called for redemption, the common council shall determine which redemption dates are to be used, if more than one date is applicable and shall, prior to the issuance of the refunding appropriation bonds, provide for notice of redemption to be given in the manner and at the times required by the resolution authorizing the appropriation bonds to be refunded.

(c) 1. The principal proceeds from the sale of any refunding appropriation bonds shall be applied either to the immediate payment and retirement of the appropriation bonds or general obligation promissory notes being refunded or, if the bonds or general obligation promissory notes have not matured and are not presently redeemable, to the creation of a trust for, and shall be pledged to the payment of, the appropriation bonds or general obligation promissory notes being refunded.

2. If a trust is created, a separate deposit shall be made for each issue of appropriation bonds or general obligation promissory notes being refunded. Each deposit shall be with a bank or trust company authorized by the laws of the United States or of a state in which it is located to conduct banking or trust company business. If the total amount of any deposit, including moneys other than sale proceeds but legally available for such purpose, is less than the principal amount of the appropriation bonds or general obligation promissory notes being refunded and for the payment of which the deposit has been created and pledged, together with applicable redemption premiums and interest accrued and to accrue to maturity or to the date of redemption, then the application of the sale proceeds shall be legally sufficient only if the moneys deposited are invested in securities issued by the United States or one of its agencies, or securities fully guaranteed by the United States, and only if the principal amount of the securities at maturity and the income therefrom to maturity will be sufficient and available, without the need for any further investment or reinvestment, to pay at maturity or upon redemption the principal amount of the appropriation bonds or general obligation promissory notes being refunded together with applicable redemption premiums and interest accrued and to accrue to maturity or to the date of redemption. The income from the principal proceeds of the securities shall be applied solely to the payment of the principal of and interest and redemption premiums on the appropriation bonds or general obligation promissory notes being refunded, but provision may be made for the pledging and disposition of any surplus.

3. Nothing in this paragraph may be construed as a limitation on the duration of any deposit in trust for the retirement of appropriation bonds or general obligation promissory notes being refunded that have not matured and that are not presently redeemable. Nothing in this paragraph may be constructed to prohibit reinvestment of the income of a trust if the reinvestments will mature at such times that sufficient moneys will be available to pay interest, applicable premiums, and principal on the appropriation bonds or general obligation promissory notes being refunded.

(7) FISCAL REGULATIONS. (a) All appropriation bonds shall be registered by the city clerk or city treasurer of the city issuing the appropriation bonds, or such other officers or agents, including fiscal agents, as the common council may determine. After registration, no transfer of an appropriation bond is valid unless made by the registered owner's duly authorized attorney, on the records of the city and similarly noted on the appropriation bond. The city may treat the registered owner as the owner of the appropriation bond for all purposes. Payments of principal and interest shall be by electronic funds transfer, check, share draft, or other draft to the registered owner at the owner's address as it appears on the register, unless the common council has otherwise provided. Information in the register is not available for inspection and copying under s. 19.35 (1). The common council may make any other provision respecting registration as it considers necessary or desirable.

(b) The common council may appoint one or more trustees or fiscal agents for each issue of appropriation bonds. The city treasurer may be designated as the trustee and the sole fiscal agent or as cofiscal agent for any issue of appropriation bonds. Every other fiscal agent shall be an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to conduct banking or trust company business. There may be deposited with a trustee, in a special account, moneys to be used only for the purposes expressly provided in the resolution authorizing the issuance of appropriation bonds or an agreement between the city and the trustee. The common council may make other provisions respecting trustees and fiscal agents as the common council considers necessary or desirable and may enter into contracts with any trustee or fiscal agent containing such terms, including compensation, and conditions in regard to the trustee or fiscal agent as the common council considers necessary or desirable.

(c) If any appropriation bond is destroyed, lost, or stolen, the city shall execute and deliver a new appropriation bond, upon filing with the common council evidence satisfactory to the common council that the appropriation bond has been destroyed, lost, or stolen, upon providing proof of ownership thereof, and upon furnishing the common council with indemnity satisfactory to it and complying with such other rules of the city and paying any expenses that the city may incur. The common council shall cancel the appropriation bond surrendered to the city.

(d) Unless otherwise directed by the common council, every appropriation bond paid or otherwise retired shall be marked "canceled" and delivered to the city treasurer, or to such other fiscal agent as applicable with respect to the appropriation bond, who shall destroy them and deliver a certificate to that effect to the city clerk.

(8) APPROPRIATION BONDS AS LEGAL INVESTMENTS. Any of the following may legally invest any sinking funds, moneys, or other

funds belonging to them or under their control in any appropriation bonds issued under this section:

(a) The state, the investment board, public officers, municipal corporations, political subdivisions, and public bodies.

(b) Banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations, and other persons carrying on a banking or insurance business.

(c) Personal representatives, guardians, trustees, and other fiduciaries.

(9) MORAL OBLIGATION PLEDGE. If the common council considers it necessary or desirable to do so, it may express in a resolution authorizing appropriation bonds its expectation and aspiration to make timely appropriations sufficient to pay the principal and interest due with respect to such appropriation bonds, to make deposits into a reserve fund created under sub. (4) (a) with respect to such appropriation bonds, to make payments under any agreement or ancillary arrangement entered into under s. 62.621 with respect to such appropriation bonds, to make deposits into any stabilization fund established or continued under s. 62.622 with respect to such appropriation bonds, or to pay related issuance or administrative expenses.

(10) APPLICABILITY. This section does not apply if a city does not issue appropriation bonds as authorized under sub. (2).

History: 2009 a. 28.

62.621 Agreements and ancillary arrangements for certain notes and appropriation bonds. At the time of issuance or in anticipation of the issuance of appropriation bonds under s. 62.62, or general obligation promissory notes under s. 67.12 (12), to pay unfunded prior service liability with respect to an employee retirement system, or at any time thereafter so long as the appropriation bonds or general obligation promissory notes are outstanding, a 1st class city may enter into agreements or ancillary arrangements relating to the appropriation bonds or general obligation promissory notes, including trust indentures, liquidity facilities, remarketing or dealer agreements, letters of credit, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, and interest exchange agreements. Any payments made or amounts received with respect to any such agreement or ancillary arrangement shall be made from or deposited as provided in the agreement or ancillary arrangement.

History: 2009 a. 28.

62.622 Employee retirement system liability financing in 1st class cities; additional powers. (1) DEFINITIONS. In this section:

(a) "City" means a 1st class city.

(b) "Common council" means the common council of a city.

(c) "Pension funding plan" means a strategic and financial plan related to the payment of all or part of a city's unfunded prior service liability with respect to an employee retirement system.

(d) "Trust" means a common law trust organized under the laws of this state, by the city, as settlor, pursuant to a formal, written, declaration of trust.

(2) SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS. (a) To facilitate a pension funding plan and in furtherance thereof, a common council may create one or more of the following:

1. A trust.
2. A nonstock corporation under ch. 181.
3. A limited liability company under ch. 183.
4. A special fund or account of the city.

(b) An entity described under par. (a) has all of the powers provided to it under applicable law and the documents pursuant to which it is created and established. The powers shall be construed broadly in favor of effectuating the purposes for which the entity is created. A city may appropriate funds to such entities and to such funds and accounts, under terms and conditions established by the common council, consistent with the purposes for which they are created and established.

(3) STABILIZATION FUNDS. (a) To facilitate a pension funding plan a common council may establish a stabilization fund. Any such fund may be created as a trust, a special fund or account of the city established by a separate resolution or ordinance, or a fund or account created under an authorizing resolution or trust indenture in connection with the authorization and issuance of appropriation bonds under s. 62.62 or general obligation promissory notes under s. 67.12 (12). A city may appropriate funds for deposit to a stabilization fund established under this subsection.

(b) Moneys in a stabilization fund established under this subsection may be used, subject to annual appropriation by the common council, solely to pay principal or interest on appropriation bonds issued under s. 62.62 and general obligation promissory notes under s. 67.12 (12) issued in connection with a pension funding plan, for the redemption or repurchase of such appropriation bonds or general obligation promissory notes, to make payments under any agreement or ancillary arrangement entered into under s. 62.621 with respect to such appropriation bonds or general obligation promissory notes, or to pay annual pension costs other than normal costs. Moneys on deposit in a stabilization fund may not be subject to any claims, demands, or actions by, or transfers or assignments to, any creditor of the city, any beneficiary of the city's employee retirement system, or any other person, on terms other than as may be established in the resolution or ordinance creating the stabilization fund. Moneys on deposit in a stabilization fund established under this subsection may be invested and reinvested in the manner directed by the common council or pursuant to delegation by the common council as provided under s. 66.0603 (5).

History: 2009 a. 28.

62.623 Payment of contributions in an employee retirement system of a 1st class city. (1) Beginning on July 1, 2011, in any employee retirement system of a 1st class city, except as otherwise provided in a collective bargaining agreement entered into under subch. IV of ch. 111 and except as provided in sub. (2), employees shall pay all employee required contributions for funding benefits under the retirement system. The employer may not pay on behalf of an employee any of the employee's share of the required contributions.

(2) (a) An employer shall pay, on behalf of a nonrepresented law enforcement or fire fighting managerial employee, who was initially employed by the employer before July 1, 2011, the same contributions required by sub. (1) that are paid by the employer for represented law enforcement or fire fighting personnel who were initially employed by the employer before July 1, 2011.

(b) An employer shall pay, on behalf of a represented law enforcement or fire fighting employee, who was initially employed by the employer before July 1, 2011, and who on or after July 1, 2011, became employed in a nonrepresented law enforcement or fire fighting managerial position with the employer, or a successor employer in the event of a combined department that is created on or after July 1, 2011, the same contributions required by sub. (1) that are paid by the employer for represented law enforcement or fire fighting personnel who were initially employed by the employer before July 1, 2011.

History: 2011 a. 10, 32.

This section concerns a matter of primarily statewide concern, and, accordingly, survives the plaintiffs' home rule challenge under article XI, section 3 (1), of the Wisconsin Constitution. Madison Teachers, Inc. v. Walker, 2014 WI 99, 358 Wis. 2d 1, 851 N.W.2d 337, 12–2067.

This section does not violate the contract clause, article I, section 12, of the Wisconsin Constitution. Nothing in 2011 Wis. Act 10 purports to reduce, impair, or affect in any way benefits that have already accrued to plan members. This section modifies only the method by which the Milwaukee ERS is funded; the pension, disability, and death benefits that accrue to plan members pursuant to the terms and conditions in the Milwaukee Retirement System ordinance remain unaffected. Madison Teachers, Inc. v. Walker, 2014 WI 99, 358 Wis. 2d 1, 851 N.W.2d 337, 12–2067.

62.624 Employee retirement system of a 1st class city; duty disability benefits for a mental injury. (1) If an

employee retirement system of a 1st class city offers a duty disability benefit, the employee retirement system may only provide the duty disability benefit for a mental injury if all of the following apply:

(a) The mental injury resulted from a situation of greater dimensions than the day–to–day mental stresses and tensions and post–traumatic stress that all similarly situated employees must experience as part of the employment.

(b) The employer certifies that the mental injury is a duty–related injury.

(2) If an employee retirement system of a 1st class city determines that an applicant is not eligible for duty disability benefits for a mental injury, the applicant may appeal the employee retirement system's determination to the department of workforce development. In hearing an appeal under this subsection, the department of workforce development shall follow the procedures under ss. 102.16 to 102.26.

(3) This section applies to participants in an employee retirement system of a 1st class city who first apply for duty disability benefits for a mental injury on or after July 14, 2015.

History: 2015 a. 55.

62.63 Benefit funds for officers and employees of 1st class cities. (1) ESTABLISHMENT OF FUNDS. By a majority vote of the members–elect, the common council of a 1st class city may create, establish, maintain and administer annuity and benefit funds for city officers and employees, including officers and employees of boards, agencies, departments and divisions of the city government and of a housing authority established under s. 66.1201.

(2) RETIREMENT BOARD. By a majority vote of its members, the common council of a 1st class city may create a retirement board to administer an annuity and benefit fund under this section. The retirement board may make rules and regulations under which all participants contribute to and receive benefits from the fund. Members of the board shall serve without compensation. Three members of the board shall be city employees elected by the members of the retirement system and shall serve 4–year terms and 5 members shall be appointed under s. 62.51 and shall serve 3–year terms. The common council may provide for contribution by the city to the annuity and benefit fund. The executive director of the retirement board shall be appointed under s. 62.51.

(3) INVESTMENT OF RETIREMENT FUNDS. The board of a retirement system of a 1st class city, whose funds are independent of control by the investment board, may invest funds from the system, in excess of the amount of cash required for current operations, in the same manner as is authorized for investments under s. 881.01.

(4) EXEMPTION OF FUNDS AND BENEFITS FROM TAXATION, EXECUTION AND ASSIGNMENT. Except as provided in s. 49.852 and subject to s. 767.75, all moneys and assets of a retirement system of a 1st class city and all benefits and allowances, both before and after payment to any beneficiary, granted under the retirement system are exempt from any state, county or municipal tax or from attachment or garnishment process. The benefits and allowances may not be seized, taken, detained or levied upon by virtue of any executions, or any process or proceeding issued out of or by any court of this state, for the payment and ratification in whole or in part of any debt, claim, damage, demand or judgment against any member of or beneficiary under the retirement system. No member of or beneficiary under the retirement system may assign any benefit or allowance either by way of mortgage or otherwise. The prohibition against assigning a benefit or allowance does not apply to assignments made for the payment of insurance premiums. The exemption from taxation under this section does not apply with respect to any tax on income.

(5) TREATMENT OF ABANDONED RETIREMENT ACCOUNTS. Funds in employee retirement accounts of a retirement system of a 1st class city, which are presumed abandoned under subch. II of ch. 177, are not subject to the custody of the state as unclaimed property under ch. 177, but shall be retained by the retirement system and used to reduce employer funding obligations to the retirement system. The board of a retirement system of a 1st class city shall devise rules and regulations for determining the conditions under which employee retirement accounts are presumed abandoned and for determining the manner in which funds in the abandoned employee retirement accounts may be used to reduce employer funding obligations to the retirement system.

History: 1999 a. 150 ss. 15, 569, 571, 574, 575; 2005 a. 189; 2005 a. 443 s. 265; 2009 a. 191; 2011 a. 260 s. 81; 2021 a. 87.

Sub. (4) bars a court from directly dividing the pension. However, the pension is a marital asset accumulated during the course of the marriage. The court has discretionary authority to order the employee spouse to make a specific payout election or enter other orders in the event a selection is made that is counter to the non–employee spouse's interests. Sub. (4) does not usurp the court's ability to effectuate an equitable division of the parties' assets, including the pension. Waln v. Waln, 2005 WI App 54, 280 Wis. 2d 253, 694 N.W.2d 452, 04–1271.

62.65 Death benefit payments to foreign beneficiaries. The common council of a 1st class city may provide that under the city's retirement system no beneficiary may be designated for the payment of any retirement allowance, pension or proceeds of a member of the retirement system if the beneficiary is not a resident of either the United States or Canada. If a beneficiary is designated who is neither a resident of the United States nor Canada, any contributions or retirement allowance which would have been paid to the beneficiary had the beneficiary been a resident of either the United States or Canada is payable to the estate of the deceased member of the retirement system. The common council may also provide that if a death benefit would be payable because of the death of a member of the retirement system and the designated beneficiary of the death benefit is not a resident of either the United States or Canada, the death benefit which would have been paid had the designated beneficiary been a resident of either the United States or Canada is payable to the estate of the deceased member.

History: 1991 a. 316; 1999 a. 150 s. 573; Stats. 1999 s. 62.65.

62.67 Uninsured motorist coverage; 1st class cities. A 1st class city shall provide uninsured motorist motor vehicle liability insurance coverage for motor vehicles owned by the city and operated by city employees in the course of employment. The coverage required by this section shall have at least the limits prescribed for uninsured motorist coverage under s. 632.32 (4) (a) 1.

History: 1983 a. 537; Stats. 1983 s. 66.187; 1983 a. 538 s. 97; Stats. 1983 s. 66.189; 1999 a. 150 s. 309; Stats. 1999 s. 62.67; 2009 a. 28.

This section requires the city to provide uninsured motorist coverage for its vehicles regardless of whether it is able to obtain coverage from an insurance carrier. American Family Mutual Insurance Co. v. City of Milwaukee, 148 Wis. 2d 280, 435 N.W.2d 280 (Ct. App. 1988).

This section puts the city in the position of an insurer subject to the subrogation rights of its officer's personal insurers. Millers National Insurance Co. v. City of Milwaukee, 184 Wis. 2d 155, 516 N.W.2d 516 (Ct. App. 1994).

This section requires the city to be the primary provider of uninsured motorist coverage. Norman v. City of Milwaukee, 198 Wis. 2d 98, 542 N.W.2d 473 (Ct. App. 1995), 95–0009.

A self–insured city is not an insurer writing policies subject to s. 632.32 (4m) (a) 1. and is not subject to the requirement to provide underinsured motorist coverage. Van Erden v. Sobczak, 2004 WI App 40, 271 Wis. 2d 163, 677 N.W.2d 718, 02–1595.

62.69 First class city utilities. (1) APPLICATION. This section applies to 1st class cities.

(2) WATER SYSTEMS. (a) In this subsection, "commissioner of public works" includes any board of public works, or commissioner of public works, or other officer of the city having control of the city's public works.

(b) In this subsection, all acts authorized to be done by the commissioner of public works, except enforcement of regulations approved by the common council, shall be approved by the common council before the acts may take effect.

(c) Water rates shall be collected in the manner and by whom the common council determines, and shall be accounted for and paid to the other officials in the manner and at the times that the council prescribes. Persons collecting water rates shall give a bond to cover all the duties in an amount prescribed by the council.

Final accounting shall be made to the comptroller and final disposition of money shall be made to the city treasurer.

(d) When the city owns its water system, the commissioner of public works may make and enforce bylaws, rules and regulations in relation to the water system, and, before the actual introduction of water, the commissioner shall make bylaws, rules and regulations, fixing uniform water rates to be paid for the use of water furnished by the water system, and fixing the manner of distributing and supplying water for use or consumption, and for withholding or turning off water for cause. The commissioner may alter, modify or repeal the bylaws, rules and regulations.

(e) Water rates are due as the common council provides. To all water rates remaining unpaid 20 days after the due date, there shall be added a penalty of 5 percent of the amount due, and if the rates remain unpaid for 10 additional days, water may be turned off the premises. If the supply of water is turned off, water may not be turned on to the premises until all delinquent rates and penalties, and a sum not exceeding $2 for turning the water off and on, are paid. The penalty and charge may be made when payment is made to a collector sent to the premises. On or before the date on which rates become due, a written or printed notice or bill shall be mailed or personally delivered to the occupant or, upon written request, to the owner at the location the owner states, of all premises subject to the payment of water rates, stating the amount due, the time when and the place where the rates can be paid and the penalty for neglect of payment.

(f) All water rates for water furnished to any building or premises, all payments owing on loans provided as financial assistance under s. 196.372 (2) to the owner of any building or premises, and the cost of repairing meters, service pipes, stops or stop boxes, are a lien on the lot, part of lot or parcel of land on which the building or premises is located. If any water rates, those loan payments, or bills for the repairing of meters, service pipes, stops or stop boxes remain unpaid on October 1, the unpaid rates, loan payments, or bills shall be certified to the city comptroller on or before November 1, and shall be placed by the comptroller upon the tax roll and collected in the same manner as other taxes on real estate are collected in the city. The charge for water supplied by the city in all premises where meters are attached and connected shall be at rates fixed by the commissioner of public works and for the quantity indicated by the meter. If the commissioner of public works determines that the quantity indicated by the meter is materially incorrect or if a meter has been off temporarily due to repairs, the commissioner shall estimate the quantity used, and the determination is conclusive. No water rate or rates duly assessed against any property may be remitted or changed except by the common council. Under this paragraph, if an unpaid charge or bill is for utility service furnished and metered by the waterworks directly to a mobile home unit in a licensed mobile home park, the delinquent amount is a lien on the mobile home unit rather than a lien on the parcel of real estate on which the mobile home unit is located. A lien on a mobile home unit may be enforced using the procedures under s. 779.48 (2).

(h) The city commissioner of public works may issue a permit to the county in which the city is located, to any national home for disabled soldiers, or to any other applicant to obtain water from the city's water system for use outside of the limits of the city and for that purpose to connect any pipe that is laid outside of the city limits with water pipe in the city. No permit may be issued until the applicant files with the commissioner of public works a bond in the sum and with the surety that the commissioner approves on the condition: that the applicant will obey the rules and regulations prescribed by the commissioner for the use of the water; that the applicant will pay all charges fixed by the commissioner for the use of the water as measured by a meter to be approved by the commissioner, including the proportionate cost of fluoridating the water and, except as to water furnished directly to county or other municipal properties, which may not be less than one–quarter more than those charged to the inhabitants of the city for like use of water; that the applicant will pay to the city a water pipe assessment if the property to be supplied with water has frontage on any thoroughfare forming the city boundary line in which a water main has been or shall be laid, and at the rate prescribed by the commissioner; if the property to be supplied does not front on a city boundary but is distant from a boundary, that a main pipe of the same size, class and standard as terminates at the city boundary shall be extended, and the entire cost shall be paid by the applicant for the extension; that the water main shall be laid according to city specifications and under city inspection; that the water main and appliances shall become the property of the city, without any compensation for the main or appliances, if the property supplied with water by the extension or any part of the property is annexed to or in any manner becomes a part of the city; and that the applicant will pay to the city all damages that it sustains, arising out of the manner in which the connection is made or water supply is used. In granting a permit to a county or to a national home for disabled soldiers, the commissioner of public works may waive the giving of a bond. Every permit shall be issued upon the understanding that the city is not liable for any damage in case of failure to supply water by reason of any condition beyond its control.

(i) The commissioner of public works shall prescribe and regulate the kind of water meters to be used in the city and the manner of attaching and connecting the water meters, and may make other rules for the use and control of water meters as are necessary to secure reliable and just measurement of the quantity of water used; and may alter and amend the rules as necessary for the purposes named. If the owner or occupant of any premises, where the attaching and connection of a water meter may lawfully be required, neglects or fails to attach and connect a water meter, as is required according to the rules established by the commissioner of public works, for 30 days after the expiration of the time within which the owner or occupant is notified by the commissioner of public works to attach and connect a meter, the commissioner of public works may cause the water supplied by the city to be cut off from the premises, and it shall not be restored except upon the terms and conditions prescribed by the commissioner of public works.

(j) The commissioner of public works may prescribe and regulate the size of connections made with the distribution mains for supplying automatic sprinkler systems and fix an annual charge for such service.

(k) The commissioner of public works may make rules and regulations for the proper ventilating and trapping of all drains, soil pipes and fixtures constructed to connect with or be used in connection with the sewerage or water supply of the city. The common council may provide by ordinance for the enforcement of the rules and regulations, including penalties. The commissioner may make rules to regulate the use of vent, soil, drain, sewer or water pipes in all buildings in the city proposed to be connected with the city water supply or sewerage, specifying the dimensions, strength and material. The commissioner may prohibit the introduction into any building of any style of water fixture, tap or connection determined to be dangerous to health or unfit to be used. The commissioner shall require a rigid inspection by a skilled and competent inspector under the direction of the commissioner of all plumbing and draining work and water and sewer connections in any building in the city, and unless the work and connections are done or made according to rules of and approved by the commissioner, no connection of the premises with the city sewerage or water supply may be made.

(L) The commissioner of public works shall make an annual report to the council of the commissioner's doings under this section, the state of the water fund and the general condition of the water system. The report, after being submitted to the council, shall be filed in the office of the comptroller.

(3) UTILITY DIRECTORS. (a) In this subsection, "electric plant" means a plant for the production, transmission, delivery and furnishing of electric light, heat or power directly to the public.

(b) If the city decides to acquire an electric plant or any other public utility in accordance with the provisions of this section, the mayor, prior to the city taking possession of the property, shall appoint, subject to the confirmation of the council, 7 persons of recognized business experience and standing to act as the board of directors for the utility. Two persons shall be appointed for a term of 2 years, 2 for a term of 4 years, 2 for a term of 6 years, and one for a term of 8 years. Successors shall be appointed for terms of 10 years each. A director may be removed by the mayor with the approval of the council for misconduct in office or for unreasonable absence from meetings of the directors.

(c) Utility directors may: employ a manager experienced in the management of electric plants or other public utilities, fix his or her compensation and the other terms and conditions of employment and remove him or her at pleasure, subject to the terms and conditions of his or her employment; advise and consult with the manager and other employees as to any matter pertaining to maintenance, operation or extension of the utility; and perform other duties as ordinarily devolve upon a board of directors of a corporation organized under ch. 180 not inconsistent with this section and the laws governing 1st class cities. No money may be raised or authorized to be raised by the board of directors other than from revenues derived from the operation of the utility, except by action of the council.

(d) The manager appointed by the board of directors may manage and control the utility, subject to the powers conferred upon the board of directors and the council under this subsection and may appoint assistants and all other employees which the manager considers necessary and fix their compensation and other terms and conditions of employment, except that the board of directors may prescribe rules for determining the fitness of persons for positions and employment.

(e) The council shall fix the compensation, if any, of members of the board of directors and has other powers it possesses with reference to electric plants and other public utilities.

History: 1983 a. 192; 1985 a. 187; 1991 a. 32, 189, 316; 1995 a. 378, 419; 1999 a. 150 ss. 16, 17, 195 to 201; Stats. 1999 s. 62.69; 2011 a. 260 s. 81; 2013 a. 274; 2017 a. 137.

62.71 Pedestrian malls in 1st class cities. (1) PURPOSE. The purpose of this section is to authorize a 1st class city to undertake, develop, finance, construct and operate pedestrian malls as local improvements.

(2) DEFINITIONS. In this section:

(a) "Annual pedestrian mall improvement" includes any reconstruction, replacement or repair of trees, plantings, furniture, shelters or other pedestrian mall facilities.

(b) "Annual pedestrian mall improvement cost" includes planning consultant fees, public liability and property damage insurance premiums, reimbursement of the city's reasonable and necessary costs incurred in operating and maintaining a pedestrian mall, levying and collecting special assessments and taxes, publication costs, and any other costs related to annual improvements and the operation and maintenance of a pedestrian mall.

(c) "Board of assessment" means the board created under subch. II of ch. 32, for the purpose of estimating benefits and damages in connection with the creation or improvement of a pedestrian mall.

(d) "Business district" means an existing recognized area of a city principally used for commerce or trade.

(e) "City" means a 1st class city.

(f) "Commissioner of public works" means the board of public works, commissioner of public works, or any other city board or officer vested with authority over public works.

(g) "Community development advisory body" means any corporation or unincorporated association whose shareholders or members are owners or occupants of property included in a proposed or existing pedestrian mall district.

(h) "Council" and "common council" mean the governing body of the city.

(i) "Intersecting street" means, unless the council declares otherwise, any street which meets or intersects a pedestrian mall, but includes only those portions of the intersecting street which lay between the mall or mall intersection and the first intersection of the intersecting street with a street open to general vehicular traffic.

(j) "Mall intersection" means any intersection of a city street which is part of a pedestrian mall with any other street.

(k) "Owner" includes any person holding the record title of an estate in possession in fee simple or for life, or a vendor of record under a land contract for the sale of an estate in possession in fee simple or for life.

(L) "Pedestrian mall" means any street, land or appurtenant fixture designed primarily for the movement, safety, convenience and enjoyment of pedestrians.

(m) "Pedestrian mall district" means any geographical division of the city designated by the board of assessment for the purpose of undertaking, developing, financing, constructing and operating a pedestrian mall.

(n) "Pedestrian mall improvement" includes any construction or installation of pedestrian thoroughfares, perimeter parking facilities, public seating, park areas, outdoor cafes, skywalks, sewers, shelters, trees, flower or shrubbery plantings, sculptures, newsstands, telephone booths, traffic signs, sidewalks, traffic lights, kiosks, water pipes, fire hydrants, street lighting, ornamental signs, ornamental lights, graphics, pictures, paintings, trash receptacles, display cases, marquees, awnings, canopies, overhead or underground radiant heating pipes or fixtures, walls, bollards, chains and all other fixtures, equipment, facilities and appurtenances which, in the council's judgment, will enhance the movement, safety, convenience and enjoyment of pedestrians and benefit the city and the affected property owners.

(o) "Skywalk" means any elevated pedestrian way.

(p) "Street" means any public road, street, boulevard, highway, alley, lane, court or other way used for public travel.

(3) ACQUISITION, IMPROVEMENT AND ESTABLISHMENT OF PEDESTRIAN MALLS. (a) Upon petition of a community development advisory body or upon its own motion, the council may by resolution designate lands to be acquired, improved and operated as pedestrian malls or may by ordinance designate streets, including a federal, state, county or any other highway system with the approval of the jurisdiction responsible for maintaining that highway system, in or adjacent to business districts to be improved for primarily pedestrian uses. The council may acquire by gift, purchase, eminent domain, or otherwise, land, real property or rights–of–way for inclusion in a pedestrian mall district or for use in connection with pedestrian mall purposes. The council may make improvements on mall intersections, intersecting streets or upon facilities acquired for parking and other related purposes, if the improvements are necessary or convenient to the operation of the mall.

(b) In establishing or improving a pedestrian mall, the council may narrow any street designated a part of a pedestrian mall, reconstruct or remove any street vaults or hollow sidewalks existing by virtue of a permit issued by the city, construct crosswalks at any point on the pedestrian mall, or cause the roadway to curve and meander within the limits of the street without regard to the uniformity of width of the street or curve or absence of curve in the center line of the street.

(c) 1. Subject to subd. 2., the council may authorize the payment of the entire cost of any pedestrian mall improvement established under this section by appropriation from the general fund, by taxation or special assessments, and by the issuance of municipal bonds, general or particular special improvement bonds, rev-

enue bonds, mortgages or certificates, or by any combination of these financing methods.

2. If a pedestrian mall improvement is financed by special assessments and special improvement bonds are not issued, the special assessments, when collected, shall be applied to the payment of the principal and interest on any general obligation bonds issued or to the reduction of general taxes if general obligation bonds or the general tax levy is used to finance the improvement.

(d) The council may exercise the powers granted by this subsection only if it makes the findings required under sub. (4) and complies with the procedures and requirements under subs. (5), (6) and (8).

(4) PRELIMINARY FINDINGS. No pedestrian mall may be established under sub. (3) unless the council finds all of the following:

(a) That the proposed pedestrian mall will be located primarily in or adjacent to a business district.

(b) That there exist reasonably convenient alternate routes for private vehicles to other parts of the city and state.

(c) That the continued unlimited use by private vehicles of all or part of the streets in the proposed mall district endangers pedestrian safety.

(d) That properties abutting the proposed mall can be reasonably and adequately provided with emergency vehicle services and delivery and receiving of merchandise or materials either from other streets or alleys or by the limited use of the pedestrian mall for these purposes.

(e) That it is in the public interest to use all or part of the street in the proposed mall district primarily for pedestrian purposes.

(5) PROCEDURES. (a) Before establishing a pedestrian mall or undertaking any pedestrian mall improvement, the council shall by resolution authorize the commissioner of public works and the local planning agency to make studies and prepare preliminary plans for the proposed project. The local planning agency shall hold a public hearing on these studies and preliminary plans.

(b) Upon receiving the authority under par. (a) and upon completion of the public hearing, the commissioner of public works shall prepare a report which shall include all of the following:

1. A plat and survey showing the character, course and extent of the proposed pedestrian mall.

2. A description of any proposed alterations of any street and of any public or private utilities running under or over any public way.

3. A description of the methods to be used in completing the project, including information on grading, drainage, planting, street lighting, paving, curbing, sidewalks, the types of construction materials and the proposed initial distribution and location of any movable furniture, sculptures, pedestrian or vehicle traffic control devices, flowers and plantings and any other structures or facilities.

4. A description of the property necessary to be acquired or interfered with and the identity of the owner of each parcel if the owner can be readily ascertained by the commissioner.

5. An estimate of the cost of each item in the proposed project, described separately or in reasonable classifications detailed to the council's satisfaction.

(c) In preparing the report under par. (b), the commissioner of public works shall consult with any community development advisory body which has been organized in the proposed pedestrian mall district.

(d) After referring the report described in par. (b) to the city plan commission for review and recommendations, the commissioner of public works shall submit the report, with the city plan commission's recommendations, if any, to the council and shall file a copy in the office of the city clerk. The council may refer the report and recommendations, with any necessary modifications, to the board of assessment for action pursuant to subch. II of ch. 32.

(e) Notwithstanding any other provision of this section, if a petition protesting the establishment of a pedestrian mall or a pedestrian mall improvement, duly signed and acknowledged by the owners of 51 percent or more of the front footage of lands abutting all or part of a street proposed as a pedestrian mall, is filed with the city clerk at any time prior to the conclusion of all proceedings required under this section, the council shall terminate its proceedings, and no proposal for the establishment of the pedestrian mall or substantially the same pedestrian mall may be introduced or adopted within one year after termination of proceedings under this paragraph.

(f) Proceedings governing the establishment of a pedestrian mall or the undertaking of a pedestrian mall improvement are governed by subch. II of ch. 32.

(6) ORDINANCES; REQUIRED PROVISIONS. An ordinance establishing a pedestrian mall shall accomplish all of the following:

(a) Contain the findings required under sub. (4).

(b) Designate the streets, including intersecting streets, or parts of streets to be used as a pedestrian mall.

(c) Limit the use of the surface of all or part of a street used as a pedestrian mall to pedestrian users and to emergency, public works, maintenance and utility transportation vehicles during times that the council determines appropriate to enhance the purposes and function of the pedestrian mall.

(7) USE BY PUBLIC CARRIERS. If the council finds that all or part of a street which is designated as a pedestrian mall is served by a common carrier engaged in mass transportation of persons within the city and that continued use of all or part of the street by the common carrier will benefit the city, the public and adjacent property, the council may permit the carrier to use all or part of the street for these purposes to the same extent and subject to the same obligations and restrictions that are applicable to the carrier in the use of other streets of the city. Upon like findings, the council may permit use of all or part of the street by taxicabs or other public passenger carriers.

(8) PERMITS. (a) If, at the time an ordinance establishing a pedestrian mall is enacted, any property abutting all or part of the pedestrian mall does not have access to some other street or alley for the delivery or receiving of merchandise or materials, the ordinance shall provide for one of the following:

1. The issuance of special access permits to the affected owners for these purposes.

2. The designation of the hours or days on which the pedestrian mall may be used for these purposes without unreasonable interference with the use of all or part of the mall by pedestrians and other authorized vehicles.

(b) The council may issue temporary permits for closing all or part of a pedestrian mall to all vehicular traffic for the promotion and conduct of sidewalk art fairs, sidewalk sales, craft shows, entertainment programs, special promotions and for other special activities consistent with the ordinary purposes and functions of the pedestrian mall.

(9) EXCESS ESTIMATED COST; ASSESSMENT ADJUSTMENTS. (a) If, after the completion of any pedestrian mall improvement, the commissioner of public works certifies that the actual cost is less than the estimated cost upon which any aggregate assessment is based, the aggregate assessment shall be reduced, subject to par. (c), by a percentage amount of the excess estimated cost which is equal to the percentage of the estimated cost financed by the aggregate assessment. The city comptroller shall certify to the city treasurer the amount that is refundable under this subsection.

(b) If the aggregate assessment described in par. (a) has been fully collected, the city treasurer shall refund the excess assessment to the affected property owners on a proportional basis.

(c) If the aggregate assessment described in par. (a) has not been fully collected the amount of the refundable assessment shall be reduced by a sum determined by the council to be sufficient to cover anticipated assessment collection deficiencies and the bal-

ance, if any, shall be refunded to the affected owners on a proportional basis. The treasurer shall deduct the appropriate amount from installments due after the receipt of the certificate from the city comptroller.

(10) ANNUAL COSTS; SPECIAL ACCOUNT. (a) Concurrently with the submission of the plan, and annually thereafter by June 15 of each year, the city comptroller and the commissioner of public works, with the assistance of a community development advisory body, if any, shall furnish the council with a report estimating the cost of improving, operating and maintaining any pedestrian mall district for the next fiscal year. Under the plan in effect, the report shall include itemized cost estimates of any proposed changes in the plan under consideration by the council and also a detailed summary of the estimated costs chargeable to all of the following categories:

1. The amount of the annual costs chargeable to the general fund. The amount may not exceed that amount which the city normally allocates from the general fund for maintenance and operation of a street of similar size and location not improved as a pedestrian mall.

2. The amount of the annual costs chargeable to owners of property in the district who are benefited by annual mall improvements. The aggregate amount assessed against the owners may not exceed the aggregate benefits accruing to all assessable property.

3. The amount of the annual costs, if any, to be specially taxed against taxable property in the district. The amount shall be determined by deducting from the estimated annual costs the amounts under subds. 1. and 2. and the amount of anticipated rentals received from vendors using pedestrian mall facilities.

(b) Moneys appropriated and collected for annual pedestrian mall improvement costs shall be credited to a special account. The council may incur necessary annual costs, whether or not they have been included in the budget for that fiscal year, except that such nonbudgeted expenditures shall be included in the estimate required under par. (a) for the next following fiscal year. Any unexpended balances in the special account remaining at the end of a fiscal year shall be carried over to the appropriate category of the estimate required under par. (a) for the following fiscal year.

(11) NUISANCES: LIMITATION OF LIABILITY. (a) The installation of any furniture, structure or facility or the permitting of any use in a pedestrian mall district under a final plan adopted under this section is not a nuisance or unlawful obstruction or condition by reason of the location of the installation or use.

(b) The city or any person acting under permit is not liable for injury to persons or property in the absence of negligence in the construction, maintenance, operation or conduct of the installation or use under par. (a).

(12) INTERPRETATION: AMENDMENT AND REPEAL. No action by the council establishing a pedestrian mall or undertaking a pedestrian mall improvement under this section may be construed as a vacation, abandonment or discontinuance of any street or public way. This section may not be construed to prevent the city from abandoning the establishment or operation of a pedestrian mall, changing the extent of a pedestrian mall, amending the description of the district to be assessed or taxed for annual improvement costs, or changing or repealing any limitations on the use of a pedestrian mall by private vehicles or any plan, rule or regulation adopted for the operation of a pedestrian mall.

(13) SUBSTANTIAL COMPLIANCE; VALIDITY. Substantial compliance with the requirements of this section is sufficient to give effect to any proceedings conducted under this section and any error, irregularity or informality not affecting substantial justice does not affect the validity of the proceedings.

History: 1975 c. 255; 1979 c. 110 s. 60 (11); 1983 a. 189; 1983 a. 207 s. 93 (3); 1983 a. 236 ss. 8, 13; 1999 a. 150 s. 541; Stats. 1999 s. 62.71.

NOTE: Chapter 255, laws of 1975, which created this section, contains a statement of legislative findings and public policy.

62.73 Discontinuance of public grounds. (1) The common council of a 1st class city may vacate in whole or in part highways, streets, alleys, grounds, waterways, public walks and other public grounds within the corporate limits of the city that it determines the public interest requires to be vacated or are of no public utility, subject to s. 66.1005 (2). Proceedings under this section shall be commenced either by a petition presented to the common council signed by the owners of all property which abuts the portion of the public facilities proposed to be vacated, or by a resolution adopted by the common council. The requirements of s. 840.11 apply to proceedings under this section.

(1m) Upon receiving a petition under this section or upon introduction of a resolution under this section, the common council shall deliver a copy of the petition or resolution to the commissioner of railroads if there is a railroad highway crossing within the public facilities proposed to be vacated.

(2) All petitions or resolutions shall be referred to a committee of the common council for a public hearing on the proposed discontinuance and at least 7 days shall elapse between the date of the last service and the date of the hearing. A notice of hearing shall be served on the owners of record of all property which abuts the portion of the public facilities proposed to be vacated, in the manner provided for service of a summons.

(3) If the common council initiates a discontinuance proceeding by resolution without a petition signed by all of the owners of the property which abuts the public facility proposed to be discontinued, any owner of property abutting the public facility whose property is damaged by the discontinuance may recover damages as provided in ch. 32.

(4) The common council may order that an assessment of benefits be made and when so ordered the assessment shall be made as provided in s. 66.0703.

History: 1973 c. 189 s. 20; Sup. Ct. Order, 67 Wis. 2d 585, 774 (1975); 1999 a. 150 s. 344; Stats. 1999 s. 62.73; 2003 a. 214; 2009 a. 107, 223.

NOTE: 2003 Wis. Act 214, which affected this section, contains extensive explanatory notes.

CHAPTER 17

RESIGNATIONS, VACANCIES, AND REMOVALS FROM OFFICE

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History: 2001 a. 103 s. 21.

17.01 Resignations to whom made; when effective. Resignations of public officers shall be made as follows:

(1) By the governor, lieutenant governor or any officer appointed by the legislature, to the legislature, if in session; otherwise by the governor or lieutenant governor, to the secretary of state, and by an officer appointed by the legislature, to the governor.

