



- 7) 1421/3121/4121 Criminal History Record Check and Employee Self-Reporting Requirement
- 8) 1460/3160/4160 Physical Examination
- 9) 2210 Curriculum Development
- 10) 2266 Nondiscrimination on the Basis of Sex in Education Programs or Activities
- 11) 3122.01/4122.01 Drug-Free Workplace
- 12) 3340/4340 Grievance Procedure
- 13) 5113 Open Enrollment Program
- 14) 5200 Attendance
- 15) 5215 Missing and Absent Children
- 16) 5461 Children At-Risk of Not Graduating from High School
- 17) 6108 Authorization to Make Electronic Fund Transfers
- 18) 6114 Cost Principles – Spending Federal Funds
- 19) 6146 Cost-Issuance Tax Exempt Bond Compliance
- 20) 6152 Student Fees, Fines, and Charges
- 21) 6152.01 Waiver of School Fees or Fines
- 22) 7100 Facilities Planning
- 23) 8310 Public Records
- 24) 8450 Control of Causal-Contact Communicable Diseases

### **OPERATIONS AGENDA:**

1. Consent Agenda items requiring attention (if any)
2. Special Presentation from the Robert H. Nickel Auditorium Steering Committee (informational item)
3. Approve Middle School Track Coach
4. Approve Teachers Associates
5. Approve Middle School Science Teacher
6. Approve Middle School Math Teacher
7. Update on Summer School Programming (informational item)
8. Policy Review
  - a. 5112 Entrance Age (informational item)
9. Policy Review Update - First Readings
  - a. 8510 Wellness (Student Wellness not Staff Wellness): 30.2
  - b. 5722 School-Sponsored Publications and Productions: 31.1
  - c. 2414 Human Growth and Development: 31.1
10. Reports:
  - a. Legislative
  - b. CESA
  - c. Committee/Seminars
  - d. Administrative
    - i. High School
    - ii. Middle School
    - iii. Sunrise Elementary School
    - iv. Sawyer Elementary School
    - v. Teaching, Learning & Technology
    - vi. Special Education/Pupil Services
    - vii. Business Manager
    - viii. Other
  - e. Superintendent
11. 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 & Ann DeMeuse  
Date: March 7, 2023  
RE: Background Information for the March 15, 2023, Regular Meeting

**6:30 P.M. Reception Reminder: An informal reception for employees with 25 years of service, retirees, and family members is planned for the SBHS library prior to the actual Board of Education meeting. All district staff and the public are welcome.**

**PLEASE SEE THE NOTE ON THE AGENDA REGARDING THE MOTION TO ADOPT THE AGENDA** - If the Board member making the motion to approve the agenda is so inclined, please move the Special Presentation from the start of the Operations Agenda to immediately after the recognition section.

### **STUDENT COUNCIL REPRESENTATIVE REPORT**

*Student Council President Christy Braun will share updates with the Board and public.*

**PUBLIC COMMENT SECTION** *(As noted in Board Policy 0167.3 Public Comment 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:** Our 25-year employees (Raelynn Dalske, Jeanie Hembel, Erin Dawidiuk) and retirees (H Meikle, J Schopf, A Canilho) are scheduled for the month of March.

**POTENTIAL SPECIAL PRESENTATION NOTE:** When we have the approval of the agenda, consider moving the special presentation from the Robert H. Nickel Auditorium Steering Committee to this point in the meeting for the benefit of the steering committee members in attendance.

### **CONSENT AGENDA:**

#### **1. Approve Meeting Minutes**

- a. Regular Meeting of February 15, 2023
- b. Learning Session of March 1, 2023

#### **2. Approve February Bills**

#### **3. Grants and Donations –**

- \$50 Anonymous donation to the Special Education Department
- Sturgeon Bay PTG donated \$232 for 4K to attend Todd Parr performance at the Weidner Center
- Raibrook approved a grant for Tech Ed equipment
- Raibrook approved a grant for playground equipment
- PTG donated \$250 for Sawyer Parent Teacher Conferences
- PTG donated \$200 for Sunrise Parent Teacher Conferences
- Destination Imagination received \$100 from State Farm
- The District received a Sustainability Grant from the Door County Community for \$8,000 to be utilized to support mental health services in the District.