(2) By the secretary of state, treasurer, attorney general, state superintendent, by a district attorney and by all officers appointed by the governor alone or by the governor by and with the advice and consent of the senate, to the governor.

(3) By senators and members of the assembly, to the presiding officers of their respective houses, who shall immediately transmit the same to the governor, and to the governor during the recess of the legislature.

(4) By the justices of the supreme court, court of appeals judges and circuit judges, to the governor.

(5) By a sheriff, to the county clerk, who shall immediately transmit notice thereof to the governor.

(6) By a clerk of the circuit court, to the circuit judge.

(7) By a county supervisor, county clerk, county treasurer, coroner, register of deeds or county surveyor, to the sheriff, who shall immediately transmit a notice thereof, in case of a coroner or register of deeds, to the governor; and in case of a county supervisor, county clerk, county treasurer or surveyor, to the chairperson of the county board; and after such notices the sheriff shall file such resignations with the county clerk.

(8) By the mayor or alderperson or council member of a city, however organized, to the council; by other elective officers thereof, to the mayor; and by other city officers, to the officer or body having power to appoint in their stead.

(9) By a town officer, to the town board.

(10) By officers of a village, however organized, to the village board.

(11) By a school district officer, to the district board.

(12) By all other officers, to the officer or body having power to appoint in their stead.

(13) Resignations shall be made in writing, shall be addressed and delivered to the officer or body prescribed in this section and shall take effect, in the case of an officer who is not a school district officer and whose term of office continues by law until a successor is chosen and qualifies, upon the qualification of the successor; and in the case of other officers including school district officers, at the time indicated in the written resignation, or if no time is therein indicated, then upon delivery of the written resignation. If the governor or the state superintendent of public instruction makes a provisional appointment under s. 17.20 (2) and the appointee files the required oath of office, the appointee qualifies for office, unless the appointment is withdrawn or rejected. Delivery of a resignation shall be made by leaving a copy thereof with the officer to whom it is required to be addressed and delivered at his or her public office or usual place of business, or if required to be addressed and delivered to a body, by leaving a copy with the following officer at his or her public office or usual place of business:

(a) If required to be addressed and delivered to the legislature, with the presiding officer of each house, or if required to be addressed and delivered to but one house, to the presiding officer of that house.

(b) If required to be addressed and delivered to the county board, city council or to the village, town or school board, to the clerk thereof, except the resignation of the county, city, village, town or school district clerk which shall be delivered to the chairperson of the county board, mayor, village president, town chairperson, or president, as the case may be.

(c) If required to be addressed and delivered to any other body, to the secretary or clerk thereof, if any, and if none, to any member of such body.

History: 1977 c. 187, 418, 427, 447, 449; 1983 a. 192 s. 303 (2); 1985 a. 135 s. 83 (1); 1985 a. 218; 1989 a. 31; 1989 a. 56 s. 258; 1989 a. 359; 1993 a. 184; 1997 a. 298.

Conditional resignations are permissible under this section. In sub. (13), "time" refers to the "point when something occurs." Ortin v. Schuett, 157 Wis. 2d 415, 459 N.W.2d 596 (Ct. App. 1990).

17.015 Municipal judge: multiple resignations. If a municipal judge is elected under s. 755.01 (4), the judge shall submit resignations to each applicable officer or board under s. 17.01.

History: 1985 a. 89.

17.02 Notice of resignations. Notice of resignations, in addition to those provided for in s. 17.01, shall be given forthwith as follows:

(1) SENATORS AND MEMBERS OF CONGRESS. Of the resignation of a United States senator or member of congress from this state, by the senator or member of congress to the secretary of state.

(3) MUNICIPAL JUDGES. Of the resignation of municipal judges in any city or village, however organized, or in any town, by the

city, village or town clerk, as the case may be, to the clerk of the circuit court for the county.

History: 1977 c. 305; 1991 a. 316.

17.025 Temporary vacancies. (1) EXISTENCE. Whenever the duly qualified incumbent of an office enumerated in sub. (4) is found to be unable to perform all of the functions of the office by incapacitation caused by illness or injury of any nature, a temporary vacancy exists.

(2) HOW CONVENED. (a) *Voluntary petition.* Whenever the incumbent of an office enumerated in sub. (4), or the incumbent's duly appointed guardian, files a written petition for a hearing to determine the incumbent's incapacitation with any member of the board requesting a hearing, the disability board shall be convened within 5 days from the date of filing said petition.

(b) *Involuntary petition.* Whenever a written petition duly signed by any 4 members of the disability board is filed with the board requesting a hearing to determine the incapacitation of the incumbent of an office enumerated in sub. (4), the board shall be convened within 5 days from the date of filing said petition. The petition shall be signed by at least one member of each of the political parties represented on the board.

(3) HEARING. (a) *When held.* Whenever the disability board has been convened it shall conduct a hearing to determine whether a temporary vacancy exists.

(b) *Proceedings.* In the conduct of the hearing any member of the board shall have the right to administer oaths, to summon and compel attendance of witnesses, and to sign and issue a subpoena. The board shall keep a record of its proceedings and a phonographic transcript shall be taken, made a part of the files and transcribed only by order of the board. The files and records of the board in proceedings under this section shall be kept in locked files and shall not be open to inspection except upon specific permission of the board. In any action or special proceeding in a court of record, such files and records shall be made available by special order of such court.

(c) *Quorum.* A quorum shall consist of 6 members. Findings shall be effective only by a secret affirmative vote of 6 members of the disability board. Said findings shall be final without right of appeal, except that after a finding of disability or inability to act, the affected incumbent may appeal such finding pursuant to ch. 227. The appeal shall be limited to the board record. The finding of disability or inability to act shall remain in effect during the pendency of such appeal.

(d) *Findings.* After a hearing by the disability board and a finding of disability or inability to act has been filed, a written certificate of temporary incapacity signed and authorized by the board members shall be filed in the office of the secretary of state not later than the next succeeding legal workday and when so filed shall create a temporary vacancy in such affected elected office. In the event of a finding of no disability by failure to secure 6 affirmative votes in support of the petition, the board shall dismiss the petition.

(e) *Rehearing.* The disability board shall conduct rehearings in accordance with pars. (b) and (c). A rehearing before the disability board to reconsider an existing finding of temporary incapacitation shall be held when petitioned as provided in sub. (2), but no such rehearing shall be held unless 3 months have elapsed from the date of the conclusion of the original hearing or the most recent rehearing. When the existing finding of disability or inability to act was made pursuant to a voluntary petition under sub. (2) (a) and more than 3 months have elapsed since such finding, such affected incumbent may file a declaration of fitness. Upon the filing of such declaration the board may reconvene on call of any member and conduct a rehearing to determine such incumbent's ability to serve. Failure to reconvene the board within 15 days from the date of filing of such declaration shall result in voiding the finding of disability or inability to act, and restore the incumbent to office.

(f) *Removal of disability.* After a board rehearing and a finding of a removal of the disability and, therefore, an ability to act, a written certificate of such finding shall be signed and authorized by the board members and shall be filed in the office of the secretary of state not later than the next succeeding legal workday and when so filed shall rescind the previously filed certificate of temporary incapacity. At such time the regularly elected incumbent shall resume the office.

(4) AFFECTED OFFICES AND HOW FILLED DURING DISABILITY. Whenever the board has made a finding that a temporary vacancy exists in the following offices, such office shall be filled for the period of such temporary vacancy or the balance of the unexpired term, whichever is the shorter period, as follows:

(a) *Governor.* When the temporary vacancy exists in the office of governor, the duties of the governor shall automatically be assumed by the lieutenant governor as required by article V, section 7, of the constitution.

(b) *Lieutenant governor.* When the temporary vacancy exists in the office of lieutenant governor during the continuance of a vacancy in the office of governor, the duties of the office of governor shall be assumed by the secretary of state as required by article V, section 8, of the constitution.

(c) *Secretary of state; state treasurer.* When the temporary vacancy exists in the office of secretary of state or in the office of state treasurer, the duties of the office shall be assumed, respectively, by the first emergency interim successor designated under s. 323.53 (2) or, if no such designation has been made for the respective office, then by a deputy appointed by the governor.

(d) *Attorney general; state superintendent.* When the temporary vacancy exists in the office of attorney general or in the office of state superintendent of public instruction, the duties of the office shall be assumed, respectively, by the deputy under s. 15.04 (2) or, if such office is vacant, by a deputy appointed by the governor.

History: 1971 c. 40 s. 93; 1975 c. 332; 1977 c. 196 s. 131; 1977 c. 449; 1979 c. 361 s. 113; 1983 a. 192; 1991 a. 316; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2009 a. 42.

17.03 Vacancies, how caused. Except as otherwise provided, a public office is vacant when:

(1) The incumbent dies.

(2) The incumbent resigns.

(3) The incumbent is removed.

(4) The incumbent ceases to be a resident of:

(a) This state; or

(b) If the office is legislative, the district from which elected; or

(bm) If the office is a district attorney, the prosecutorial unit from which elected; or

(c) If the office is local and elective, the county, city, village, town, district or area from which elected, except as provided in ss. 60.30 (6), 119.08 (1) (c) and 120.05 (1) (d); or

(d) If the office is local and appointive, and residency, subject to s. 66.0502, is a local requirement, the county, city, village, town, district, or area within which the duties of the office are required to be discharged.

(4m) In the case of a school district office, the incumbent is absent from the district for a period exceeding 60 days.

(5) Whether or not sentenced to imprisonment, the incumbent is convicted and sentenced by a state or federal court for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or for any offense involving a violation of the incumbent's official oath. A vacancy so created is not affected by a stay of execution of judgment. Reversal of the judgment, but not a pardon, immediately restores the incumbent to office if the term has not expired and entitles the incumbent to the emoluments of the office for the time the incumbent would have served in the office but for the judgment.

(6) A competent tribunal voids the election or appointment; or adjudges the incumbent to be incapable of understanding the objective of the elective process; or places the incumbent under guardianship, unless the court finds that the incumbent is competent to exercise the right to vote.

(7) A person elected or appointed or reelected or reappointed to any office neglects or refuses to take and file the official oath or to execute or renew the official bond if required, or to file the oath or bond as prescribed by law.

(8) The incumbent neglects or refuses to execute and file an additional bond, when lawfully required, as prescribed by law.

(9) A person elected or appointed to fill a vacancy or for a full term declines the office in writing or dies before qualifying or declines in writing or dies before the time when, by law, the person should enter upon the duties of the office to which elected or appointed.

(10) If the office is elective, the incumbent's term expires, except for the office of sheriff, coroner, register of deeds or district attorney.

(11) If the office is a school board seat, the first annual school meeting of a school district fails to elect school board members for the district.

(12) The offices are established upon the creation by the legislature of a new county and a new town.

(13) Any other event occurs which is declared by any special provision of law to create a vacancy.

History: 1971 c. 154; 1971 c. 304 s. 29 (1); 1979 c. 249; 1983 a. 484; 1985 a. 304, 312, 332; 1987 a. 391; 1989 a. 31, 241; 2005 a. 387; 2013 a. 20.

Cross–reference: See s. 59.20 (1) for county supervisor residency requirement.

Cross–reference: See s. 196.675 for vacancies in office if district attorney, city attorney, assistant city attorney, or judicial officer is employed by a common carrier.

City officers are subject to s. 17.03 vacancy provisions. Wellnitz v. Wauwatosa Police & Fire Commissioners, 151 Wis. 2d 306, 444 N.W.2d 412 (Ct. App. 1989).

The felony conviction and sentencing of a state senator creates a vacancy in the office without any action by the senate. 65 Atty. Gen. 264.

No vacancy occurs under sub. (4) when a supervisor's residence remains the same but the district boundaries have changed. 76 Atty. Gen. 10.

17.035 Vacancies; military leaves. (1) If an elected or appointed official or employee of any city, village, town or school district however organized shall enter the armed forces of the United States and shall remove himself or herself temporarily from the municipality or district for which that person is an officer or employee such temporary removal shall constitute a temporary vacancy in such office or position.

(3) Temporary vacancies shall be filled as other vacancies are filled, except that no election need be held to fill any part of a temporary vacancy. The term of the person appointed temporarily shall not extend beyond the expiration of the term of the officer or employee who entered federal service. In the event the original officer or employee completes the federal service and returns to the district or municipality during his or her original term of office, the officer or employee may file with the clerk of the district or municipality, within 40 days of completing the federal service, a statement under oath that the federal service has terminated and that the officer or employee elects to resume the office or position. Upon the filing of the statement the term of the temporary officer or employee shall cease, and the returning officer or employee shall be entitled to resume the duties of the office.

History: 1991 a. 316; 1993 a. 246.

17.05 Governor may declare vacancies. The governor may declare vacant the office of any state officer required by law to execute an official bond whenever a judgment is obtained against such officer for a breach of the conditions of such bond.

17.06 Removal of state officers; impeachment; address. (1) Any civil officer of this state may be removed from office by impeachment for corrupt conduct in office, or for crimes and misdemeanors as provided in article VII, section 1, of the constitution; and any supreme court justice or circuit court judge may also be removed from office by address of both houses of the legislature as provided in article VII, section 13, of the constitution.

(2) In this section, "address" means a procedure for removal of a judge from office based on a document entitled "Address" which specifies charges against a judge alleging misconduct or that the judge is not physically or mentally qualified to exercise the judicial functions of the judge's office. A copy of the address containing the charges against the judge shall be served upon the judge. The judge shall have the opportunity of being heard to present a defense against the charges. The judge may be removed from office by address of both houses of the legislature if two–thirds of all members elected to each house concur therein.

(3) A district attorney may be removed by the governor, for cause.

History: 1971 c. 142; 1983 a. 192; 1989 a. 31; 1991 a. 316.

17.07 Removals; legislative and appointive state officers. Removals from office of legislative and appointive state officers may be made as follows:

(1) Officers elected by either house of the legislature, by the house that elected them, at pleasure.

(2) State officers appointed by the legislature, by that body, at pleasure; or by the governor during the recess of the legislature, for cause.

(3) State officers serving in an office that is filled by appointment of the governor for a fixed term by and with the advice and consent of the senate, or serving in an office that is filled by appointment of any other officer or body for a fixed term subject to the concurrence of the governor, by the governor at any time, for cause.

(3m) Notwithstanding sub. (3), the parole commission chairperson may be removed by the governor, at pleasure.

(4) State officers serving in an office that is filled by appointment of the governor with the advice and consent of the senate to serve at the pleasure of the governor, or serving in an office that is filled by appointment of any other officer or body for an indefinite term subject to the concurrence of the governor, by the governor at any time.

(5) State officers serving in an office that is filled by appointment of the governor alone for a fixed or indefinite term or to supply a vacancy in any office, elective or appointive, except justices of the supreme court and judges and the adjutant general, by the governor at pleasure; the adjutant general, by the governor, at any time, for cause or for withdrawal of federal recognition of his or her commission under 32 USC 323; and all officers appointed by the governor during the recess of the legislature whose appointments are required to be later confirmed by the senate shall be deemed to be appointed by the governor alone until so confirmed.

(6) Other state officers serving in an office that is filled by appointment of any officer or body without the concurrence of the governor, by the officer or body having the authority to make appointments to that office, at pleasure, except that officers appointed according to merit and fitness under and subject to ch. 230 or officers whose removal is governed by ch. 230 may be removed only in conformity with that chapter.

History: 1971 c. 211; 1977 c. 196 s. 131; 1979 c. 221; 1987 a. 63; 1989 a. 121; 1991 a. 32; 1995 a. 27; 2009 a. 28; 2011 a. 38; 2013 a. 203.

Council members had authority to remove the executive director of the council. Terrien v. Metropolitan Milwaukee Criminal Justice Council, 455 F. Supp. 1375 (1978).

17.08 Suspension of receiver of moneys. (1) The governor may summarily suspend from office any appointive state officer who collects, receives or handles public moneys, if it appears to the governor by reason of action, proceedings, charges or credible information that the officer has in any particular willfully neglected the officer's duty in connection with public moneys. The suspension shall continue until the final determination of the action or proceedings or of the investigation of the charges or information, or pending any proceedings to remove the officer from office as provided by law for neglect of duty, and a compe-

tent person shall be appointed, in the manner and by the appointing power prescribed for filling vacancies in the affected office, to discharge the duties of the officer during the officer's suspension. If it is determined in the action or proceedings or is found upon investigation that the officer has not in any particular willfully neglected the officer's duty in connection with public moneys, and that fact is certified to the secretary of state by the judge, governor or other officer who conducted the action, proceedings or investigation, the suspended officer, unless the officer has been removed from office for any cause provided by law, shall thereby be restored to office, if the term for which the officer was elected or appointed has not expired, and shall thereby become entitled to the emoluments of the office for all of the time the officer would have served therein had the officer not been suspended as herein provided.

(2) This section in no manner impairs or restricts the power of the governor or other officer or body to remove any officer from office as provided by law.

History: 1991 a. 316.

17.09 Removal of elective county officers. Elective county officers may be removed from office as follows:

(1) COUNTY CLERK; TREASURER; SURVEYOR; SUPERVISOR. The county clerk, county treasurer or surveyor, or a county supervisor, by the county board, for cause, by a vote of two–thirds of all the supervisors entitled to seats on such board.

(2) CLERK OF CIRCUIT COURT. The clerk of the circuit court, by the judge or a majority of judges of the circuit court for the clerk's county, for cause.

(5) OTHER ELECTIVE COUNTY OFFICERS. The sheriff, coroner or register of deeds, by the governor, for cause.

History: 1977 c. 449; 1979 c. 32; 1989 a. 31.

Removal is governed by s. 17.16 and contemplates a determination of cause by the board. An ordinance making a violation *ipso facto* cause for removal impermissibly circumvents that procedure. 66 Atty. Gen. 148.

17.10 Removal of appointive county officers. **(1)** APPOINTED BY GOVERNOR. County officers appointed by the governor may be removed at pleasure by the governor.

(2) APPOINTED BY COUNTY BOARD. County officers appointed by the county board may be removed at pleasure by the county board. All removals may be made by an affirmative vote of two–thirds of the supervisors entitled to seats on the county board. Removal of personnel supported by federal funds shall comply with federal law applicable to those personnel.

(3) APPOINTED BY CHAIRPERSON OF COUNTY BOARD. County officers appointed by the chairperson of the county board may be removed at pleasure by the chairperson, except members of the county civil service commission who may be removed at pleasure by the county board under sub. (2). A county commissioner of elections so removed may appeal to the county board within 10 days after removal; the county board shall conduct a hearing in the manner determined by it and shall determine the question of removal.

(4) APPOINTED BY THE CIRCUIT JUDGE. County officers appointed by a judge or judges of the circuit court may be removed at pleasure by the judge or a majority of the judges authorized to appoint the officers' successors.

(5) APPOINTED BY THE COUNTY JUDGE. County officers appointed by the county judge may be removed at pleasure by the circuit judge or a majority of the circuit judges authorized to appoint the officers' successors.

(6) OTHERS. All other appointive county officers may be removed at pleasure by the officer or body that appointed them. Removals by a body, other than the county board, consisting of 3 or more members may be made by an affirmative vote of two–thirds of all the members thereof.

(7) GENERAL EXCEPTION. (a) Notwithstanding subs. (1) to (6), county officers appointed according to merit and fitness under and subject to a civil service law, or whose removal is governed by such a law, shall be removed only as therein provided.

(b) Notwithstanding subs. (1) to (6), a county may by ordinance provide that any county officer appointed by the county board or the chairperson of the county board may be removed only for inefficiency, neglect of duty, official misconduct, or malfeasance in office. This paragraph does not apply to an officer who is appointed to the classified civil service of the county or who serves at the pleasure of an appointing authority other than the county board or chairperson of the county board.

History: 1977 c. 354; 1983 a. 192; 1985 a. 29; 1995 a. 77; 2017 a. 150.

In a county that does not have a county executive or administrator, the personnel committee of the county board does not possess the statutory authority to remove the county social services director. The county board may not, under s. 59.025, 1993 stats., [now s. 59.03 (1)], transfer the authority to appoint. 81 Atty. Gen. 145.

Removal of the chairperson of a county board may be at the will of a simple majority of the board under s. 59.12. This section is inapplicable. Sub. (2) applies only to persons who are removed from a position as a county officer. Ending the tenure of a member of the county board as chair of the board does not oust that member from county office but only from a particular position on the board. OAG 1–07.

17.11 Suspension of district attorney or sheriff. **(1)** If any district attorney or sheriff is arrested for or charged with any offense against the laws of this state, or if the governor is credibly informed that any district attorney or sheriff is guilty of any offense against the laws of this state, or that proceedings are pending before any court or officer involving any criminal charge against any district attorney or sheriff, or that any district attorney or sheriff willfully neglects or refuses to perform that district attorney's or sheriff's duties, the governor shall in the case of a felony and may in the case of a misdemeanor suspend the district attorney or sheriff from office until the charge shall be investigated and finally determined. The governor shall, in the case of the district attorney, appoint the attorney general or one of the attorney general's assistants or some competent attorney of the state, and the governor shall, in the case of the sheriff, appoint a suitable person, to discharge the duties of the affected office during the suspension.

(2) (a) The state shall pay an attorney temporarily appointed under sub. (1) for his or her services and expenses in an amount determined and fixed by the governor.

(b) The county in which a person is temporarily appointed sheriff under sub. (1) shall pay the appointed sheriff for his or her services in an amount determined and fixed by the governor and certified by the governor to the county clerk of the county.

(3) Any attorney so temporarily appointed shall have all the power and discharge all the duties of the district attorney and that attorney shall speedily bring to a hearing and determination any charges made against the district attorney so suspended. Any person so temporarily appointed as sheriff shall have all the power and discharge all the duties of sheriff.

(4) If it is determined in the action or proceeding or is found upon the investigation that a district attorney or sheriff suspended under this section is not guilty of an offense, or has not willfully neglected or refused to perform his or her duties, as charged, that fact shall be certified by the governor to the department of administration if a district attorney is involved or to the county clerk of the sheriff's county if a sheriff is involved. Upon the certification, the district attorney or sheriff shall be:

(a) Entitled to the emoluments of the office for the time he or she would have served in the office had he or she not been suspended under this section; and

(b) Restored to office if the term for which he or she was elected or appointed has not expired.

(5) This section in no manner affects provisions of law relating to the removal from office of the district attorney or sheriff.

History: 1989 a. 31; 1991 a. 316.

17.12 Removal and suspension of city officers. **(1)** GENERAL AND SPECIAL CHARTER. Officers of cities, except public officials, as defined in s. 62.51 (1) (b), operating under the general law or under special charter including school officers, may be removed as follows:

(a) *Elective.* Elective officers by recall as provided in s. 9.10, or by the common council, for cause.

(c) *Appointed officers.* An appointed officer may be removed in any of the following manners:

1. An officer appointed by the common council, by the common council, at pleasure.

2. An officer appointed by an officer or body other than the common council, whether or not the appointment was confirmed by the common council, in any of the following manners:

a. By the appointing officer or body, at pleasure.

b. By the common council, for cause.

(cm) *Board of police and fire commissioners.* Notwithstanding par. (c), a member of a board of police and fire commissioners who is appointed by the mayor and confirmed by the common council may be removed by the common council, for cause.

(d) *Votes required.* Removals by the common council may be made only by an affirmative vote of three–fourths of all the members thereof, and by any other body consisting of 3 or more members, by an affirmative vote of two–thirds of all the members thereof.

(2) COMMISSION FORM. Officers of cities operating under the commission form of government may be removed as follows:

(a) *Elective.* Elective officers by recall as provided in s. 9.10.

(c) *Appointive.* Appointive officers, by whomsoever appointed, by the council, at pleasure, by a majority vote; and officers appointed by any officer or body other than the council may also be removed from office by the officer or body that appointed them, at pleasure, by vote as provided in sub. (1) (d).

(3) SUSPENSION. The mayor of any city may summarily suspend from office any officer thereof whose removal is sought and against whom charges have been preferred therefor, and may appoint an officer to discharge the duties of such office until such charges have been disposed of. If such charges are dismissed, the officer so suspended shall thereby be restored to office and be entitled to the emoluments of the office for all of the time the officer would have served therein had the officer not been suspended.

(3m) COMMON COUNCIL AUTHORITY. Notwithstanding subs. (1) and (2) and subject to sub. (4), a city may by ordinance provide that any appointed city officer may be removed only for inefficiency, neglect of duty, official misconduct, or malfeasance in office.

(4) GENERAL EXCEPTION. But no officer of any city, appointed according to merit and fitness under and subject to a civil service or to a police and fire commission law, or whose removal is governed by such a law, shall be removed otherwise than as therein provided.

History: 1987 a. 382; 1991 a. 316; 1999 a. 150 s. 672; 2017 a. 150.

City officers are subject to s. 17.03 vacancy provisions. Wellnitz v. Wauwatosa Police and Fire Commissioners, 151 Wis. 2d 306, 444 N.W.2d 412 (Ct. App. 1989).

17.13 Removal of village, town, town sanitary district, school district, and technical college officers. Officers of towns, town sanitary districts, villages, school districts, and technical college districts may be removed as follows:

(1) APPOINTIVE OFFICERS. Except as provided in s. 60.30 (1e) (c) and (f), any appointive village, town, town sanitary district, school district and technical college district officer, by the officer or body that appointed him or her, at pleasure. Removal of any such officer by a body shall be by a majority vote of all the members thereof.

(2) ELECTIVE VILLAGE OFFICERS. Any elective village officer by a majority vote of all the members of the village board, because of continued physical inability to perform the duties of office or gross neglect of duty.

(2m) ELECTIVE TOWN OFFICERS. Any elective town officer by a majority vote of all the members of the town board, because of continued physical inability to perform the duties of office or gross neglect of duty.

(3) ALL OFFICERS. Any village, town, town sanitary district, school district or technical college district officer, elective or appointive, including those embraced within subs. (1), (2), and (2m), by the judge of the circuit court of the circuit wherein the village, town, town sanitary district, school district or technical college district is situated, for cause.

History: 1971 c. 154; 1977 c. 449; 1983 a. 532; 1993 a. 399; 1995 a. 34, 225; 1999 a. 9; 2007 a. 20; 2019 a. 140.

If a statute provides that a public officer, including VTAE (technical college) board members, serves at pleasure but is appointed for a term, the officer may be summarily dismissed during the term. 62 Atty. Gen. 97.

A town board was restrained from discharging its police chief until the issue of impermissible consideration of the chief's political activities was resolved. Kuhlmann v. Bloomfield Township, 521 F. Supp. 1242 (1981).

17.14 Removal; assessors; boards of review; county boards; procedure. Any assessor and any member of a board of review or of a county board of supervisors, in addition to being removable as otherwise provided, may be removed by the circuit court for the county of the assessor or member, as follows:

(1) ASSESSORS. Any assessor for one or more of the following causes:

(a) Willful or intentional assessment of property at other than its true cash value with the intent to subject such property to more or less than its lawful share of taxes.

(b) Willful or intentional omission of taxable property from the assessment roll with intent to permit the same to escape taxation.

(c) Willful or intentional assessment of the property of one person at a lower value than the property of another or others whereby favoritism or discrimination between taxpayers in the district is shown.

(d) Solicitation or receipt of any favor, reward, money or other thing of value of or from the owner of any taxable property in the assessor's assessment district for the assessment or valuation of property at other than its true cash value.

(e) Solicitation or demand by any assessor of any owner of property liable to assessment in the assessor's assessment district to aid, assist or promote the business or interests of such assessor by means of which and by virtue of the office of assessor the assessor shall gain or receive pecuniary profit or advantage that the assessor could not otherwise have gained or received.

(f) Any violation of law in the valuation or assessment of property in the assessor's assessment district.

(g) Failure to use the "Wisconsin Property Assessment Manual" provided under s. 73.03 (2a) and as required by s. 70.32 (1) and 70.34. The certification of any assessor removed under this paragraph may for sufficient reason be reinstated by the secretary of revenue after one year upon formal application for reinstatement.

(h) Failure or refusal to deny claims for exemption or to terminate exemptions pursuant to direction of the secretary of revenue under s. 73.03 (45).

(2) MEMBERS OF BOARDS OF REVIEW AND COUNTY BOARD. Any supervisor, alderperson, trustee or other officer who acts as a member of a board of review or of the county board of supervisors, for one or more of the following causes:

(a) Willful or intentional valuation or equalization of property of persons or towns, cities or villages at other than the true cash value thereof, with the intent to subject the property of persons or of towns, cities or villages to more or less than their lawful share of taxes.

(b) Aiding, abetting or assisting in any understanding, combination or conspiracy to value or equalize the property in towns, cities or villages in a county at other than the true cash value, with intent to subject the property in one or more towns, cities or villages to more or less than its lawful share of taxes for state or county purposes or both.

(c) Any violation of law in the valuation or equalization of property in towns, cities or villages or in the discharge of official duties.

(3) PROCEDURE. Removals under this section may be made by the circuit judge, by order specifying the cause thereof, a copy of which order shall be certified by the circuit judge to the proper town, village or city clerk. The removal shall be made only upon a duly verified petition signed by a resident of the county setting forth fully the charges preferred against the officer. The district attorney of the county upon complaint showing cause therefor shall prepare the petition and have the petition duly verified by the complainant. The judge, upon the presentation of the petition, shall by an order to show cause, which shall be served upon the officer personally at least 10 days prior to the hearing, fix a time and place for hearing the matters alleged in the petition. The testimony shall be taken and the proceedings conducted under such reasonable regulations as the judge prescribes. The district attorney shall attend the hearing and conduct the proceedings on behalf of the petitioner. The removal of the officer shall disqualify the officer from holding the office for 3 years from the date of the order of removal.

(4) COSTS. If the court, after a hearing on the merits, dismisses the petition and further finds the complaint was willful and malicious and without probable cause, the court shall order judgment in favor of the officer and against the petitioner for $10 attorney fees and for the costs and fees of witnesses and officers incurred on behalf of the officer. The judgment shall be signed by the clerk of circuit court and entered in the judgment and lien docket. An execution may be issued against the property of the petitioner in the same mode as upon a judgment entered in the circuit court in civil actions founded in tort. Upon the return of the execution unsatisfied in whole or in part, an execution against the person of the petitioner may be issued in the manner and with the force and effect of an execution against the person as provided in ss. 815.01 to 815.10. In all other cases the judge may order that the expenses incurred in procuring witnesses and other needed actual expenses be paid out of the treasury of the county in which the officer resides upon certificates of the clerk of circuit court.

History: 1973 c. 90; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1975 c. 218; 1977 c. 418, 449; 1991 a. 39, 316; 1993 a. 184, 224.

17.15 Removals; other officers. (1) JOINT COUNTY INSTITUTIONS. Any member of the governing body of any joint county school, hospital, sanatorium, asylum or other joint county institution, appointed by the county board of any county, may be removed at pleasure by said county board; and any other officer of any such institution may be removed at pleasure by the officer or body that appointed the officer.

(3) DANE COUNTY LAKES AND WATERSHED COMMISSION. Any commissioner of the Dane County lakes and watershed commission appointed under s. 33.44 (1) (c) to (g) may be removed by the appointing authority for cause.

(3m) SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION. Any commissioner of the Southeastern Wisconsin Fox River commission appointed under s. 33.55 (2) (b) may be removed by the appointing authority for cause.

(5) LONG–TERM CARE DISTRICT. Any member of a long–term care district governing board appointed under s. 46.2895 (3) (a) may be removed by the appointing authority for cause.

History: 1989 a. 324; 1991 a. 39, 316; Sup. Ct. Order No. 96–08, 207 Wis. 2d xv (1997); 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2015 a. 226; 2017 a. 150.

17.16 Removals; definition; procedure; disqualification. (1) Removals from office at pleasure shall be made by order, a copy of which shall be filed as provided by sub. (8), except that a copy of the order of removal of a circuit court commissioner shall be filed in the office of the clerk of the circuit court.

(3) Removals from office for cause under this chapter, except as provided in s. 17.14, shall be made as provided in this section, and may be made only upon written verified charges brought by a resident taxpayer of the governmental unit of which the person against whom the charges are filed is an officer, and after a speedy public hearing at which the officer shall have full opportunity to be heard to present a defense against the charges, personally and by counsel. A copy of the charges and written notice of the time and place for the hearing shall be given the officer by the removing power by delivery to the officer in person or by mailing the same to the officer at the officer's last and usual post–office address not less than 10 days prior to the hearing. The officer may within 10 days from service of the charges file with the removing power a verified answer thereto. The hearing shall be conducted and investigation made by the removing power with due dispatch, but in case of charges brought before the governor, the governor may appoint a commissioner to conduct the hearing, make the investigation and report the testimony and proceedings to the governor, and the council of any city having a membership of more than 20, in case of charges brought before it, may appoint a committee of not less than 5 of its members, to conduct the hearing, make investigation and report the testimony and proceedings to it. The commissioner or committee shall have the same power and authority as the governor or the council, as the case may be, in the conduct of the hearing on and investigation of the charges.

(4) The removing power may, before acting upon any charges preferred against any officer, require the person preferring the same to execute and deliver to such power a bond in the sum of $1,000 with one or more sureties to be approved by such power, conditioned for the payment of all costs and expenses actually incurred by the state, county or other unit of which the person charged is an officer and by the removing power in the hearing and investigation of such charges.

(5) The removing power, and in case such power consists of more than one person, each such person is authorized to administer oaths and to issue subpoenas for the attendance of witnesses and the production of evidence, and may make and enforce such orders and rules as are necessary to properly conduct such hearing and may appoint and fix the compensation of a stenographer to take testimony thereat.

(7) (a) No person may be excused from testifying or from producing evidence on the hearing for the reason that the testimony, documentary or otherwise, required of him or her may tend to incriminate him or her, but no person so testifying may be prosecuted for or on account of testifying or producing any documentary evidence, except for perjury committed in giving the testimony.

(b) The immunity provided under par. (a) is subject to the restrictions under s. 972.085.

(8) Removals from office for cause shall be by order, a certified copy of which, together with a complete transcript of the testimony and proceedings at the hearing and a statement of the cause or causes for which removal is made, shall be filed by the removing power as follows:

(a) In the case of a state officer, in the office of the secretary of state.

(b) In the case of other officers, in the office of the clerk of the unit of which the person removed was an officer.

(c) In the case of officers of joint county institutions, in the office of the county clerk of the county wherein the buildings of such institution are located.

(9) In the case of procedure for removals by the governor, all expenses incurred shall be paid upon vouchers duly certified by the governor and shall be charged to the appropriation provided in s. 20.525. In the case of procedure for removals by any other state officer or body, such expenses shall be paid out of the appropriation to the officer or body invested with power to remove. In case of procedure for removals by other officers or bodies, the expenses thereof shall be paid by the unit of government of which the person against whom charges are preferred was an officer. But if the removing power finds that the complaint was willful and malicious and without probable cause all such expenses shall be paid by the person who preferred the charges and may be collected

in an action against the person or on the bond furnished by the person.

(10) A person lawfully removed from office shall be ineligible to appointment or election to fill the vacancy caused by such removal.

History: 1989 a. 122; 1991 a. 316; Sup. Ct. Order No. 96–08, 207 Wis. 2d xv (1997); 2001 a. 61, 103.

The common council's removal of an employee statutorily entitled to the position deprives the employee of both liberty and property; therefore, employee is entitled to full due–process protections. Aldermen who initiated removal proceedings were not thereby disqualified as impartial adjudicators. State ex rel. DeLuca v. Common Council, 72 Wis. 2d 672, 242 N.W.2d 689 (1976).

"Expenses" under sub. (9) relates solely to expenses incurred by the "removing power", not by the person bringing written charges. In Matter of Petition to Remove Kamps, 118 Wis. 2d 482, 347 N.W.2d 911 (Ct. App. 1984).

Removal is governed by s. 17.16 and contemplates a determination of cause by the board. An ordinance making a violation *ipso facto* cause for removal impermissibly circumvents that procedure. 66 Atty. Gen. 148.

17.17 Notice of vacancies. Notice of vacancies occurring otherwise than by resignation shall be given forthwith as follows:

(1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States senator or member of congress from this state, by the county clerk of the county wherein such officer resided at the time of election, to the elections commission.

(3) VACANCIES BY JUDGMENTS. In any office occurring by virtue of a judgment of a court of this state convicting the incumbent of and sentencing the incumbent for treason, felony or other crime of whatsoever nature punishable by imprisonment in any jail or prison for one year or more, or convicting the incumbent of and sentencing the incumbent for any offense involving a violation of the incumbent's official oath; or declaring the election or appointment of any officer to be void or that the office of any officer has been forfeited, or become vacant; or adjudging any officer to be insane, by the clerk of such court to the officer or body authorized to fill such vacancies, or if such vacancies are required to be filled only by election, then to the officer authorized to give notice thereof.

(4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court of appeals judge, or judge of a circuit court, by the director of state courts to the governor and the elections commission.

(5) OTHER VACANCIES. In city, village, town or school district offices, other than those of which notice is required by sub. (3), by the clerk or in the clerk's absence by the treasurer thereof, and in state, county and other offices other than those of which notice is required by sub. (3), by the county clerk of the county wherein the officer resided at the time of election or appointment, or in the clerk's absence by the sheriff, to the officer or body authorized to fill such vacancies, or if such vacancies are required to be filled only by election, then to the officer authorized to give notice thereof.

History: 1973 c. 334 s. 57; 1977 c. 187, 449; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1991 a. 316; 2007 a. 1; 2015 a. 118.

17.18 Vacancies, U.S. senator and representative in congress; how filled. Vacancies in the office of U.S. senator or representative in congress from this state shall be filled by election, as provided in s. 8.50 (4) (b), for the residue of the unexpired term.

History: 1977 c. 22; 1979 c. 260; 1983 a. 484; 1985 a. 304.

17.19 Vacancies, elective state offices; how filled. Vacancies in elective state offices shall be filled as follows:

(1) MEMBERS OF LEGISLATURE. In the office of state senator or representative to the assembly, by election, as provided in s. 8.50, for the residue of the unexpired term. In addition, an anticipated vacancy in the office of state senator or representative to the assembly may be filled as provided in s. 8.50 (4) (e).

(2) JUDICIAL. In the office of justice of the supreme court, court of appeals judge or circuit judge, by temporary appointment by the governor, which shall continue until a successor is elected, as provided in s. 8.50 (4) (f), and qualifies. When so elected the successor shall hold the office for a full term and shall take office on August 1 succeeding the election.

(3) PRESIDENTIAL ELECTORS. In the office of presidential elector, by the remaining electors present in the manner prescribed by s. 7.75.

(3m) GOVERNOR. In the office of governor, by the lieutenant governor.

(3s) DISTRICT ATTORNEY. In the office of district attorney, by appointment of the governor for the residue of the unexpired term and until a successor is elected and qualified.

(4) OTHER ELECTIVE STATE OFFICERS. In the office of secretary of state, treasurer, attorney general or state superintendent, by appointment by the governor, and a person so appointed shall hold office until a successor is elected, as provided in s. 8.50, and qualifies, but if no such election is held, the person so appointed shall hold office for the residue of the unexpired term.

History: 1977 c. 187; 1979 c. 27; 1985 a. 304; 1987 a. 391; 1989 a. 31; 1991 a. 316.

17.20 Vacancies in appointive state offices; how filled; terms. (1) GENERAL. Vacancies in appointive state offices shall be filled by appointment by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, and appointees to fill vacancies therein shall hold office for the residue of the unexpired term or, if no definite term of office is fixed by law, until their successors are appointed and qualify.

(2) INTERIM VACANCIES; TERMS. (a) Vacancies occurring in the office of any officer normally nominated by the governor, and with the advice and consent of the senate appointed, may be filled by a provisional appointment by the governor for the residue of the unexpired term, if any, subject to confirmation by the senate. Any such appointment shall be in full force until acted upon by the senate, and when confirmed by the senate shall continue for the residue of the unexpired term, if any, or until a successor is chosen and qualifies. A provisional appointee may exercise all of the powers and duties of the office to which such person is appointed during the time in which the appointee qualifies. Any appointment made under this paragraph which is withdrawn or rejected by the senate shall lapse. When a provisional appointment lapses, a vacancy occurs. Whenever a new legislature is organized, any appointments then pending before the senate shall be referred by the president to the appropriate standing committee of the newly organized senate.

(b) A vacancy occurring in the membership of the professional standards council for teachers may be filled by a provisional appointment by the state superintendent of public instruction for the residue of the unexpired term, if any, subject to confirmation by the senate. Any such appointment shall be in full force until acted upon by the senate, and when confirmed by the senate shall continue for the residue of the unexpired term, if any, or until a successor is chosen and qualifies. A provisional appointee may exercise all of the powers and duties of the office to which the person is appointed during the time in which the appointee qualifies. Any appointment made under this paragraph that is withdrawn or rejected by the senate shall lapse. When a provisional appointment lapses, a vacancy occurs. Whenever a new legislature is organized, any appointments then pending before the senate shall be referred by the president to the appropriate standing committee of the newly organized senate.

History: 1973 c. 24; 1977 c. 29 s. 1649; 1977 c. 418; 1997 a. 298.

Provisional appointees under sub. (2) need not be confirmed by the senate before they can begin to serve. 69 Atty. Gen. 136.

The senate may not fill a vacancy that will not occur during that senate session. 76 Atty. Gen. 272.

17.21 Vacancies in elective county offices; how filled; term. Vacancies in elective county offices shall be filled in the manner and for terms as follows:

(1) SHERIFF, CORONER, REGISTER OF DEEDS. In the office of sheriff, coroner or register of deeds, by appointment by the governor for the residue of the unexpired term.

(3) COUNTY CLERK, TREASURER, AND SURVEYOR. In the office of county clerk, treasurer, or surveyor, by appointment by the county board for the residue of the unexpired term unless a special election is ordered by the county board, in which case the person appointed shall serve until his or her successor is elected and qualified. The county board may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill the vacancy. If the county board orders a special election during the period beginning on June 1 and ending on November 30 of any year, the special election shall be held concurrently with the succeeding spring election. If the county board orders a special election during the period beginning on December 1 and ending on May 31 of the succeeding year, the special election shall be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

(4m) CLERK OF COURT. In the office of clerk of circuit court, by appointment of the judge, or by a majority of the judges of the circuit court for the county, for the residue of the unexpired term of the clerk.

(5) SUPERVISORS, POPULOUS COUNTIES. In the office of county supervisor of counties having a population of at least 750,000, according to the last U.S. census, by election for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens no later than December 1 preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday in April, then such successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in the office may be held at the time of holding the regular election for such office. In addition to the elections required under this subsection, the county executive may order a special election to be held under s. 8.50 to fill the vacancy. If an assembly district in the county is altered by legislative redistricting effective prior to the end of an existing supervisor term and a vacancy happens, the person elected to fill that vacancy for the residue of the unexpired term shall be an elector of the assembly district as it existed prior to redistricting.

(6) APPOINTMENTS, HOW REPORTED. For the information of all concerned appointments by the governor under sub. (1) shall be reported by the appointing officer to the county clerk. Appointments of the county board under sub. (3) shall be reported by the county clerk to the secretary of state. Appointments of clerks of court by a judge of the circuit court under sub. (4m) shall be reported to the county clerk and to the secretary of state.

History: 1973 c. 58; 1977 c. 449; 1979 c. 175 ss. 4, 53; 1979 c. 260; 1989 a. 31; 1995 a. 16 s. 2; 2005 a. 248; 2017 a. 207 s. 5.

Cross–reference: See s. 59.10 (3) (e) for method of filling vacancies on county boards.

17.22 Vacancies in appointive county offices; how filled. (1) Vacancies in any appointive county office shall be filled by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto; but any person elected or appointed to fill a permanent vacancy in the office of county highway commissioner shall serve for the term prescribed under s. 83.01 (2). All appointments, subject to confirmation by the county board, made while the board is not in session, shall be acted upon by said board at its meeting next following such appointment.

(2) Vacancies in the offices of officers appointed by the county board, occurring when the board is not in session, shall be filled in manner and for terms as follows:

(b) In the office of the county highway commissioner, by appointment by the county highway committee. A person so appointed shall hold office until his or her successor is elected or appointed and qualified. The person's successor, if the office is regularly filled by election, shall be elected by the county board at a meeting held no later than 120 days after the date on which the vacancy occurs. The person's successor, if the office is regularly filled by appointment, shall be appointed as provided in s. 83.01 (1). The person's successor shall take office upon his or her election or appointment and qualification and shall hold office for the term prescribed under s. 83.01 (2).

(d) In the office of any other officer appointed by the county board, by temporary appointment by the chairperson of the county board. A person so appointed shall hold office until a successor is appointed and qualifies, and the successor shall be appointed by the county board for the residue of the unexpired term at its meeting next after such vacancy occurred.

History: 1983 a. 192; 1991 a. 316; 2005 a. 401.

Terms and vacancies in appointive county offices are discussed. 73 Atty. Gen. 99.

17.23 Vacancies in city offices; how filled. (1) GENERAL AND SPECIAL CHARTER CITIES. (am) Except as provided in sub. (1b) and s. 9.10, vacancies in offices of mayor or alderperson of cities operating under the general law or special charter may be filled by the common council, by majority vote, appointing a successor to serve for the residue of the unexpired term or until a special election is held, as ordered by the common council under s. 8.50, or an office may remain vacant until an election is held.

(bm) In the office of municipal judge, in the manner provided in s. 8.50 (4) (fm).

(c) In the office of any other elective officer, and except as provided in s. 9.10, by appointment by the mayor subject to confirmation by the common council, for the residue of the unexpired term unless a special election is ordered by the common council, except that in case of vacancies in the office of any such officer of a 1st class city who is authorized by law to have a deputy, such deputy shall perform the duties of such office, and shall be entitled to the emoluments of such office during the remainder of the term. A person so appointed and confirmed shall hold office until a successor is elected and qualifies. The successor shall be elected as provided in par. (a).

NOTE: Section 17.23 (1) (a) was repealed by 2019 Wis. Act 164.

(1b) FIRST CLASS CITIES. In 1st class cities, in the office of mayor, except as provided in s. 9.10, the vacancy shall be filled by the president of the common council as acting mayor until a special election can be held. In such case, the acting mayor may continue to serve as president of the common council, in addition to exercising the powers and responsibilities of the office of mayor, until such time as a new mayor is elected and qualified, but the acting mayor may not take part in any vote of the common council during that period. A vacancy in the office of alderperson shall be filled by special election, except as provided in s. 9.10. When a mayor is temporarily appointed, the common council shall order a special election for the office of mayor under s. 8.50 as promptly as possible, unless the vacancy occurs within 120 days of the expiration of the mayor's term of office. When an aldermanic seat becomes vacant, a successor shall be elected for the residue of the unexpired term, but no election to fill a vacancy in such office may be held at the time of holding the regular election for that office. The president of the common council of any 1st class city shall order a special election to be held under s. 8.50 to fill a vacant aldermanic seat. If a special election is held under this subsection after a redistricting plan is adopted, the election shall be held in the aldermanic district as it existed when the office was filled at the last preceding election.

(1m) APPOINTIVE OFFICES. Vacancies in appointive offices in cities may be filled by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto.

(2) COMMISSION FORM. Vacancies in offices of cities operating under the commission form of government shall be filled as follows:

(a) 1. In the office of mayor or other member of the council, except as provided in s. 9.10, in the manner provided in sub. (1) (am). In the office of municipal judge, in the manner provided in

s. 8.50 (4) (fm). On failure of the council to make an appointment for 30 days after the vacancy exists the city engineer shall be a temporary acting member of the council until such vacancy is filled in the manner provided by law, and shall have all the powers, prerogatives and duties of the vacant office except the right to vote to fill a vacancy in the office of mayor or council member.

2. When 2 vacancies exist in the council the city clerk shall be a temporary acting member of the council until the vacancies are filled in the manner provided by law, and shall have all the powers, prerogatives and duties of the vacant office except the right to vote to fill a vacancy in the office of mayor or council member.

3. When 3 vacancies exist in the council the city treasurer shall be a temporary acting member of the council until the vacancies are filled in the manner provided by law, and shall have all the powers, prerogatives and duties of the vacant office except the right to vote to fill a vacancy in the office of mayor or council member.

4. When 2 or more vacancies exist in the council 6 months or more prior to the first Tuesday of April of any year a special election to fill the vacancy for the residue of the unexpired term of each such vacancy shall be held and conducted, and the returns thereof made in the manner and within the time required in the case of regular municipal elections, and the city clerk shall call and give notice of such special election as provided by law within 10 days of the date when such vacancies exist.

5. While serving as temporary members of the council the city engineer, city clerk and city treasurer shall not be entitled to have or receive any compensation for such temporary service.

6. The powers, prerogatives and duties conferred on such temporary acting members of the council shall be in addition to all those otherwise vested by law in such city engineer, city clerk and city treasurer.

7. It is hereby declared to be the purpose and intention of this paragraph to permit the city engineer, city clerk and city treasurer to have and perform the powers and duties herein provided as temporary acting members of the council, in addition to the regular powers and duties of their respective offices and notwithstanding any other contrary provision of the law.

8. This paragraph shall apply only to cities organized and operating under ss. 64.25 to 64.38.

(c) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointment thereto.

History: 1977 c. 149, 273, 305; 1979 c. 260, 355; 1983 a. 484; 1985 a. 135, 304, 332; 1993 a. 184; 1995 a. 16 s. 2; 2005 a. 248; 2019 a. 164; 2021 a. 240 s. 29.

17.24 Vacancies in village offices. Except as provided in s. 9.10, a vacancy in any elective village office may be filled by appointment by a majority of the members of the village board for the residue of the unexpired term or until a special election is held, as ordered by the village board, or an office may remain vacant until an election is held. A vacancy in an appointive office shall be filled in the same manner as the original appointment.

History: 1977 c. 305, 403, 447; 1979 c. 260; 1985 a. 304; 1995 a. 16 s. 2; 2005 a. 248; 2019 a. 164.

17.245 New city, village or town office, filling. Whenever an elective office is created in a city, village or town pursuant to law or ordinance, the office shall not be deemed vacant until it has first been filled by the electorate, except that if a city, village or town enacts an ordinance or bylaw creating a municipal court under s. 755.01 before the December 1 preceding the spring election the office of municipal judge for that court shall be considered vacant and a temporary appointment may be made by the city, village or town governing body pending the election of the initial elected occupant of the office.

History: 1977 c. 256, 447; 1993 a. 10; 1995 a. 16 s. 2.

17.25 Vacancies in town offices; how filled. Vacancies in town offices shall be filled as follows:

(1) (a) 1. In the town board, by the remaining supervisors and the town clerk, except when a special election is authorized under subd. 2. and par. (d) or as provided in s. 9.10, and except when the vacancy is caused by removal by the circuit judge as provided by law, which latter vacancy shall be filled by appointment by that judge.

2. a. If there are 2 vacancies in the town board, the remaining supervisors, the town clerk, and the town treasurer shall appoint an individual to fill one vacancy and the remaining supervisors, including the appointee, and the town clerk shall appoint an individual to fill the other vacancy.

b. If the number of vacancies on the town board are such that there are not at least 3 individuals, including any remaining supervisors, the town clerk, and the town treasurer, available to make appointments, the town clerk, or the county clerk if the town clerk position is vacant, shall call a special town meeting of the electors to vote to fill the number of vacancies necessary in order to follow the procedure for appointment under subd. 2. a. Notice of the meeting shall be given as provided under s. 60.12 (3).

(b) Vacancies in other elective town offices shall be filled by appointment by the town board, except as provided in ss. 8.50 (4) (fm) and 9.10, and except for vacancies caused by removal by the judge of the circuit court which latter vacancy shall be filled by that judge.

(c) Persons appointed under this subsection to fill vacancies shall hold office for the residue of the unexpired term or, if a special election is ordered to fill a vacancy, until the successor is elected and qualified.

(d) Any town board having more than 3 members may, if a vacancy in the office of supervisor occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill the vacancy. If the town board orders a special election during the period beginning on June 1 and ending on November 30 of any year, the special election shall be held concurrently with the succeeding spring election. If the town board orders a special election during the period beginning on December 1 and ending on May 31 of the succeeding year, the special election shall be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

(2) In appointive offices, by appointment for the residue of the unexpired term by the appointing power and in the manner prescribed by law for making regular full term appointments thereto, except vacancies caused by removals by the judge of the circuit court which shall be filled for the residue of the unexpired term by the said judge.

History: 1977 c. 305, 403, 447; 1985 a. 304; 2005 a. 248; 2019 a. 140.

This section requires that the town clerk participate in the process of filling vacancies in town offices and does not authorize the exclusion of the town clerk from the nomination part of the process. Bingen v. Bzdusek, 2002 WI App 210, 257 Wis. 2d. 193, 650 N.W.2d 894, 01–3015.

17.26 Vacancies in school boards; how filled. (1g) Except as provided in s. 9.10, vacancies in a school board shall be filled as follows:

(a) Except as provided in sub. (1m), in a common, union high, or unified school district, by appointment by the remaining members. An appointee under this paragraph or sub. (1m) shall hold office until a successor is elected and takes office under s. 120.06 (4) or 120.42 (2). When a vacancy occurs in the office of a board member who is in the last year of his or her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a board member who is not in the last year of his or her term, the successor shall be elected at the 2nd following spring election.

(b) In a 1st class city school district, by special election as provided under s. 119.08 (4).

(c) In boards where the first annual meeting of the district has failed to elect school board members, by appointment by the state superintendent of public instruction.

(1m) If the remaining members of a school board do not appoint an individual to fill a vacancy under sub. (1g) (a) within 60 days of the date on which the vacancy first exists, the remaining members of the school board may fill the vacancy in accordance with the school board's policy under s. 120.12 (28).

(3) Any person selected under sub. (1g) (a) or (1m), upon being notified of his or her selection, shall be deemed to have accepted the selection unless within 5 days after notification he or she files with the clerk or director a written refusal to serve.

History: 1973 c. 144; 1975 c. 138 s. 37; 1975 c. 200; 1977 c. 384, 403, 427, 445; 1979 c. 32; 1979 c. 260 ss. 82, 93m; 1979 c. 301; 1981 c. 287, 340; 1985 a. 225; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2015 a. 63.

17.27 Vacancies in other offices; how filled. (1) JOINT COUNTY INSTITUTIONS. Vacancies in the office of any member of the governing body of a joint county hospital or sanatorium or other joint county institution, or in the office of any other officer of a joint county institution, shall be filled by appointment by the appointing power and in the manner prescribed by law for making regular full term appointments thereto. A vacancy in the office of any such officer appointed by the county board, occurring while the board is not in session, shall be filled by appointment by the chairperson of the county board; the person appointed holds office until a successor is appointed for the residue of the unexpired term by the county board at its first regular meeting held next after the vacancy occurs and the successor qualifies.

(1m) METROPOLITAN SEWERAGE COMMISSION. Vacancies in the office of any directly elected member of a metropolitan sewerage commission under s. 200.09 (11) (am) shall be filled by temporary appointment of the governor until a successor is elected and qualified. A successor shall be elected in the manner prescribed for filling vacancies in elective city offices under s. 17.23 (1) (am).

(1n) DANE COUNTY LAKES AND WATERSHED COMMISSION. If a vacancy occurs in the office of any appointed commissioner of the Dane County lakes and watershed commission, the county executive of Dane County shall appoint a member who meets the applicable requirements under s. 33.44 (1) (c) to (g).

(3) TECHNICAL COLLEGE DISTRICT BOARD. Vacancies in the membership of any technical college district board shall be filled in the manner prescribed in ss. 38.08 (2) and 38.10.

(3m) LONG–TERM CARE DISTRICT BOARD. If a vacancy occurs in the position of any appointed member of a long–term care district board, the appointing authority shall appoint to serve for the residue of the unexpired term a person who meets the applicable requirements under s. 46.2895 (3) (b).

(4) ANY OTHER VACANCY. In case of a vacancy in any office in the state where no other provision is made for filling the same, it shall be filled by appointment by the governor.

History: 1977 c. 29; 1979 c. 221; 1983 a. 192; 1989 a. 324; 1991 a. 39; 1993 a. 399; Sup. Ct. Order No. 96–08, 207 Wis. 2d xv (1997); 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 20; 2019 a. 164; 2021 a. 240 s. 29.

17.275 Records of applicants for elective positions. Unless otherwise directed under s. 19.36 (7), no appointing authority or individual acting on behalf of an appointing authority may withhold from inspection or copying under s. 19.35 (1) any record of the name or address of an applicant for appointment to fill a vacancy in an elective office.

History: 1987 a. 392; 1991 a. 269.

17.28 When officers may hold office. When no different provision is made in respect thereto, any officer who is elected or appointed to fill a vacancy shall qualify in the manner required by law of the officer in whose stead the officer is elected or appointed. An officer who is elected or appointed to fill a vacancy in an elective office shall enter upon the duties of his or her office immediately upon qualification and, if elected, upon certification of the election result, and shall hold office for the residue of the unexpired term unless removed or recalled in accordance with law except that an officer who is appointed to fill a vacancy in the office of sheriff, coroner, register of deeds or district attorney shall hold office until his or her successor is elected and qualified, unless removed or recalled in accordance with law. An officer who is appointed to fill a vacancy in an appointive office shall enter upon the duties of his or her office immediately upon qualification and shall hold office for the residue of the unexpired term, if any, and until his or her successor is appointed and qualifies unless removed in accordance with law.

History: 1983 a. 484; 1985 a. 304; 1987 a. 391.

17.285 Temporary vacancies; elections. Notwithstanding any other provision of law, if a vacancy in an elective office occurs as a result of expiration of the term of an incumbent and a successor has not been determined due to the pendency of a recount or an appeal from a recount determination, no election or special election may be ordered or held to fill the temporary vacancy. If the law provides for the vacancy to be temporarily filled by appointment, the appointee shall serve until a successor qualifies.

History: 1983 a. 484.

17.29 Effect of chapter. The provisions of this chapter supersede all contrary provisions in either the general law or in special acts, except ss. 6.55 (6), 6.875, and 7.30 relating to appointed election officials and ch. 321 relating to the military staff of the governor and to officers of the Wisconsin national guard or state defense force; and shall govern all offices whether created by general law or special act, unless otherwise specially provided.

History: 1971 c. 304 s. 29 (2); 2005 a. 451; 2007 a. 200; 2011 a. 240; 2015 a. 261.

CHAPTER 120

SCHOOL DISTRICT GOVERNMENT

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Cross–reference: See definitions in s. 115.001.

SUBCHAPTER I

COMMON AND UNION HIGH SCHOOL DISTRICTS

120.001 Applicability. This subchapter applies to common and union high school districts.

120.01 Number of school board members. In common or union high school districts, school boards shall be composed of the following number of members:

(1) A common school district operating elementary grades or a union high school district shall have 3 school board members, except that if such school district is coterminous with a town or has a population of 500 or more it may have 5 school board members.

(2) A common school district operating elementary and high school grades may have 3, 5, 7 or 9 school board members.

(3) A common or union high school district may have not exceeding 11 school board members if a plan of apportionment is established under s. 120.02 (2).

120.02 Method of changing number, apportionment or election of school board members. (1) CHANGE IN NUMBER OF SCHOOL BOARD MEMBERS. If, at least 30 days prior to the day of the annual school district meeting, in a common or union high school district, or at least 70 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 requesting a change in the number of school board members is filed with the school district clerk the clerk shall incorporate in the notice of the annual meeting or election a statement that at the meeting or election the question of changing the number of school board members to the number requested in the petition will be voted upon. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class in which one or more electors of the school district reside, the petition shall be signed by not less than 500 electors residing in the school district. If, at the meeting or election of school board members, a resolution based on a petition requesting a change in the number of school board members is adopted by a majority vote, school board members shall be elected at the next school board election and thereafter in accordance with sub. (3).

(2) PLAN OF APPORTIONMENT. (a) If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 70 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 requesting the establishment of a plan of apportionment of school board members is filed with the school district clerk the clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election. The petition shall specify the proposed plan of apportionment of school board members among the cities, towns and villages or parts thereof within the school district and set the total number of school board members at not more than 11. The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class in which one or more electors of the school district reside, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure. School board members elected under this subsection shall be elected by a vote of the electors of the entire school district in accordance with the plan prepared under sub. (3).

(b) An order of school district reorganization issued under s. 117.08, 117.09 or 117.27 may contain such a plan of apportionment of school board members, and the determination of terms of school board members shall be as provided in sub. (3).

(3) ELECTION PLAN. (a) If a common, unified or union high school district votes to increase the number of school board members, the school district clerk shall promulgate, before the next election of school board members, a plan providing:

1. The number of school board members to be elected each year, distributing the number as evenly as possible.

2. The total number of positions to be filled at the first election for 1, 2 or 3 years.

3. An allocation of the number of candidates to be elected to 1, 2 and 3 year terms at the first election, the 3–year terms to be filled by the appropriate number of candidates receiving the highest number of votes, the 2–year terms to be filled by the appropriate number of candidates receiving the next highest number of votes and the 1–year terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(b) In case of a tie vote in the election of school board members, the election shall be determined by lot and the loser by lot shall become next in order of election if additional positions on the school board are to be filled.

(c) The tenure of school board members whose terms have not expired shall not be affected.

(d) If a school board in its order changing a school district type under s. 117.27 designates a school board of 5, 7 or 9 members, it shall prepare a plan for allocating terms in accordance with this subsection.

(e) Whenever a school district with more than 3 school board members votes to reduce the number of school board members, one less school board member shall be elected annually thereafter until the school board is reduced to the approved number of members, but not less than one member shall be elected each year.

(4) ELECTION TO NUMBERED SEATS. If, at least 30 days prior to the day of the annual meeting, in a common or union high school district, or at least 70 days prior to the day of the election of school board members in a unified school district, a petition conforming to the requirements of s. 8.40 which sets forth a plan for the assignment of a number to each seat on the school board is filed with the school district clerk, the school district clerk shall incorporate notice of receipt of such petition in the notice of the annual meeting or election required under s. 120.06 (8) (c). The petition shall be signed by not less than 100 electors residing in the school district, except that in school districts which contain, in whole or in part, a city of the 2nd or 3rd class in which one or more electors of the school district reside, the petition shall be signed by not less than 500 electors residing in the school district. If a majority vote of the annual meeting or election approves the plan set forth in the petition, the plan shall remain in operation until revised by the same procedure.

History: 1975 c. 138, 199; 1983 a. 27; 1987 a. 391; 1989 a. 114, 192; 2001 a. 54; 2011 a. 75.

120.05 School board officials. (1) (a) The members of a school board shall be the officers of a school district.

(b) In the case of a 3–member school board, the school district president, treasurer and clerk shall constitute the school board. At the first election of a 3–member school board, the clerk shall be elected for a one–year term, the treasurer for a 2–year term and the president for a 3–year term.

(c) In the case of a school board with more than 3 members, the school board shall annually elect a school district president, vice president, treasurer and clerk from among its members at a school board meeting held on or within 30 days after the 4th Monday in April.

(d) A school district officer shall be a resident of the school district in which the officer serves. A school district officer who represents an apportioned area pursuant to a plan adopted under s. 120.02 (2) shall be a resident of the apportioned area for which he or she is elected or appointed at the time the officer takes the oath of office. If a school district officer who represents an apportioned area ceases to be a resident of that area after beginning his or her term but continues to be a resident of the school district, the officer may continue to serve for the balance of the term for which he or she was elected or appointed.

(2) If the territory of a common school district and a union high school district is identical, the school board of the common school district shall constitute the school board of the union high school district.

(3) If the school district president, vice president, treasurer or clerk of any school board is unable to discharge the duties of the office due to disability or absence, the school board may appoint a person to discharge the duties of such person until the disability or absence no longer exists. In the case of a 3–member school board the appointee shall be an elector of the school district. In the case of a larger school board the appointee for the president shall be the vice president and the appointee for the other officers shall be another school board member. The school board shall determine the compensation of such appointees. A person acting as school district clerk or school district treasurer shall have the powers of a deputy and shall take and file an official bond covering the person's acts unless the bond of such officer includes a bond for the officer's deputy. This subsection does not apply to vacancies caused by absence from the school district for a period exceeding 60 days covered by s. 17.03 (4m).

History: 1975 c. 138 s. 13; 1975 c. 199; Stats. 1975 s. 120.05; 1979 c. 173; 1985 a. 218, 304; 2017 a. 365.

The offices of president of a common school district board and chairperson of a town board within the district and the offices of school board member and town clerk are probably compatible. 74 Atty. Gen. 50.

120.06 Election of school board members. In a common or union high school district:

(1) The school board shall be elected at the spring election.

(2) (a) Except as provided under par. (b), school board members shall be electors of the school district and shall be elected at large by a plurality vote of the electors of the school district.

(b) School board members elected to a school board in an election under s. 117.22 (2) (bm) shall reside in the territory of the school district created by the reorganization.

(3) The regular terms of school board members shall be 3 years, except as otherwise provided under s. 17.26.

(4) School board members elected for regular or unexpired terms shall take office, provided they have taken and filed the official oath, on the 4th Monday in April.

(6) (a) In a school district which does not contain territory lying within a 2nd class city, the school board may, or in a common or union high school district the school board or annual meeting may, by resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, require that nomination papers be filed by all candidates seeking election to the school board. If the school board or annual meeting has previously required the filing of nomination papers in such a school district, the body imposing the requirement may, by similar resolution adopted not later than the last Tuesday in November preceding an election for members of the school board, rescind the requirement.

(b) 1. No later than the 4th Tuesday in November prior to the spring election, the school district clerk shall publish a type A notice of the school district election under s. 10.01 (2) (a).

2. Except as authorized in this paragraph, no later than 5 p.m. on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district may file a sworn declaration of candidacy with the school district clerk in the form provided in s. 8.21 at the place specified in the notice. If the school district contains territory lying within a 2nd class city, or if the school board or annual meeting requires nomination papers under par. (a), any qualified elector of the school district who desires to be a candidate shall in addition file nomination papers in the form prescribed under s. 8.10 (2) and (3) with the school district clerk at the place specified in the notice.

3. If an incumbent fails to file a declaration of candidacy, and nomination papers, where required, within the time prescribed by this paragraph, all candidates for the office held by the incumbent, other than the incumbent, may file a declaration of candidacy and nomination papers, where required, no later than 72 hours after the latest time prescribed in this paragraph. No extension of the time for filing a declaration of candidacy or nomination papers applies if the incumbent files written notification with the school district clerk, no later than 5 p.m. on the 2nd Friday preceding the latest time prescribed in this paragraph for filing declarations of candidacy, that the incumbent is not a candidate for reelection to his or her office, and the incumbent does not file a declaration of candidacy for that office within the time prescribed in this paragraph.

3m. If, under subd. 3., an incumbent files written notification that the incumbent is not a candidate for reelection to his or her office or fails to file a declaration of candidacy within the time prescribed by this paragraph, the school district clerk shall promptly provide public notice of that fact on the school district's Internet site or, if the school district does not maintain an Internet site, by

posting notices in at least 3 different locations within the school district.

4. In the case of a 3–member school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the office for which the elector is a candidate. In the case of an apportioned or numbered school board, the qualified elector shall state in his or her declaration of candidacy and on the face of his or her nomination papers, if any, the apportioned area or numbered seat for which the elector is a candidate.

5. If a candidate has not filed a registration statement under s. 11.0202 (1) (a) by the time he or she files a declaration of candidacy, the candidate shall file the statement with the declaration. A candidate shall file an amended declaration under oath with the school district clerk in the event of a change in any information provided in the declaration as provided in s. 8.21.

(7) (a) No later than 5 p.m. on the 2nd Tuesday in January, the school district clerk shall verify the declarations of candidacy and certify the names of candidates who have filed valid nomination papers, where required, and who qualify for office. In making verifications or certifications, the school district clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08 (2) (a). Once filed, a declaration of candidacy or nomination papers may not be withdrawn.

(b) The school board shall require a primary election if there are more than 2 candidates for any seat on a 3–member board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than 3 members. In school districts in which a plan of apportionment of school board members under s. 120.02 (2), an apportionment plan that apportions the territory of the school district into election districts under s. 120.42 (1m), or a plan for election of school board members to numbered seats has been adopted, the school board shall require a primary election for particular apportioned areas for which there are more than twice as many candidates as there are members to be elected and for any numbered seat for which there are more than 2 candidates. When there is a primary election it shall be held in conjunction with the spring primary.

(8) The school district clerk shall do all of the following:

(a) Notify the municipal clerk of each municipality lying wholly or partially within the school district of the primary election if one is to be held and of the spring election and furnish those municipal clerks with a copy of the notice of the school board election.

(b) Determine for the primary, if any, and again for the spring election the order in which the names of candidates shall appear on the ballot by supervising the drawing of lots not later than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday, and the 2nd day following the completion of the canvass of the primary election, if any.

(c) Cause to be given a class 1 notice, in accordance with ch. 985, on the Monday before the primary election, if one is to be held, and on the Monday before the spring election. If publication is made in a newspaper which does not publish on Monday, publication shall be made on the closest preceding day on which the newspaper publishes. If the school district clerk determines that due to the method of delivering newspapers in the school district more effective notice will be provided by publication at an earlier date, the school district clerk may publish the notice not earlier than 3 days before the primary or election. The notice shall contain the following information:

1. The date of the election.

2. The names of all candidates in the order in which they are listed on the ballot.

3. The location and open hours of polling places and a designation of which persons should vote at each polling place.

4. A facsimile ballot and the relevant portions of the voting instructions under s. 10.02 (3).

(d) Where paper ballots are utilized at a spring primary or election, provide the municipal clerk an adequate supply of ballots for the primary or election at least 22 days before the primary or election.

(e) Receive all ballots after they have been counted, reported and secured.

(f) After the spring primary, if any, after the spring election, and after any special primary, election or referendum, assure that the returns are canvassed as provided in sub. (14) and s. 7.53 (3).

(g) Retain and supervise the destruction of election materials from the primary, if any, and the spring election pursuant to s. 7.23 insofar as applicable.

(h) Whenever a recount of a primary or other election is required, assure that the recount is conducted by the municipal and school district boards of canvassers pursuant to s. 9.01.

(9) (a) The primary and spring elections for school board members shall be conducted by the election officials for state and municipal elections. In a school board election or referendum held in conjunction with a state, county, municipal, or judicial election, the polling places for the state, county, municipal, or judicial election shall be the polling places for the school board election or referendum, and the municipal election hours shall apply. If no state, county, municipal, or judicial election is held on the day of the school board election or referendum, the school board may select the polling places to be used. The election costs shall be charged as provided in ss. 5.68 and 7.03.

(b) The school board may not select a polling place to be closed under par. (a) if:

1. Ten percent or more of the electors voting in the last school board election voted at the polling place; or

2. The polling place is located in a municipality which is located entirely within the school district.

(c) The school board shall post a notice on the door of any polling place not selected indicating all polling places selected and open for voting.

(10) Within 8 days after the election or appointment of any person to the school board, the school district clerk shall notify the person of his or her election or appointment. Notice of election shall be provided in the manner prescribed in s. 7.53 (3) (a). On or prior to the day provided for taking office, a school board member shall take and file the official oath.

(11) The absentee ballot provisions of ss. 6.84 to 6.89 apply to elections under this section. Voting machines or an electronic voting system shall be used in any city, village or town lying wholly or partially within a school district conducting an election under this section if the machines or system are required under s. 5.40.

(12) An election in accordance with s. 17.26 to fill an unexpired term on a school board shall be held in the same manner as a regular school board election is held. In the case of a school board of more than 3 members, elections to fill unexpired terms shall be held simultaneously with the elections for regular terms, the regular terms to be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms to be filled by the appropriate number of candidates receiving the next highest number of votes.

(13) A person attempting to vote at an election of school board members may be challenged as provided in s. 6.92, 6.925 or 120.08 (3).

(14) The school district clerk shall receive the returns of each school district election, as compiled by the inspectors at each polling place of each municipality in which the school district is contained, from the municipal clerk of that municipality. The school district shall then canvass and determine the results of the election.

(15) Unless otherwise provided by this chapter, s. 117.22, or other applicable law, the elections for school board members shall be guided by the municipal election laws.

History: 1973 c. 340; 1975 c. 138, 199; 1977 c. 340; 1979 c. 32, 260; 1981 c. 47; 1983 a. 484; 1985 a. 225 s. 100; 1985 a. 304 ss. 150 to 153, 156; 1985 a. 332; 1987 a. 391; 1989 a. 114, 192; 1991 a. 62; 1993 a. 266; 1995 a. 16 s. 2; 1997 a. 286; 1999 a. 83, 182; 2001 a. 38; 2003 a. 265; 2005 a. 333; 2015 a. 37, 63, 117; 2021 a. 33.

120.07 School board member; refusal of salary. (1) In this section:

(a) "Salary" means the annual salary for a school board member or the amount for each school board meeting the school board member actually attends.

(b) "School board member" includes a school board member–elect.

(2) (a) 1. Notwithstanding the provisions of s. 120.10 (3), a school board member may send written notification to the school district clerk and the school district treasurer that the school board member wishes to refuse to accept the salary that he or she is otherwise entitled to receive.

2. a. Except as provided in subd. 2. b., for the taxable year in which the school board member's election is certified or the board member is appointed under s. 17.26, the school board member shall send the notification no later than the day on which the board member takes the official oath of office and before the board member performs any services in his or her capacity as a board member. The notification applies only to the taxable year in which the school board member's election is certified.

b. If the school board member's current taxable year ends within 3 months of the day on which the board member's election is certified or the board member is appointed to the board, the notification applies until the end of his or her next taxable year.

3. Except as provided in subd. 2., a school board member shall send the notification at least 30 days before the start of the school board member's next taxable year and the notification applies only to that taxable year. A school board member may renew his or her refusal by sending a notification annually as provided in this subdivision.

4. A school board member may not rescind a notification sent under this paragraph.

(b) 1. If a school district clerk and school district treasurer receive a notification under par. (a), the school district treasurer may not pay the school board member the salary that he or she is otherwise entitled to receive during the time period to which the notification applies, beginning with the first pay period that commences after the notification applies.

2. If a school board member's notification no longer applies, the school district treasurer shall pay the school board member any salary that he or she is entitled to receive, beginning with the first pay period that commences after the expiration of the notification.

History: 2017 a. 9.

120.08 School district meetings. Every elector of a common or union high school district is eligible to vote at an annual or special meeting of the school district.

(1) ANNUAL MEETING. (a) Common school districts shall hold an annual meeting on the 4th Monday in July at 8 p.m. and union high school districts shall hold an annual meeting on the 3rd Monday in July at 8 p.m. unless the electors at one annual meeting determine to thereafter hold the annual meeting on a different date or hour, or authorize the school board to establish a different date or hour. No annual meeting may be held before May 15 or after October 31. The first school district meeting in a common or union high school district created under s. 117.08, 117.09, or 117.27 shall be considered an annual meeting.

(b) The place of the annual meeting shall be in a schoolhouse in the school district. If a schoolhouse which will accommodate the electors is not available, the place of the annual meeting shall be the nearest available place designated by the school board.

(c) The school district clerk shall publish a class 2 notice, under ch. 985, of the time and place of the annual meeting, the last insertion to be not more than 8 days nor less than one day before the annual meeting. The school district clerk shall give like notice for any adjourned meeting, if the adjournment is for more than 30 days. No annual meeting shall be deemed illegal for want of notice.

(2) SPECIAL MEETING. (a) Upon petition filed with the school district clerk signed by 3 percent of the electors residing in the school district or 100 electors, whichever is fewer, or upon the motion of the school board in a common or union high school district, a special meeting shall be called by the school district clerk or, in his or her absence, by the school district president or school district treasurer. If the petition includes a subject beyond the power of the special meeting to transact, the school district clerk shall reject such subject and so notify each elector signing the petition.

(b) Notice of a special meeting shall be published as a class 2 notice, under ch. 985. The last insertion shall be not more than 8 days nor less than one day before the day of the special meeting. If no hour for the special meeting is fixed in the notice, it shall be held at 8 p.m.

(c) A special meeting has the powers of the annual meeting. No more than 2 special meetings may be held between annual meetings to consider or act upon the same subject, except that in counties having a population of 750,000 or more no more than 4 such meetings may be held. No tax may be voted at a special meeting, unless notice thereof is included in the notice under par. (b). The amount of the tax proposed to be voted shall be set forth in the notice. The special meeting may vote a tax of a lesser amount than stated in the notice, but not a greater amount.

(3) CHALLENGE. If a person attempting to vote at an annual or special meeting is challenged, the chairperson of the meeting shall state to the person challenged the qualifications necessary to vote at the meeting. If such person declares that he or she is eligible to vote and if such challenge is not withdrawn, the chairperson shall administer the following oath or affirmation to him or her: "You do solemnly swear (or affirm) that you are an actual resident of this school district and that you are qualified, according to law, to vote at this meeting". A person taking such oath or affirmation shall be permitted to vote, but if that person refuses to take such oath or affirmation that person may not vote.

History: 1979 c. 164, 301; 1989 a. 114; 1993 a. 184; 1997 a. 87; 2001 a. 16; 2017 a. 207 s. 5.

120.09 Consideration of special subject. If in a common or union high school district at least 60 days prior to the annual meeting a petition is filed with the school district clerk signed by 100 electors requesting that the annual meeting consider a special subject or item of business which is a proper subject or item for consideration at the annual meeting, the school district clerk shall incorporate a statement of the subject or item in the notice of the annual meeting. The school district clerk shall prepare the proper ballot to permit voting on the subject or item at the annual meeting. If the petition includes a subject beyond the power of the annual meeting, the school district clerk shall reject that part of the petition which contains such subject and notify the proper person within 20 days of the school district clerk's receipt of the petition. The petition shall designate a person or a representative of an organization to be notified in case of its rejection.

History: 1975 c. 138, 199.

120.10 Powers of annual meeting. The annual meeting of a common or union high school district may:

(1) CHAIRPERSON AND CLERK. Elect a chairperson and, in the absence of the school district clerk, elect a person to act as the clerk of the meeting.

(2) ADJOURNMENT. Adjourn from time to time.

(3) SALARIES OF SCHOOL BOARD MEMBERS. Vote annual salaries for school board members or an amount for each school board meeting the member actually attends.

(4) REIMBURSEMENT OF SCHOOL BOARD MEMBERS. Authorize the payment of actual and necessary expenses of a school board member when traveling in the performance of duties and the reimbursement of a school board member for actual loss of earnings when duties require the school board member to be absent from regular employment.

(5) BUILDING SITES. Designate sites for school district buildings and provide for the erection of suitable buildings or for the lease of suitable buildings for a period not exceeding 20 years with annual rentals fixed by the lease.

(5m) REAL ESTATE. Authorize the school board to acquire, by purchase or condemnation under ch. 32, real estate and structures and facilities appurtenant to such real estate necessary for school district purposes.

(6) TAX FOR SITES, BUILDINGS AND MAINTENANCE. Vote a tax to purchase or lease suitable sites for school buildings, to build, rent, lease or purchase and furnish, equip and maintain school district buildings. The tax may be spread over as many years as are required to pay any obligations approved or authorized at the annual meeting including rental payments due in future years under an authorized lease.

(7) TAX FOR TRANSPORTATION VEHICLES. Vote a tax to purchase, operate and maintain transportation vehicles and to purchase liability insurance for such vehicles, and to finance contracts for the use and services of such vehicles.

(8) TAX FOR OPERATION. Vote a tax for the operation of the schools of the school district.

(9) TAX FOR DEBTS. Vote a tax necessary to discharge any debts or liabilities of the school district.

(10) SCHOOL DEBT SERVICE FUND. Vote a tax to create a fund for the purpose of paying all current bonded indebtedness for capital expenditures. All money raised through taxation or otherwise collected pursuant to this subsection shall be deposited by the school district treasurer in a segregated fund. Such money shall not be used for any other purpose, except as provided by s. 67.11 (1), or be transferred to any other fund except by authorization by a two–thirds majority vote of the total number of electors of the school district.

(10m) SCHOOL CAPITAL EXPANSION FUND. Vote a tax to create a fund for the purpose of financing all current and future capital expenditures related to buildings and sites. All money raised through taxation or otherwise collected pursuant to this subsection shall be deposited by the school district treasurer in a segregated fund. Such money shall not be used for any other purpose or be transferred to any other fund except by authorization by a majority vote of the electors present at a subsequent annual meeting and only if notice that the issue would be on the agenda was included in the notice of the subsequent annual meeting under s. 120.08 (1) (c).

(11) TAX FOR RECREATION AUTHORITY. Vote a tax for the purposes specified in s. 66.0123.

(14) LEGAL PROCEEDINGS. Direct and provide for the prosecution or defense of any action or proceedings in which the school district is interested.

(15) TEXTBOOKS. Authorize the school board to furnish textbooks under conditions prescribed by the annual meeting or by the school board. The authorization shall continue in effect until revoked by a subsequent annual meeting.

(16) SCHOOL LUNCHES. Direct the school board to furnish school lunches to the pupils of the school district and appropriate funds for that purpose.

(19) CONSOLIDATION OF HIGH SCHOOLS. In a union high school district, vote to consolidate schools or to discontinue a school where more than one high school is operated by the school district.

History: 1975 c. 39, 115, 199; 1977 c. 206; 1979 c. 301; 1981 c. 20; 1983 a. 207, 339; 1985 a. 29, 218; 1993 a. 184; 1999 a. 150 s. 672; 2015 a. 55.

An action may be instituted and maintained by the school district board without specific approval of the district when management, control, and conservation of school district property requires speedy application for process. Chilton Joint School Dist. No. 1 v. City of Chilton, 78 Wis. 2d 52, 253 N.W.2d 879 (1977).