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

- 4. Resignations and Retirements:** Ashley Bagneski is resigning from her associate position at Sawyer school. Deb Holland is retiring from her Reading Interventionist position at Sawyer school.

Thanks to these individuals for their service to our young people and families.

**5. Second Readings of Board Policy Updates**

A. 30.2

- 1) 7450 Property Inventory

B. 30.2 Non-Discrimination and Anti-Harassment

- 1) 1422.02, 3122.02 and 4122.02 Nondiscrimination Based on Genetic Information of the Employee
- 2) 1422, 3122 and 4122 Nondiscrimination and Equal Employment Opportunity
- 3) 1623, 3123 and 4123 Section 504/ADA Prohibition Against Disability Discrimination in Employment
- 4) 1662, 3362, 4362 & 5517 Employee and Student Anti-Harassment
- 5) 2260.01 Section 504/ADA Prohibition Against Discrimination Based on Disability
- 6) 2260 Nondiscrimination and Access to Equal Educational Opportunity

C. 31.1

- 1) 0100 Definitions
- 2) 0142.1 Electoral Process
- 3) 0142.5 Vacancies
- 4) 0144.5 Board Member Behavior and Code of Conduct
- 5) 0152 Officers
- 6) 0165.1 Notice of Meetings
- 7) 1421/3121/4121 Criminal History Record Check and Employee Self-Reporting Requirement
- 8) 1460/3160/4160 Physical Examination
- 9) 2210 Curriculum Development
- 10) 2266 Nondiscrimination on the Basis of Sex in Education Programs or Activities
- 11) 3122.01/4122.01 Drug-Free Workplace
- 12) 3340/4340 Grievance Procedure
- 13) 5113 Open Enrollment Program
- 14) 5200 Attendance
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- 16) 5461 Children At-Risk of Not Graduating from High School
- 17) 6108 Authorization to Make Electronic Fund Transfers
- 18) 6114 Cost Principles – Spending Federal Funds
- 19) 6146 Cost-Issuance Tax Exempt Bond Compliance
- 20) 6152 Student Fees, Fines, and Charges
- 21) 6152.01 Waiver of School Fees or Fines
- 22) 7100 Facilities Planning
- 23) 8310 Public Records
- 24) 8450 Control of Causal-Contact Communicable Diseases

A motion to approve the Consent Agenda 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. **Special Presentation from the Robert H. Nickel Auditorium Steering Committee** (informational item)  
In February of 2022 the Board of Education renamed the SBHS auditorium in honor of Principal Bob Nickel. As the Board also may recall, we formed a steering committee to oversee the efforts, and the group plans to give the Board an update in our meeting.

3. **Approve Middle School Track Coach**

Athletic Director Meikle and Middle School Principal Smullen recommend Zach Albers. Zach is our Defensive Football Coach and Co-Head Coach for Strength and Conditioning in the high school. Zach will make a great addition to the middle school track coaching staff as an Assistant Hurdle Coach for the team.

A motion to approve Zach Albers as the Assistant Hurdle Coach for the middle school track program is recommended.

4. **Approve Teacher Associates**

a. **Amanda Sallinen – Sunrise School Teaching Associate**

Thank you for considering approval for Amanda Sallinen as a Teaching Associate in Sunrise's ID/Autism Room. Amanda came to us as a substitute TA and we quickly realized how lucky we were to have her patience and expertise. Amanda has a son, who will be 18 in July, who was diagnosed with autism at the age of four; she draws much of her wisdom from working with him. In addition to this experience, Mrs. Sallinen worked for Specialized Services and had many clients that were both children and adults with various disabilities, several of which had autism. She has also volunteered for the Special Olympics. It is with great pleasure that we offer Mrs. Sallinen a permanent position at Sunrise.

A motion to approve Amanda Sallinen as a Sunrise School Teaching Associate is recommended.

b. **Antonette (Ann) Hill - Sawyer School 4K Teaching Associate**

Principal Katy DeVillers is pleased to recommend Ann Hill for a 4K Teacher Associate Position at Sawyer Elementary School starting on Monday, February 20th. Ann has extensive experience working with preschool students. She has managed her own early childhood facility and created and coordinated preschool programs at our local YMCA. She was also the Office Manager at Door County Eye Associates for many years. Ann's previous supervisor reports that her greatest strengths are dependability and her work ethic. She also shared that Ann holds herself to very high expectations and supports others to do the same. Ann is very excited to get back into the classroom to work with students. We are excited to welcome her back to Sawyer and congratulate her on her new position!