The power to convert an elementary school to another educational use is not granted by subs. (5) or (12). The school board has this power under s. 120.13 (1). Waldeck v. Goedken, 84 Wis. 2d 408, 267 N.W.2d 362 (1978).

Sub. (10) authorizes levying a tax for the purposes of current or future capital expenditures even without corresponding, existing bonded indebtedness. Barth v. Monroe Board of Education, 108 Wis. 2d 511, 322 N.W.2d 694 (Ct. App. 1982).

Nothing in sub. (6) limits a district from paying a building lease from a general fund raised by the levy of taxes under sub. (8) for school operations. Deick v. Unified School District of Antigo, 165 Wis. 2d 458, 477 N.W.2d 613 (1991).

A common school district's authority under sub. (12) to lease surplus property is discussed. 67 Atty. Gen. 332.

120.11 School board meetings and reports. (1) The school board in a common or union high school district shall hold a regular meeting at least once each month at a time and place determined by the school board and may hold special school board meetings under sub. (2). A majority of the school board members constitute a quorum at a regular or special school board meeting. The school district president shall preside at school board meetings. In the president's absence, the school district vice president shall preside or, in the case of a 3–member board, the school board may select another school board member to preside. The school district clerk shall record the minutes of school board meetings and, in his or her absence, the school board may select another school board member to act as the clerk of the meeting.

(2) (a) The school board shall hold a special school board meeting upon the written request of a school board member filed with the school district clerk or, in the school district clerk's absence, the school district president. The school district clerk or, in the school district clerk's absence, the president shall fix a reasonable date, time, and place for the meeting. Except as provided under pars. (b) and (c), the school district clerk or, in the school district clerk's absence, the president shall notify each school board member of the date, time, and place of the meeting at least 24 hours before the meeting. Except as provided under pars. (b) and (c), the school district clerk or, in the school district clerk's absence, the president shall give the notice to each school board member in a manner likely to give the school board member notice of the meeting.

(b) If the school district clerk or, in the school district clerk's absence, the school district president determines that providing notice at least 24 hours before a special school board meeting under par. (a) is, for good cause shown by the school district clerk or president, impossible or impractical, the school district clerk or president may notify each school board member of the date, time, and place of the meeting less than 24 hours, but not less than 2 hours, before the meeting.

(c) The school board may hold a special school board meeting under par. (a) without prior notice if all school board members are present and consent or if every school board member consents in writing even though the school board member does not attend.

(3) Before the annual meeting, the school board shall meet to examine the accounts of the school district treasurer and to prepare a full, itemized written report which shall be presented and read at the annual meeting. The report shall state all receipts and expenditures of the school district since the last annual meeting, the current cash balance of the school district, the amount of the deficit and the bills payable of the school district, the amount necessary to be raised by taxation for the support of the schools of the school district for the ensuing year and the amount required to pay the interest and principal of any debt due during the ensuing year. The report also shall include the budget summary required under s. 65.90. If a school board has established a trust described in s. 66.0603 (1m) (b) 3., the report shall also state the amount in the trust, the investment return earned by the trust since the last annual meeting, the total of disbursements made from the trust since the last annual meeting, and the name of the investment manager if investment authority has been delegated under s. 66.0603 (3) (b). The school district clerk shall copy the report, with the action

taken thereon, and all other proceedings of the annual meeting in full in the school district record book.

(4) The proceedings of a school board meeting shall be published within 45 days after the meeting as a class 1 notice, under ch. 985, in a newspaper published in the school district, if any, or publicized by school district–wide distribution prepared and directed by the school board and paid out of school funds. If there is no newspaper published in the school district, the proceedings shall be posted or published as the school board directs. For the purpose of publication, the proceedings shall include the substance of every official action taken by the school board at the meeting and a statement of receipts and expenditures in the aggregate. The school board shall make a detailed record of all receipts and expenditures available to the public for inspection at each school board meeting and upon request.

History: 1979 c. 141, 173; 1983 a. 27, 339; 2005 a. 99; 2019 a. 96.

120.115 Report on debt service. (1) (a) Within 10 days after adopting a resolution that authorizes the school board to incur debt or that authorizes the common council of a 1st class city to incur debt on behalf of the school district operating under ch. 119, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department.

(b) Within 10 days after holding a referendum that would authorize the school district to incur debt or that would authorize the common council of a 1st class city to incur debt on behalf of the school district operating under ch. 119, the school board shall notify the department of the approval or rejection of the referendum.

(2) (a) Within 10 days after adopting or revising a schedule for the payment of debt service, the school board shall submit the schedule to the department.

(b) Within 10 days after adopting or revising a schedule for the payment of debt service on debt issued on behalf of the school district operating under ch. 119, the common council of a 1st class city shall submit the schedule to the department.

(3) Monthly, the department shall submit to the department of administration and the legislative fiscal bureau a report that aggregates all debt service payment schedules submitted under sub. (2).

History: 1997 a. 27, 237.

120.12 School board duties. The school board of a common or union high school district shall:

(1) MANAGEMENT OF SCHOOL DISTRICT. Subject to the authority vested in the annual meeting and to the authority and possession specifically given to other school district officers, have the possession, care, control and management of the property and affairs of the school district, except for property of the school district used for public library purposes under s. 43.52.

(2) GENERAL SUPERVISION. Visit and examine the schools of the school district, advise the school teachers and administrative staff regarding the instruction, government and progress of the pupils and exercise general supervision over such schools.

(2m) EDUCATOR EFFECTIVENESS. (a) Beginning in the 2014–15 school year, evaluate the effectiveness of each teacher and principal employed by the school district using either the system established under s. 115.415 (2) or the equivalency process established by rule under s. 115.415 (3).

(b) Ensure that the results of evaluations conducted under this subsection are not subject to public inspection, copying, or disclosure under s. 19.35.

(3) TAX FOR OPERATION AND MAINTENANCE. (a) Annually on or before November 1, determine the amount necessary to be raised to operate and maintain the schools of the school district and public library facilities operated by the school district under s. 43.52, if the annual meeting has not voted a tax sufficient for such purposes for the school year. Annually on or before November 10, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified and enter it on the tax rolls as other school district taxes are assessed and entered.

(b) If a tax sufficient to operate and maintain the schools of a school district for the ensuing school year has not been determined, certified and levied prior to the effective date of school district reorganization under ch. 117 affecting any territory of the school district, the school board of the affected school district shall determine, on or before the November 1 following the effective date of the reorganization, the amount of deficiency in operation and maintenance funds on the effective date of the reorganization which should have been paid by the property in the affected school district if the tax had been determined, certified and assessed prior to the effective date of the reorganization. On or before November 10, the school district clerk shall certify the appropriate amount to each appropriate municipal clerk who shall assess, enter and collect the amount as a special tax on the property. This paragraph does not affect the apportionment of assets and liabilities under s. 66.0235.

(c) If on or before November 1 the school board determines that the annual meeting has voted a tax greater than that needed to operate the schools of the school district for the school year, the school board may lower the tax voted by the annual meeting. On or before November 10, the school district clerk shall certify the appropriate amount so determined to each appropriate municipal clerk who shall assess the amount certified to him or her and enter it on the tax rolls in lieu of the amount previously reported.

(d) If on or before November 1 the school board determines that the annual meeting has voted a tax that would violate the limit under subch. VII of ch. 121, the school board shall lower the tax to bring it into compliance with that limit.

(4) TAX FOR DEBT RETIREMENT. On or before November 1, determine the amount necessary to meet any irrepealable tax obligations or other financial commitments of the school district not otherwise provided for. The school district clerk shall certify the amount apportioned to each appropriate municipal clerk who shall include the amount certified and enter it on the tax rolls as other school district taxes are assessed and entered.

(4m) CALCULATION OF TOTAL BASE WAGES INCREASE FOR COLLECTIVE BARGAINING. If collectively bargaining with employees of the school district, determine the maximum total base wages expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2., calculating the consumer price index change using the method the department of revenue uses under s. 73.03 (68).

(5) REPAIR OF SCHOOL BUILDINGS. Keep the school buildings and grounds in good repair, suitably equipped and in safe and sanitary condition at all times. The school board shall establish an annual building maintenance schedule.

(6) INSURANCE ON SCHOOL PROPERTY. Keep the school buildings, equipment and other property amply insured. If there are no funds in the school district treasury sufficient to pay the premium, the school board may execute a note for that purpose.

(7) DEPOSITORY. Designate one or more public depositories in which the money belonging to the school district shall be deposited and specify whether the moneys shall be maintained in time deposits subject to the limitations of s. 66.0603 (1m), demand deposits or savings deposits. When the money is so deposited in the name of the school district, the school district treasurer and bondsmen are not liable for any loss as defined in s. 34.01 (2). The interest on such deposits shall be paid into the school district treasury.

(9) DISCUSSION OF PUBLIC QUESTIONS. Upon the written application of one–half of the electors of the school district, allow the use of the school buildings or grounds for the free discussion of public questions so far as such use does not interfere, in the opinion of the school board, with the prime purpose of the school buildings or grounds.

(11) INDIGENT CHILDREN. Provide books and school supplies for indigent children residing in the school district.

(12) SANITARY FACILITIES. Provide and maintain enough suitable and separate toilets and other sanitary facilities for both sexes at each school.

(13) DECLARATION OF EDUCATIONAL STANDARDS. (a) Annually, prior to the beginning of the school term, notify the parents and guardians of pupils enrolled in the school district of the pupil academic standards, adopted under s. 118.30 (1g) (a) 1., that will be in effect for the school year. The school board may provide the notice required under this paragraph electronically, including by posting the notice or a link to the pupil academic standards on the school district's Internet site.

(b) Annually, include as an item on the agenda of the first school board meeting of the school year a notice that clearly identifies the pupil academic standards adopted by the school board under s. 118.30 (1g) (a) 1. that will be in effect for the school year.

(14) COURSE OF STUDY. Determine the school course of study.

(15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day.

(16) IMMUNIZATION OF CHILDREN. (a) In cooperation with local health departments, as defined in s. 250.01 (4), develop and implement a plan to encourage compliance with par. (b) and s. 252.04 (2) and submit the plan to the department of health services by September 1, 1991, and annually thereafter.

(b) Require each student to present evidence of completed basic and recall (booster) series immunizations unless the student, if an adult, or the parent, guardian or legal custodian of a minor student submits a written waiver to the school board under s. 252.04 (3).

(17) UNIVERSITY OF WISCONSIN SYSTEM TUITION. Pay the tuition of any pupil enrolled in the school district and attending an institution within the University of Wisconsin System if the pupil is not participating in the program under s. 118.55, the course the pupil is attending at the university is not offered in the school district and the pupil will receive high school credit for the course.

(18) CONTINUITY OF EDUCATIONAL PROGRAMMING. Coordinate and provide for continuity of educational programming for pupils receiving educational services as the result of a court order under s. 48.345 (12) or 938.34 (7d), including but not limited to providing a report to the court assigned to exercise jurisdiction under chs. 48 and 938 and the agency which is required to submit an educational plan for a child under s. 48.33 or 938.33 (1) (e). The report shall describe the child's educational status and make recommendations regarding educational programming for the child. The report shall be in writing, except that if the educational plan under s. 938.33 (1) (e) is presented orally at the dispositional hearing the report may be presented orally to the court assigned to exercise jurisdiction under chs. 48 and 938 and the agency at the dispositional hearing. If written, the report shall be provided to the court assigned to exercise jurisdiction under chs. 48 and 938 and the agency at least 3 days before the date of the child's dispositional hearing.

(19) INITIATIVE TO PROVIDE COORDINATED SERVICES. If the county board of supervisors establishes an initiative to provide coordinated services under s. 59.53 (7), participate in the initiative and may enter into written interagency agreements or contracts under the initiative.

(20) PROHIBITION OF TOBACCO. Prohibit the use of all tobacco products on premises owned or rented by, or under the control of, a school board, except that the school board may allow the use of tobacco products on premises owned by the school district and rented to another person for noneducational purposes.

(21) CONSIDERATION OF EFFECTS ON HISTORIC PROPERTIES. (a) In the earliest stage of planning any action related to the following, determine if its proposed action will affect any historic property that is a listed property, as defined under s. 44.31 (4), or that is on the list of locally designated historic places under s. 44.45:

1. Long–range planning for facilities development.
2. Razing any historic property that it owns.

(b) Notify the state historic preservation officer of any proposed action that the school board determines under par. (a) would affect any historic property.

(22) ADVANCED PLACEMENT EXAMINATIONS. Using federal, state, local, or private funds, pay the costs of advanced placement examinations taken by pupils enrolled in the school district who satisfy the income eligibility criteria for free or reduced–price lunches in the federal school lunch program under 42 USC 1758 (b) (1).

(23) PUPIL PARTICIPATION IN SCHOOL ACTIVITIES. Adopt a policy on access to extracurricular and recreational school programs and activities that encourages full participation by all elementary grade pupils in these programs and activities. This subsection does not apply to the school board of a union high school district.

(24) HEALTH CARE BENEFITS. (a) Prior to the selection of any group health care benefits provider for school district employees, as defined in s. 111.70 (1) (ne), solicit sealed bids for the provision of such benefits.

(b) Annually submit to the department of administration a report containing all of the following information regarding health care for school district employees:

1. Health care plan design.
2. Premium contributions.
3. Self–insurance contributions.
4. Deductibles, copayments, coinsurance, and other methods by which employees contribute to health care costs.

(25) EARLY ADMISSION TO KINDERGARTEN AND FIRST GRADE. Prescribe procedures, conditions and standards for early admission to kindergarten and first grade.

(26) ENROLLMENT OF PUPILS. For a pupil who is a resident of the school district and who was enrolled in but has withdrawn from the recovery charter school established under s. 118.40 (2x) (cm), do all of the following:

(a) Provide assistance to a person who has control over the pupil to meet the requirements under s. 118.15.

(b) If the pupil enrolls in a school in the school district, ensure that the school applies all credits earned at the recovery charter school towards the high school graduation requirements under s. 118.33.

(27) SCHOOL CLOSINGS AND REOPENINGS. (a) Within 24 hours of a school being closed for a reason specified in s. 115.01 (10) (b) or (c) or by the department of health services under s. 252.02 (3), notify the department. The notice shall include the reason for the closure.

(b) Within 24 hours of reopening a school that was closed for a reason specified in s. 115.01 (10) (b) or (c) or by the department of health services under s. 252.02 (3), notify the department that the school has reopened. In the notice, the school board shall include the number of days the school was closed.

(28) SCHOOL BOARD VACANCIES. By July 1, 2016, adopt a policy on how the school board will fill a vacancy on the school board if the remaining school board members do not fill the vacancy under s. 17.26 (1g) (a) within 60 days of the date on which the vacancy first exists.

History: 1973 c. 61, 90; 1975 c. 180, 421; 1977 c. 206, 418; 1979 c. 301, 318, 334; 1983 a. 189 s. 329 (21); 1985 a. 29, 218, 225; 1987 a. 285; 1989 a. 31, 114, 209, 264, 359; 1991 a. 39, 269; 1993 a. 16, 27, 437; 1995 a. 27 ss. 4022r, 4023m, 9126 (19), 9145 (1); 1995 a. 77, 201; 1997 a. 27, 160, 237, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 30; 2005 a. 220; 2007 a. 20 s. 9121 (6) (a); 2007 a. 40; 2009 a. 28, 305, 309, 334; 2011 a. 10, 105, 166; 2013 a. 257; 2015 a. 55, 63; 2017 a. 30, 59.

Nothing in ch. 62 or 120 precludes a school board from qualifying as a proper "claimant" against a city under s. 62.25. Chilton Joint School District No. 1 v. City of Chilton, 78 Wis. 2d 52, 253 N.W.2d 879 (1977).

Section 66.185 [now s. 66.0137] does not prohibit providing health insurance benefits to persons not listed in the statute if authority is granted by other statutes. Sections 120.12, 120.13, and 120.44, broadly construed as required by s. 118.001, grant broad powers, including that of providing insurance to persons not listed in this section. Pritchard v. Madison Metropolitan School District, 2001 WI App 62, 242 Wis. 2d 301, 625 N.W.2d 613, 00–0848.

The duties and powers under ss. 118.001, 120.12 (14), and 120.13 extend to individual teachers as employees of the school board. It would be absurd to require teachers to obtain special permission from the school board with respect to every detail of their teaching. Summer homework, particularly for an honors class for which students receive additional credit, fits comfortably within the range of what is reasonable and is not unconstitutional. Larson v. Burmaster, 2006 WI App 142, 295 Wis. 2d 333, 720 N.W.2d 134, 05–1433.

Sub. (18) requires a school board to cooperate with the juvenile court and the agency designated by the court to prepare an educational plan under s. 938.33 (1) (e) for a pupil or former pupil who is subject to a dispositional order under s. 938.34 or 938.355 and to coordinate and provide for continuity of educational programming for pupils receiving educational services as the result of a court order under s. 938.34 (7d). Sub. (18) does not require a school board or a school district to provide alternative educational resources to a juvenile who has been expelled from school under s. 120.13 (1) (c) 1. Madison Metropolitan School District v. Circuit Court for Dane County, 2011 WI 72, 333 Wis. 2d 95, 800 N.W.2d 442, 09–2845.

Under sub. (3), the school board of common or union high school district has ultimate authority to determine the tax levy for operation and maintenance of the schools in the district. 79 Atty. Gen. 46.

School boards have authority to enforce policies that mandate the manner, conditions, and content of police interviews with students on school premises during school hours. 81 Atty. Gen. 126.

Individual school board members are not liable for a failure to supervise district employees. Callaway v. Hafeman, 628 F. Supp. 1478 (1985).

120.123 School and school district accountability reports. Beginning in September 2016, and annually thereafter, each school that maintains an Internet site shall, if the school is included in the most recent accountability report published under s. 115.385, within 30 days after the department publishes the accountability report, prominently link on the home page of that Internet site to the pages in that most recent accountability report concerning the school.

History: 2015 a. 338.

120.125 Before– and after–school child care. (1) In this section, "before– and after–school child care program" means a program that provides child care services before school, after school, or both before and after school.

(2) (a) A school board shall permit a child care provider who has submitted a request which meets all of the requirements under sub. (3) to administer a before– and after–school child care program in any elementary school within the school district unless:

1. There is a limitation of reasonably available space within the elementary school;

2. The school board has previously accepted a request which was submitted under this subsection;

3. Before– and after–school child care programs exist in the elementary school;

4. The school board intends to provide before– and after–school child care services in the elementary school;

5. The requirements under sub. (3) have not been met; or

6. Paragraph (b) applies.

(b) The school board may deny a request under par. (a) 6. if the school board intends to solicit child care providers to submit requests to provide before– and after–school child care programs in the elementary school for which a request under par. (a) was submitted. If a school board denies a request under this paragraph, the request submitted under par. (a) shall be considered along with requests that are submitted as a result of the school board solicitation.

(c) If a school board denies a request under par. (a) or (b), the school board shall specify the reasons for denial, in writing, to the child care provider within 60 days after the date on which the request is received.

(3) (a) A request submitted to a school board under sub. (2) shall be in writing, shall name the elementary school in which the before– and after–school child care program is to be provided, and shall specify the amount of space needed, the number and ages of the pupils to be served, and the time the provider intends to operate the program. The request shall also contain all of the following assurances:

1. That the child care provider will be responsible for all actual incremental costs incurred by the school as a result of permitting the child care provider to provide a before– and after–school child care program in the school building.

2. That the child care provider will be liable to the school district for any damage to property in the operation of the before– and after–school child care program, that the child care provider shall hold the school district harmless from any liability, claim, or damages caused by the acts or omissions of the child care provider, and that the child care provider will acquire adequate insurance coverage, as determined by the school district.

3. That the child care provider will not provide religious instruction or permit religious practices to be conducted during the before– and after–school child care program.

(b) A school board shall conditionally grant a request submitted by a child care provider if all the requirements under par. (a) are met and sub. (2) (a) 1. to 6. and (b) does not apply.

(4) If a request under sub. (3) is conditionally accepted by the school board, the school board shall enter into a written agreement with the child care provider that specifies the hours during the day in which the child care provider is to occupy the school premises and the rooms, facilities, or equipment that are to be used by the child care provider. The agreement shall also provide all of the following:

(a) Except as provided under s. 121.545 (2), that the school board is not responsible for providing transportation to or from the before– and after–school child care program.

(b) That nothing in the agreement would prohibit the school board from permitting other child care providers to provide child care services to pupils in the same building during the same time and that nothing in the agreement would prohibit the school district from providing before– and after–school child care programs in the same building and during the same time in which the child care provider provides before– and after–school child care programs.

(c) That the agreement may be terminated by the school board at the end of a school year if the school board intends to provide child care for the pupils in the elementary school or intends to solicit other child care providers to provide services during the following school year.

(d) That the school board may review and terminate the agreement at any time, with 30 days' prior written notice to the child care provider, if any of the conditions in the agreement are violated by the child care provider.

(e) That the child care provider shall be responsible for all actual costs incurred by the school district as a result of the agreement, the costs of which shall be paid to the school district at times specified by the school board in the agreement.

(f) That the child care provider shall be liable to the school district for any damage to property in the operation of the before– and after–school child care program, that the child care provider shall hold the school district harmless from any liability, claim, or damages caused by the acts or omissions of the child care provider, and that the child care provider shall acquire adequate insurance, as determined by the school district, to be in effect beginning the first day on which the child care provider provides the before– and after–school child care program.

(g) That the child care provider shall not provide religious instruction or permit religious practices to be conducted during the before– and after–school child care program.

(h) That the child care provider shall meet the standards for licensed child care centers established by the department of children and families.

History: 1987 a. 386; 1991 a. 39; 1995 a. 27 s. 9126 (19); 2007 a. 20; 2009 a. 185.

120.13 School board powers. The school board of a common or union high school district may do all things reasonable to

promote the cause of education, including establishing, providing and improving school district programs, functions and activities for the benefit of pupils, and including all of the following:

(1) SCHOOL GOVERNMENT RULES; SUSPENSION; EXPULSION. (a) Make rules for the organization, gradation and government of the schools of the school district, including rules pertaining to conduct and dress of pupils in order to maintain good decorum and a favorable academic atmosphere, which shall take effect when approved by a majority of the school board and filed with the school district clerk. Subject to 20 USC 1415 (k), the school board shall adopt a code to govern pupils' classroom conduct beginning in the 1999–2000 school year. The code shall be developed in consultation with a committee of school district residents that consists of parents, pupils, members of the school board, school administrators, teachers, pupil services professionals and other residents of the school district who are appointed to the committee by the school board. The code of classroom conduct may provide different standards of conduct for different schools and may provide additional placement options under s. 118.164 (3). The code shall include all of the following:

1. A specification of what constitutes dangerous, disruptive or unruly behavior or behavior that interferes with the ability of the teacher to teach effectively under s. 118.164 (2).

2. Any grounds in addition to those under subd. 1. for the removal of a pupil from the class under s. 118.164 (2).

3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under s. 118.164.

4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class under s. 118.164 (2).

(b) 1. In addition to rule–making authority granted school boards under par. (a), the school district administrator, or any principal or teacher designated by the school district administrator, may make rules with the consent of the school board.

2. The school district administrator or any principal or teacher designated by the school district administrator may suspend a pupil for not more than 5 school days or, if a notice of expulsion hearing has been sent under par. (c) 4. or (e) 4. or s. 119.25 (2) (c), for not more than a total of 15 consecutive school days for any of the following reasons:

a. Noncompliance with rules adopted under subd. 1. or school board rules.

b. Knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives.

c. Conduct by the pupil while at school or while under the supervision of a school authority that endangers the property, health or safety of others.

d. Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled.

2m. In subd. 2. c. and d., conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

3. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of noncompliance with a school board rule or a rule adopted under subd. 1., or of the conduct charged, and that the pupil's suspension is reasonably justified. The parent or guardian of a suspended minor pupil shall be given prompt notice of the suspension and the reason for the suspension.

4. The suspended pupil or the pupil's parent or guardian may, within 5 school days following the commencement of the suspension, have a conference with the school district administrator or his or her designee who shall be someone other than a principal, administrator or teacher in the suspended pupil's school. If the school district administrator or his or her designee finds that the pupil was suspended unfairly or unjustly, or that the suspension was inappropriate, given the nature of the alleged offense, or that the pupil suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the pupil's school record shall be expunged. The administrator, or the administrator's designee, shall make a finding within 15 days of the conference.

5. A pupil suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete course work missed during the suspension period, as provided in the attendance policy established under s. 118.16 (4) (a).

(bm) The school district administrator or any principal or teacher designated by the school district administrator shall suspend a pupil under par. (b) if the school district administrator, principal or teacher determines that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). This paragraph does not apply to the possession of a firearm while legally hunting in a school forest if allowed under sub. (38).

(c) 1. The school board may expel a pupil from school whenever it finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a pupil knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or finds that the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others, or finds that a pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority or endangered the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled, and is satisfied that the interest of the school demands the pupil's expulsion. In this subdivision, conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

2. In addition to the grounds for expulsion under subd. 1., the school board may expel from school a pupil who is at least 16 years old if the school board finds that the pupil repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under subd. 1., and is satisfied that the interest of the school demands the pupil's expulsion.

2m. The school board shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921 (a) (3). Annually, the school board shall report to the department the information specified under 20 USC 8921 (d) (1) and (2). This subdivision does not apply to the possession of a firearm while legally hunting in a school forest if allowed under sub. (38).

3. Prior to expelling a pupil, the school board shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel. The school board shall keep written minutes of the hearing. Upon the ordering by the school board of the expulsion of a pupil, the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor,

to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the expulsion to the state superintendent. If the school board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located.

4. Not less than 5 days' written notice of the hearing under subd. 3. shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall state all of the following:

a. The specific grounds, under subd. 1., 2. or 2m., and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based.

b. The time and place of the hearing.

c. That the hearing may result in the pupil's expulsion.

d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.

e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel.

f. That the school board shall keep written minutes of the hearing.

g. That if the school board orders the expulsion of the pupil the school district clerk shall mail a copy of the order to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

h. That if the pupil is expelled by the school board the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the department.

i. That if the school board's decision is appealed to the department, within 60 days after the date on which the department receives the appeal, the department shall review the decision and shall, upon review, approve, reverse or modify the decision.

j. That the decision of the school board shall be enforced while the department reviews the school board's decision.

k. That an appeal from the decision of the department may be taken within 30 days to the circuit court for the county in which the school is located.

L. That the state statutes related to pupil expulsion are ss. 119.25 and 120.13 (1).

(d) No pupil enrolled in a school district operating under ch. 119 may be suspended or expelled from school for truancy.

(e) 1. The school board may adopt a resolution, which is effective only during the school year in which it is adopted, authorizing any of the following to determine pupil expulsion from school under subd. 2. instead of using the procedure under par. (c) 3.:

a. An independent hearing panel appointed by the school board.

b. An independent hearing officer appointed by the school board.

2. During any school year in which a resolution adopted under subd. 1. is effective, the independent hearing officer or independent hearing panel appointed by the school board:

a. May expel a pupil from school whenever the hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under par. (c) 1. or 2.

b. Shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever that hearing officer or panel finds that the pupil engaged in conduct that constitutes grounds for expulsion under par. (c) 2m.

3. Prior to expelling a pupil, the hearing officer or panel shall hold a hearing. Upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. The pupil and, if the pupil is a minor, the pupil's parent or guardian, may be represented at the hearing by counsel. The hearing officer or panel shall keep a full record of the hearing. The hearing officer or panel shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian. Upon the ordering by the hearing officer or panel of the expulsion of a pupil, the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, the pupil's parent or guardian. Within 30 days after the date on which the order is issued, the school board shall review the expulsion order and shall, upon review, approve, reverse or modify the order. The order of the hearing officer or panel shall be enforced while the school board reviews the order. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the state superintendent. If the school board's decision is appealed to the state superintendent, within 60 days after the date on which the state superintendent receives the appeal, the state superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the school board shall be enforced while the state superintendent reviews the decision. An appeal from the decision of the state superintendent may be taken within 30 days to the circuit court of the county in which the school is located. This paragraph does not apply to a school district operating under ch. 119.

4. Not less than 5 days' written notice of the hearing under subd. 3. shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The notice shall state all of the following:

a. The specific grounds, under par. (c) 1., 2. or 2m., and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based.

b. The time and place of the hearing.

c. That the hearing may result in the pupil's expulsion.

d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed.

e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel.

f. That the hearing officer or panel shall keep a full record of the hearing and, upon request, the hearing officer or panel shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian.

g. That if the hearing officer or panel orders the expulsion of the pupil the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

h. That within 30 days of the issuance of an expulsion order the school board shall review the order and shall, upon review, approve, reverse or modify the order.

i. That, if the pupil is expelled by the hearing officer or panel, the order of the hearing officer or panel shall be enforced while the school board reviews the order.

j. That, if the pupil's expulsion is approved by the school board, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the department.

k. That if the school board's decision is appealed to the department, within 60 days after the date on which the department receives the appeal, the department shall review the decision and shall, upon review, approve, reverse or modify the decision.

L. That the decision of the school board shall be enforced while the department reviews the school board's decision.

m. That an appeal from the decision of the department may be taken within 30 days to the circuit court for the county in which the school is located.

n. That the state statutes related to pupil expulsion are ss. 119.25 and 120.13 (1).

(f) 1. No school board is required to enroll a pupil during the term of his or her expulsion from another school district. Notwithstanding s. 118.125 (2) and (4), if a pupil who has been expelled from one school district seeks to enroll in another school district during the term of his or her expulsion, upon request the school board of the former school district shall provide the school board of the latter school district with a copy of the expulsion findings and order, a written explanation of the reasons why the pupil was expelled and the length of the term of the expulsion.

2. No school board is required to enroll a pupil during the term of his or her expulsion from a public school in another state if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under par. (c) 1., 2., or 2m.

3. No school board is required to enroll a pupil during the term of his or her expulsion from a charter school established under s. 118.40 (2r) or (2x) if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under par. (c) 1., 2., or 2m. If a pupil who has been expelled from a charter school established under s. 118.40 (2r) or (2x) seeks to enroll in a school district during the term of his or her expulsion, upon request of the pupil or, if the pupil is a minor, the pupil's parent or guardian, the governing body of the charter school shall provide the school board of the school district with a copy of the expulsion findings and order, a written explanation of the reasons why the pupil was expelled, and the term of the expulsion.

(g) The school board may modify the requirement under pars. (c) 2m. and (e) 2. b. on a case–by–case basis.

(h) 1. In this paragraph:

ag. "Conditional enrollment" means enrollment of an expelled pupil in a school district other than the school district or out–of–state public school that expelled the pupil before the expiration of the term of expulsion specified in the pupil's expulsion order issued under par. (c) 3. or (e) 3. or by the out–of–state public school.

am. "Early reinstatement" means the reinstatement to school of an expelled pupil before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (c) 3. or (e) 3.

b. "Early reinstatement condition" means a condition that a pupil is required to meet before he or she may be granted early reinstatement or a condition that a pupil is required to meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order under par. (c) 3. or (e) 3.

c. "Enrollment condition" means a condition that a pupil is required to meet before he or she may be granted conditional enrollment or a condition that a pupil is required to meet after his or her conditional enrollment but before the expiration of the term of expulsion specified in the pupil's expulsion order issued under par. (c) 3. or (e) 3. or by the out–of–state public school.

2. A school board, or an independent hearing panel or independent hearing officer acting under par. (e), may specify one or more early reinstatement conditions in the expulsion order under par. (c) 3. or (e) 3. if the early reinstatement conditions are related to the reasons for the pupil's expulsion. Within 15 days after the date on which an expulsion order is issued by an independent hearing panel or independent hearing officer, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an early reinstatement condition specified in the expulsion order is related to the reasons for the pupil's expulsion to the school board. The decision of a school board regarding that determination is final and not subject to appeal.

2m. A school board other than the school board or out–of–state public school that expelled a pupil may specify in a written order one or more enrollment conditions instead of or in addition to the early reinstatement conditions, if any, imposed under subd. 2. by the school board, or independent hearing panel or independent hearing officer acting under par. (e), that expelled the pupil or instead of or in addition to any conditions imposed, if any, by the out–of–state public school that expelled the pupil. Any enrollment conditions established under this subdivision shall relate to the reasons for the pupil's expulsion and may not extend the term of expulsion specified in the expulsion order issued under par. (c) 3. or (e) 3. or by the out–of–state public school. The school district clerk of the school district other than the school district from which the pupil was expelled shall mail 2 copies of the order to the pupil or, if the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the pupil is a minor, the pupil's parent or guardian shall sign and return one copy of the order to the school board other than the school board that expelled the pupil. Within 15 days after the date on which the order under this subdivision is issued, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the determination regarding whether an enrollment condition specified in the order is related to the reasons for the pupil's expulsion to the school board that specified the enrollment condition. The decision of the school board under this subdivision regarding that determination is final and not subject to appeal.

3. If the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.

3m. If the school district administrator, or his or her designee, of a school district other than the school district or out–of–state public school from which a pupil was expelled determines that the pupil has met the enrollment conditions established in a written order under subd. 2m., the school district administrator or designee may grant the pupil conditional enrollment in a school in the school district. The determination of the school district administrator or designee under this subdivision is final.

4. If a pupil granted early reinstatement under subd. 3. violates an early reinstatement condition that the pupil was required to meet after his or her early reinstatement but before the expiration of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Before revoking the pupil's early reinstatement, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation, and make a determination that the pupil violated the early reinstatement condition and that revocation of the pupil's early reinstatement is appropriate. If the school district administrator or designee revokes the pupil's early reinstatement, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

4m. If a pupil granted conditional enrollment under subd. 3m. violates an enrollment condition that the pupil was required to meet after his or her conditional enrollment but before the expiration of the term of expulsion, the school district administrator of the school district in which the pupil is enrolled, or a principal or teacher designated by the school district administrator, may revoke the pupil's conditional enrollment. Before revoking the pupil's conditional enrollment, the school district administrator or his or her designee shall advise the pupil of the reason for the pro-

posed revocation, including the enrollment condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation, and make a determination that the pupil violated the enrollment condition and that revocation of the pupil's conditional enrollment is appropriate. If the school district administrator or designee revokes the pupil's conditional enrollment, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the enrollment condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

5. Except as provided in subd. 6., if a pupil's early reinstatement is revoked under subd. 4., the pupil's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

5m. Except as provided in subd. 6m., if a pupil's conditional enrollment is revoked under subd. 4m., the pupil's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board that expelled the pupil, or the independent hearing panel or independent hearing officer, or the out–of–state public school, agree, in writing, to modify the expulsion order.

6. Within 5 school days after the revocation of a pupil's early reinstatement under subd. 4., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

6m. Within 5 school days after the revocation of a pupil's conditional enrollment under subd. 4m., the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the administrator of the school district in which the pupil is enrolled, or his or her designee, who shall be someone other than a principal, administrator, or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an enrollment condition or that the revocation was inappropriate, the pupil shall be enrolled in school under the same enrollment conditions as in the order issued under subd. 2m. and the conditional enrollment revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an enrollment condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

(2) INSURANCE. (a) Provide for accident insurance covering pupils in the school district. Such insurance shall not be paid from school district funds unless the expenditure is authorized by an annual meeting.

(b) Provide health care benefits on a self–insured basis to the employees of the school district if the school district has at least 100 employees. In addition, a school district may jointly provide health care benefits on a self–insured basis under s. 66.0137 (4m).

(c) Any self–insurance plan under par. (b) or s. 66.0137 (4m) that covers less than 1,000 employees shall include excess or stop–loss reinsurance obtained through an insurer authorized to do business in this state, for the purpose of covering all eligible claims incurred during the term of the policy or contract.

(d) The commissioner of insurance may prescribe detailed requirements for reinsurance under par. (c) by rule or by order. The commissioner of insurance may promulgate rules governing self–insurance plans under pars. (b) to (g) to ensure that they comply with all applicable provisions of chs. 600 to 647.

(e) All personally identifiable medical and claims records relating to any self–insurance plan under par. (b) or s. 66.0137 (4m) shall be kept confidential by the administrator of the self–insurance plan and shall be exempt from disclosure pursuant to s. 19.36 (1). This paragraph does not prohibit the release of personally identifiable records to school district personnel, to the extent that performance of their duties requires access to the records, but only with the prior written informed consent of the insured.

(g) Every self–insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.861, 632.867, 632.87 (4) to (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

(3) AGREEMENTS WITH GOVERNMENTAL UNITS. Enter into agreements, including leases for a term not exceeding 50 years, with a school board, technical college district board, city, village, town, county or the state or any department or agency thereof for the purchase, operation and maintenance of land, buildings and equipment for educational purposes, including, without limitation because of enumeration, contracts for the construction or repair of school driveways, roadways and parking areas or for the operation of any school program authorized by law.

(4) ON–FARM TRAINING TO VETERANS. Provide institutional on–farm training to veterans who are eligible for the training under any act of congress.

(5) BOOKS, MATERIAL AND EQUIPMENT. Purchase or otherwise acquire necessary books and stationery, equipment, school apparatus and materials for the use of the schools of the school district and purchase any school books which in its judgment are needed by pupils whose parents are not able to furnish such books.

(6) FEDERAL AID. Apply for, receive and expend moneys made available to it by any act of congress for educational programs, school property and facilities, research, school food service and other school district programs.

(7) EXCHANGE TEACHERS AND ADMINISTRATORS. Exchange any teacher or administrator employed by the school board for a teacher or administrator employed by a school board in another state or country or employed by a college or university, the state, a technical college district board or a cooperative educational service agency. No exchange may be for a longer period than one year. A teacher or administrator of this state exchanged under this subsection shall be deemed to have taught during the period in the school district by which the teacher or administrator is employed and shall be assessed, for the benefit of the public employee trust fund, the full amount which would have been assessed against the teacher or administrator had the teacher or administrator actually taught in the school district.

(8) FUNDS FOR REWARDS. Establish a reward, not exceeding $500, for information leading to the arrest and conviction of persons who damage or destroy school property or who injure any person while at school or under the supervision of a school authority.

(9) ARCHITECTS AND ENGINEERS. Contract with or employ architects and engineers for the preparation of plans and specifications for school buildings, structures and other improvements to school district property and for all other related services.

(9m) LEGAL SERVICES. Retain an attorney or attorneys to represent the board or school district in any action or proceeding brought for or against the board or district and provide for any other legal service for the welfare of the school district.

(10) SCHOOL FOOD SERVICE. Furnish school meals to pupils and pay for the meals out of school district funds. The school board may charge pupils and employees for the cost of school meals.

(11) NURSES AND DENTISTS. Employ qualified public health nurses, school nurses, registered nurses and licensed dentists who shall cooperate with the local board of health, as defined in s. 250.01 (3), and the department of health services.

(12) HISTORICAL RECORDS. Under s. 44.09 (1), transfer title to any school records to the state historical society which are no longer needed for the proper administration of the school district and which the society determines are of permanent historical interest.

(13) PREKINDERGARTEN CLASSES. Establish and maintain classes for children less than 4 years of age under such regulations as it prescribes. The school board may accept and receive federal funds for such purpose and expend such funds in conformity with the purposes and requirements thereof. The school board may charge a reasonable fee for attendance at such classes but may waive the fee or any portion thereof to any person who is unable to make payment.

(14) CHILD CARE PROGRAMS. (a) Establish and provide or contract for the provision of child care programs for children. The school board may receive federal or state funds for this purpose. The school board may charge a fee for all or part of the cost of the service for participation in a child care program established under this subsection. Costs associated with a child care program under this subsection may not be included in shared costs under s. 121.07 (6). Child care programs established under this subsection shall meet the standards for licensed child care centers established by the department of children and families. Pursuant to ss. 48.66 (1) (a), 48.73, and 48.74, the department of children and families may visit and inspect the premises of, inspect the records of, and investigate and prosecute any alleged violations occurring at any child care program established or contracted for under this subsection that receives payment under s. 49.155 for the child care provided. If a school board proposes to contract for the provision of a child care program under this subsection or if on July 1, 1996, a school board is a party to a contract for the provision of a child care program under this subsection, the school board shall refer the proposed contractor to the department of children and families for the criminal history and child abuse record search required under s. 48.686.

(b) 1. If a person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care program contracted for under par. (a), is convicted or adjudicated delinquent for committing a serious crime, as defined under s. 48.686 (1) (c), the school board shall rescind the contract for the child care program immediately upon providing written notice of the rescission and the grounds for the rescission and an explanation of the process for appealing the rescission.

2. If a person subject to a background check under s. 48.686 (2) who operates, works at, or resides at a child care program contracted for under par. (a) is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime, as defined in s. 48.686 (1) (c), the school board shall immediately suspend the contract for the child care program until the school board obtains information regarding the final disposition of the charge or delinquency petition indicating that the person is not ineligible to operate, work at, or reside at a child care program under this subsection.