A motion to approve Ann Hill as a Sawyer 4K Teaching Associate is recommended.

5. **Approve Middle School Science Teacher**

Interviews are scheduled for March 7, 2023. More information to follow.

6. **Approve Middle School Math Teacher**

Kelly Coles: Mr. Kelly Coles has been a Math teacher in our district since January 2021. Previously, he worked for Oshkosh Corporation, C.A. Lawton Company, TOSCA LTD, Harley Davidson, and Komatsu Mining Corporation. In his brief teaching career, Mr. Coles taught high school Algebra and Pre-Algebra.

In 2022-2023, he served as Sarah Kruck's replacement as she took a one-year sabbatical. We wish to extend the 8th grade Math position to Kelly Coles since Sarah is not returning. His strengths include supporting struggling math students, creating anchor charts for his students, and collaborating with his team members. Kelly has refereed several middle school football games and tutored high school students.

Mr. Coles attended UW-Stout and earned his Master of Science at Milwaukee School of Engineering and MBA at Marquette University. Mr. Coles has teaching licenses in Math (#1400) and Elementary and Middle School (#2088).

In his free time, Kelly loves attending live concerts, painting, and spending time with his grandchild.

A motion to approve Kelly Coles as a Middle School Math Teacher is recommended.

**7. Update on Summer School Programming** (informational item)

Registration is now open for Sturgeon Bay Summer Learning Academy which will be hosted at both Sunrise Elementary and the Sturgeon Bay High School/Middle School buildings June 12 through July 27. Classes will be held Monday through Thursday from 8:30-11:30 and are open to all K-12 students. Session 1: June 12-29, Session 2: July 10-27. The day will be split into morning and afternoon periods, enabling students to participate in two course options per session.

Principal Mark Smullen has been working with Josh from the Door County YMCA with the hope that grant money can be used to provide students with a grab and go lunch available upon dismissal; also included will be a breakfast for the following day.

We have worked with Kobussen to arrange for optional transportation to and from Summer Academy at both the east and west sides of Sturgeon Bay. Pick up and drop off locations are Walgreens and the Door County YMCA.

Director Weber will share some additional information at the meeting.

**8. Policy Review**

**a. 5112 Entrance Age** (informational item)

A request was made recently for early entry in 4K. As can be seen in the policy, early entrance into 4K is not allowed. This policy is being brought forward as an informational item at this time to ensure the board is aware of the information and allow the board to discuss if the policy should be left as is, or if the process for considering a policy revision should be considered. In addition to including the current policy with some highlighting to aid board members in the informational review, we also communicated with Principal DeVillers who worked with the 4K team to gather additional information on the situation.

**9. Policy Review Update - First Readings**

**a. 8510 Wellness: 30.2**

This policy has been revised and restructured to better reflect the requirements under Federal law. Districts are advised to review their current policy within the context of these revisions in order to determine if revisions to the current policy are necessary.

**b. 5722 School-Sponsored Publications and Productions: 31.1**

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.

**c. 2414 Human Growth and Development: 31.1**

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.

**10. Reports**

**11. Adjourn**

THE SCHOOL DISTRICT OF STURGEON BAY

Regular Board of Education Meeting

Wednesday, February 15, 2023

President Stephani called the regular meeting to order at 7:00 PM in the high school library. Present: Schulz, Kruse, Holland, Stephani, Jennerjohn, Chisholm, Howard and Wood. Also present were: Superintendent Tjernagel, K Nerby, M. Smullen, K DeVillers, K Smullen, J. Holtz, & A DeMeuse.

**Motion Jennerjohn/Wood to adopt the agenda noting that we are going 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.**

**Mid-Year Performance Evaluation of District Administrator**

**Return to open session. Motion carried unanimously.**

STUDENT COUNCIL REPRESENTATIVE REPORT: Christy Braun, the Student Council (SC) President updated the Board on selling carnations for Valentines Day as well as activities for the week before spring break. This may be a time when the cancelled talent show will be rescheduled.

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

RECOGNITION: The State Dance Team was recognized.

CONSENT AGENDA:

1. Approve Minutes
  - A. January 11, 2023 Regular Board of Education meeting
  - B. February 1, 2023, Learning Session
2. Approve January bills
3. Accept 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.
4. Approve 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.

**Motion Chisholm/Holland to approve the consent agenda items as presented. Motion carried unanimously.**

OPERATIONS AGENDA:

1. Consent Agenda items requiring attention (if any)



2. **A. Motion Holland/Howard to approve John Rosenthal as an Assistant Track and Field Coach. Motion carried unanimously.**
  - B. Motion Kruse/Jennerjohn to approve Neal Henrigillis as the Varsity Baseball Head Coach. Motion carried unanimously.**
  - C. 1. Motion Holland/Wood to approve Robert Desotelle as the Girls Head Soccer Coach. Motion carried unanimously.**
  - C. 2. Motion Jennerjohn/Chisholm to approve Jenna Augustson as the Girls Assistant Soccer Coach. Motion carried unanimously.**
  - D.1. Motion Kruse/Howard to approve Zach Albers as a Co-Head Coach for Strength and Conditioning. Motion carried unanimously.**
  - D.2. Motion Howard/Holland to approve Neal Henrigillis as a Co-Head Coach for Strength and Conditioning. Motion carried unanimously.**
3. **A. Motion Jennerjohn/Chisholm to approve Danielle Tauscher as the Library Media Center Teacher Associate at Sawyer. Motion carried unanimously.**
4. **Motion Chisholm/Jennerjohn to renew the contracts for our Human Resource Specialist, Bookkeeper/Payroll Clerk, Special Education Assistant and Superintendent/Board Assistant. Motion carried unanimously.**
5. **Motion Schulz/Howard 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. Motion carried unanimously.**
6. **Motion Holland/Jennerjohn to approve a 60-month Multifunction Printer Contract Lease, as quoted (and presented), with Wisconsin Document Imaging. Motion carried unanimously.**
7. **Motion Jennerjohn/Howard to approve the \$9,850 payment to Rettler Corporation. Motion carried unanimously.**
8. Professional Staff Annual Compensation Review was discussed. No action taken.
9. Achievement Gap Reduction School Board Mid-Year Review was discussed. No action taken.
10. Board Vacancy Update: 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

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-TABLED FIRST READING

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-none
- b. CESA-none
- c. Committee/Seminars-none
- d. Administrative reports presented
- e. Superintendent presented

**13. Adjourn Motion: Jennerjohn/Kruse to adjourn to closed session at 9:03 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. Mid-Year Performance Evaluation of District Administrator and will return to open session. Motion carried unanimously with a roll call vote.**

**Motion: Wood/Holland to return to open session at 9:33 P.M. Motion carried unanimously.**

No action taken on closed session item.

**14. Motion Schulz/Wood to adjourn at 9:34 PM. Motion carried unanimously.**

Respectfully submitted,  
Ann DeMeuse  
Administrative Assistant

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

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

THE SCHOOL DISTRICT OF STURGEON BAY  
Board of Education Learning Session  
Wednesday, March 1, 2023

5:00 P.M. Board of Education Meeting Board Conference Room

CALL TO ORDER:

1. Roll Call at 5:08 PM. Present: Stephani, Chisholm, Schulz, Jennerjohn & Wood. Excused: Kruse, Holland & Howard. Also present were Superintendent Tjernagel & Holtz.
2. Motion: Jennerjohn/Schulz to adopt the agenda as presented. Motion carried unanimously.

AGENDA AND DISCUSSION:

1. Professional Staff Compensation Discussion
  - i. Teacher Salary Ladder - discussed
  - ii. Appendix D – Additional Employment Pay Schedule: Curriculum Writing Hourly Rate - discussed
  - iii. Sick Days/PTO/Flexible Time – discussed
2. State Budget and District Budget Planning & Discussion – information presented
3. Motion Chisholm/Jennerjohn to adjourn the learning session at 5:58 PM. Motion carried unanimously.

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Special Board Meeting

Board Conference Room

CALL TO ORDER:

1. Roll Call at 6:00 PM. Present: Stephani, Chisholm, Schulz, Jennerjohn & Wood. Excused: Kruse, Holland & Howard. Also present were Superintendent Tjernagel & Holtz.
2. Motion: Jennerjohn/Schulz 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: Review request(s) from a Professional Staff Member and will return to open session. Motion carried unanimously.