(15) SPECIAL HIGH SCHOOL COURSES. In a union high school district or a common school district operating elementary and high school grades, establish and maintain courses in industrial arts, home economics, agriculture, commercial subjects and such other courses as the school board determines.

(16) SCHOOL BOARD ORGANIZATION; FEE. Pay the membership fee in an organization of school boards in this state and the actual and necessary expenses of its representatives incurred in attending meetings of such organization.

(17) TEMPORARY USE OF SCHOOL PROPERTY. Grant the temporary use of school grounds, buildings, facilities, or equipment, upon such conditions, including fees not to exceed actual costs, as determined by the school board, to any responsible person for any lawful nonschool purpose if such use does not interfere with use for school purposes or school–related functions. For purposes of s. 895.523, "actual costs" means reasonable costs for maintenance, security, supervision of participants who are minors, if applicable, and cleaning. Fees received under this subsection shall be paid into the school district treasury and accounted for as prescribed under s. 115.28 (13). The user shall be primarily liable, and, except as provided in s. 895.523, the school board secondarily liable, for any damage to property and for any expense incurred in consequence of any use of school grounds, buildings, facilities, or equipment under this subsection.

(18) PROPERTY FOR ECOLOGICAL, AGRICULTURAL OR VOCATIONAL INSTRUCTION. Subject to the authority of the annual or special meeting to approve the acquisition of real property, acquire real or personal property for ecological, agricultural or vocational instruction, experimentation or other school–related purposes.

(18m) RENEWABLE RESOURCE FACILITIES. Construct or acquire, borrow funds to construct or acquire, own, operate, and maintain a renewable resource facility, and use the energy generated by the facility for school district facilities or sell the energy generated by the facility at wholesale, if the school board's share of the installed capacity of the facility does not exceed 5 megawatts and the school board incorporates information about the facility in its curriculum. In this subsection, "renewable resource" has the meaning given in s. 196.374 (1) (j).

(19) COMMUNITY PROGRAMS AND SERVICES. Establish and maintain community education, training, recreational, cultural or athletic programs and services, outside the regular curricular and extracurricular programs for pupils, under such terms and conditions as the school board prescribes. The school board may establish and collect fees to cover all or part of the costs of such programs and services. The school board may not expend moneys on ineligible costs, as defined by the department by rule. Costs associated with such programs and services shall not be included in the school district's shared cost under s. 121.07 (6).

(19m) SALE OF PROPERTY. Sell any property belonging to and not needed by the school district. If a school site or other lands are to be abandoned which were acquired or are held upon condition that they revert to the prior owner when no longer used for school purposes, the school board shall sell any school buildings thereon or move them to another site within 8 months after the school buildings cease to be used for school purposes or the site ceases to be maintained as a school district playground or park.

(20) OPTIONS TO PURCHASE REAL PROPERTY. Solicit and obtain one or more options to purchase real property and, upon approval of the annual or special meeting, exercise such option.

(21) LECTURES. Provide free lectures on educational subjects in school buildings, public library buildings or other suitable places, and provide for the further education of the adult residents of the school district. The school board may purchase books, stationery, charts and other things necessary to conduct such lectures and may designate a person to manage such lectures.

(22) CABLE TELEVISION AND DATA PROCESSING SERVICES. Enter into leases for a term not exceeding 20 years for acquisition of cable television or data processing services and facilities for educational purposes.

(23) BONDS FOR OFFICERS AND EMPLOYEES. Require an officer or employee of the board to give security in such form and amount

as the board determines, and may require at any time additional bonds and sureties of any officer or employee.

(24) CONTRACTS WITH OTHER GOVERNMENTAL UNITS. Participate and enter into contracts with school boards and other governmental units as provided under s. 120.25.

(25) LEASE SCHOOL PROPERTY. In addition to any other authority, lease school sites, buildings, and equipment not needed for school purposes to any person for any lawful use at a reasonable rental if approved at an annual or special school district meeting.

(26) CONTRACTS WITH PRIVATE EDUCATION SERVICES. Upon the approval of the state superintendent, contract with private education services for pupils who need concurrent education and treatment services, the educational portion of which is not available in the schools in which the pupils are enrolled. Private education services provided under this subsection may not include religious or sectarian teachings or instruction.

(26m) CONTRACTS WITH COUNTY CHILDREN WITH DISABILITIES EDUCATION BOARDS. Contract with a county children with disabilities education board for special education services. The costs of such services shall be included in the school district's shared cost under s. 121.07 (6). This subsection applies beginning on the effective date of a resolution adopted under s. 115.817 (9) (c).

(26r) CONTRACTS FOR MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES. Contract with the department of health services for services under s. 46.043.

(27) TRANSPORTATION OF PERSONS WHO ARE NOT PUPILS. (a) Subject to par. (b), the school board may use or allow the use of school buses owned and operated by the school district to transport persons who are not pupils of the school district. School buses may be used by persons who are not pupils of the school district during school hours if such use does not interfere with the transportation of pupils of the school district. The school board shall charge a fee for use of the school buses under this subsection. The fee shall be an amount equal to the actual cost of transportation under this subsection, including but not limited to costs for depreciation, maintenance, insurance, fuel and compensation of vehicle operators. If the school board denies a written request for use of the school buses, the school board shall provide the requester a written statement of the basis for the denial within 14 days after the denial.

(b) No school bus may be used to provide transportation under this subsection unless the vehicle is insured by a policy providing property damage coverage and bodily injury liability coverage for such transportation in the amounts specified in s. 121.53 (1).

(27m) TRANSPORTATION OF INDIGENT PUPILS. Provide transportation to and from school for indigent pupils who reside in the school district and who are not required to be transported under s. 121.54. In this subsection, "indigent pupils" means pupils who satisfy the income eligibility criteria for free lunches or reduced–price lunches under 42 USC 1758 (b) (1) or who are members of a Wisconsin works group, as defined in s. 49.141 (1) (s), with a member who is participating in Wisconsin works under s. 49.147 (3) to (5) or any combination thereof, as determined by the school board. If a school board determines to provide transportation under this subsection, there shall be reasonable uniformity in the transportation furnished such pupils whether they attend public or private schools. The cost of transporting pupils under this subsection may not be included in the school district's shared cost under s. 121.07 (6) (a).

(28) RECORDS CUSTODIAN. On behalf of any school district authority as defined in s. 19.32 (1), including the school board, school district officers and any subunit of the school board or school district, designate one or more persons to be legal custodians of records.

(29) BORROWING. Borrow money and issue municipal obligations, as provided in chs. 24 and 67.

(30) HUNTER EDUCATION PROGRAMS. May award 0.5 high school credit to a pupil who successfully completes while in the high school grades a course of instruction under the hunter education program or bow hunter education program under s. 29.591 or the trapper education program under s. 29.597. A school board may award credit to a pupil under this subsection for completion of only one program.

(31) SCHOOL CROSSING GUARDS. Upon the adoption of a resolution to do so and approval of the resolution by the governing bodies of all of the cities, villages and towns located in whole or in part within the school district, provide for the appointment of adult school crossing guards for the protection of persons who are crossing a highway in the vicinity of a school. The school crossing guards shall wear insignia or uniforms which designate them as school crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings.

(32) SCHOOL BOARD ORIENTATION. Provide for the orientation and continuing education of school board members and persons who have been elected to the school board but have not yet taken office in the general duties and responsibilities of the school board and the school district, and pay for the actual and necessary expenses incurred.

(33) SPENDING AUTHORITY. During the period between July 1 and the final adoption of a budget by the school board after the budget hearing under s. 65.90, spend money as needed to meet the immediate expenses of operating and maintaining the public instruction in the school district.

(34) STREET TRADE AND MINOR EMPLOYMENT PERMIT OFFICER. Act as permit officer if designated under ss. 103.245 (1) (a) and 103.695 (1) (a).

(35) PRESENCE IN SCHOOL BUILDINGS. (a) A school board may adopt rules applicable to persons who enter or remain in a building operated by the school board, including requirements that such persons identify themselves and sign in when entering or remaining in the building or any specified portion of the building and designating time periods during which such persons may enter or remain in the building or any portion of the building.

(b) 1. Except as provided in subd. 2., any person entering or remaining in a building or portion of a building in violation of the school board's rules is subject to a forfeiture of not more than $1,000. Any person entering or remaining in a building or portion of a building in violation of the school board's rules under circumstances tending to create or provoke a breach of the peace may be fined not more than $10,000 or imprisoned for not more than 90 days or both.

2. Subdivision 1. does not apply to pupils, parents of pupils, school district employees or officials or agents of a certified or recognized representative of school district employees who are included in a collective bargaining unit.

(36) PREKINDERGARTEN AND KINDERGARTEN PROGRAM AGREEMENTS. Enter into an agreement with a licensed public or private nonsectarian child care center to lease space for prekindergarten or kindergarten programs offered by the school district or to place school district employees in child care centers to provide instruction in prekindergarten or kindergarten programs offered by the school district.

(37) AWARDING HIGH SCHOOL DIPLOMAS TO VETERANS. (a) Notwithstanding s. 118.33 (1) and (1m), award a high school diploma to a person who meets all of the following requirements:

1. Is at least 65 years old, or is at least 55 years old and has a service–connected disability.

2. Attended high school in the school district or attended high school in this state and resides in the school district.

3. Left high school before receiving a high school diploma to join the U.S. armed forces during a war period under s. 45.01 (13).

4. Served on active duty under honorable conditions in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces.

(b) Notwithstanding s. 118.33 (1m), award a high school diploma to a person who received a high school equivalency diploma under s. 115.29 (4) after serving on active duty under

honorable conditions if the person meets the conditions of par. (a) 1. to 3.

(c) Award, upon request, a high school diploma to a person who has died, but who, before dying, satisfied the conditions of par. (a) 2. to 4.

(37m) SINGLE–SEX SCHOOLS AND COURSES. Operate one or more schools that enroll only one sex or provide one or more courses that enroll only one sex if the school board makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

(38) HUNTING IN SCHOOL FORESTS. Allow hunting in its school forest, as defined in s. 26.39 (1) (a), except that the board may not allow hunting for a wild animal when there is not an open season for that animal on land adjacent to the school forest. This subsection does not affect the authority of the department of natural resources to remove a wild animal under s. 29.885 (2) (a).

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. 27 ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186; 2001 a. 38, 98, 103, 105; 2003 a. 254; 2005 a. 22, 194, 290, 346; 2005 a. 443 s. 265; 2007 a. 20 ss. 2738, 9121 (6) (a); 2007 a. 36, 70, 97; 2009 a. 14, 28, 76, 146, 185, 208, 218; 2011 a. 105, 162, 168, 258, 260; 2013 a. 186, 306; 2015 a. 55 ss. 3387p, 3389m to 3391c; 2017 a. 11, 30, 59; 2017 a. 364 s. 49; 2019 a. 9, 185; 2021 a. 9; s. 35.17 correction in (1) (bm), (c) 2m.

A school board may issue a subpoena to compel the attendance of a witness at an expulsion hearing. Expulsion may be partially based on hearsay statements by school staff. Due process is discussed. Racine Unified School District v. Thompson, 107 Wis. 2d 657, 321 N.W.2d 334 (Ct. App. 1982).

Neither sub. (1) (c) or (e) expressly or impliedly authorizes the state superintendent to review a challenged suspension when the superintendent reviews an expulsion decision under those provisions. Madison Metropolitan School District v. DPI, 199 Wis. 2d 1, 543 N.W.2d 843 (Ct. App. 1995), 94–0199.

Section 66.185 [now s. 66.0137] does not prohibit providing health insurance benefits to persons not listed in the statute if authority is granted by other statutes. Sections 120.12, 120.13, and 120.44, broadly construed as required by s. 118.001, grant broad powers, including that of providing insurance to persons not listed in this section. Pritchard v. Madison Metropolitan School District, 2001 WI App 62, 242 Wis. 2d 301, 625 N.W.2d 613, 00–0848.

The section (intro) expresses the legislature's intent to give school boards broader powers and wide discretion in exercising its powers, but it does not mean that, when the legislature had previously authorized a board to take particular actions using specified procedures, the board has the authority to follow other procedures in taking those particular actions. While school boards have powers beyond those enumerated in subs. (1) to (37), they do not have the power to violate the provisions of subs. (1) to (37). Madison Metropolitan School District v. Burmaster, 2006 WI App 17, 288 Wis. 2d 771, 709 N.W.2d 73, 05–0875.

The only reasonable construction of sub. (1) (e) 3. is that, if a school district elects to have a hearing officer conduct an expulsion hearing, the district must comply with the procedures specified in that paragraph. Because sub. (1) (e) 3. provides for review by the board of a hearing officer's decision only if the officer has ordered expulsion, the board does not have the authority to review and reverse the hearing officer's decision not to order an expulsion. Madison Metropolitan School District v. Burmaster, 2006 WI App 17, 288 Wis. 2d 771, 709 N.W.2d 73, 05–0875.

The duties and powers under ss. 118.001, 120.12 (14), and 120.13 extend to individual teachers as employees of the school board. It would be absurd to require teachers to obtain special permission from the school board with respect to every detail of their teaching. Summer homework, particularly for an honors class for which students receive additional credit, fits comfortably within the range of what is reasonable and is not unconstitutional. Larson v. Burmaster, 2006 WI App 142, 295 Wis. 2d 333, 720 N.W.2d 134, 05–1433.

Because of a lack of statutory authority, speech therapists may not supply services to students attending therapy sessions in parochial school buildings. 63 Atty. Gen. 8.

Students may have bus riding privileges suspended without being suspended or expelled from school. However, both public and private school students must be afforded due process under sub. (1) before such a suspension can take place. 63 Atty. Gen. 526.

School boards have authority to enforce policies that mandate the manner, conditions, and content of police interviews with students on school premises during school hours. 81 Atty. Gen. 126.

Sub. (1) (f) does not allow a school board to deny enrollment to a pupil who is currently expelled either from an out–of–state public school district or from a private school. OAG 5–08.

Having established the right to an education, the state may not withdraw the right on grounds of misconduct absent fundamentally fair procedures to determine if misconduct occurred. Attendance by the student at expulsion deliberations is not mandatory; all that is required is that the student have the opportunity to attend and present his or her case. Remer v. Burlington Area School District, 149 F. Supp. 2d 665 (2001).

Democracy in the classroom: due process and school discipline. 58 MLR 705.

In Wisconsin Expulsions, We Don't Have to Leave Children Behind. Kratochvil. 91 MLR 1213 (2008).

School Expulsions: Not all are Equal. Julien & Engel. Wis. Law. Oct. 2001.

Children in School: Student Discipline and the School–to–Prison Pipeline. Spitzer–Resnick. Wis. Law. Sept. 2014.

120.135 Capital improvement fund. (1) By July 1, 2000, by a two–thirds vote of the members elect, a school board may adopt a resolution creating a capital improvement fund for the purpose of financing the cost of acquiring and improving sites, constructing school facilities and major maintenance of or remodeling, renovating and improving school facilities if all of the following are true:

(a) A tax incremental district that is located in whole or in part in the school district is terminated before the maximum number of years that the tax incremental district would have existed under s. 66.1105 (7) (am) or (ar).

(b) The value increment of the tax incremental district exceeds $300,000,000.

(2) In each year in which the school board adopts a resolution by a two–thirds vote of the members elect expressing its intention to do so until the year after the year in which the tax incremental district would have been required to terminate under s. 66.1105 (7) (am) or (ar), the school board may deposit into the capital improvement fund the percentage, not to exceed 100 percent, specified in the resolution of the school district's portion of the positive tax increment of the tax incremental district in that year, as determined by the department of revenue under s. 66.1105.

(3) The school board shall use the balance of the school district's portion of the positive tax increment of the tax incremental district to reduce the levy that otherwise would be imposed.

(4) (a) Money in the capital improvement fund may not be used for any purpose or be transferred to any other fund without the approval of a majority of the electors of the school district voting on the question at a referendum.

(b) The school board may not deposit into the capital improvement fund any amount other than the percentage specified under sub. (2).

(5) The school board shall submit a report by January 1 of each odd–numbered year to the governor and the joint committee on finance describing the use of the moneys deposited into the fund under sub. (1) and the effects of that use.

History: 1999 a. 17; 2001 a. 30; 2013 a. 8.

120.137 Long–term capital improvement trust fund. (1) In this section, a "long–term capital improvement plan" is a capital improvement plan for at least a 10–year period.

(2) A school board that has approved a long–term capital improvement plan may create a long–term capital improvement trust fund for the purpose of financing the costs of the capital improvements included in the school board's approved long–term capital improvement plan.

(3) (a) A school board may not expend money deposited in a long–term capital improvement trust fund created under sub. (2) for a period of 5 years beginning on the date the trust fund is created.

(b) After the 5–year period described in par. (a), a school board may make expenditures from a long–term capital improvement trust fund solely for the purposes described in the school board's approved long–term capital improvement plan and may not transfer money from a long–term capital improvement trust fund to any other school district fund.

History: 2013 a. 336.

120.14 Audit of school district accounts. In a common or union high school district:

(1) At the close of each fiscal year, the school board of each school district shall employ a licensed accountant to audit the school district accounts and certify the audit. The audit shall include information concerning the school district's self–insurance plan under s. 66.0137 (4m) or 120.13 (2) (b), as specified by the commissioner of insurance, and information about expenditures for community programs and services under s. 120.13 (19).

If required by the state superintendent under s. 115.28 (18), the audit shall include an audit of the number of pupils reported for membership purposes under s. 121.004 (5). The cost of the audit shall be paid from school district funds. Annually by September 15, the school district clerk shall file a financial audit statement with the state superintendent.

(3) The annual meeting may authorize and direct an audit of the school district accounts by a certified public accountant licensed or certified under ch. 442.

(4) The department shall establish by rule a standard contract and minimum standards for audits performed under this section.

History: 1971 c. 108 ss. 5, 6; 1971 c. 125 s. 523; 1975 c. 224; 1977 c. 29; 1983 a. 27; 1983 a. 189 s. 329 (17m); 1985 a. 29; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2001 a. 16; 2013 a. 306; 2015 a. 55.

Cross–reference: See also s. PI 14.03, Wis. adm. code.

120.15 School district president; duties. The school district president of a common or union high school district shall:

(1) Countersign all checks, share drafts or other drafts for disbursement of school district moneys.

(2) Defend on behalf of the school district all actions brought against the school district.

(3) Prosecute, when authorized by an annual meeting or the school board, actions brought by the school district.

(4) Prosecute an action for the recovery of any forfeiture incurred under chs. 115 to 121 in which the school district is interested. If the school district president has incurred the forfeiture, such action shall be prosecuted by the school district treasurer. Of the net sum recovered under such action, one–half shall be paid into the school district treasury and one–half to the county treasury for the benefit of the school fund.

(5) Act as chairperson of school board meetings and see that minutes of the meetings are properly recorded, approved and signed. In the absence of the president, the vice president or, in the case of a 3–member board, another school board member selected by the school board, shall act as chairperson of school board meetings.

History: 1979 c. 89, 173; 1981 c. 20; 1983 a. 368.

120.16 School district treasurer; duties. The school district treasurer of a common or union high school district shall:

(2) Apply for, receive and sue for all money appropriated to or collected for the school district and disburse the same in accordance with this subsection and s. 66.0607. Disbursements from the school district treasury shall be made by the school district treasurer upon the written order of the school district clerk after proper vouchers have been filed with the school district clerk. Such disbursements shall be by order check, share draft or other draft and no order check, share draft or other draft is valid nor may it be released to the payee unless signed by the school district clerk and school district treasurer and countersigned by the school district president. In a school district having 5 or more school board members, another school board member may countersign such order checks, share draft or other draft in lieu of the school district president. No order check, share draft or other draft may be drawn for the payment of which money has not been appropriated according to law. The school district treasurer may receive money raised in extracurricular activities. The school board may by resolution authorize the use of facsimile signatures as provided in s. 66.0607 (3). A certified copy of the resolution shall be filed with the school district clerk and each public depository concerned.

(3) Enter in the treasurer's account books all money received and disbursed by the treasurer, specifying the source from which it was received, the person to whom it was paid and the object for which it was paid.

(4) Present to the annual meeting a written statement of all money received and disbursed by the treasurer during the preceding year.

(5) Immediately upon receipt, deposit the funds of the school district in the name of the school district in a public depository deposit designated by the school board under s. 120.12 (7). Failure to comply with this subsection shall be prima facie grounds for removal from office. When such funds are so deposited, the school district treasurer and his or her bonders are not liable for losses as defined in s. 34.01 (2). The interest derived from such funds shall be paid into the school district treasury.

(6) Withdraw funds of the school district deposited in savings or time deposits by written transfer order in accordance with this subsection and s. 66.0607. Written transfer orders may be executed only for the purpose of transferring deposits to an authorized deposit of the school district in the same or another authorized public depository. The transfer shall be made directly by the public depository from which the withdrawal is made. No transfer order is valid unless signed by the school district clerk and school district treasurer and countersigned by the school district president. In a school district having 5 or more school board members, another school board member may countersign transfer orders in lieu of the school district president. The school board may, by resolution, authorize the use of facsimile signatures as provided in s. 66.0607 (3). A certified copy of the resolution shall be filed with the school district clerk and each public depository concerned.

History: 1973 c. 90; 1977 c. 29, 211; 1979 c. 318; 1981 c. 20; 1983 a. 189 s. 329 (21); 1983 a. 368, 1993 a. 492; 1999 a. 150 s. 672.

120.17 School district clerk; duties. The school district clerk of a common or union high school district shall:

(1) Report the name and post–office address of each officer of the school district, within 10 days after the election or appointment of the officer, to the clerk and treasurer of each municipality having territory within the school district.

(2) Act as clerk and record the proceedings of annual and special meetings.

(3) Enter in the record book provided by the school board the minutes of its meetings, orders, resolutions and other proceedings.

(4) Enter in the record book copies of all the school district clerk's reports to the municipal clerks and the certificate of the proceedings of a meeting returned by a temporary school district clerk.

(5) Draw orders on the school district treasurer as directed by an annual or special meeting or the school board and record all orders drawn on the school district treasurer.

(7) Furnish each teacher with a copy of the contract between the teacher and the school board.

(8) (a) Annually on or before November 10, deliver to the clerk of each municipality having territory within the school district a certified statement showing that proportion of the amount of taxes voted and not before reported, and that proportion of the amount of tax to be collected in such year, if any, for the annual payment of any loan to be assessed on that part of the school district territory lying within the municipality. Such proportion shall be determined from the full values certified to the school district clerk under s. 121.06 (2).

(bm) If the equalized valuation of that part of a municipality lying within a school district is reduced due to the removal of property from the tax roll because the imposition of the property tax on that property is found unconstitutional, the school district clerk shall notify the supervisor of equalization. The supervisor of equalization shall reduce the equalized valuation by the full value of the property so removed and certify the resulting equalized valuation to the state superintendent and the school district clerk for use in computing the tax levy certifications under this subsection. Corrections may be made under this paragraph only for the valuations used by the department for the last 2 school years.

(c) If an order of school district reorganization under ch. 117 is effective after January 1 and before July 1 of any year, the school district clerks of the school districts affected shall prepare the statement under par. (a) based on the equalized valuation of the school districts as altered by the order and related to the equalized valuation of the year upon which the tax levy is required to be

made. If the school district clerk has filed the statement prior to the effective date of the order, the clerk shall file a corrected certification which shall be accepted by the clerks of the municipalities affected and acted upon by them as provided in par. (a). Failure of the school district clerk to file a corrected certification of the levy based on the equalized valuation of each of the municipalities or portions thereof within the school district shall be corrected by the school district clerk by an appropriate adjustment in the levy certified in the following year.

(9) Within 5 days after receipt of notification from the school board of the name of a new school, notify the proper postmaster of the name and location of the school and the number of the school district. If a school is not located on a mail route, the school district clerk shall furnish the postmaster with the names of persons to whom the mail for the school may be delivered. The school board may rent a lock box at school district expense for each school not on a mail route. The school district clerk shall notify the postmaster of school vacations and shall direct what disposition shall be made of the school mail during vacations.

(10) Have authority to administer the oath of office to school board members.

History: 1971 c. 56; 1973 c. 61, 90; 1977 c. 29 s. 1647 (4); 1977 c. 418; 1983 a. 275 s. 15 (3); 1983 a. 339, 405; 1985 a. 225; 1989 a. 114; 1993 a. 16, 492; 1995 a. 27; 1997 a. 27; 2011 a. 105.

120.18 Annual school district report. (1) Annually at such time as the department prescribes but after the end of the school year and no later than September 1, the school district clerk of a common or union high school district shall file a verified annual school district report with the department, on forms supplied by the department. The school district clerk shall send a copy of the annual school district report to the school district administrator and shall notify the person in charge of each school in the school district that the reports are on file in the school district clerk's office. Accounting and financial information provided by the school district in the annual report shall be prepared from the system of accounts prescribed by the department. If the school district clerk neglects to make the annual report, the clerk shall be liable to the school district for the whole amount of money lost by the school district because of such neglect. The annual report shall contain:

(a) The school count, showing the numbers and ages of persons who are at least 4 years old but not yet 14 years old and who reside in a school district operating only elementary grades, showing the number and ages of persons between the ages of 14 and 20 residing in a union high school district and showing the number and ages of persons between the ages of 4 and 20 residing in any other school district. Children cared for at a charitable or penal institution of this state may not be included in the report. The school district clerk may employ a competent person to take the school count. The count may be determined by using any of the following methods:

1. Conducting a school census on the preceding June 30.

2. Adding the number of persons under this paragraph who were residents of the school district and were enrolled in the school district on the 3rd Friday of September of the previous school year; plus the number of persons under this paragraph who were residents of the school district and who were enrolled in private schools, tribal schools, home–based private educational programs, or other school districts on the 3rd Friday of September of the previous school year; plus the number or an estimate of the number of those persons under this paragraph who were residents of the school district and not enrolled in the school district, private schools, tribal schools, home–based private educational programs, or other school districts on the 3rd Friday of September of the previous school year.

(b) The number of children between the ages of 4 and 20 taught in the schools of the school district during the school year.

(c) The number of children attending the schools of the school district during the school year under the age of 4 and over the age of 20 years.

(d) The number of school days taught, including holidays, and the number of hours of direct pupil instruction provided in each school, by teachers legally qualified to teach.

(e) The names of all teachers employed by the school district during the school year; the number of days taught by each, including holidays; the monthly salary paid to each; and the time allowed each teacher for attendance at an educational convention for which no wages were deducted.

(f) The amount of money received during the school year, designating separately the amount received from the school fund income, from taxes levied by the county board, from taxes voted by the school district and from all other sources and the manner in which such money was expended, showing separately the expenditure of school money received from the state.

(g) The amount and character of school district debts.

(gm) Payroll and related benefit costs for all school district employees in the previous school year. Payroll costs for represented employees shall be based upon the costs of wages of any collective bargaining agreements covering such employees for the previous school year. If, as of the time specified by the department for filing the report, the school district has not entered into a collective bargaining agreement for any portion of the previous school year with the recognized or certified representative of any of its employees, increased costs of wages reflected in the report shall be equal to the maximum wage expenditure that is subject to collective bargaining under s. 111.70 (4) (mb) 2. for the employees. The school district shall amend the annual report to reflect any change in such costs as a result of any collective bargaining agreement entered into between the date of filing the report and October 1. Any such amendment shall be concurred in by the certified public accountant licensed or certified under ch. 442 certifying the school district audit.

(i) A description of the educational technology used by the school district, including the uses made of the technology, the cost of the technology, and the number of persons using or served by the technology. In this paragraph, "educational technology" has the meaning given in s. 16.99 (3).

(o) The number of pupils enrolled in each school transferred to an opportunity schools and partnership program under subch. IX of ch. 115, as reported by the commissioner in the enrollment report submitted pursuant to s. 115.999 (4).

(s) Such other facts and statistics in relation to the public, private or tribal schools, in the school district as the department requires.

(3) The state superintendent may promulgate rules to implement and administer this section.

History: 1975 c. 189, 224; 1989 a. 31; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 87; 2001 a. 16; 2003 a. 33; 2005 a. 252; 2009 a. 302; 2011 a. 10; 2015 a. 55.

120.20 School board members; compatible positions. (1) A school board member may serve as a volunteer coach or a supervisor of an extracurricular activity if all of the following apply:

(a) The school board member does not receive compensation for serving as a volunteer coach or supervisor.

(b) The school board member agrees to abstain from voting on any issue that comes before the school board that substantially and directly concerns the activity that he or she coaches or supervises while he or she is serving as a volunteer coach or supervisor.

(c) The school board receives the results of a criminal background investigation of the school board member conducted by the department of justice or the federal bureau of investigation.

(2) Subsection (1) (b) may not be construed to require a school board member who is serving as a volunteer coach or supervisor to abstain from voting on the school district's annual budget.

(3) Notwithstanding s. 120.001, this section applies to members of a school board of a common, union high, or unified school district.

History: 2015 a. 92.

120.21 School board contracts for courses. (1) (a) The school board of a union high school district or a common school district operating elementary and high school grades may contract:

1. With the University of Wisconsin–Extension for extension courses for pupils enrolled in high school.

2. With flight operator schools, approved by the U.S. civil aeronautics administration, for courses in flight instruction approved by the state superintendent.

(b) The cost of contracts under this subsection shall be paid out of the school district general fund.

(3) Any contract entered into by a school board that relates to providing online courses is open to public inspection and copying.

History: 1985 a. 29; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2001 a. 103; 2007 a. 222.

120.25 School board cooperation in acquiring school facilities. (1) Two or more school boards may by written contract executed by all participants to the contract, own, construct, lease or otherwise acquire school facilities including real estate located within or outside the boundaries of any participating school district.

(2) School boards entering into a contract under this section may, without limitation because of enumeration:

(a) Provide for acquisition, construction, operation and administration of a facility, and establish the functions, projects and services to be provided in the facility, including, without limitation because of enumeration, proration of all expenses involved, operational and fiscal management including deposit and disbursement of funds appropriated, designation of the municipal employer for purposes of compliance with s. 111.70, teacher retirement, worker's compensation and unemployment insurance.

(b) Purchase real estate and personal property, including a fractional or other interest in the real estate and personal property and enter into leases for sites, building and equipment for a term not exceeding 50 years.

(c) Issue municipal obligations subject to the procedures and limitations of ch. 67.

(d) Provide the terms and conditions for accepting additional school districts as participants in the plan and for withdrawal from or termination of the contract including apportionment of assets and liabilities.

(3) A contract entered into under this section shall at all times be limited to a period of 50 years but may, by mutual written consent of all participants, be modified or extended beyond the initial term.

(4) A contract or any extension of the contract of over 5 years duration which includes a common or union high school district participant shall be approved by the annual or special school district meeting.

(5) Each school board shall adopt and maintain a written policy on contracting under this section.

(6) School boards entering into a contract under this section shall designate for each employee providing services under the contract either a school district entering into the contract or a cooperative educational service agency as the employer for purposes of compliance with s. 111.70, teacher's retirement, worker's compensation and unemployment insurance.

History: 1999 a. 150 ss. 357, 632; 2005 a. 220.

SUBCHAPTER II

UNIFIED SCHOOL DISTRICTS

120.40 Applicability. This subchapter applies to unified school districts.

History: 1985 a. 225 s. 80; Stats. 1985 s. 120.40.

120.41 Composition of school board. (1) A school board of a unified school district may have 5, 7 or 9 members.

(2) The number of school board members may be changed in accordance with s. 120.02 (1). A plan of apportionment of school board members may be adopted in accordance with s. 120.02 (2).

History: 1981 c. 20; 1985 a. 225 s. 84; Stats. 1985 s. 120.41.

120.42 Election of school board members. (1) (a) Except as provided in pars. (b), (c), and (d), school board members in a unified school district shall be electors of the school district and shall be elected at large, at large to numbered seats or at large to an apportioned election district area by a plurality vote of the electors of the school district. School board members in a unified school district shall be elected under s. 120.06 at the spring election. All candidates for school board seats shall file a declaration of candidacy as provided in s. 120.06 (6) (b).

(b) School board members in a unified school district that encompasses a city with a population greater than 150,000 but less than 500,000 shall be elected at large to numbered seats.

(c) School board members elected to a school board in an election under s. 117.22 (2) (bm) shall reside in the territory of the school district created by the reorganization.

(d) 1. School board members in a unified school district that encompasses a city with a population greater than 75,000 but less than 100,000 and that encompasses at least 2 villages may by resolution provide for the election of members from election districts established pursuant to a representation plan under sub. (1m) by a plurality of the electors of each election district within the school district.

2. Notwithstanding subd. 1., school board members in a unified school district that, on July 14, 2015, encompasses a city with a population greater than 75,000 but less than 100,000 and that encompasses at least 2 villages shall be elected from election districts established pursuant to a representation plan under sub. (1m) by a plurality of the electors of each election district within the school district.

(1m) (a) The school board of a school district under sub. (1) (d) 1. that provides, pursuant to a resolution, for the election of members from election districts and the school board of a school district under sub. (1) (d) 2. shall establish a representation plan for the election of school board members by election district. The school board shall comply with all of the following in establishing the representation plan under this paragraph:

1. Provide for 9 election districts within the school district of substantially equal population.

2. Ensure that, to the extent practicable, each election district described in subd. 1. is compact.

3. Ensure that, to the extent practicable, the territory within each election district described in subd. 1. is contiguous.

4. Ensure that, to the extent practicable, the boundaries of each election district described in subd. 1. and the boundaries of municipalities encompassed within the school district are congruent.

5. Number the election districts and divide them into 3 classes such that one–third of the members of the school board shall be elected in each year.

(b) The school board shall adopt a district apportionment plan that apportions the territory of the school district into election districts pursuant to the representation plan as follows:

1. Within 60 days after establishing the representation plan under par. (a).

2. Within 60 days after the population count by census block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by an agency of this state and decennially thereafter.

(c) Upon adoption of the plan under par. (b), all of the following apply:

1. Candidates for school board member shall file as candidate for an identified election district.

2. Members of the school board shall reside in the election district within the school district from which they are elected.

(d) A district apportionment plan adopted under par. (b) after the spring election and before November 1 in any year shall be implemented at the spring election following adoption of the plan. A district apportionment plan adopted after November 1 in any year shall be implemented at the 2nd following spring election.

(e) Notwithstanding sub. (2), at the first election in which a district apportionment plan adopted under par. (b) is implemented, all of the following apply:

1. The first class of election districts from which members of the school board are elected shall be elected to serve a term of one year.

2. The 2nd class of election districts from which members of the school board are elected shall be elected to serve a term of 2 years.

3. The 3rd class of election districts from which members of the school board are elected shall be elected to serve a term of 3 years.

4. The incumbent members of the school board who hold office at the time of the first election shall cease to hold office at the time the members elected in that first election take office.

(2) The regular terms of school board members shall be for 3 years. School board members elected for regular or unexpired terms shall take office, if they have taken and filed the official oath, on the 4th Monday in April. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms. In school districts electing members of the school board at large, the regular terms shall be filled by the appropriate number of candidates receiving the highest number of votes and the unexpired terms shall be filled by the appropriate number of candidates receiving the next highest number of votes.

(3) All vacancies shall be filled by appointment, in accordance with s. 17.26 (1g) (a) or (1m).

(4) If a school district votes, pursuant to s. 120.02 (4) to adopt a plan requiring school board members to be elected to numbered seats, the school board shall, at its first meeting after the adoption of such plan, assign a number to each seat on the school board. Thereafter candidates for school board membership shall file as candidates for a particular numbered seat on the school board.

History: 1975 c. 138, 200; 1977 c. 427; 1981 c. 20; 1983 a. 484; 1985 a. 225 ss. 85 to 87; Stats. 1985 s. 120.42; 1997 a. 286; 2015 a. 55, 63.

120.43 School board meetings. (1) Annually, on or within 30 days after the 4th Monday in April, the school board shall elect a school district president, vice president, clerk and treasurer from among its members and a school board secretary who need not be a member of the school board.

(2) The school board shall meet at least once each month and at other times upon the call of the school district president or upon the filing of a request with the school district clerk signed by a majority of the school board members.

(3) Each school board member may be paid an annual salary or an amount fixed by the school board for each school board meeting the member actually attends.

(4) Proceedings of the school board shall be published in accordance with s. 120.11 (4).

History: 1977 c. 418; 1979 c. 301; 1983 a. 27 s. 2202 (42); 1985 a. 225 ss. 89 to 91; Stats. 1985 s. 120.43.

120.44 School board powers and duties. (1) A unified school district is a body corporate with the power to sue and be sued, to levy and collect taxes, to acquire, hold and dispose of property and to do all other things reasonable for the performance of its functions in operating a system of public education.

(2) The public schools of a unified school district shall be under the management, control and supervision of a school board. The school board shall have the powers and duties of the school board and annual meeting in a common school district. The officers of a unified school district have the powers and duties of the officers of a common school district. No annual meeting shall be held in a unified school district. The school board shall not, in the name of the school district, issue bonds or incur other indebtedness without approval of the electors of the school district in any instance where the school board of a common school district is not authorized to do so.

History: 1981 c. 20; 1981 c. 340 s. 8; 1983 a. 339; 1985 a. 225 ss. 83, 92, 93; Stats. 1985 s. 120.44; 1993 a. 437; 1995 a. 27.

A school district did not incur indebtedness by entering into a lease–purchase agreement for a new school when the district, by electing not to appropriate funds for the following fiscal year's rental payment, had the option to terminate the agreement with no future payment obligation. Deick v. Unified School District of Antigo, 165 Wis. 2d 458, 477 N.W.2d 613 (1991).

Section 66.185 [now s. 66.0137] does not prohibit providing health insurance benefits to persons not listed in the statute if authority is granted by other statutes. Sections 120.12, 120.13, and 120.44, broadly construed as required by s. 118.001, grant broad powers, including that of providing insurance to persons not listed in this section. Pritchard v. Madison Metropolitan School District, 2001 WI App 62, 242 Wis. 2d 301, 625 N.W.2d 613, 00–0848.

School boards have authority to enforce policies that mandate the manner, conditions, and content of police interviews with students on school premises during school hours. 81 Atty. Gen. 126.

120.45 School board member; refusal of salary. (1) In this section:

(a) "Salary" means the annual salary for a school board member or the amount for each school board meeting the school board member actually attends.

(b) "School board member" includes a school board member–elect.

(2) (a) 1. Notwithstanding the provisions of s. 120.43 (3), a school board member may send written notification to the school district clerk and the school district treasurer that the school board member wishes to refuse to accept the salary that he or she is otherwise entitled to receive.

2. a. Except as provided in subd. 2. b., for the taxable year in which the school board member's election is certified or the board member is appointed under s. 17.26, the school board member shall send the notification no later than the day on which the board member takes the official oath of office and before the board member performs any services in his or her capacity as a board member. The notification applies only to the taxable year in which the school board member's election is certified.

b. If the school board member's current taxable year ends within 3 months of the day on which the board member's election is certified or the board member is appointed to the board, the notification applies until the end of his or her next taxable year.

3. Except as provided in subd. 2., a school board member shall send the notification at least 30 days before the start of the school board member's next taxable year and the notification applies only to that taxable year. A school board member may renew his or her refusal by sending a notification annually as provided in this subdivision.

4. A school board member may not rescind a notification sent under this paragraph.

(b) 1. If a school district clerk and school district treasurer receive a notification under par. (a), the school district treasurer may not pay the school board member the salary that he or she is

otherwise entitled to receive during the time period to which the notification applies, beginning with the first pay period that commences after the notification applies.

2. If a school board member's notification no longer applies, the school district treasurer shall pay the school board member any salary that he or she is entitled to receive, beginning with the first pay period that commences after the expiration of the notification.

History: 2017 a. 9.

Local Candidates

Candidates for local offices should work with the filing officer for that office to ensure they are meeting all the requirements to get on the ballot.

Filing Officers for Local Offices	
County Office	County Clerk
Municipal Office	Municipal Clerk
School Board	School District Clerk

Minimum Qualifications

The minimum qualifications to hold an office are:

- United States Citizenship
- At least 18 years of age (or older for certain offices)
- Satisfy residency requirement for specific office
- May not have been convicted of a felony in any court in the United States unless pardoned of the conviction.

Also, a candidate may not be disqualified by virtue of one or more of the impediments described in s 6.03, Wis. Stats.

Partisan

Non-Partisan

Residency Requirements

Registered Write-In Candidates

To register as a write-in candidate, you must file a Campaign Registration Statement (CF-1) with the filing officer prior to collecting or spending any money on the campaign. The CF-1 form is available from the Wisconsin Ethics Commission or the local filing officer. The deadline to register as a write-in candidate is **12:00 p.m. (noon) the Friday before the election.**

SCHOOL DISTRICT OF STURGEON BAY
ANCHORED IN EXCELLENCE

1230 Michigan Street | Sturgeon Bay, WI 54235 Phone: 920-746-2800 | Fax: 920-746-3888

February 15, 2023, Board of Education Meeting Superintendent Report

Prepared by Dan Tjernagel, Superintendent of Schools

Updated for the meeting packet on February 6, 2023; Additional updates added later are in section four

1. **Teaching & Learning**
   a. **Education Convention –** Thanks to our district representatives for taking some time to attend the convention in January. This was my first in-person convention since 2020, and it was good to participate in the experience attending keynote addresses, breakout sessions, visit the exhibit hall, and network with colleagues.