SPECIAL MEETING AGENDA

1. Motion: Jennerjohn/Schulz to 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: Review request(s) from a Professional Staff Member and will return to open session. Motion carried unanimously.

Motion: Chisholm/Wood to return to open session at 6:42 P.M. Motion carried unanimously.

Action taken on closed session items: Motion Wood/Jennerjohn to deny staff request. Motion carried unanimously.

4. Motion Chisholm/Jennerjohn to adjourn at 6:43 PM. Motion carried unanimously.

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

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



Ann Demeuse <ademeuse@sbsdmail.net>

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**Fwd:**

1 message

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**Kim Gordon** <kgordon@sturbay.k12.wi.us>  
To: Ann Demeuse <ademeuse@sbsdmail.net>

Wed, Feb 15, 2023 at 9:35 AM

Ashley Bagneski's resignation.

*Kim*

----- Forwarded message -----

From: **Ashley Bagneski** <[abagneski@sbsdmail.net](mailto:abagneski@sbsdmail.net)>

Date: Wed, Feb 15, 2023 at 7:12 AM

Subject:

To: Kathryn DeVillers <[kdevillers@sbsdmail.net](mailto:kdevillers@sbsdmail.net)>, Lindsay Ferry <[lferry@sbsdmail.net](mailto:lferry@sbsdmail.net)>, Kim Gordon <[kgordon@sbsdmail.net](mailto:kgordon@sbsdmail.net)>

To whom it may concern,

I am hoping that I have all 3 of you in the email but if I am missing someone please let me know.

I Ashley Bagneski am putting in a 2 week notice as of today 2/15. I would like to make a note that this is not about Mr. Hall as he has been amazing to work with and watch grow this year.

Thank you,

Ashley Bagneski

Sturgeon Bay Board of Education and Superintendent Tjernagel,  
Sturgeon Bay School District  
1230 Michigan Street, Sturgeon Bay, Wisconsin 54235

Debra Holland  
Reading Interventionist

March 3, 2023

Dear Sturgeon Bay Board of Education and Superintendent Tjernagel,

I am writing this letter to inform you that I will be retiring from my position as a Reading Interventionist at Sawyer School at the end of the 2022-2023 school year. I would like to express my gratitude for allowing me to serve the students of Sturgeon Bay Schools for the last 33 years.

During my time in the Sturgeon Bay School District I have been fortunate to receive many opportunities for professional growth, and have achieved many career goals. I would like to thank the Board, the Superintendent, my administrators, and my colleagues for their support and encouragement throughout the years.

I have enjoyed my time as a Reading Interventionist, and it has been an honor to have had the opportunity to teach so many children to read. I will cherish the time I was able to spend with my students, colleagues, and this community.