      We discussed high points that our attendees took away from the convention during our February 1 Board Retreat, but I'll plan to add my notes to this Board report for the benefit of those who monitor the information and want to take a look.

   b. **CESA 7 PAC Meeting** – This month's meeting was February 3 at CESA 7. In addition to our usual meeting and format, we then had legislators and business representatives join us for a session that ended up focusing on the benefits of Youth Apprenticeship for students, families, businesses, and schools.

      Jake Schulz was one of the business representatives who spoke on behalf of his employer, TTX, and students who have or are benefiting from the program, including his son.

      At the session, I received an updated copy of our Youth Apprenticeship (YA) data as of early February. I plan to add this as additional information to accompany my report as well. As a quick highlight for those who don't want the detail of the two-page report, SBHS currently has 20 students enrolled in Youth Apprenticeship working with a total of 14 active employers. Student wages range from $12-17.50 an hour with an average wage of $14.29 per the report. We have students working in seven different career cluster areas, and those are listed near the bottom of page one of the report. Principal Nerby can likely shed additional light on YA data, trends, conversation points that arise with students and families, how this fits into the course selection process for next year and more.

   c. **District Leadership Team (DLT) Meeting** – The fifth DLT meeting of the school year is on February 20.

   d. **Clipper Academy** – February 13 was scheduled to be this month's edition of the Clipper Academy. Based on feedback gathered and the timely topic of tasks

associated with Educator Effectiveness, the districtwide session was canceled so each building can hold a building-level session.

e. **NWTC Partnership Meeting** – Principal Nerby, School Counselor O'Handley, and I met with April Konitzer and one of her colleagues on January 30. We reviewed information around dual enrollment course, programs, and both new programming and new events (ex. Diesel schedule more friendly to high school students, culinary and IT opportunities forthcoming, etc.). We also touched on an alternative option for high school students which is related to something Principal Nerby mentioned as part of his update during the annual retreat.

f. **In-service** - The next professional staff in-service day is on Friday, February 17.

g. **Data meeting** – Eric Larson, who has done data work with a variety of school districts and for CESA 6, came up to meet with the Admin Team on Monday, January 30. Eric gives tips on how to navigate various systems quickly and show team members how to do the same.

   Eric is also able to look at our data and data trends, make observations, answer questions from team members, and also make suggestions that team members can use in future conversations with staff, work with building-based committees, and so forth. Since he works with a variety of school districts, he can give team members ideas on schools to connect with, curricular resources to consider—or avoid, suggestions on steps that can help students with state assessments, and so forth. Eric also serves as a resource as we have questions moving forward.

2. Community Engagement

a. **DCEDC Board** - The monthly DCEDC Board meeting is Monday, February 20.

b. **YMCA Board meetings** – The regular monthly YMCA Board meeting is Thursday, February 16.

c. **Legislative Days** – I attended the steering committee meeting on January 3 and our next meeting is February 10 as the group plans for the Legislative Days event April 19 & 20. Rep. Joel Kitchens plans to join us for the February 10 meeting. It is worth noting that the group sees the value in continuing to involve high school students in this experience. This would be the first in-person legislative days event since 2019. Stay tuned.

d. **WDOR Visit** – I was on with Eddie Allen for the fourth Tuesday of the month school district talk show appearance on January 24.

3. **Finance, Facilities, & Operations**
    a. **Annual Compensation Review Meeting February 6, 2023 -**
    As discussed this fall, we moved the annual review meeting from April to February. I will have information from the meeting as part of the informational item on the topic in the Operations Agenda.

    As in the past, I'll take minutes from the meeting, share them with the attendees after the meeting so they can weigh in on any corrections or additions, and then I'll send minutes out to all teaching/professional staff members.

    Depending on what comes from the meeting (since I'm preparing this report prior to the meeting actually occurring), the Board will have time in March and/or April learning sessions to discuss priorities from the meeting, review potential requests that may result from the additional process discussed in the meeting, and so forth.

    b. **Miron meeting & Related Updates** – Eric Brandt from Miron plans to be in the district on February 8. As the Board heard last month and took related action as well, Miron is working with us to wrap up the funding from the previous work, carve out the funds for the Sunrise Library update the Board approved in January, and so forth.

    On a separate, but related note to wrapping up projects and capital referendum funds that Jake touched on previously, workers are on site to put up various wall coverings as I complete my report.

4. **Additional Items and/or Updates** *(added after I submitted my report for the Board packet)*

Additional attachments accompanying my report:

- My education convention notes.

2023 Education Convention Notes January 18-20, 2023

Wednesday, January 18

David Horsager – Keynote regarding Trust

David presented here back in 2017 as well

- #1 Question that everyone is asking about you . . . Can I trust you with ____?
- *Everything of value is built on trust.
- Trust is a confident belief in a person, product, or organization.
- The greatest cost of a lack of trust is time.
- #1 reasons people want to work for an organization is trusted leadership.
- #1 to influence people is through trusted relationships
- Only 13% of people completely trust their current employer.
- A lack of trust is your biggest expense.
- People believe in those who stand through adversity (commitment).
- #1 action that would increase workplace retention: Keep promises.
- In every interaction we either increase or decrease trust. If you are consistent, you can get the benefit of the doubt.

8 Pillars of Trust

1) Clarity
2) Compassion – People can tell when you love them, serve them, and care for them.
3) Character
4) Competency – Stay fresh, relevant, and capable; you can't continue to lead/teach/etc. exactly the way you were 5, 10, 20 years ago. Reading is critical—yet people watch on average 1,200ish hours of mindless television annually, but on average only one book in a lifetime after their education concludes (whether high school or a PhD).
5) Commitment
6) Connection
7) Contribution – We trust those who deliver results.
8) Consistency – Sameness is trusted. Show up prepared for every board meeting. Teach in February the way you teach in September. If you can be a certain way when others aren't, that shows consistency.

It's really not leadership, engagement, etc. at the core, but their research says it's one or more of these. Even communication which is critical is not really at the core per David, but rather something else. (Even though communication certainly is important.)

Three Questions to Clarity: 1. How? 2. How? 3. How?

Some leaders, organizations, and businesses tanked during COVID, while others survived and even thrived. It deals with how.

War College lesson: VUCA - Volatility Uncertainty Complexity Ambiguity

1) What can I control?
2) What should I do first?

3 Questions for leaders:

1) Would you follow you?
2) Do you have decisions-making values? (Not the same as having values.)
3) Do you incentivize against the character you want to see? (Great question to ask when we are doing strategic planning, for example.)

Atrophy is guaranteed, without intentional action.
Supporting story about his bodybuilding friend who was in a terrible accident—but survived due to his muscle mass. He lost like 66 pounds in 66 days due to inactivity as he was in a coma and recovering.

Healthy things grow.

Tools@TrustEdge.com (email for the free stuff)

Great story from when he was 12 years old and incident with falling off his beloved horse—could have killed him to be sure. But he dad handed him the reigns back and he knew he had to get back on the horse. We've all heard the saying. But it wasn't for him (the rider). It was for the horse or the horse would be ruined. Post-COVID David challenges us all to get back on the horse.

(This was my favorite keynote from the convention this year.)

Meaningful Community Engagement: Bringing Together the Whole System
Debbie Brewster – Wisconsin School Public Relations Association
Drew Howick – Howick & Associates (We used Drew as a Board Retreat facilitator and the basic retreat structure we still use goes back to that session. Another byproduct that came from this dealt with our priority areas/pillars that we continue to use.)

Future Search process and work sessions/conversations that help a community navigate big topics around school boundary lines, closing a school, and much more.

IEP2 process referenced

If/when major changes are needed in the future, this community approach is a definite option to consider, helps people become very informed, focuses on the community's wishes, etc.

Thursday, January 19

(Snow Day fun to start the day.)

Developing a Local Curriculum in the Current Cultural Climate
Attorneys from Von Briesen (Mark Kapocius & Jim Macy)
New London Board President Chris Martinson
Greenfield Superintendent Lisa Elliott

General comment pertaining to various topics: Importance of viewpoint neutrality in the educational environment.

Board President spoke (a bit too long) about a variety of things including his excitement when he got onto the Board. He wanted to see three main things back then: cursive writing taught, graded, etc.; establish a curriculum committee; expand tech offerings. Time has passed, Board has had change, and together they've worked on many things. At this point, they've established a curriculum committee and expanded tech offerings (even getting ready to start a small auto program which is rare these days), BUT no change in cursive writing which he realizes he needed to accept. As his wife reminded him, two out of three ain't bad ☺

He also spoke about how he served in the Merchant Marine on the Great Lakes many years ago and used a visual we can appreciate with a Great Lakes ship. He explained that the superintendent is the captain of the ship—and when it comes to education has a degree with experience in education. Then he talked about how the Board is like the Board of Directors of the Shipping Company—and when it comes to a school district the Board should know the community and represent the community since the superintendent is likely not from the community.

Greenfield adopts a variety of standards each year, including the State standards, national art standards, and so forth (their list is on their website). She talked through their approach from standards to essential learning goals to assessment, etc. Greenfield does not have a curriculum committee like New London, but rather a Committee of the Whole approach [similar to how Sturgeon Bay is structured by policy on the topic of finance and also how we've operated].

Greenfield used a large strategic planning process and brought together about 70 community people. They ran two sessions several weeks apart. She listed off seven things the community members came up with (and those items sounded very similar to what community members would likely come up with in SB as well) wrapping up with self-directed learning. A textbook is not the curriculum, but rather is a resource [and we'd agreed with that].

Greenfield did a lot of Board workshops around curriculum a number of years ago before going deep into the process they eventually pursued. [The way she described some of the workshops would be similar to our learning sessions and the ability to learn, discuss, etc.]

The Greenfield supt spoke about a difficult time when a special interest/outside group with a secondary interest (anti-bullying group that also sold materials and could be hired to do anti-bullying assemblies, etc.) came into board meetings and tried to dominate the conversation about bullying. Sadly, two students committed suicide within a three-week period; additionally, a resident student who attended school elsewhere committed suicide during that three-week period. This was terrible, but the outside group wasn't helping the situation in board meetings or on social media—they had a special interest and weren't from the community either. The high school principal held a special parent café that about 50 people attended and this was more beneficial both then and moving forward.

Jim Macy had some excellent comments on policy discussions that need to happen within districts/boards at times. Debate can be painful when engaging the community but finding the pulse of the community is also important. [Some people would agree with Jim's adage about going with the majority, and some may not.]. Jim's advice is sound since he has advised boards in sticky situations for many years.

New Developments in School Law
Barry Forbes – Associate Executive Director & Staff Counsel WASB
Bob Butler – Associate Executive Director & Staff Counsel WASB

(This was rather dry and like drinking from a fire hose, but there was certainly plenty of information.)

2021 Wisconsin Act 90 – deals with Human Growth & Development Instruction

- We talked about this policy in the January Board meeting and will again in the February meeting. Our Neola rep is getting us the most updated version of the policy so we can "skip ahead" if you will since updates have been in several Neola update in a row. This has been a hot policy so to speak.
- Some additional information coming about surrendering a newborn to certain agencies

2021 Wisconsin Act 95 – In the 2025-2026 school year elementary and secondary schools are required to have at least one event or education opportunity

2021 Wisconsin Act 210 – Sudden Cardiac Arrest – Schools have to share information developed by DPI and the Medical Center of Wisconsin, etc. with student-athletes. This will be included with the information we are already sharing with families about concussions.

2021 Wisconsin Act 213 – September 11 is now officially a special observance day.

2021 Wisconsin Act 81 – Deals with sending information to families about immunization status. It must be inside a sealed envelope, not on a postcard or the outside of a mailer.

Title IX and Institutional Knowledge

- C.S. v. Madison Metro. Sch. Dis.
- If there is some grey area of doubt about whether something is a Title IX violation or not go ahead and address the situation to resolve the matter.
- US Court of Appeals for the Seventh Circuit Court N.J. v. Sonnabend. Kids wearing a t-shirt with a firearm depicted on it. Since Tinker's "substantial disruption" standard was not met, it could not be stopped. If the student was representing the school somewhere or walking the stage at graduation, then it could be different.

2023 Campaign Finance Law updates – they have a webinar recording of a presentation that candidates may want to check out. Board members should use great caution if doing any joint advertising with another candidate (ex. yard signs). If a district would list the candidates running for the Board on the district website, for example, this could be viewed as causing an issue with interfering with the election or the advertising issue referenced above.

Kennedy v. Bremerton Sch. Dist. 597 U.S. Supreme Court (2022)

Sarita Maybin – Keynote based on her book: Say What You Mean in a Nice Way

Say what you mean in a nice way. [In essence positive wording and messaging in various settings.]

Not the Boss? How to pull rank when you have no rank to pull.

- Guilt-free YES; Use "If" "When" or "As soon as"
- "Would you be willing to . . . ?" or "Could you live with it if . . . ?"
- W.I.I.F.M. "What's in it for me?"; Use "Because" or "So that"

Top 10 Positive Communication Phrases – Use with your school board—and beyond (they also work at home or in a new personal relationship)

Give the benefit of the doubt

10. You may not realize . . .
9. Are you aware of the effect . . .

Seek Input

8. Help me understand . . . (Inspired by Columbo for those who remember him.)
Nice way of saying What were they thinking?!
Some people have told her it's a better way of saying "WTF"

7. I need your help . . . This is the #1 choice when she speaks—even at the Arctic Circle

6. I noticed . . . and I'm wondering . . . Neutral observation—used often with her daughter

5. Would you be willing to . . .

Take Responsibility

4. I'm concerned . . .
3. I would appreciate . . .

Work Together

2. How can we resolve this . . .
1. What will it take . . .

SPEAK in a way that people love listening to you.
LISTEN in a way that people love speaking to you.

Rules for Receiving Criticism

Rule #1: Ask for more
Rule #2: See Rule #1

SaritaMaybin.com

(Lots of information and concepts people can use, and she's a good speaker, but this was not my favorite keynote.)

Friday, January 20

Focus on Student Mental Health: Data-Driven, Equitable Projects to Motivate and Engage
Michelle Langenfeld, EmpowerU (former superintendent from Green Bay and Minnesota)
Katie Dorn, CEO/Co-Founder EmpowerU (counselor & therapist from MN)
Liz Stegemann, Coordinator of Special Ed/East Region for Elmbrook School District
Tanya Friedrich, Asst Supt for Teaching & Learning for Elmbrook School District

Michelle explained that it was the mental health crisis that kept her up at night in her most recent position, even though it was a district that had a great deal of resources

Info from Katie:

Frequent doses of people support
It is really hard to put mental health challenges into words. This is hard even for an adult—think of how hard it must be for a child.
Skills alone do not really help—need skills WITH support
And really even support isn't enough—need follow up and accountability as well
The one thing you can learn to control is yourself

Four things needed per Katie and the research they did
Personalized Support
Frequent Doses (ex. at least 6-8 weeks a couple of times a week in order to facilitate change)
Comprehensive and Robust
Accessible and Equitable

As a counselor, Katie saw a lot of 504 plans for students as a Tier 2 intervention. Not only did this not help, it probably made things worse.

We've gone from 1 in 5 people struggling with aspects of anxiety, depressions, etc. to 1 in 3 people according to a comment Katie made.

Experiment
- 25 students
- Daily check in with support
    - Used Google apps back then; some content as part of the check in; then 5-7 minutes of Google Chat for connection and feedback
    - Got parents to agree not to focus on the usual questions about if you got/did your homework or not, and shift to whether their child did their check in or not
- Increased grades & attendance

EmpowerU realizes we need an approach that is scalable
Started with high school and a credit-bearing program; started as a "plug-in" course for a student who is clearly not going to

Now have programs for Tiers I, II, and III from high school down to 4K
Have a live dashboard for tracking student progress within the program

Really talked about how EmpowerU is focusing on Tier II—claims 90+% of students who complete the program being bale to move back to Tier I

Elmbrook examples and highlights
Student suicides completion back around 2015 well ahead of the pandemic had student mental health on their radar to be sure.
Clinical therapist on site: spent about half the time working with adult teams and half working with students/families through their family insurance. Knew it would be nowhere near enough, but was how they had started with grant money.

Started with a EmpowerU pilot last year. Began with special education students since they also had a case manager to help check in. Began with secondary-level students and then added some elementary students.
This year, they began with some slots available at each of their schools [I think they have 10 schools]

Some of the check-ins happen in student hall and others in the school's flex time.

Results have come. Progress to goals, overall student well-being, and more.
Ability to calm down, self-talk, get better grades, have friends, knowing how to channel thoughts and emotions into something good, knowing when to take a break, and more were mentioned within student comments that were shared.

Feedback from staff has been very positive. [They showed a visual of three categories and 100% of staff agreeing with the positive impact.] It was a heavy lift though and implementing something like this (especially in the midst of COVID challenges) was not easy.

A family at-home option was also referenced ($69) to help not only students, but also the parents since they benefit from the information—and many need it as well.

Staff option [I would say mini-workshop of sorts]:
Educator well-being and support was referenced. Having staff work through a 4-hour module is a great strategy. Can give staff a stipend to do it, can give them half a PD/in-service day, etc. Staff burn

out, absences, lack of subs, resignation, etc. were also referenced as being at all-time highs and this is a component that can help staff.

Q & A:

- Parental consent is very important.
- About 99.5% of parent consent.
- Parents can get updates and what they called a "final report" at the end. (Families and staff can get that report.)
- Most expensive option is the for-credit semester long class ($349 I think Katie said)
- Options go down all the way to $25 a student

Governor's comments

Want to shift mental health supports from special grants to ongoing support

---

Closing keynote:

Courtney Clark – resilience expert/speaker

Life story of dealing with cancer—first diagnosed at age 26. Life didn't go according to plan. Life is full of detours.

Life will not be less stressful when you have less to do.
Life will be less stressful when you have more focus.

No one is the way they are—all the time.

(Overall solid message.)

https://www.courtneyclark.com

Report Name YA-00 Status Report
Refresh Date 2/3/23 7:36 AM

Wisconsin Youth Apprenticeship Program

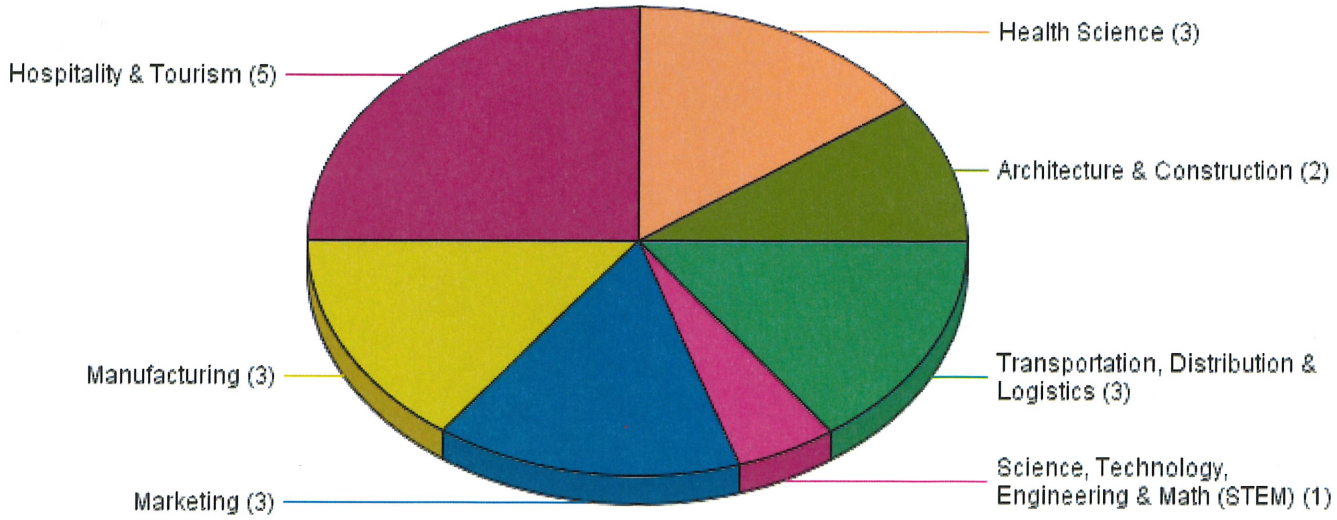
Youth Apprenticeship Status Report

Filters - Fiscal Year: 22/23; Consortium: Northeast Wisconsin Youth Apprenticeship; School District(s): Sturgeon Bay School District

Youth Apprenticeship Enrollees:	20	**Active Employers:**	14
Active Local Consortia:	1	Number of Schools for Enrollees:	1
Expected Completers *	20	Number of Districts for Enrollees:	1
Completers To Date **		Estimated Wages Earned:	$128,650.5
		Average Wage:	$14.29

* Enrollees who will graduate at end of year; other enrollees are in a two-year program.
** Students may complete as late as August 31 of the program year.

Enrolled Youth Apprentices by Career Cluster Area



Program Area Name	Student Count	Average Wage	Female	Minority
Architecture & Construction	2	$17.5	0% Female	0% Minority
Health Science	3	$14.67	66% Female	33% Minority
Hospitality & Tourism	5	$12	20% Female	20% Minority
Manufacturing	3	$14.92	0% Female	0% Minority
Marketing	3	$13.38	33% Female	0% Minority
Science, Technology, Engineering & Math (STEM)	1	$17	0% Female	0% Minority
Transportation, Distribution & Logistics	3	$15	33% Female	0% Minority

Youth Apprenticeship Participation

Data As Of: 01/31/2023

Grantee(s): All; **District(s):** Sturgeon Bay School District; **County(ies):** All

Unique Students Count: 43

Unique Employers Count: 30

- [ ] Employers
- [x] Students

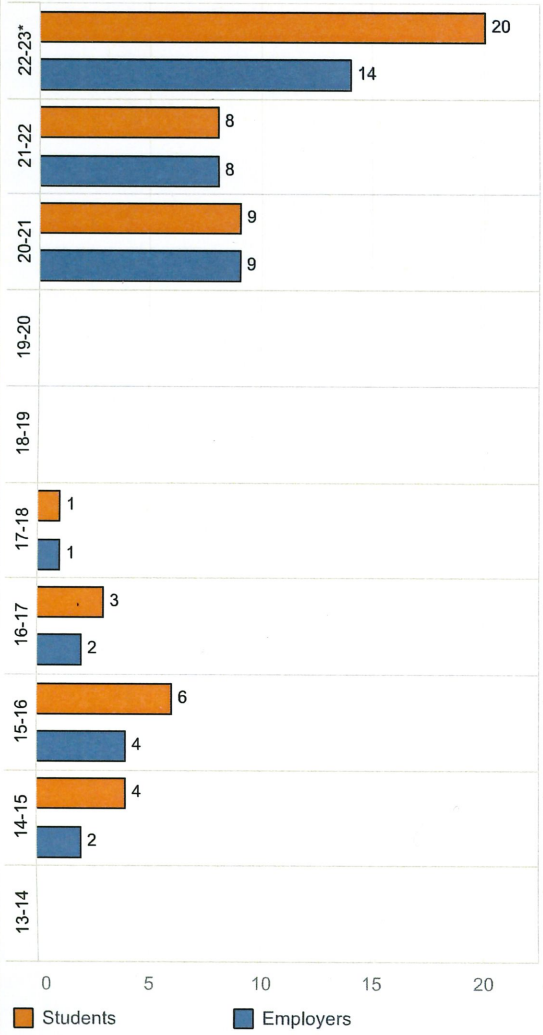
Select Grantee(s): All

Select School District(s): Sturgeon Bay School District

Select County(ies): All

Total Participating

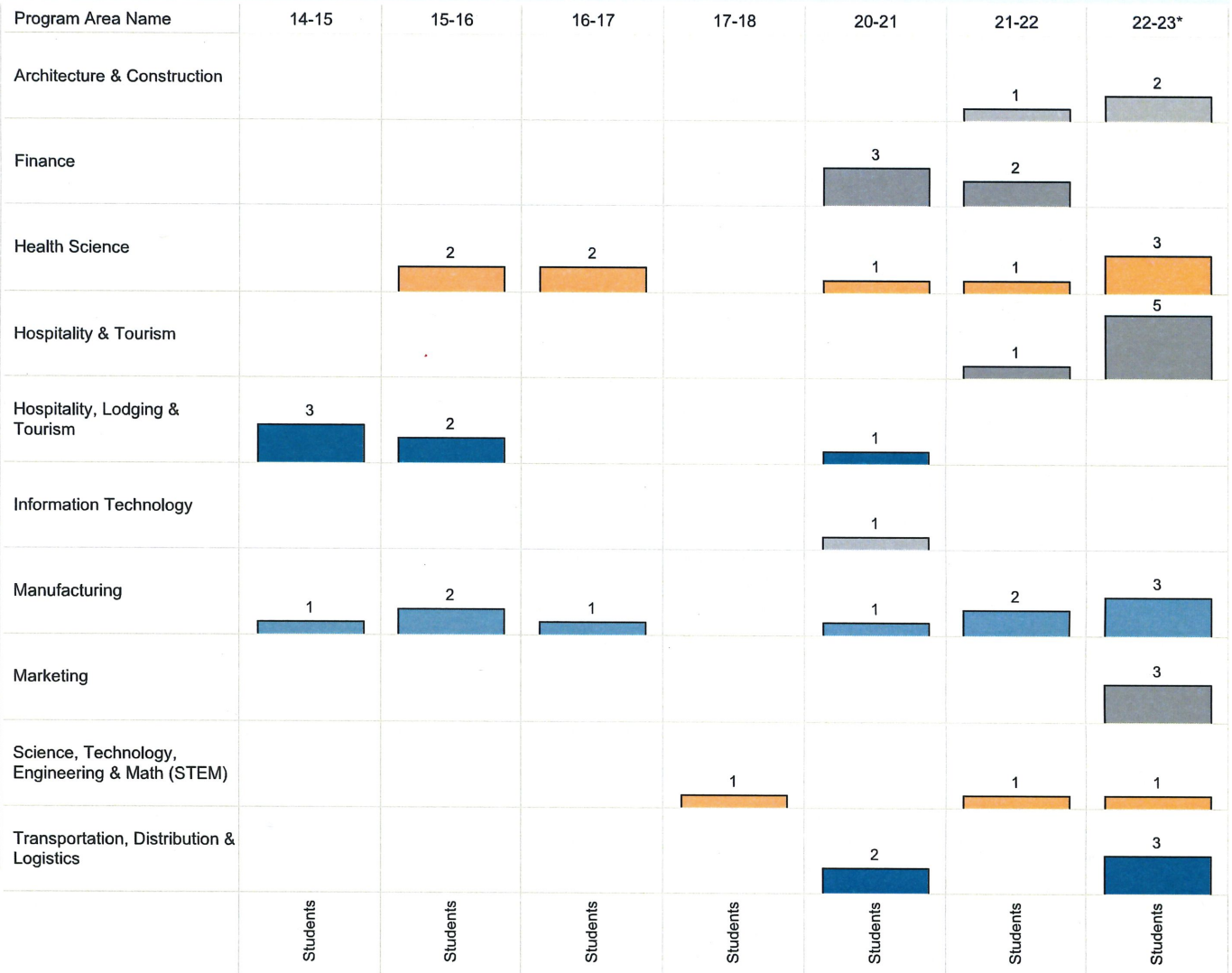
Click on Fiscal Year to Filter (Ctrl+Click for multi-select)



* Data from current year is incomplete

Total Participating by Program Area - Students

Click on Program Area Name to Filter (Ctrl+Click for mutli-select)



Book	Policy Manual
Section	Vol. 30, No. 2, July 2021
Title	REVISED POLICY - VOL. 30, NO. 2 - PROPERTY INVENTORY
Code	po7450
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2

7450 - **PROPERTY INVENTORY**

As steward of this District's property, the Board ~~of Education~~ recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

The Board shall

[OPTION 1]

( ) conduct a complete inventory of all District-owned equipment and supplies, including computing devices

~~**( )** maintain a continuous inventory~~

~~of all District-owned equipment and supplies, including computing devices~~

( ) annually.

( ) every _____ years. **[Drafting Note: Insert the frequency with which the District completes its physical inventory. Federal regulations require non-Federal entities to complete a physical inventory at least once every two (2) years. As long as the District meets the minimum frequency, the District may choose to design the inventory so that it coincides with other events, including property insurance renewals or any applicable GAAP reporting requirements.]**

( ) at such intervals as will coincide with property insurance renewal.

( ) and Generally Accepted Accounting Principles (GAAP) reporting requirements.

[END OF OPTION 1]

[OPTION 2]

(x) maintain a continuous inventory of all District-owned equipment and supplies, including computing devices.

[END OF OPTION 2]

For purposes of this policy, "equipment" means tangible personal property (including information technology systems) having a useful life of more than one (1) year and a per-unit acquisition cost which equals or exceeds $5,000_____. ~~**[insert State threshold amount for equipment.]**~~

Capital assets include equipment as well as the following:

A. land, buildings (facilities), and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases

B. additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to assets that materially increase their value or useful life (not ordinary repairs and maintenance)

Capital expenditures, which are expenditures for capital assets, require prior written approval in order to be allowable in certain situations. General-purpose equipment, buildings, and land, as well as improvements to land, buildings, or equipment which materially increase their value or useful life, are unallowable as direct charges unless the Federal awarding agency or pass-through entity provides prior written approval. Whereas capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of $5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.

When defining supplies for inventory purposes, no items will be counted whose total acquisition cost is less than $_5,000.___.

"Computing devices" are machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories for printing, transmitting and receiving, or storing electronic information. Examples of computing devices include laptops, smartphones, tablets, etc. Computing devices are classified as equipment if their acquisition cost meets the above-mentioned equipment threshold. Computing devices that do not meet the acquisition cost threshold are considered supplies. Regardless of whether a computing device is classified as an equipment or supply, it must be counted during the inventory.

It shall be the duty of the

( ) District Administrator

(x) Business Manager

( ) _____

to ensure that inventories are recorded systematically and accurately and property records of equipment are updated and adjusted annually by reference to purchase orders and withdrawal reports.

[ ] Major items of equipment shall be subject to annual spot check inventory to determine loss, mislocation, or depreciation; any major loss shall be reported to the Board.

[ ] Property records of consumable supplies shall be maintained on a continuous inventory basis.

[ ] The _Business Manager_____ shall maintain a system of property records which shall show, as appropriate to the item recorded, the:

A. **(x)** description of the property;

B. **( )** serial number or other identification number;

C. **( )** source of funding for the property;

D. **( )** titleholder;

E. **(x)** acquisition date;

F. **(x)** acquisition cost;

G. **( )** percentage of Federal participation in the project costs for the Federal award under which the property was acquired;

H. **( )** location;

I. **( )** use and condition of the property;

J. **( )** ultimate disposition data including the date of disposal and sales price;

K. **( )** manufacturer; and

L. **( )** evaluation in conformity with insurance requirements.

Equipment and computing devices acquired under a Federal award will vest upon acquisition to the District, subject to the following conditions:

A. The property shall be used in the program or project for which it was acquired as long as needed, whether or not the or program continues to be supported by the Federal award.

1. When no longer needed for the original program or project, the property may be used in other activities in the following order of priority: 1) activities under a Federal award from the Federal awarding agency which funded the original program or project; then 2) activities under Federal awards from other Federal awarding agencies.

2. During the time that property is used on the project or program for which it was acquired, the District must also make the property available for use on other projects or programs currently or previously supported by the Federal program, provided that the use will not interfere with the work on the original project or program.

B. The property shall not be encumbered without the approval of the Federal awarding agency or the pass-through entity.

C. The property may only be used and disposed of in accordance with the provisions of the Federal awarding agency or the pass-through entity and Policy 7300 and Policy 7310 (x) and AG 7310.

D. Property records shall be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), title entity, acquisition date, cost of the property, percentage of Federal participation in the project costs for the award under which the property was acquired, the location, use, and condition of the property, and ultimate disposition data, including date of disposal and sale price of the property, in accordance with this policy.

E. A physical inventory of the property must be taken and results reconciled with property records at least once every two (2) years, in accordance with this policy.

F. A control system shall be developed to provide adequate safeguards to prevent loss, damage, or theft of the property. Any such loss, damage, or theft shall be investigated.

G. Adequate maintenance procedures shall be implemented to keep the property in good condition.

H. Proper sales procedures shall be established to ensure the highest possible return, in the event the District is authorized or required to sell the equipment/property.

I. When original or replacement equipment acquired under a Federal award is no longer needed for the original project/program or for activities currently or previously supported by a Federal awarding agency, and except as otherwise provided by Federal statutes, regulations, or Federal awarding agency disposition instructions, the District shall request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment shall be made in accordance with the provisions of 2 C.F.R. 200.313.

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Legal 2 C.F.R. 200.313

Last Modified by Ann DeMeuse on February 7, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po1422.02
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

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

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

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

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

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

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

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

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

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

The District's~~District Administrator shall appoint a~~ C~~c~~ompliance O~~o~~fficer (see Policy 1422 - Nondiscrimination and Equal Employment Opportunity) is~~who shall be~~ responsible for overseeing the Board~~District~~'s compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the Board's compliance with GINA~~Federal regulations and promptly dealing with any inquiries or complaints~~. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer~~S/He shall~~ also shall verify that proper notice of nondiscrimination for Title II of GINA~~the Genetic Information Nondiscrimination Act of 2008~~ is provided to staff members, and that all ~~District~~ requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are~~is~~ accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

> **Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement**
>
> The Genetic Information Nondiscrimination Act of 2008 or ~~(~~"GINA"~~)~~ prohibits employers and other entities covered by the law~~GINA Title II~~, including the Board~~ of Education~~, from requesting or requiring genetic information of an employee or applicant~~individual~~ or family member of an employee or applicant~~the individual~~, except as specifically allowed by law. To comply with GINA~~this law~~, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the Compliance Officer at 920-746-2801~~7101~~_____ **[phone].**

[~~x~~] The Board~~District~~ offers health services, **~~(x~~)** including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the District~~Board~~ and no applicant or employee shall be identified or identifiable from the reported information.

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

42 U.S.C. 2000ff et seq.
Title II, The Genetic Information Nondiscrimination Act of 2008
29 C.F.R. Part 1635

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Legal	42 U.S.C. 2000ff et seq. Title II, The Genetic Information Nondiscrimination Act of 2008 29 C.F.R. Part 1635

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po1422
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

1422 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

Notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Definitions

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

Complainant is the individual who alleges, or is alleged, to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

Military status: refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Wisconsin organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Respondent is the individual who has been alleged to have engaged in discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators"; hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board~~School Districts are advised to~~ appoint both a male and a female CO in order to provide ~~c~~Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two COs, there should always be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO, if appropriate.]

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail Address)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-28~~71~~01_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually: ~~**[NOTE: Select more than one (1) option]**~~

A. **on the School District's website.**

B. **(x)** in the staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. ~~**( ) on the School District's website.**~~

E. **( )** on each individual school's website.

F. **( )** in the School District's calendar.

G. **( )** _____.

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation, or denial of equal access. The COs shall also verify that proper notice of nondiscrimination has been provided for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, ~~Title IX of the Education Amendment Act of 1972,~~ Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public. ~~( ) Any sections of the District's postings, notifications, advertisements, or other materials regarding recruiting, hiring, and promotion need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from these materials~~. ~~such contracts~~. [END OF OPTION] ~~A copy of each of the Acts and regulations on which this notice is available upon request from the CO.~~

Reports and Complaints of ~~Unlawful~~ Discrimination and Retaliation

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

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

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

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

The COs will be available during regular school/work hours to discuss concerns related to ~~unlawful~~ discrimination/retaliation. COs shall accept reports~~complaints~~ of ~~unlawful~~ discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee~~(District employees, students, parent(s), and member of the Board), a resident of the District, or a visitor to the District~~. Upon receipt of a report of alleged discrimination/retaliation~~complaint~~, the~~either directly or through a school building administrator, a~~ CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation)~~investigation~~, or [~~x~~] Option 1 the CO will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1] x] Option 2 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2]~~the CO will designate a specific individual to conduct such a process.~~ The CO will provide a copy of this policy to the Complainant and the Respondent upon request.~~any person who files a complaint. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.~~

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

Investigation and Complaint Procedure (See Form 1422 F2)

Except for sex discrimination and/or sexual harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been~~Any employee who believes that s/he has been~~ subjected to ~~unlawful~~ discrimination or retaliation may seek resolution of the~~his/her~~ complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

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

Complaint Procedure

A Complainant who alleges discrimination/retaliation~~An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"),~~ may file a complaint, either orally or in writing~~,~~: 1) with a Principal; 2) the CO;~~,~~ or 3) to the District Administrator or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated~~assume the role of~~ CO or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO. ~~for such complaints.~~

Due to the sensitivity surrounding complaints of ~~unlawful~~ discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged~~should make every effort~~ to file a complaint within thirty (30) ~~calendar~~ days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employees, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO at the employee's first opportunity, but no later than~~within~~ two (2) ~~business~~ days.

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

All complaints must include the following information to the extent known~~it is available~~: the identity of the Respondent~~individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

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

Within two (2) days of receiving the complaint, the CO or designee will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.~~Within two (2) business days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.~~

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

[x] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. **[ ] [OPTION 2]** Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]**~~Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:~~

The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;

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

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

(x) The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may (x) in consultation with the District Administrator or Board President, if the matter involves the District Administrator, [END OF OPTION] engage outside legal counsel to conduct the investigation consistent with this policy.
~~( ) The CO may consult with the Board's legal counsel before finalizing the report to the District Administrator.~~

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

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 five (5) ~~business~~ days, or as quickly as possible if additional time is necessary due to the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in discrimination/retaliation toward the Complainant, the District Administrator~~Complainant was subjected to unlawful discrimination/retaliation, s/he~~ must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

[x] The decision of the District Administrator shall be final.

OR

[ ] A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) ~~business~~ days of the party's~~his/her~~ receipt of the District Administrator's ~~final~~ decision. The written statement of appeal must be submitted to the District Administrator, who will forward the request to the Board President.

In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within twenty (20) ~~business~~ days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) ~~business~~ days of its decision. The decision of the Board will be final.

[END OF OPTIONS]

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

~~**[END OF OPTION]**~~

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process~~procedure~~ is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Board will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.~~Additionally, the Respondent must be provided the Complainant's identityAll Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.~~

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

Remedial Action~~Sanctions~~ and Monitoring

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

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion student. All disciplinary action will be taken in accordance with applicable State law and any relevant codes of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging ~~unlawful~~ discrimination/retaliation, or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.~~Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.~~

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

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

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include~~including,~~ but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to the Complainant and/or the Respondent~~complainants~~, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;~~.~~

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. **( )** copies of any notices sent to the Complainant and alleged perpetrator in advance of any interview or hearing;

U. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Pol
8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

111.31 et seq., Wis. Stats.
111.335(d)(2), Wis. Stats.
118.125, Wis. Stats.
118.195, Wis. Stats.
118.20, Wis. Stats.
Fourteenth Amendment, U.S. Constitution
~~20 U.S.C. Section 1681, Title IX of Education Amendment Act~~
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act
~~42 U.S.C. 6101 et seq., Age Discrimination Act of 1975~~
~~42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended~~
~~34 C.F.R. Part 110 (7/27/93)~~
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 1973, as amended
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
~~29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended~~
29 C.F.R. Part 1635, The GINA Regulations
34 C.F.R. Part 110, The Age Discrimination Act Regulations

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Legal

111.31 et seq., Wis. Stats.

111.335(d)(2), Wis. Stats.

118.195, Wis. Stats.

118.20, Wis. Stats.

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act

42 U.S.C. 2000 et seq., Civil Rights Act of 1964

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 1973 as amended

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

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

29 C.F.R. Part 1635, The GINA Regulations

34 C.F.R. Part 110, The Age Discrimination Act Regulations

Last Modified by Ann DeMeuse on January 30, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po1623
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

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

The Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Definitions

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

Complainant: is the individual who alleges or is alleged to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

Respondent: is the individual who is alleged to have engaged in discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

~~"~~**An individual with a disability**~~"~~ means a person who has, has~~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

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

Impairment That Substantially Limits a Major Life Activity

~~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 (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

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

Qualified Individual with a Disability

A qualified individual~~person~~ with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the~~such~~ individual holds or desires and~~, with or without reasonable accommodation,~~ can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability unless the accommodation would impose an undue hardship on the operation of the Board~~District~~'s program and/or activities. A reasonable accommodation is not ~~necessarily~~ required for an individual who is merely regarded as having a disability.

Facilities

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

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

District Compliance Officer~~(s)~~

The Board designates the following individual(s) to serve as the District's 504 CO(s)/ADA Coordinator(s) (hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board appoint~~School Districts may want to consider appointing~~ both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim that pertains to the other CO, as appropriate.]