Sincerely,  
Debra Holland

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/01/2023	102971	R	251.02	98 L 000 000 811680 000	GURSTEL LAW FIRM PC	Case No. 12-CV-224; File #802986
02/01/2023	102972	R	675.00	98 L 000 000 811660 000	SB LUNCH PROGRAM	Lunch Account Deductions
02/01/2023	102973	R	502.14	98 L 000 000 811680 000	WISCTF	Case ID - 2798607 & Case ID - 555787
02/02/2023	222300539	A	270.00	10 E 800 310 162000 000	ANDRES, DANIEL	1/26/23 Wrestling Meet official vs Oconto, Kew, SD, Peshtigo, SBS
02/02/2023	102998	R	640.50	10 E 800 411 161000 000	APPLETON TROPHY & EN	Math team plaques and medals
02/02/2023	102999	R	300.00	10 E 400 310 125400 000	BAKER, DIANA	ACCOMPANIST FEES CHOIR CONCERT 1/12/23
02/02/2023	222300540	A	869.80	10 E 800 411 253000 000	BELSON CO	TOWELS/LINERS
02/02/2023	222300541	A	85.00	10 E 800 310 162000 000	BERKEN, JAKE	Varsity GBB Official vs Sev.
02/02/2023	103001	S	800.00	21 E 400 310 166324 000	BRASCHNEWITZ, LARS	DJ SERVICES/SADIE HAWKINS 2/14/23
02/02/2023	103000	S	4,642.00	10 E 800 411 162000 000	BRASCHNEWITZ, LARS	BASEBALL SUPPLIES
02/02/2023	222300542	A	300.00	10 E 800 310 162000 000	CASPER, KASEY	DC Classic Wrestling Invite
02/02/2023	103002	R	122.51	27 E 800 411 158100 341	CHILDREN'S HARNESSSES	SAFETY HARNESS
02/02/2023	103003	R	343.54	10 E 200 411 135200 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 DEC 22 BILLING
02/02/2023	103003	R	408.35	10 E 400 411 135200 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 DEC 22 BILLING
02/02/2023	103003	R	167.96	50 E 800 415 257220 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 DEC 22 BILLING
02/02/2023	103003	R	430.82	50 E 800 415 257250 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 DEC 22 BILLING
02/02/2023	103003	R	178.42	50 E 800 415 257220 549	COBORN'S INCORPORATE	ACCOUNT# 42000040035 DEC 22 BILLING
02/02/2023	103003	R	179.36	10 E 120 411 110000 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 DEC 22 BILLING
02/02/2023	103004	R	20.00	10 E 800 310 162000 000	DC ENGRAVING	SOCCER AWARD ENGRAVINGS
02/02/2023	222300543	A	120.00	10 E 800 310 162000 000	DELONG, TINA	Swimming official DCU Boys Swim Team
02/02/2023	103005	R	35.52	10 E 100 411 222200 000	DEMCO	Library Supplies
02/02/2023	103005	R	67.24	10 E 200 411 222200 000	DEMCO	Library Supplies
02/02/2023	222300544	A	1,935.45	27 E 800 480 223300 341	DOCUSIGN INC	Premier Support and eSignature Business Pro Edition
02/02/2023	103006	R	532.00	21 E 400 310 166301 000	DOOR COMMUNITY AUDIT	STEP AFRIKA-STUDENT TKTS
02/02/2023	103007	R	260.00	50 L 000 000 815000 000	DUPONT, DWAYNE	LUNCH BALANCE REFUND
02/02/2023	103008	R	17,930.00	49 E 800 324 254300 000	ELAND ELECTRIC	CAT6/6A STRUCTURED CABLING AND ELECTRICAL INSTALLATIONS DISTRICT WIDE
02/02/2023	222300545	A	420.00	10 E 800 324 253000 000	ENVIRONMENTAL MGT CO	SEMI-ANNUAL SDS MANAGER MAINT FEE JAN-JUNE 2023
02/02/2023	222300545	A	1,450.00	10 E 800 324 253000 000	ENVIRONMENTAL MGT CO	SEMI-ANNUAL ESHC MAINT FEE JAN-JUNE 2023
02/02/2023	103009	R	196.90	10 E 140 411 241000 000	FATZO SUBS	DATA DIG LUNCHES @ SUNRISE
02/02/2023	222300546	A	986.30	21 E 200 411 161931 000	FLS APPAREL	ALLIED ARTS APPAREL
02/02/2023	103010	R	200.00	10 E 800 310 162000 000	GREEN BAY AREA PUBLI	Boys Wrestling Invite JV 2/4/23 - GB Preble
02/02/2023	222300547	A	4,911.00	10 E 800 342 231000 000	HOLTZ, JACOB	1/17/2023-1/20/2023 Hotel for board and staff at 2023 Joint Ed Convention
02/02/2023	103011	R	1,456.00	10 E 800 449 253000 000	INNOVATIVE LED SOLUT	MAXLIFE COLOR & WATTAGE SELECTABLE BACKLIT LED FLAT



CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/02/2023	103011	R	959.15	10 E 800 449 253000 000	INNOVATIVE LED SOLUT	PANELS HS COMMONS/BATHROOMS PULL WIRE & TERMINATE FOR NEW RECEPTACLES AND CORD DROPS MAINTENANCE SHOP
02/02/2023	103011	R	1,820.00	10 E 800 449 253000 000	INNOVATIVE LED SOLUT	MAXLITE 2'X4' LED BACKLIT FLAT PANELS MS BAND ROOM
02/02/2023	222300548	A	300.00	10 E 800 310 162000 000	JEANQUART, GARRETT	DC Classic Wrestling Invite
02/02/2023	103012	R	506.00	10 E 800 324 253000 000	JOHNSON CONTROLS	FIRE ALARM TESTING-SUNRISE
02/02/2023	103012	R	506.00	10 E 800 324 253000 000	JOHNSON CONTROLS	FIRE ALARM TESTING-SAWYER
02/02/2023	103012	R	508.00	10 E 800 324 253000 000	JOHNSON CONTROLS	FIRE ALARM TESTING-HS/MS
02/02/2023	222300549	A	85.00	10 E 800 310 162000 000	KEY, JOHN	Varsity GBB Official vs Sev.
02/02/2023	222300550	A	300.00	10 E 800 310 162000 000	KUST, JOSEPH	DC Classic Wrestling Invite
02/02/2023	103013	R	270.00	10 E 800 310 162000 000	LECAPTAIN, BERNARD	Wrestling official vs SD, Oct. Kew, Peshtigo, SBS
02/02/2023	222300551	A	75.00	10 E 800 310 162000 000	LECAPTAIN, MARK	Basketball official
02/02/2023	103014	R	175.00	10 E 800 310 162000 000	MANAWA ATHLETIC BOOS	Boys Wrestling Invite
02/02/2023	222300552	A	100.00	10 E 800 310 162000 000	MEIKLE, REX	MS GBB Official vs Gib
02/02/2023	222300552	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV GBB Official vs Sev.
02/02/2023	103015	R	860.00	10 E 800 411 252100 000	NEW DOCUMENTS & LABE	District Envelopes
02/02/2023	103015	R	345.00	10 E 800 411 252100 000	NEW DOCUMENTS & LABE	District Envelopes - updated logo
02/02/2023	103015	R	135.00	10 E 800 411 252100 000	NEW DOCUMENTS & LABE	1095-C Pressure Seal Tax Forms (81650)
02/02/2023	103016	R	225.00	10 E 800 310 162000 000	NEW LONDON HIGH SCHO	Boys Wrestling Invite
02/02/2023	222300553	A	17.95	10 E 140 411 114000 000	RABAS, JENNIFER	1/28/2023 4th grade materials purchased. Math mysteries, readers theater and novel study book.
02/02/2023	222300553	A	48.00	10 E 140 411 114000 000	RABAS, JENNIFER	1/28/2023 4th grade materials purchased. Math mysteries, readers theater and novel study book.
02/02/2023	222300553	A	6.28	10 E 140 411 114000 000	RABAS, JENNIFER	1/28/2023 4th grade materials purchased. Math mysteries, readers theater and novel study book.
02/02/2023	222300554	A	75.00	10 E 800 310 162000 000	SANCHEZ, ALEXANDER	JV GBB Official vs Sev.
02/02/2023	222300555	A	300.00	10 E 800 310 162000 000	SCHAREN BROCK, NATHAN	DC Classic Wrestling Tournament official
02/02/2023	103017	R	67.50	10 E 800 341 256710 141	SCHOOL DISTRICT OF W	TRANSPORTATION FEES-SEPT 2022
02/02/2023	103017	R	214.50	10 E 800 341 256710 141	SCHOOL DISTRICT OF W	TRANSPORTATION FEES-OCT 2022
02/02/2023	103017	R	180.00	10 E 800 341 256710 141	SCHOOL DISTRICT OF W	TRANSPORTATION FEES-NOV 2022
02/02/2023	103017	R	127.50	10 E 800 341 256710 141	SCHOOL DISTRICT OF W	TRANSPORTATION FEES-DEC 2022
02/02/2023	222300556	A	41.92	10 E 120 411 111000 000	SCHOOL SPECIALTY, LL	construction paper
02/02/2023	222300557	A	120.00	10 E 800 310 162000 000	SCHWEITZER, BARBARA	Swimming official DCU Boys Swim Team
02/02/2023	103018	R	150.00	10 E 800 310 162000 000	SHEBOYGAN SOUTH HIGH	DCU boys Swim meet
02/02/2023	103019	R	150.00	10 E 800 310 162000 000	SHOREWOOD HIGH SCHOO	DCU Boys Swim Invite
02/02/2023	222300558	A	202.37	10 E 800 342 232100 000	TJERNAGEL, DANIEL	1/17/2023-1/20/2023 Education convention - mileage & Friday lunch
02/02/2023	222300558	A	13.10	10 E 800 342 232100 000	TJERNAGEL, DANIEL	1/17/2023-1/20/2023 Education convention - mileage & Friday lunch
02/02/2023	222300558	A	67.33	10 E 800 342 232100 000	TJERNAGEL, DANIEL	1/6/2023 January CESA PAC Mtg mileage