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

__920-746-2804_____
(Telephone Number)

_1230 Michigan Street, Sturgeon Bay WI 54235_____
(Office Address)

lferry@sbsdmail.net_____
(E-mail Address)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-2801~~7101~~_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail Address)

The name(s), title(s), and contact information of this/these individual(s) will be published annually: ~~**[NOTE: Select more than one (1) option]**~~

A. **on the School District's website.**

B. **(x)** in the staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. ~~**( )** on the School District's website.~~

E. **( )** on each individual school's website.

F. **( )** in the School District's calendar

G. **( )** _____.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO~~Any sections of the and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District COs~~.

The COs will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints, as appropriate. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

~~**Training**~~

~~The COs 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.~~

~~**Notice**~~

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

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with COs within the time limits specified below. The COs are available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the int complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the Complainant or someone authorized to sign for the Complainant, describe the alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation and propose a resolution. The complaint must be filed within thirty (30) ~~calendar~~ days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the CO for good cause.

C. The CO will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the Complainant with a written disposition of the complaint within ten (10) ~~business~~ days. If no decision is rendered within ten (10) business days, or the decision is unsatisfactory in the opinion of the Complainant, the employee may file, in writing, an appeal with the District Administrator. The CO shall maintain the District's files and records relating to the complaint.

D. The District Administrator will, within ten (10) ~~business~~ days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The District Administrator will render his/her decision within ten (10) ~~business~~ days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to ~~unlawful~~ discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education Office for Civil Rights Citigroup Center
500 W. Madison Street Suite 1475
Chicago, IL 60661
(312) 730-1560
FAX: (312) 730-1576
TDD: (877) 521-2172
E-mail: OCR.Chicago@ed.gov

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and any relevant codes of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging ~~unlawful~~ discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, ~~Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten~~ or interfere with any individual because the person opposed any act or practice made ~~unlawful~~ by Section 504 or the ADA, or because that individual made a report, formal complaint~~charge~~, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination, in general, will be age and content-appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this polic shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may in but are not limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and procedures/guidelines used by the District to conduct the investigation and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

N. documentation of any training provided to District personnel related to this policy including, but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

O. ( ) documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

P. ( ) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;

Q. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;

R. ( ) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law, such as student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years and longer if required by the District's records retention schedule.

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Legal	29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
	29 C.F.R. Part 1630
	34 C.F.R. Part 104

Last Modified by Ann DeMeuse on January 30, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - EMPLOYEE ANTI-HARASSMENT
Code	po1662
Status	Second Reading
Adopted	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

1662 - **EMPLOYEE ANTI-HARASSMENT**

Prohibited Harassment

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

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including ~~trans~~gender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters (collectively, "Protected Classes"), or any other characteristic protected by law in its employment practices (hereinafter referred to as "harassment"~~"Protected ClassesCharacteristics"~~), and encourages those within the School District community as well as T~~t~~hird P~~p~~arties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and, in those cases where harassment is substantiated, ~~the Board will~~ take immediate steps ~~calculated~~ to end the harassment, prevent its reoccurrence, and~~, if applicable,~~ remedy its effects.

Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

[ ] The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.

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

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

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

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

Complainant: is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

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

Respondent: is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

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

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

Bullying

Bullying rises to the level of harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

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

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

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

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

"Harassment" also includes "hate speech"—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

A. making statements that promote violence toward a racial or ethnic group;

B. drawing, displaying, or posting images or symbols of prejudice (e.g., swastikas).

Sexual Harassment

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

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

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

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

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

E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;

F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of any~~either~~ gender against a person of the same or another~~opposite~~ gender.

Sexual Harassment covered by Policy 2266 ( )/AG 2266 [END OF OPTION] – Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266 ( )/AG 2266 [END OF OPTION] - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. unwanted physical and/or sexual contact~~assault~~;

C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;

D. unwelcome verbal expressions~~ of a sexual nature~~, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;

E. sexually suggestive objects, pictures, graffiti, videos~~videotapes~~, posters, audio recordings, or literature~~,~~ placed in the work ~~or educational~~ environment that reasonably may embarrass or offend individuals;~~, remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;~~

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;

H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;

I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;

J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;

K. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;~~ and~~

L. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and

M. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

[x] Boundary Invasions

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However, other behaviors might be going too far, are inappropriate and may be signs of sexual grooming. Inappropriate boundary invasions may include, but are not limited to the following:

A. hugging, kissing, or other physical contact with a student;

B. telling sexual jokes to students;

C. engaging in talk containing sexual innuendo or banter with students;

D. talking about sexual topics that are not related to curriculum;

E. showing pornography to a student;

F. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");

G. initiating or extending contact with students beyond the school day for personal purposes;

H. using e-mail, text messaging, or websites to discuss personal topics or interests with students;

I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;

J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);

K. going to a student's home for non-educational purposes;

L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);

M. giving gifts or money to a student for no legitimate educational purpose;

N. accepting gifts or money from a student for no legitimate educational purpose;

O. being overly "touchy" with students;

P. favoring certain students by inviting them to come to the classroom at non-class times;

Q. getting a student out of class to visit with the staff member;

R. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;

S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);

T. being alone with a student behind closed doors without a legitimate educational purpose;

U. telling a student "secrets" and having "secrets" with a student;

V. other similar activities or behavior:

( ) _____.

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the District Administrator.

[END OF BOUNDARY INVASIONS OPTION]

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Age Harassment

Prohibited age-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disability~~disabling condition~~ or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or "CO" "COs"):

[DRAFTING NOTE: Neola suggests the Board **appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer**, as appropriate.]

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail Address)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-2801_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually:

A. **on the School District's website.**

B. **(x)** in the parent and staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. **( )** on each individual school's website.

E. **( )** in the School District's calendar.

F. **( )** _____.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or [ ] Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1] x] Option 2 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2] The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Members of the School District community~~ and third parties, which includes all staff,~~ along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report~~complaint~~ shall file it with the ~~District's~~ Compliance Officer within two (2) days of receiving the report of harassment~~at his/her first opportunity~~.

Members of the School District community and Third Parties~~or third parties~~ who believe they have been harassed by another member of the School District community or a Third Party~~third party~~ are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's~~complaining individual's~~ employment unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

Reporting procedures are as follows:

A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

B. Teachers, administrators, and other District officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.

C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.

D. Appropriate District officials are as follows:

1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the District Administrator, who will coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.~~for such complaints.~~

2. Any complaint under this policy regarding the District Administrator or Board Member that is received by the District Compliance Officer shall be referred to the Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.

E. The reporting party or Complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. ***Use of formal reporting forms shall not be mandated.*** However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the District Administrator or other supervisory employee.

F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

If during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

~~**District Compliance Officers**~~

~~The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").~~

~~**[NOTE: School Districts are advised to appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigate or to assist the District Administrator in investigating a claim of discrimination that pertains to the other CO.]**~~

~~_____~~
~~(Name)~~

~~_____~~
~~(School District Title)~~

~~_____~~
~~(Telephone Number)~~

~~_____~~
~~(Office Address)~~

~~_____~~
~~(E-mail Address)~~

~~_____~~
~~(Name)~~

~~_____~~
~~(School District Title)~~

~~_____~~
~~(Telephone Number)~~

~~_____~~
~~(Office Address)~~

~~_____~~
~~(E-mail Address)~~

~~The names, titles, and contact information of these individuals will be published annually: **[NOTE: Select more than one (1) option]**~~

A. ~~( ) in the parent and staff handbooks.~~

B. ~~( ) in the School District Annual Report to the public.~~

C. ~~( ) on the School District's website.~~

D. ~~( ) on each individual school's website.~~

E. ~~( ) in the School District's calendar.~~

F. ~~( ) _____.~~

~~A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct.~~

~~The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.~~

Investigation and Complaint Procedure (see Form 1662 F1)

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, a~~A~~ny employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have~~s/he has~~ been subjected to harassment or has witnessed harassment of another may seek resolution of the~~his/her~~ complaint through the procedures ~~as~~ described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.~~Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.~~

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

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Wisconsin Equal Rights Division, and/or Equal Employment Opportunity Commission ("EEOC"). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: http://www.ed.gov/ocr.

Complaint Procedure

A Complainant~~An individual who believes s/he has been subjected to harassment hereinafter referred to as the "Complainant,"~~ who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a ~~teacher,~~ Principal; 2) directly to one of the ~~,~~ COs;~~,~~ or 3) to the District Administrator~~,~~ or other supervisory employee. As noted above, any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who ~~may~~ will consult~~, in consultation~~ with the other appointed/designated CO, if any, and if necessary appoint/designate another individual to serve in the role of CO ~~assume the role of the CO~~ for ~~such~~ a complaint regarding a CO.

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

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

All written complaints must include the following information to the extent known~~it is available~~: the identity of the Respondent~~individual believed to have engaged in, or be actively engaging in, harassment~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); ~~and~~ a list of potential witnesses; and the reso sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent~~alleged harasser~~. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with~~his/her position to~~ the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed~~s/he deems~~ appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the C~~c~~omplainant or R~~r~~espondent.

Within two (2) ~~business~~ days of receiving a complaint, the CO will inform the Respondent~~individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent",~~ that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

Within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

[x] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. **[ ] [OPTION 2]** Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]**
~~Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment.~~

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

A. interview(s) with the Complainant;

B. interview(s) with the R~~r~~espondent;

C. interviews with any other witnesses who ~~may~~ reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the Complainant, R~~r~~espondent, 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 or designee shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the Respondent engaged in harassment of or retaliation toward the Complainant~~Complainant has been subjected to harassment~~. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

(x) The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may **(x)** in consultation with the District Administrator or Board President, if the matter involves the District Administrator **[END OF OPTION]** engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) ~~business~~ days of receiving the report of the CO, the District Administrator must either issue a written ~~final~~ decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the Complainant and the R~~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 five (5) ~~business~~ days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in harassment of or retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the District Administrator shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or T~~t~~hird P~~p~~arty alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

Privacy/Confidentiality

The ~~School~~ District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the Complainant, the R~~r~~espondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.~~All Complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.~~

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided~~s/he learns or that s/he provides~~ during the course of the investigation.

Directives During Investigation

The CO may recommend to the District Administrator placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If t District Administrator is the Respondent, the CO shall make such recommendation to the Board. Administrative leave may be appropriate in situations in which protecting the safety o individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action~~Sanctions~~ and Monitoring

~~The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.~~ If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be an employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the District Administrator shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all~~All~~ subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Allegations Constituting Criminal Conduct

If the CO has reason to believe that the Complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the District Administrator shall be advised that local law enforcement was notified.

If the Complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the **(x) Board President and the (x) Board Attorney** shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the District Administrator.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the Complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A **( )** link to **( )** summary of **[END OF OPTION]** this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. The District Administrator shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

The Board will respect the privacy of the Complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Retention of Investigatory Records and Materials

The CO(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include~~including,~~ but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to Complainant and/or the Respondent~~Complainants~~, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

111.31, 118.195, 118.20, Wis. Stats.
~~20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)~~
~~20 U.S.C. 1681 et seq.~~
~~20 U.S.C. 1681 et seq., Title IX~~
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
~~29 C.F.R. Part 1635~~
~~29 U.S.C. 6101, The Age Discrimination Act of 1975~~
42 U.S.C. 1983
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635
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Legal

111.31, 118.195, 118.20, Wis. Stats.

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

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

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

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

29 C.F.R. Part 1635

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Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY
Code	po2260.01
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

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 solely by reason of disability. The Board 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 the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities~~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.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Free Appropriate Public Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education ("FAPE") to students with disabilities within its jurisdiction who are determined eligible for special education and related services under the Individuals with Disabilities Education Act ("IDEA") or Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities (see Definitions below), the Board shall provide the student a FAPE. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of students without disabilities are met shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities shall be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified student with a disability within its jurisdiction with students without disabilities to the maximum extent appropriate. Generally, the District will place a student with a disability in the general education environment unless it is demonstrated that the education of the student in the general education environment, even with the use of supplementary aids and services, cannot be achieved satisfactorily. If the District places a student in a setting other than the general education environment, it shall take into account the proximity of the alternate setting to the student's home. If the Board operates a separate class or facility that is identified as being provided for students with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without disabilities.

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

In accordance with Section 504, parents and students shall be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, students and their parents shall be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). Finally, students and parents shall be advised of their right to request a due process hearing before an Impartial Hearing Officer ("IHO") regarding the identification, evaluation, or educational placement of persons with disabilities, and their right to examine relevant education records. ( ) (See also AG 2260.01B - Section 504/ADA - Complaint and Due Process Procedures)

Definitions

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

Complainant: is the individual who alleges or is alleged to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent: is the individual who is alleged to have engaged in discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

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

Individual~~"An individual~~ with a disability~~"~~ means a person who has, 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

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

Impairment That Substantially Limits a Major Life Activity
~~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 medicat medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochle implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services learned behavioral or adaptive neurological modifications.

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

Qualified Individual with a Disability

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

A. who is of an age during which ~~nondisabled~~ persons without disabilities are provided educational services;

B. who is of any age during which it is mandatory under Wisconsin law to provide educational services to ~~disabled~~ persons with disabilities; or

C. to whom the State is required to provide a free appropriate public education pursuant to the IDEA~~Individuals with Disabilities Education Improvement Act (IDEIA)~~.

With respect to vocational education services, a qualified individual~~person~~ with a disability means a student~~disabled person~~ with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with disability access to its vocational education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.

With respect to employment, a qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

With respect to employment, the Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

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

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

District Compliance Officers (hereinafter referred to as the "COs")

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

[DRAFTING NOTE: Neola suggests the Board appoint~~School Districts may want to consider appointing~~ both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim that pertains to the other CO.]

Linday Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-28~~71~~01_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail)

The name(s), title(s), and contact information of this/these individual(s) will be published annually: ~~**[NOTE: Select more than one (1) option]**~~

A. **on the School District's website.**

B. **(x)** in the staff and student handbooks.

C. **( )** in the School District Annual Report to the public.

D. ~~**( ) on the School District's website.**~~

E. **( )** on each individual school's website.

F. **( )** in the School District's calendar.

G. **( )** _____.

The COs are~~is~~ responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age

Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO~~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~~.

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

~~**Training**~~

~~The CO will also oversee the training of employees of the Board 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 interests 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.~~

Reports and Complaints of Discrimination and Retaliation

Students and District employees are required, and all other members of the District community and Third Parties are encouraged, to promptly report incidents of discrimination and/or retaliation to an administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) days. **[NOTE:** W**hile students are advised to report discrimination/retaliation to administrators, supervisors, or other District officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]**

Members of the District community, which includes students or Third Parties, who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

A student and/or parent may initiate the internal complaint procedure when they believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as having a disability or believed to have a disability pursuant to Section 504 and are not eligible under the IDEA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the OCR or requesting an impartial due process hearing.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute discrimination based on a Protected Class, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. COs shall accept reports of discrimination/retaliation directly from any member of the District community or a Third Party and reports that initially are made to another District employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation) or designate a specific individual to conduct such a process.

The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the District Administrator or oversee the preparation of such recommendations by a designee. All members of the District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any District employee who directly observes~~-~~discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) days. Additionally, any District employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other District employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the student is under the age eighteen (18) within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (see Form 2260.01B F2)

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

All complaints must include the following information to the extent known~~it is available~~: a description of the alleged violation, the identity of the Respondent~~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 (i.e., when, where, and what occurred); ~~and~~ a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken during the investigatory phase to protect the Complainant from further discrimination or retaliati ~~of educational opportunity~~, including but not limited to a change of work assignment or class schedule for the Complainant and/or the Respondent~~, tentative enrollment in a program, or other appropriate action~~. In making such a determination, the CO should consult the **Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the District Administrator~~( )~~** ~~Principal~~ **~~( )~~** ~~District Administrator~~ **~~[END OF OPTIONS]~~** ~~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 two (2)~~five (5) business~~ days of receiving the complaint, the CO or designee will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

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. interview(s) with the Complainant;

B. interview(s) with the Respondent~~any persons named in the complaint~~;

C. interviews with any other witnesses who reasonably may ~~reasonably~~ be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other information~~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 or the designee shall prepare and deliver a written report to the District Administrator which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in harassment/retaliation of the Complainant~~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~~. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

[x] The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may **(x)** in consultation with the District Administrator or Board President**, if the matter involves the District Administrator**, **[END OF OPTION]** engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5)~~ten (10) business~~ days of receiving the report of the CO or designee, the District Administrator must either issue a final decision regarding whether the charges have been substantiated~~the complaint~~ or request further investigation. A copy of the District Administrator's final decision will be delivered to the Complainant ~~( )~~ and to the Respondent~~, if any~~ **~~[END OF OPTION]~~**. 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 Complainant or Respondent.

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 five (5) ~~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 Administratorwill 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~~,~~ discrimination/retaliation regardless of whether the Complainant pursues~~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 or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR or ICRC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Additional School District Action

If the evidence suggests that any conduct at issue violates any other policies of the Board, is a crime, or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or 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.

Privacy/Confidentiality

The District will employ all~~make~~ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations~~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.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

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

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, the opportunity to complete assignments missed due to absences related to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant code of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or District Administrator be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Impartial Due Process Hearing

A student and/or parent may request an impartial due process hearing regarding the identification, evaluation, or placement of a student with a disability. The student and/or parent may but are not required to first exhaust the above complaint procedure before requesting an impartial due process hearing. The parent of a student with a disability and a student over eighteen (18) years old (if not under guardianship) or an emancipated student has the right to: (1) examine records or documents that the school relied on in making its decision about the student; (2) request an impartial due process hearing that provides the parent and/or student with an opportunity to participate and permits representation by an attorney; and (3) have an opportunity for review of the decision made at the hearing.

A request for an impartial due process hearing should be made as soon as possible following a dispute in order to ensure that witnesses are available but no more than two years following the date of the matter in dispute. A request for an impartial due process hearing must be put in writing, identify the specific circumstances or areas of dispute that have given rise to the request for a hearing, and offer possible solutions to the dispute. The request for due process hearing must be filed with a District CO within the time limits specified above. The CO is available to assist individuals in filing a request for an impartial due process hearing.

When a request for an impartial due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an IHO (i.e., by a person not employed by the District, not involved in the education or care of the child, and not having a personal or professional interest that would conflict with the IHO's objectivity in the hearing). The District will maintain a list of trained IHOs that may include IDEA/Article 7 hearing officers, attorneys, and Directors of Special Education outside the District. The District CO will appoint an IHO from that list, and the District will bear the costs of the hearing. The appointment of an IHO will be made within fifteen (15) days after the request for an impartial due process hearing is received.

A party to an impartial due process hearing has the right to:

A. be accompanied and advised by legal counsel and individuals with special knowledge or training with respect to the problems of students with disabilities at the party's own cost;

B. present evidence and confront, cross-examine and compel the attendance of witnesses;

C. a written or electronic verbatim record of the hearing; and

D. written findings of fact and conclusions of law setting forth the reasons for the decision.

The IHO shall conduct the impartial due process hearing within a reasonable period of time (i.e., not to exceed ninety (90) days from the request for a hearing, unless this time-frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances). The IHO will give the parent and/or student written notice of the date, time and place of the hearing. Notice will be given no less than twenty-one (21) days prior to the date of the hearing, unless otherwise agreed to by the parent and/or student. The notice shall include:

A. a statement of the time, place and nature of the hearing;

B. a statement of the legal authority and jurisdiction under which the hearing is being held;

C. a reference to the particular section(s) of the statutes and rules involved;

D. a statement of the availability of relevant records for examination;

E. a short and plain statement of the matters asserted; and

F. a statement of the right to be represented by counsel.

The IHO shall conduct the hearing in a manner that will afford all parties a full and fair opportunity to present evidence and otherwise to be heard. The parent and/or student may be represented by another person of the parent or student's choice, including an attorney. The IHO shall make a full and complete record of the proceedings.

The IHO shall render a decision in writing to the parties within thirty (30) days following the conclusion of the hearing. The decision will be based solely on the testimony and demonstrative evidence presented at the hearing and include a summary of the evidence (i.e., findings of fact) and the reason for the decision (conclusions of law). The IHO's decision shall include a statement that either party may appeal the decision.

Appeal of the IHO's decision may be made to a Federal court of competent jurisdiction.

OCR Complaint

At any time, if a student or parent believes that the student has been subjected to discrimination based upon disability in violation of Section 504 or the ADA, the student or parent may file a complaint with the OCR. The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Chicago Office
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Telephone: 312-730-1560
FAX: 312-730-1576
TDD: 800-877-8339
E-mail: OCR.Chicago@ed.gov
Web: http://www.ed.gov/ocr

Except in extraordinary circumstances, the OCR does not review the result of individual placement and other educational decisions, so long as the District complies with the "process" requirements of Subpart D of Section 504.

Notice

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, made a report/formal complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropria training and information provided regarding the Board's policy and discrimination in general will be age and content appropriate.

Retention of ~~Public Records, Student Records, and~~ Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts related to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to the Complainant and/or the Respondent~~Complainants~~, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions, both individual and systemic, taken to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. **( )** copies of any notices sent to the Complainant and alleged perpetrator in advance of any interview or hearing;

U. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

Additionally, the CO shall retain copies of any written request for an impartial due process hearing, the IHO's notices to the parties, the evidence entered in the hearing, any transcript of the hearing, and the IHO's decision.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

29 C.F.R. Part 1630
34 C.F.R. Part 300
34 C.F.R. Part 104
~~29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended~~
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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Legal

29 C.F.R. Part 1630

34 C.F.R. Part 300

34 C.F.R. Part 104

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

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	po2260
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

2260 - **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

The Board is committed to providing an equal educational opportunity for all students in the District.

The Board does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including ~~trans~~gender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes") in any of its student program and activities. This policy is intended to support and promote nondiscriminatory practices in all District and school activities, particularly in the following areas:

A. use of objective bases for admission to any school, class, program, or activity;

B. prohibition of harassment towards students and procedures for the investigation of claims (see Policy 5517);

C. use of disciplinary authority, including suspension and expulsion authority;

D. administration of gifts, bequests, scholarships and other aids, benefits, or services to students from private agencies, organizations, or persons;

E. selection of instructional and library media materials in a nondiscriminatory manner and that reflect the cultural diversity and pluralistic nature of American society;

F. design and implementation of student evaluation practices, materials, and tools, but not at the exclusion of implementing techniques to meet students' individual needs;

G. design and configuration of facilities;

H. opportunity for participation in extra-curricular and co-curricular activities provided that separate programs for male and female students may be available provided comparable activities are made available to all in terms of type, scope, and District support; and

I. the school lunch program and other school-sponsored food service programs.

The Board is also committed to equal employment opportunity in its employment policies and practices as they relate to students. The Board's policies pertaining to employment practices can be found in Policy 1422, Policy 3122, and Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

The District will identify, evaluate, and provide a free appropriate public education to students with disabilities who are determined eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).

The District's educational programs include the academic and nonacademic setting. Each qualified student with a disability shall be educated with students without disabilities to the maximum extent appropriate. In the nonacademic setting, a student with a disability shall participate with students without disabilities to the maximum extent appropriate.

Notice of the Board's policy on nondiscrimination and the identity of the District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Principal's Responsibilities

Each Principal shall verify that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular programs do not discriminate on the basis of the Protected Classes.

District Administrator's Responsibilities

In furtherance of the aforesaid goal, the District Administrator shall:

A. Curriculum Content

1. review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict those~~the~~ Protected Classes~~contribution of both sexes, various races, ethnic groups, etc.~~ toward the development of human society;

2. provide that necessary programs are available for students with limited use of the English language;

B. Staff Training

develop an ongoing program of staff training and in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;

2. verify that facilities are made available in a non-discriminatory fashion, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

3. verify that the educational programs of this District are accessible to all students;

   All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise qualified student with a disability the opportunity to participate in the academic or other school programs on the same basis as students without disabilities.

4. require that service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District.

D. District Support

require that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, and~~or~~ guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

Definitions

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

Complainant: is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

Military status: refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It also includes the period of time for which a person is absent from school for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Respondent: is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

The District Administrator shall ~~appoint and~~ publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or equal access. The Compliance Officer(s) also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, ~~Title IX of the Education Amendment Act of 1972,~~ Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

[ ] The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility under Section 504 that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

The District Administrator shall attempt annually to identify children with disabilities, ages 3 - ~~21~~22, who reside in the District but do not receive a public education.

In addition, the District Administrator~~s/he~~ shall establish procedures to identify students who are Limited English Proficient, including immigrant children and youth, to assess their ability to participate in District programs~~,~~ and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis. (x) The District Administrator is responsible for verifying that a concentration of students who are Limited English Proficient English Learner (EL) ~~(LEP)~~ in one or more programs is not the result of discrimination.

Reporting Procedures

Students and District employees are required, and all other members of the District community and Third Parties~~Students, parents and all other members of the School District community~~ are encouraged to promptly report suspected violations of this policy to an~~a teacher or~~ administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher,~~ or~~ administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Compliance Officer within two (2) days~~at his/her first opportunity~~. **[NOTE: While students are advised to report discrimination/retaliation to administrators, supervisors, or other** District **officials, the Board recognizes that some students may report discrimination/retaliation to a teacher. When a teacher receives such a report, the teacher must file it with the CO as indicated above.]**

~~Students who believe they have been denied equal access to District educational opportunities in a manner inconsistent with this policy may initiate a complaint and the investigation process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.~~
Members of the District community, which includes students or Third Parties, who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. COs shall accept reports of discrimination/retaliation directly from any member of the District community or a Third Party and reports that initially are made to another District employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation) or designate a specific individual to conduct such a process.

The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the District Administrator or oversee the preparation of such recommendations by a designee. All members of the District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any District employee who directly observes discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) days. Additionally, any District employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other District employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant if age eighteen (18) or older or the Complainant's parents/guardians if the student is under the age of eighteen (18) within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

~~Title IX Complaint Coordinators/~~District Compliance Officers (hereinafter referred to as the "COs")

The Board designates the following individuals to serve as the District's CO's:

[DRAFTING NOTE: Neola suggests the Board appoint~~School Districts may want to consider appointing~~ both a male and a female CO in order to provide ~~C~~complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigating a claim that pertains to the other CO.]

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____

(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail Address)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-28~~71~~01_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually: ~~**[NOTE: select at least two options]**~~

A. **on the School District's website.**

B. **(x)** in the staff and student handbooks.

C. **( )** in the School District Annual Report to the public.

D. ~~**( ) on the School District's website.**~~

E. **( )** on each individual school's website.

F. **( )** in the School District's calendar.

G. **( )** _____.

A CO will be available during regular school/work hours to discuss concerns related to student discrimination in educational opportunities under this policy.

Investigation and Complaint Procedure (see Form 2260 F2)

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

All complaints must include the following information to the extent known~~it is available~~: a description of the alleged violation, the identity of the Respondent~~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 (i.e., when, where, and what occurred); ~~and~~ a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge~~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 work assignment or class schedule for the Complainant, tentative enrollment in a program, or other appropriate action. In making such a determination, the CO should consult the **Complainant to assess whether the individual agrees with the proposed action**~~**( )** Principal **( )** District Administrator **[END OF OPTIONS]** prior to any action being taken~~. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the District Administrator.~~The Complainant should be notified of any proposed action prior to such action being taken.~~

As soon as appropriate in the investigation process, the CO will inform the Respondent~~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.

All investigations shall be commenced as soon as practicable upon receipt of a complaint and concluded as expeditiously as feasible, in consideration of the circumstances, while taking measures to complete a thorough investigation. The complaining party shall be notified in writing of receipt of the complaint within forty-five (45) days of the complaint and shall reach a determination concerning the complaint within ninety (90) days of receipt unless additional time is agreed to by the complaining party.

The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent~~any persons named in the complaint~~;

C. interviews with any other witnesses who ~~may~~ reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

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

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the District Administrator or Board President, **if the matter involves the District Administrator,** engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5)~~ten (10) business~~ days of receiving the report of the CO or designee, the District Administrator ~~must~~ either must issue a written~~final~~ decision regarding whether the charges have been substantiated~~the complaint~~ or request further investigation. A copy of the District Administrator's final decision will be delivered to both the Complainant and Respondent ~~**( ) and to the Respondent, if any [END OF OPTION]**~~. 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 Complainant or Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigatio must be completed within five (5)~~ten (10) business~~ days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described a 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 by submitting a written request to the Wisconsin Department of Public Instruction, Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157. Any person, including the Respondent in a complaint, who is subject to disciplinary action up to and including termination as a result of a complaint may choose to file a grievance utilizing the District's grievance procedure as outlined in Policy 3340 or Policy 4340.

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

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Additional School District Action

If the evidence suggests that any conduct at issue violates any other policies of the Board, is a crime, or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.) (Policy 8462), or threats of violence (Policy 8462.01), the CO or District Administrator shall take such additional actions as necessary and appropriate under the circumstances, which may include a report to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations.

Privacy/Confidentiality

The District will make reasonable efforts to protect the privacy of any individuals involved in the investigation process. Confidentiality cannot be guaranteed, however. Additionally, the Respondent must be provided the Complainant's identity.~~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 or designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose any information that is learned or provided~~s/he learns or that s/he provides~~ during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, the opportunity to complete assignments missed due to absences related to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant codes of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the ages and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

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

Retention of ~~Public Records, Student Records, and~~ Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts related to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to Complainant and/or the Respondent~~complainants~~, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions, both individual and systemic, taken to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. **( )** copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;

U. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

118.13 Wis. Stats.
P.I. 9, Wis. Adm. Code
P.I. 41, Wis. Adm. Code
Fourteenth Amendment, U.S. Constitution
~~20 U.S.C. Section 1681, Title IX of Education Amendments Act~~
20 U.S.C. ~~Section~~ 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. ~~Section~~ 7905, Boy Scouts of America Equal Access Act
29 U.S.C. ~~Section~~ 794, Section 504 of the Rehabilitation Act of 1973, as amended
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. ~~Section~~ 2000 et seq., Civil Rights Act of 1964
42 U.S.C. ~~Section~~ 2000ff et seq., The Genetic Information Nondiscrimination Act
~~42 U.S.C. 6101 et seq., Age Discrimination Act of 1975~~
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635, The GINA Regulations
34 C.F.R. Part 110, The Age Discrimination Act Regulations
Guidelines for Vocational Education Programs, Department of Education, Office for Civil Rights, March 21, 1979

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Legal

118.13 Wis. Stats.

P.I. 9, Wis. Adm. Code

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

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

29 C.F.R. Part 1635, The GINA Regulations

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Guidelines for Vocational Education Programs, Department of Education, Office for Civil Rights, March 21, 1979

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po3122.02
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

3122.02 **- NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

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

The identity of the Compliance Officer (see Policy 3122 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the District and published in any District statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the District as required by Federal and State law and on the District website.

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

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

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

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

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

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

The ~~District Administrator shall appoint a~~ Ccompliance O~~o~~fficer (See Policy 3122 - Nondiscrimination and Equal Employment Opportunity) is~~who shall be~~ responsible for overseeing the Board~~District~~'s compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the Board's compliance with GINA~~Federal regulations and promptly dealing with any inquiries or complaints~~. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer~~S/He~~ shall also verify that proper notice of nondiscrimination for Title II of GINA~~the Genetic Information Nondiscrimination Act of 2008~~ is provided to staff members, and that all ~~District~~ requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are~~is~~ accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

> **Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement**
>
> The Genetic Information Nondiscrimination Act of 2008 or ~~(~~"GINA"~~)~~ prohibits employers and other entities covered by the law~~GINA Title II~~, including the Board~~ of Education~~, from requesting or requiring genetic information of an employee or applicant~~individual~~ or family member of an employee or applicant~~the individual~~, except as specifically allowed by law. To comply with GINA~~this law~~, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the Compliance Officer at 920-746-287~~1~~01_____ **[phone].**

[~~*~~] The Board~~District~~ offers health services, **(~~*~~)** including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board and no applicant or employee shall be identified or identifiable from the reported information.

The grievance procedure for complaints of discrimination in Policy 3122 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if a District employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

~~**[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]**~~
42 U.S.C. 2000ff et seq.
Title II of~~, T~~the Genetic Information Nondiscrimination Act of 2008
29 C.F.R. Part 1635

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Legal	42 U.S.C. 2000ff et seq. Title II, The Genetic Information Nondiscrimination Act of 2008 29 C.F.R. Part 1635

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po3122
Status	Second Reading
Adopted	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

3122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

Notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Definitions

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

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

Military status: refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis, in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Indiana organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Respondent: is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators"; hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board~~School Districts are advised to~~ appoint both a male and a female CO in order to provide Ccomplainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO, as appropriate.]

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-28~~71~~01_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail)

The names, titles, and contact information of these individuals will be published annually: ~~**[NOTE: Select more than one (1) option]**~~

A. **on the School District's website.**

B. **(x)** in the staff handbooks.

C. ( ) in the School District Annual Report to the public.

D. ~~( ) on the School District's website.~~

E. ( ) on each individual school's website.

F. ( ) in the School District's calendar.

G. ( ) _____.

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation, or denial of equal access. The COs shall also verify that proper notice of nondiscrimination has been provided for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964,~~ Title IX of the Education Amendment Act of 1972,~~ Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public. (x) Any sections of the District's agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. [END OF OPTION] A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

Reports and Complaints of ~~Unlawful~~ Discrimination and Retaliation

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

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

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

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

The COs will be available during regular school/work hours to discuss concerns related to ~~unlawful~~ discrimination/retaliation. COs shall accept reports~~complaints~~ of ~~unlawful~~ discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee~~(District employees, students, parent(s), and members of the Board), a resident of the District, or a visitor to the District, or receive complaints that are initially filed with a school building administrator~~. Upon receipt of a report of alleged discrimination/retaliation~~complaint~~, the~~either directly or through a school building administrator, a~~ CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation)~~investigation~~, or [~~x~~ Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1] x] Option 2 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2]~~or the CO will designate a specific individual to conduct such a process.~~

The CO will provide a copy of this policy to the Complainant and the Respondent~~any person who files a complaint~~. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

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

Investigation and Complaint Procedure (See Form 3122 F2)

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been~~Any employee who believes that s/he has been~~ subjected to ~~unlawful~~ discrimination or retaliation may seek resolution of the~~his/her~~ complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the complaint process begins, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) ~~business~~ days of the complaint being received).

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

Complaint Procedure

A Complainant who alleges unlawful discrimination/retaliation~~An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"),~~ may file a complaint, either orally or in writing~~,~~: 1) with a Principal~~,~~; 2) the CO~~,~~; or 3) to the District Administrator or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated ~~assume the role of~~ CO, or if appropriate, appoint/designate another individual to serve as CO~~-~~for the complaint regarding a CO.~~for such complaints.~~

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

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

All complaints must include the following information to the extent known~~it is available~~: the identity of the Respondent~~individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

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

Within two (2) days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to discrimination/retaliation.~~by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation processWithin two (2) business days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.~~

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

[x] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. **[ ] [OPTION 2]** Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]** ~~Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.~~

The investigation will include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;

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

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

(x) The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may (x) in consultation with the District Administrator or Board President, if the matter involves the District Administrator, [END OF OPTION] engage outside legal counsel to conduct the investigation consistent with this policy.
~~The CO may consult with the Board's legal counsel before finalizing the report to the District Administrator.~~

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

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 five (5) ~~business~~ days, or as quickly as possible if additional time is necessary due to the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in discrimination/retaliation toward the Complainant, the District Administrator~~Complainant was subjected to unlawful discrimination/retaliation, s/he~~ must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the District Administrator shall be final.

In an attempt to resolve the complaint, the Board shall ~~review the findings and may~~ meet with the concerned parties and their representatives within twenty (20) ~~business~~ days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) ~~business~~ days of its decision. The decision of the Board will be final.

[END OF OPTIONS]

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

~~**[END OF OPTIONS]**~~
The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the OCR, EEOC, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process~~procedure~~ is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.~~All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.~~

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

Remedial Action~~Sanctions~~ and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be an employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against ~~unlawful~~ discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter. In those cases where ~~unlawful~~ discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies and/or the Employee Handbook.

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Neither t Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State c rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.~~Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.~~

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

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

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, which may include~~including~~, but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to the Complainant and/or the Respondent~~complainants~~, including no-contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;~~.~~

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. **( )** copies of any notices sent to the Complainant and alleged perpetrator in advance of any interview or hearing;

U. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

111.31 et seq., Wis. Stats.
111.335(d)(2), Wis. Stats.
118.195, Wis. Stats.
118.20, Wis. Stats.
Fourteenth Amendment, U.S. Constitution
~~20 U.S.C. Section 1681, Title IX of Education Amendment Act~~
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act
42 U.S.C. 2000 et seq., Civil Rights Act of 1964

42 U.S.C. 2000d et seq., Title VI of the Civil Rights of 1964
42 U.S.C. 2000e et seq., Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635, The GINA Regulations
34 C.F.R. Part 110, The Age Discrimination Act Regulations ~~(7/27/93)~~
~~42 U.S.C. 2000e et seq., Civil Rights Act of 1964~~
~~42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act~~
~~29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended~~
~~29 C.F.R. Part 1635~~

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Legal

111.31 et seq., Wis. Stats.

111.335(d)(2), Wis. Stats.

118.195, Wis. Stats.

118.20, Wis. Stats.

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act

42 U.S.C. 2000 et seq., Civil Rights Act of 1964

42 U.S.C. 2000d et seq., Title VI of the Civil Rights of 1964

42 U.S.C. 2000e et seq., Civil Rights Act of 1964

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

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

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

29 C.F.R. Part 1635, The GINA Regulations

34 C.F.R. Part 110, The Age Discrimination Act Regulations

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po3123
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

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

The Board prohibits discrimination against any employee or applicant based upon ~~his/her~~ disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Definitions

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

Complainant: is the individual who alleges or is alleged to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

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

Respondent: is the individual who is alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

~~"~~**An individual with a disability:**~~"~~ means a person who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

~~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.~~

Impairment That Substantially Limits a Major Life Activity

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

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

Qualified Individual with a Disability

A qualified individual~~person~~ with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the~~such~~ individual holds or desires and~~, with or without reasonable accommodation,~~ can perform the essential functions of the job in question, with or without reasonable accommodation.

Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

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

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

District Compliance Officer~~(s)~~

The Board designates the following individual(s) to serve as the District's Compliance Officers~~504 CO(s)/ADA Coordinator(s)~~ (also known as Section 504 Compliance Officers/ADA Coordinators; hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board appoint~~School Districts may want to consider appointing~~ both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim that pertains to the other CO, as appropriate.]

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-28~~71~~01_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail)

The name(s), title(s), and contact information of this/these individual(s) will be published annually: ~~**[NOTE: Select more than one (1) option]**~~

A. **on the School District's website.**

B. **(x)** in the staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. ~~**( )** on the School District's website.~~

E. **( )** on each individual school's website.

F. **( )** in the School District's calendar.

G. **( )** _____.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. **A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO**~~and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the COs~~.

The COs will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints, as appropriate. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO. ~~assume the role of CO for such complaints.~~

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

~~**Training**~~

~~The COs 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.~~

~~**Notice**~~

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

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with COs within the time limits specified below. The COs are available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint m contain the name and address of the individual or representative filing the complaint, be signed by the Complainant or someone authorized to sign for the Complainant, descri alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) ~~calendar~~ days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the District CO for good cause.

C. The CO will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the Complainant with a written disposition of the complaint within ten (10) ~~business~~ days. If no decision is rendered within ten (10) business days, or the decision is unsatisfactory in the opinion of the Complainant, the employee may file, in writing, an appeal with the District Administrator. The CO shall maintain the District's files and records relating to the complaint.

D. The District Administrator will, within ten (10) ~~business~~ days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The District Administrator will render his/her decision within ten (10) ~~business~~ days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to ~~unlawful~~ discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights Citigroup Center
500 W. Madison Street Suite 1475
Chicago, IL 60661
(312) 730-1560
FAX: (312) 730-1576
TDD: (877) 521-2172
E-mail: OCR.Chicago@ed.gov

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any code of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging ~~unlawful~~ discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce,~~Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten~~ or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a report, formal complaint~~charge~~, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination in general will be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and procedures/guidelines used by the District to conduct the investigation and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

N. documentation of any training provided to District personnel related to this policy including, but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

O. ( ) documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

P. ( ) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;

Q. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;

R. ( ) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law, such as student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years and longer if required by the District's records retention schedule.

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Legal

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - EMPLOYEE ANTI-HARASSMENT
Code	po3362
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

3362 - **EMPLOYEE ANTI-HARASSMENT**

Prohibited Harassment

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

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including ~~trans~~gender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters (collectively, "Protected Classes"), or any other characteristic protected by law in its employment practices (hereinafter referred to as "harassment~~Protected ClassesCharacteristics~~"), and encourages those within the School District community as well as T~~t~~hird P~~p~~arties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and, in those cases where harassment is substantiated, ~~the Board will~~ take immediate steps ~~calculated~~ to end the harassment, prevent its reoccurrence, and~~, if applicable,~~ remedy its effects.

Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

[~~*~~] The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.

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

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

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

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

Complainant: is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged 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 District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Respondent: is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

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

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

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

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

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

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

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

"Harassment" also includes "hate speech"—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

A. making statements that promote violence toward a racial or ethnic group;

B. drawing, displaying, or posting images or symbols of prejudice (e.g., swastikas).

Sexual Harassment

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

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

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

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

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

E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;

F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of any~~either~~ gender against a person of the same or another~~opposite~~ gender.

Sexual Harassment covered by Policy 2266/~~(x~~) AG 2266 [END OF OPTION] – Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/(~~x~~) AG 2266 [END OF OPTION] - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. unwanted physical and/or sexual contact~~assault~~;

C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;

D. unwelcome verbal expressions~~ of a sexual nature~~, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;

E. sexually suggestive objects, pictures, graffiti, videos~~videotapes~~, posters, audio recordings, or literature~~,~~ placed in the work ~~or educational~~ environment~~, which~~ the reasonably may embarrass or offend individuals;

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;

H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;

I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;

J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;

K. ~~a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;~~

L. ~~remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;~~

M. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment; ~~and~~

N. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and

O. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Age Harassment

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disability~~disabling condition~~ or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

[DRAFTING NOTE: Neola suggests the Board **appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer**, as appropriate.**]**

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail Address)

Dan Tjernagel_____
(Name)

Administratro_____
(School District Title)

920-746-28~~71~~01_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually:

A. **on the School District's website.**

B. **(x)** in the parent and staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. **( ) on each individual school's website.**

E. **( )** in the School District's calendar.

F. **( )** _____

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or [x] Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1] x] Option 2 the District Administrator will designate a specific individual to conduct the

process necessary for an informal or formal investigation [END OF OPTION 2]. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the of a formal complaint, the Compliance Officer(s) will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Members of the School District community along with Third Parties~~and third parties, which includes all staff,~~ are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report~~complaint~~ shall file it with the ~~District's~~ Compliance Officer within two (2) days of receiving the report of harassment~~at his/her first opportunity~~.

Members of the School District community and Third Parties~~or third parties~~ who believe they have been harassed by another member of the School District community or a Third Party~~third party~~ are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's~~complaining individual's~~ employment unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

Reporting procedures are as follows:

A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

B. Teachers, administrators, and other District officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.

C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.

D. Appropriate District officials are as follows:

1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the District Administrator,~~ who s~~ who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.~~hall assume the role of the District Compliance Officer for such complaints~~.

2. Any complaint under this policy regarding the District Administrator or Board member that is received by the District Compliance Officer shall be referred to the Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.

E. The reporting party or complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the District Administrator or other supervisory employee.

F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will have handled in accordance with grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 3362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

~~**District Compliance Officers**~~

~~The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").~~

~~**[NOTE: School Districts are advised to appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigate or to assist the District Administrator in investigating a claim of discrimination that pertains to the other CO.]**~~

~~_____~~
~~(Name)~~

~~_____~~
~~(School District Title)~~

~~_____~~
~~(Telephone Number)~~

~~_____~~
~~(Office Address)~~

~~_____~~
~~(E-mail)~~

~~_____~~
~~(Name)~~

~~_____~~
~~(School District Title)~~

~~_____~~
~~(Telephone Number)~~

~~_____~~
~~(Office Address)~~

~~_____~~
~~(E-mail)~~

~~The names, titles, and contact information of these individuals will be published annually: **[NOTE: Select more than one (1) option]**~~

A. ~~**( )** in the parent and staff handbooks.~~

B. ~~**( )** in the School District Annual Report to the public.~~

C. ~~( ) on the School District's website.~~

D. ~~( ) on each individual school's website.~~

E. ~~( ) in the School District's calendar.~~

F. ~~( )~~ _____.

A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) ~~business~~ days of learning of the incident.

Investigation and Complaint Procedure (see From 3362 F1)

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, a~~A~~ny employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have~~s/he has~~ been subjected to harassment or has witnessed harassment of another may seek resolution of the~~his/her~~ complaint through the procedures ~~as~~ described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.~~Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.~~

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

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights, the Wisconsin Equal Rights Division and/or Equal Employment Opportunity Commission ("EEOC"). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: http://www.ed.gov/ocr.

Complaint Procedure

A Complainant~~An individual who believes s/he has been subjected to harassment hereinafter referred to as the "complainant,"~~ who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a ~~teacher,~~ Principal~~,~~; 2) directly to one of the COs~~,~~; or 3) to the District Administrator~~,~~ or other supervisory employee. As noted above, any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who will consult ~~may, in consultation~~ with the other CO, if any, or if necessary appoint/designate another individual to serve as CO for the complaint regarding a CO.~~assume the role of the CO for such complaint~~.

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

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

All written complaints must include the following information to the extent known~~it is available~~: the identity of the Respondent~~individual believed to have engaged in, or be actively engaging in, harassment~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); ~~and~~ a list of potential witnesses; and the resolution sought by the Complainant.

If the C~~c~~omplainant 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 ~~c~~Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the ~~c~~Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the C~~c~~omplainant and/or the Respondent~~alleged harasser~~. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with~~his/her position to~~ the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed~~s/he deems~~ appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the ~~c~~Complainant or ~~r~~Respondent.

Within two (2) ~~business~~ days of receiving a complaint, the CO will inform the Respondent~~individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent",~~ that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. The Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

Within two (2)~~five (5)~~ ~~business~~ days of receiving the complaint, the CO will initiate an~~a formal~~ investigation by at a minimum confirming receipt of the complaint with ~~to determine whether~~ the ~~c~~Complainant and informing the Complainant of the investigation process~~has been subject to offensive conduct/harassment~~.

[x] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. **[ ] [OPTION 2]** Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]** ~~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. interview(s) with the C~~c~~omplainant;

B. interview(s) with the R~~r~~espondent;

C. interviews with any other witnesses who ~~may~~ reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the C~~c~~omplainant, ~~r~~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 or designee shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the Respondent engaged in harassment of or retaliation toward the Complainant~~complainant has been subjected to harassment~~. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the District Administrator or Board President, if the matter involves the District Administrator, **[END OF OPTION]** engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) ~~business~~ days of receiving the report of the CO, the District Administrator must either issue a written~~final~~ decision regarding whethe not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the complainant the respondent.

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 five (5) ~~business~~ days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in harassment of or retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the District Administrator shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or T~~t~~hird P~~p~~arty alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

Privacy/Confidentiality

The ~~School~~ District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the C~~c~~omplainant, the R~~r~~espondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.~~All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.~~

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation, and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided~~s/he learns or that s/he provides~~ during the course of the investigation.

Directives During Investigation

The CO may recommend to the District Administrator placing any employee involved in an investigation under this policy on administrative leave pending resolution of the matter. If the District Administrator is the Respondent, the CO shall make such recommendation to the Board. Administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving rights against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action~~Sanctions~~ and Monitoring

~~The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.~~ If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the District Administrator shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against a Respondent, a~~A~~ll subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Allegations Constituting Criminal Conduct

If the CO has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the District Administrator shall be advised that local law enforcement was notified.

If the complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the **( )** Board President **( )** Board Attorney shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good after consultation with the District Administrator.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in employment, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A **( )** link to **( )** summary of **[END OF OPTION]** this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. The District Administrator shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include~~including,~~ but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to Complainant and/or the Respondent~~complainants~~, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

111.31, 118.195, 118.20, Wis. Stats.
~~20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)~~
~~20 U.S.C. 1681 et seq.~~
~~20 U.S.C. 1681 et seq., Title IX~~

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
~~29 C.F.R. Part 1635~~
~~29 U.S.C. 6101, The Age Discrimination Act of 1975~~
42 U.S.C. 1983
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635
National School Boards Association Inquiry and Analysis - May 2008

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Legal	111.31, 118.195, 118.20, Wis. Stats.
	29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
	29 U.S.C. 794, Rehabilitation Act of 1973
	42 U.S.C. 1983
	42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
	42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
	29 U.S.C. 6101, The Age Discrimination Act of 1975
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
	29 C.F.R. Part 1635
	National School Boards Association Inquiry and Analysis - May 2008

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po4122.02
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

4122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

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

The identity of the Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the District and published in any District statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the District as required by Federal and State law and on the District website.

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

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

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

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

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

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

The District's~~District Administrator shall appoint a~~ C~~c~~ompliance O~~o~~fficer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) is~~who shall be~~ responsible for overseeing the Board~~District~~'s compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the Board's compliance with GINA~~Federal regulations and promptly dealing with any inquiries or complaints~~. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer~~S/He shall~~ also shall verify that proper notice of nondiscrimination for Title II of GINA~~the Genetic Information Nondiscrimination Act of 2008~~ is provided to staff members, and that all ~~District~~ requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are~~is~~ accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

> **Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement**
>
> The Genetic Information Nondiscrimination Act of 2008 or ~~(~~"GINA"~~)~~ prohibits employers and other entities covered by the law~~GINA Title II~~, including the Board~~ of Education~~, from requesting or requiring genetic information of an employee or applicant~~individual~~ or family member of an employee or applicant~~the individual~~, except as specifically allowed by law. To comply with GINA~~this law~~, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the GINA Compliance Officer at 920-746-28~~71~~01_____ **[phone].**

[~~x~~] The Board~~District~~ offers health services, **(~~x~~)** including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the District~~Board~~ and no applicant or employee shall be identified or identifiable from the reported information.

The grievance procedure for complaints of discrimination in Policy 4122 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if a District employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

~~**[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]**~~
42 U.S.C. 2000ff et seq.
Title II, The Genetic Information Nondiscrimination Act of 2008
29 C.F.R. Part 1635

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Legal	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act Title II, The Genetic Information Nondiscrimination Act of 2008 29 C.F.R. Part 1635

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCIMINATION AND ANTI-HARASSMENT - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po4122
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

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

Notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Definitions

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

Complainant: is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

Military status: refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Wisconsin organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Respondent: is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinator"; ~~)(~~hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board~~School Districts are advised to~~ appoint both a male and a female CO in order to provide C~~c~~omplainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO, as appropriate.]

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-28~~71~~01_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail)

The names, titles, and contact information of these individuals will be published annually: ~~**[NOTE: Select more than one (1) option]**~~

A. **on the School District's website.**

B. **(x)** in the staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. ~~**( )** on the School District's website.~~

E. **( )** on each individual school's website.

F. **( )** in the School District's calendar.

G. **( )** _____.

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, ~~Title IX of the Education Amendment Act of 1972,~~ Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public. (x)Any sections of the District's agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. [END OF OPTION] A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

Reports and Complaints of ~~Unlawful~~ Discrimination and Retaliation

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

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

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

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

The COs will be available during regular school/work hours to discuss concerns related to ~~unlawful~~ discrimination/retaliation. COs shall accept reports~~complaints~~ of ~~unlawful~~ discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee~~(District employees, students, parent(s), and members of the Board), resident of the District, or a visitor to the District, or receive complaints that are initially filed with a school building administrator~~. Upon receipt of a report of alleged discrimination/retaliation~~complaint~~, the~~either directly or through a school building administrator, a~~ CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation)~~investigation~~, or [ ] Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigations. [END OF OPTION 1] x] Option 2 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2]~~or the CO will designate a specific individual to conduct such a process.~~

The CO will provide a copy of this policy to the Complainant and the Respondent~~any person who files a complaint~~. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) ~~business~~ days of learning of the incident/conduct.

Any Board employee who directly observes ~~unlawful~~ discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one (1) of the COs within two (2) ~~business~~ days. Additionally, any Board employee who observes an act of ~~unlawful~~ discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant~~employee~~ within two (2) business days to advise the Complainant~~him/her~~ of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (See Form 4122 F2)

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been~~Any employee who believes that s/he has been~~ subjected to ~~unlawful~~ discrimination or retaliation may seek resolution of the~~his/her~~ complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

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

Complaint Procedure

A Complainant who alleges unlawful discrimination/retaliation~~An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"),~~ may file a complaint, either orally or in writing~~,~~: 1) with a Principal~~,~~; 2) the CO~~,~~; or 3) to the District Administrator or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.~~assume the role of CO for such complaints.~~

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

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

All complaints must include the following information to the extent known~~it is available~~: the identity of the Respondent~~individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

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

Within two (2) days of receiving the complaint, the CO or designee will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process~~Within two (2) business days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.~~

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

[x **[OPTION 1]** Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. **[ ] [OPTION 2]** Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]** ~~Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint.~~

The investigation will include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;

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

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

(x) The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may (x) in consultation with the District Administrator or Board President, if the matter involves the District Administrator, [END OF OPTION] engage outside legal counsel to conduct the investigation consistent with this policy.
~~( ) The CO may consult with the Board's legal counsel before finalizing the report to the District Administrator.~~

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

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 five (5) ~~business~~ days, or as quickly as possible if additional time is necessary due to the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the District Administrator~~Complainant was subjected to unlawful discrimination/retaliation, s/he~~ must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the District Administrator shall be final.

In an attempt to resolve the complaint, the Board shall ~~review the findings and may~~ meet with the concerned parties and their representatives within twenty (20) ~~business~~ days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) ~~business~~ days of its decision. The decision of the Board will be final.

[END OF OPTIONS]

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

~~**[END OF OPTIONS]**~~

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process~~procedure~~ is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.~~All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.~~

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

Remedial Action~~Sanctions and~~ Monitoring

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

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involve those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Boar policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging ~~unlawful~~ discrimination/retaliation, or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.~~Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.~~

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

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

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include~~including,~~ but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to the Complainant and/or the Respondent~~complainants~~, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. **( )** copies of any notices sent to the Complainant and alleged perpetrator in advance of any interview or hearing;

U. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., student records).

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

111.31 et seq., Wis. Stats.
111.335(d)(2), Wis. Stats.
118.195, Wis. Stats.

118.20, Wis. Stats.
Fourteenth Amendment, U.S. Constitution
~~20 U.S.C. Section 1681, Title IX of Education Amendment Act~~
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended
38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act
~~42 U.S.C. 6101 et seq., Age Discrimination Act of 1975~~
~~42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended~~
~~34 C.F.R. Part 110 (7/27/93)~~
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 1973, as amended
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
~~29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended~~
29 C.F.R. Part 1635, The GINA Regulations
34 C.F.R. Part 110, The Age Discrimination Act Regulations

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Legal

111.31 et seq., Wis. Stats.

111.335(d)(2), Wis. Stats.

118.195, Wis. Stats.

118.20, Wis. Stats.

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act

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

42 U.S.C. 2000 et seq., Civil Rights Act of 1964

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 1973, as amended

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended

29 C.F.R. Part 1635, The GINA Regulations

34 C.F.R. Part 110, The Age Discrimination Act Regulations

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po4123
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

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

The Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Definitions

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

Complainant: is the individual who alleges or is alleged to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

Respondent: is the individual who is alleged to have engaged in discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

"An individual with a disability" means a person who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities.

Major Life Activities

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

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

Impairment That Substantially Limits a Major Life Activity
~~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 (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

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

Qualified Individual with a Disability

A qualified individual~~person~~ with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the~~such~~ individual holds or desires and~~, with or without reasonable accommodation,~~ can perform the essential functions of the job in question, with or without reasonable accommodation.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's~~District's~~ program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Facilities

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

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

District Compliance Officer~~(s)~~

The Board designates the following individual(s) to serve as the District's 504 CO(s)/ADA Coordinator(s) (hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board appoint~~School Districts may want to consider appointing~~ both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim that pertains to the other CO, as appropriate.-]

Lindsay Ferry_____

(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-28~~71~~01_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail)

The name(s), title(s), and contact information of this/these individual(s) will be published annually: ~~**[NOTE: Select more than one (1) option.]**~~

A. **on the School District's website.**

B. **(x)** in the staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. ~~**( )** on the School District's web site.~~

E. **( )** on each individual school's website.

F. **( )** in the School District's calendar.

G. **( )** _____.

The District COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO~~and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District COs~~.

The District COs will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.~~who shall assume the role of CO for such complaints~~.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

~~**Training**~~

~~The District COs 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.~~

~~**Notice**~~

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

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a CO within the time limits specified below. The District's CO is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint m contain the name and address of the individual or representative filing the complaint, be signed by the Complainant or someone authorized to sign for the Complainant, descri alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within t (30) ~~calendar~~ days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the CO for good cause.

C. The CO will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the Complainant with a written disposition of the complaint within ten (10) ~~business~~ days. If no decision is rendered within ten (10) business days, or the decision is unsatisfactory in the opinion of the Complainant, the employee may file, in writing, an appeal with the District Administrator. The CO shall maintain the District's files and records relating to the complaint.

D. The District Administrator will, within ten (10) ~~business~~ days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The District Administrator will render his/her decision within ten (10) ~~business~~ days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights Citigroup Center
500 W. Madison Street Suite 1475
Chicago, IL 60661
(312) 730-1560
FAX: (312) 730-1576
TDD: (877) 521-2172
E-mail: OCR.Chicago@ed.gov

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant code of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging ~~unlawful~~ discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce,~~Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten~~ or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a report, formal complaint~~charge~~, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator shall provide appropriate information to all members of the District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training and information provided regarding the Board's policy and discrimination in general will be age and content appropriate.

Retention of Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and procedures/guidelines used by the District to conduct the investigation and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

N. documentation of any training provided to District personnel related to this policy including, but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time, and location of the training, the name and title (or credentials) of the presenter, and a copy of the materials reviewed or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

O. ( ) documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

P. ( ) copies of any notices sent to the Respondent of the allegations constituting a potential violation of this policy;

Q. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview or meeting;

R. ( ) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law, such as student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years and longer if required by the District's records retention schedule.

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Legal

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

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

Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - EMPLOYEE ANTI-HARASSMENT
Code	po4362
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

4362 - **EMPLOYEE ANTI-HARASSMENT**

Prohibited Harassment

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

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including ~~trans~~gender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters (collectively, "Protected Classes"), or any other characteristic protected by law in its employment practices (hereinafter referred to as "harassment~~Protected CharacteristicsClasses~~"), and encourages those within the School District community as well as T~~t~~hird P~~p~~arties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

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

~~[x~~] The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.

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

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

Notice

Notice of the Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

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

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged 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 District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

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

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

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

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

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

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

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

"Harassment" also includes "hate speech"—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

A. making statements that promote violence toward a racial or ethnic group;

B. drawing, displaying, or posting images or symbols of prejudice (e.g., swastikas).

Sexual Harassment

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

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

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

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

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

E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;

F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of any~~either~~ gender against a person of the same or another~~opposite~~ gender.

Sexual Harassment covered by Policy 2266/(~~*~~) AG 2266 [END OF OPTION] – Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/(~~*~~) AG 2266 [END OF OPTION] - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. unwanted physical and/or sexual contact~~assault~~;

C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;

D. unwelcome verbal expressions~~ of a sexual nature~~, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;

E. sexually suggestive objects, pictures, graffiti, videos~~videotapes~~, posters, audio recordings, or literature, placed in the work ~~or educational~~ environment that reasonably may embarrass or offend individuals~~, which may embarrass or offend individuals~~;

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;

H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;

I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;

J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;

K. ~~a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;~~

L. ~~remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;~~

M. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;~~ and~~

N. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and

O. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

~~**[ ] Boundary Invasions**~~

~~Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartne a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signa sexual grooming.~~

~~Inappropriate boundary invasions may include, but are not limited to the following:~~

A. ~~hugging, kissing, or other physical contact with a student;~~
B. ~~telling sexual jokes to students;~~
C. ~~engaging in talk containing sexual innuendo or banter with students;~~
D. ~~talking about sexual topics that are not related to curriculum;~~
E. ~~showing pornography to a student;~~
F. ~~taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");~~
G. ~~initiating or extending contact with students beyond the school day for personal purposes;~~
H. ~~using e-mail, text messaging, or websites to discuss personal topics or interests with students;~~
I. ~~giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;~~
J. ~~invading a student's privacy (e.g. walking in on the student in the bathroom, locker room, asking about bra sizes or previous sexual experiences);~~
K. ~~going to a student's home for non-educational purposes;~~
L. ~~inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);~~
M. ~~giving gifts or money to a student for no legitimate educational purpose;~~
N. ~~accepting gifts or money from a student for no legitimate educational purpose;~~
O. ~~being overly "touchy" with students;~~
P. ~~favoring certain students by inviting them to come to the classroom at non-class times;~~
Q. ~~getting a student out of class to visit with the staff member;~~
R. ~~providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;~~
S. ~~talking to a student about problems that would normally be discussed with adults (i.e. marital issues);~~
T. ~~being alone with a student behind closed doors without a legitimate educational purpose;~~
U. ~~telling a student "secrets" and having "secrets" with a student;~~
V. ~~other similar activities or behavior:~~

1. ~~( ) _____;~~

2. ~~( ) _____.~~

~~Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the District Administrator.~~

~~**[END OF BOUNDARY INVASIONS OPTION]**~~

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Age Harassment

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

Race/Color Harassment

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disability~~disabling condition~~ or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

[DRAFTING NOTE: Neola suggests the Board **appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer**, as appropriate.**]**

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

lferry@sbsdmail.net_____
(E-mail Address)

Dan Tjernagel_____
(Name)

Administrator_____
(School District Title)

920-746-~~71~~2801_____

(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually:

A. **on the School District's website.**

B. **(x)** in the parent and staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. **( ) on each individual school's website.**

E. **( )** in the School District's calendar.

F. **( )** _____

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or ~~x~~ Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1] x[ ] Option 2 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2] The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Members of the School District community along with Third Parties~~and third parties, which includes all staff,~~ are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report~~complaint~~ shall file it with the ~~District's~~ Compliance Officer within two (2) days of receiving the report of harassment~~at his/her first opportunity~~.

Members of the School District community and Third Parties~~or third parties~~ who believe they have been harassed by another member of the School District community or a Third Party~~third party~~ are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's~~complaining individual's~~ employment unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

Reporting procedures are as follows:

A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

B. Teachers, administrators, and other District officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.

C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.

D. Appropriate District officials are as follows:

1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.~~assume the role of the District Compliance Officer for such complaints~~.

2. Any complaint under this policy regarding the District Administrator or Board Member that is received by the District Compliance Officer shall be referred to the Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.

E. The reporting party or complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the District Administrator or other supervisory employee.

F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will have handled in accordance with grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 4362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

~~**District Compliance Officers**~~

~~The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").~~

~~**[NOTE: School Districts are advised to appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) COs, there should always be a CO available to investigate or to assist the District Administrator in investigating a claim of discrimination that pertains to the other CO.]**~~

_____

~~(Name)~~

_____
~~(School District Title)~~

_____
~~(Telephone Number)~~

_____
~~(Office Address)~~

_____
~~(E-mail)~~

_____
~~(Name)~~

_____
~~(School District Title)~~

_____
~~(Telephone Number)~~

_____
~~(Office Address)~~

_____
~~(E-mail)~~

~~The names, titles, and contact information of these individuals will be published annually: **[NOTE: Select more than one (1) option]**~~

A. ~~( ) in the staff handbooks.~~

B. ~~( ) in the School District Annual Report to the public.~~

C. ~~( ) on the School District's web site.~~

D. ~~( ) on each individual school's web site.~~

E. ~~( ) in the School District's calendar.~~

F. ~~( ) _____.~~

A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) ~~business~~ days of learning of the incident.

Investigation and Complaint Procedure (see From 4362 F1)

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, a~~A~~ny employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have~~s/he has~~ been subjected to harassment or has witnessed harassment of another may seek resolution of the~~his/her~~ complaint through the procedures ~~as~~ described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.~~Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.~~

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

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights ("OCR"), the Wisconsin Equal Rights Division and/or Equal Employment Opportunity Commission ("EEOC"). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: http://www.ed.gov/ocr.

Complaint Procedure

A Complainant~~An individual who believes s/he has been subjected to harassment hereinafter referred to as the "complainant",~~ who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a ~~teacher,~~ Principal~~,~~; 2) directly to one of the COs;~~,~~ or 3) to the District Administrator~~,~~ or other supervisory employees. As noted above, any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, ~~who~~ will~~may,~~ consult ~~in consultation~~ with the other CO, if any, and if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.~~assume the role of the CO for such complaint.~~

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

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

All written complaints must include the following information to the extent known~~it is available~~: the identity of the Respondent~~individual believed to have engaged in, or be actively engaging in, harassment~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); ~~and~~ a list of potential witnesses; and the resolution sought by the Complainant.

If the C~~c~~omplainant 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 C~~c~~omplainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the C~~c~~omplainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the C~~c~~omplainant and/or the Respondent~~alleged harasser~~. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with~~his/her position to~~ the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed~~s/he deems~~ appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the complainant or respondent.

Within two (2) ~~business~~ days of receiving a complaint, the CO will inform the Respondent~~individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent",~~ that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. The Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO

with the written response to the allegations in the complaint.

Within two (2)~~five (5) business~~ days of receiving the complaint, the CO will initiate an~~a formal~~ investigation by at a minimum confirming recept of the complaint with the Complainant informing the Complainant of the investigation process~~to determine whether the complainant has been subject to offensive conduct/harassment~~.

[x] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. **[ ] [OPTION 2]** Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]** ~~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. interview(s) with the C~~c~~omplainant;

B. interview(s) with the R~~r~~espondent;

C. interviews with any other witnesses who ~~may~~ reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the Respondent engaged in harassment of or retaliation toward the Complainant~~complainant has been subjected to harassment~~. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the District Administrator or Board President, if the matter involves the District Administrator, **[END OF OPTION]** engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) ~~business~~ days of receiving the report of the CO, the District Administrator must either issue a written~~final~~ decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the Complainant~~complainant~~ and the Respondent~~respondent~~.

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 five (5) ~~business~~ days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in harassment of or retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the District Administrator shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 4340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or T~~t~~hird P~~p~~arty alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

Privacy/Confidentiality

The ~~School~~ District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.~~All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.~~

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation, and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided~~s/he learns or that s/he provides~~ during the course of the investigation.

Directives During Investigation

The CO may recommend to the District Administrator placing any employee involved in an investigation under this policy on administrative leave pending resolution of the matter. If the District Administrator is the Respondent, the CO shall make such recommendation to the Board. Administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action~~Sanctions~~ and Monitoring

~~The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment.~~ If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be in accordance with applicable law.

When imposing discipline, the District Administrator shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, a~~A~~ll subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Allegations Constituting Criminal Conduct

If the CO has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the District Administrator shall be advised that local law enforcement was notified.

If the complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the **( )** Board President **( )** Board Attorney shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the District Administrator.

Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in employment, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A **( )** link to **( )** summary of **[END OF OPTION]** this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. The District Administrator shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all ~~information,~~ documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include~~including,~~ but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to Complainant and/or the Respondent~~complainants~~, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged vio to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. ( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;

T. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The ~~information,~~ documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

111.31, 118.195, 118.20, Wis. Stats.
~~20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)~~
~~20 U.S.C. 1681 et seq.~~
~~20 U.S.C. 1681 et seq., Title IX~~
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 794, Rehabilitation Act of 1973
~~29 C.F.R. Part 1635~~
~~29 U.S.C. 6101, The Age Discrimination Act of 1975~~
42 U.S.C. 1983
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635
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Legal

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Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	30.2 nondis/anti-har For Board Review
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT - STUDENT ANTI-HARASSMENT
Code	po5517
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

REVISED POLICY - VOL. 30, NO. 2 - NONDISCRIMINATION AND ANTI-HARASSMENT

5517 - **STUDENT ANTI-HARASSMENT**

Prohibited Harassment

It is the policy of the Board to maintain an educational environment that is free from all forms of harassment~~, including sexual harassment~~. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to conduct occurring in any manner or setting over which the Board can exercise control, including on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will not tolerate any form of harassment and will take all necessary and appropriate actions to eliminate it, including suspension or expulsion of students and disciplinary action against any other individual in the School District community. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our students.

The Board will vigorously enforce its prohibition against harassment based on the traits of sex (including ~~trans~~gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School District community as well as T~~t~~hird P~~p~~arties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the Board prohibits harassing behavior directed at students for any reason, even if not based on one of the Protected Classes, through its policies on bullying (See Policy 5517.01 – Bullying).

[~~*~~] The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.

Harassment may occur student-to-student, student-to-staff, staff-to-student, male-to-female, female-to-male, male-to-male, or female-to-female. The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the Board will take immediate steps designed to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

~~For purposes of this policy, "School District community" means individuals students, administrators, teachers, staff, and as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.~~

~~For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams parent), 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).~~

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation;

B. Filing a malicious or knowingly false report or complaint of harassment;

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's ~~supervisory~~ duties

Sexual Harassment covered by Policy 2266 ~~(*~~)/AG 2266 [END OF OPTION] - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266 (*)/AG 2266 [END OF OPTION] - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Notice

Notice of the Board's policy on anti-harassment in the educational environment and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

Definitions

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

Complainant is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

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

Respondent is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

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

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

Bullying

Bullying is prohibited by Board Policy 5517.01 – Bullying. It is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional well-being. Bullying need not be based on any Protected Class. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student's sex (including ~~trans~~gender status, change of sex, or gender identity), race color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights. Complaints brought under this policy that are more appropriately handled under the Bullying policy shall be referred for investigation consistent with the procedures in that policy.

Bullying that rises to the level of Sexual Harassment is covered by Policy 2266 (✱)/AG 2266 [END OF OPTION] - Nondiscrimination on the Basis of Sex in Education Programs or Activ
i.e., sexual harassment prohibited by Title IX, and is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266 (✱)/AG 2266 [END OF OPTION] - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student based on one or more of the student's Protected Class that:

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

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

"Harassment" also includes "hate speech"—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

A. making statements that promote violence toward a racial or ethnic group;

B. drawing, displaying, or posting images or symbols of prejudice (e.g., swastikas).

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "~~S~~sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

A. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of access to educational opportunities or program;

B. submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education;

C. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may involve the behavior of a person of any~~either~~ gender against a person of the same or another~~opposite~~ gender.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. unwelcome verbal harassment or abuse;

B. unwelcome pressure for sexual activity;

C. threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;

D. unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls and obscene gestures;

E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals;

F. unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;

G. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;

H. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status;

I. unwelcome behavior or words directed at an individual because of gender;

Examples are:

1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
2. rating a person's sexuality or attractiveness;
3. staring or leering at various parts of another person's body;
4. spreading rumors about a person's sexuality;
5. letters, notes, telephone calls, or materials of a sexual nature;
6. displaying pictures, calendars, cartoons, or other materials with sexual content.

J. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life;~~.~~

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

1. hugging, kissing, or other physical contacts with a student;
2. telling sexual jokes to students;
3. engaging in talk containing sexual innuendo or banter with students;
4. talking about sexual topics that are not related to the curriculum;
5. showing pornography to a student;

6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
7. initiating or extending contact with students beyond the school day for personal purposes;
8. using e-mail, text messaging or websites to discuss personal topics or interests with students;
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
11. going to a student's home for non-educational purposes;
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of a student);
13. giving gifts or money to a student for no legitimate educational purpose;
14. accepting gifts or money from a student for no legitimate educational purpose;
15. being overly "touchy" with students;
16. favoring certain students by inviting them to come to the classroom at non-class times;
17. getting a student out of class to visit with the staff member;
18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
20. being alone with a student behind closed doors without a legitimate educational purpose;
21. telling a student "secrets" and having "secrets" with a student;
22. other similar activities or behavior:
    a. **( )** _____;
    b. **( )** _____;
    c. **( )** _____.

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the District Administrator.

H. (x) a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

I. ~~remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; and~~

J. verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

It is further the policy of the Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the workplace, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

Not all behavior with sexual connotations constitutes sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of: interfering with the individual's educational performance; ~~of~~ creating an intimidating, hostile, or offensive learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding~~relative to~~ racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; ~~of~~ creating an intimidating, hostile, or offensive learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of: interfering with the individual's educational performance; ~~of~~ creating an intimidating, hostile, or offensive working and/or learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's physical, mental, emotional or learning disability and when the conduct has the purpose or effect of: interfering with the individual's educational performance; ~~of~~ creating an intimidating, hostile, or offensive learning environment; or ~~of~~ interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability~~disabling condition~~, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Anti-Harassment Compliance Officers

The Board designates the following individuals to serve as the District's Compliance Officers (also known as "Anti-Harassment Compliance Officers"; hereinafter referred to as the "COs").

[DRAFTING NOTE: Neola suggests the Board **appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The Compliance Officers may also serve as the District's Section 504Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinators. Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer**, as appropriate.**]**

Lindsay Ferry_____
(Name)

Director of Special Education and Pupil Services_____
(School District Title)

920-746-2804_____
(Telephone Number)

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

dtjernagel@sbsdmail.net_____
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually:

A. **on the School District's website.**

B. **(x)** in the parent and staff handbooks.

C. **( )** in the School District Annual Report to the public.

D. **( ) on each individual school's website.**

E. **( )** in the School District's calendar.

F. **( )** _____.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

Reports and Complaints of Harassing Conduct~~Reporting Procedures~~

~~Students and all other members of the School District community, as well as third parties, are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor, or District employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first opportunity.~~

~~Students who believe they have been subjected to harassment are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.~~

~~If, during an investigation of a reported act of bullying in accordance with Policy 5517.01 – Bullying, the principal determines that the reported misconduct may have created a hostile learning environment and may have constituted harassment based on sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws, the principal will report the act of bullying to one of the Compliance Officers who shall assume responsibility to investigate the allegation in accordance with this policy.~~

Reporting procedures are as follows:

A. Any student who believes s/he has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employees.

B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator or District Administrator.

C. Teachers, administrators, and other school officials who have the knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the Compliance Officer **( )** and the building principal or District Administrator.

D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator or other employees.

E. The reporting party or Complainant shall be encouraged to use a report form available from the principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing.

F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, each school's building principal shall be advised to designate both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individuals shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

~~District Compliance Officers~~

~~The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").~~

~~NOTE: School Districts are advised to appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]~~

_____
~~(Name)~~

_____
~~(School District Title)~~

_____
~~(Telephone Number)~~

_____
~~(Office Address)~~

_____

~~(E-mail)~~

_____
~~(Name)~~

_____
~~(School District Title)~~

_____
~~(Telephone Number)~~

_____
~~(Office Address)~~

_____
~~(E-mail)~~

~~The names, titles, and contact information of these individuals will be published annually:~~ ~~**[NOTE: Select more than one option]**~~

A. ~~( ) in the student handbooks.~~

B. ~~( ) in the School District Annual Report to the public.~~

C. ~~( ) on the School District's website.~~

D. ~~( ) on each individual school's website.~~

E. ~~( ) in the School District's calendar.~~

F. ~~( )~~ _____.

A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) ~~business~~ days. Thereafter, the COs must contact the Complainant~~student~~, if over age eighteen (18) or the Complainant's~~student's~~ parents/guardians if under the age eighteen (18), within two (2) ~~business~~ days to advise ~~s/he/them~~ of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer to conduct an investigation following all the procedures outlined in the complaint procedures.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a Third Party~~visitor to the District~~, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will contact the Complainant and begin either an informal or formal process (depending on the request of the Complainant or the nature of the alleged harassment),~~review and investigation~~ or [ ] Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. [END OF OPTION 1] [x] Option 2 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2]~~or the CO will designate a specific individual to conduct such a process.~~ The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. The CO will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All Board employees~~members of the School District community~~ must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) ~~calendar~~ days of learning of the incident.

Investigation and Complaint Procedure

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, a~~A~~ny student who believes that they have~~s/he has~~ been subjected to harassment may seek resolution of the~~his/her~~ complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.~~Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.~~

Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights ("OCR") and/or the Wisconsin Equal Rights Division. The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: http://www.ed.gov/ocr.

If at any time during the investigation process the investigator determines that the complaint is properly defined as Bullying, under Policy 5517.01 - Bullying and not Harassment under this Policy, because the conduct at issue is not based on a student's Protected Characteristics, the investigator shall transfer the investigation to the appropriate building principal.

Complaint Procedure

A Complainant~~A student who believes s/he has been subjected to harassment hereinafter referred to as the "Complainant",~~ may file a complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the CO, District Administrator, or other District official~~employee~~ who works at another school or at the District level. Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District official~~employee~~ at the student's school, the CO, District Administrator, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) ~~business~~ days.

Throughout the course of the process~~ as described herein~~, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent known~~it is available~~: the identity of the Respondent~~individual believed to have engaged in, or to be actively engaging in, harassment~~; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); and a list of potential witnesses.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant or the Respondent~~alleged harasser~~, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the **( )** Principal **( )** District Administrator **[END OF OPTION]** 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 the Respondent~~individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "Respondent",~~ that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or~~these~~ administrative procedures and the Board's anti-harassment policy shall be provided to the Respondent at that time. The Respondent must also be provided an opportunity to respond to the complaint.

Within two (2)~~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.

[x **] [OPTION 1]** Although certain cases may require additional time, the CO will attempt to complete an investigation into the allegations of harassment within fifteen (15) days of receiving the formal complaint. **[ ] [OPTION 2]** Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]**

~~Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the Compliance Officer.~~

~~Although certain cases may require additional time, the Compliance Officer will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar da~~ ~~receiving the formal complaint.~~

The investigation will include:

A. interview(s) with the Complainant;

B. interview(s) with the Respondent;

C. interviews with any other witnesses who ~~may~~ reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness 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 definition of harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in harassment/retaliation of the Complainant~~Complainant has been subject to harassment~~. In determining if harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.~~( ) The CO may consult with the Board Attorney before finalizing the report to the District Administrator.~~

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation the CO may in consultation with the District Administrator or Board President, if the matter involves the District Administrator, [END OF OPTION] engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within ten (10) ~~business~~ days of receiving the report of the CO, the District Administrator ~~must~~ either must issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's written~~final~~ decision will be delivered to both the Complainant and the Respondent.

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 shall be final. If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction ("DPI"), Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

If the decision of the District Administrator is that there is no finding of harassment pursuant to this policy, the student/parent will be informed of the provisions of Policy 5517.01 - Bullying.

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

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Additional School District Action

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or District Administrator shall report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

Any reports made to the local child protection service or to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the District Administrator.

Privacy/Confidentiality

The District will make all reasonable efforts to protect the rights of the Complainant and the Respondent. The District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed, however. Additionally, the Respondent must be provided the Complainant's identity.~~All Complainants proceeding through the investigation process should be advised that as a result of the investigation, the Respondent may become aware of 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 a harassment investigation is expected not to disclose any information that is learned or provided~~s/he learns or that s/he provides~~ during the course of the investigation.

Remedial Action~~Sanctions~~ and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct~~such harassment~~.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age~~ages~~ and maturity level~~levels~~ of any student~~those~~ involved. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary~~remedial~~ action has been taken against the Respondent~~a member of the School District community~~, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board no other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or becaus individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or t policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Reprisal

Submission of a good faith complaint or report of harassment will not affect the Complainant's status or educational environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator will develop a method of discussing this policy with the School District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the School District community at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, State, and Federal law.

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address and telephone number of the Compliance Officers, the name, mailing address and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

A **( )** copy **(x)** summary of this policy shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

Retention of ~~Public Records, Student Records, and~~ Investigatory Records and Materials

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation including but not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive~~interim~~ measures offered and/or provided to the Complainant and/or the Respondent~~Complainants~~, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

Q. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

R. **( )** copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;

S. **( )** copies of any notices sent to the Complainant and the Respondent in advance of any interview or hearing;

T. **( )** copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

48.981, Wis. Stats.
118.13, Wis. Stats.
P.I. 9, Wis. Admin. Code
P.I. 41 Wis. Admin. Code
~~Fourteenth Amendment, U.S. Constitution~~
~~20 U.S.C. 1415~~
~~20 U.S.C. 1681 et seq., Title IX of Education Amendments Act~~
~~20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974~~
20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Act of 2004, as amended (IDEA)
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
42 U.S.C. 1983
~~42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964~~
42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
42 U.S.C. 12101 et seq., ~~The~~ Americans with Disabilities Act of 1990, as amended
34 C.F.R. Part 104, Section 504 Regulations
34 C.F.R. Part~~Sec.~~ 300~~.600-300.662~~, IDEA Regulations

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Legal	48.981, Wis. Stats.
	118.13, Wis. Stats.
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	20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Act of 2004, as amended (IDEA)
	29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
	42 U.S.C. 1983
	42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
	34 C.F.R. Part 104, Section 504 Regulations
	34 C.F.R. Part 300, IDEA Regulations

Last Modified by Ann DeMeuse on January 31, 2023