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02/02/2023	222300559	A	85.00	10 E 800 310 162000 000	TUST, MIKE	Varsity GBB Official vs Sev.
02/02/2023	103020	R	100.00	10 E 800 310 162000 000	WAUSAU WEST HIGH SCH	WRESTLING TOURNEY FEES
02/08/2023	103021	R	10,000.00	10 E 800 949 239000 000	CHARTER COMMUNICATIO	Account #04067728 Reference #8245117950019638
02/09/2023	103022	R	183.17	10 E 800 355 263300 000	AT&T	Acct #920 743-5493 930 7 Monthly Billing (12/20/22 - 01/19/23)
02/09/2023	103023	R	5,242.49	50 E 800 449 257000 000	AVS COMPANIES	VENDING MACHINES-HS & MS
02/09/2023	103023	R	5,000.00	21 E 800 449 257000 677	AVS COMPANIES	VENDING MACHINES-HS & MS
02/09/2023	103024	R	31.00	10 E 800 411 162000 000	BADGER SPORTING GOOD	WRESTLING SCOREBOOKS
02/09/2023	103025	R	1,290.46	10 E 800 432 222200 031	BOUND TO STAY BOUND	Library Books
02/09/2023	103026	R	58.00	10 E 800 310 231500 000	BUELOW VETTER BUIKEM	JANUARY LEGAL SERVICES ACCT#3101.86522
02/09/2023	222300560	A	162.50	10 E 800 386 239000 000	CESA 11	E-RATE SERVICES
02/09/2023	222300561	A	66.00	27 E 800 310 221300 341	CESA 7	504 AND MORE TRAINING L. FERRY/M. KIEDROWSKI/K.MARTENS/J.O'HANDL EY
02/09/2023	222300561	A	66.00	10 E 120 310 221300 000	CESA 7	504 AND MORE TRAINING L. FERRY/M. KIEDROWSKI/K.MARTENS/J.O'HANDL EY
02/09/2023	222300561	A	66.00	10 E 200 310 221300 000	CESA 7	504 AND MORE TRAINING L. FERRY/M. KIEDROWSKI/K.MARTENS/J.O'HANDL EY
02/09/2023	222300561	A	66.00	10 E 400 310 221300 000	CESA 7	504 AND MORE TRAINING L. FERRY/M. KIEDROWSKI/K.MARTENS/J.O'HANDL EY
02/09/2023	222300561	A	180.00	10 E 800 310 221300 000	CESA 7	PRINCIPAL NETWORK
02/09/2023	222300562	A	6,380.00	10 E 800 386 431000 000	CESA #9	WI VIRTUAL SCHOOL ENROLLMENTS (22) NOV 2022
02/09/2023	222300563	A	85.00	10 E 800 310 162000 000	CHAMPION, MARK	Varsity BBB vs Peshtigo Official
02/09/2023	103027	R	404.55	10 E 800 480 222200 031	COMPUTER SUPPLY PEOP	Headphones
02/09/2023	222300564	A	85.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	Varsity GBB official vs NEW
02/09/2023	222300564	A	75.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	JV BBB vs Peshtigo Official
02/09/2023	103028	R	362.66	50 E 800 415 257220 174	COUNTRY OVENS LTD	CHERRY DE-LITE/RAPID RED
02/09/2023	222300565	A	85.00	10 E 800 310 162000 000	CROGAN, ALEXANDER	Varsity GBB official vs NEW
02/09/2023	103029	R	530.85	10 E 800 411 253000 000	CULLIGAN SERVICE	Acct #8566801 Bottled Water/SALT
02/09/2023	103030	S	500.00	10 E 800 411 162000 000	DOOR COUNTY FACILITI	HS Baseball Rental Fee - Jr Fair Building
02/09/2023	103031	S	500.00	10 E 800 411 162000 000	DOOR COUNTY FACILITI	HS Baseball Security/Cleaning Fee
02/09/2023	222300566	A	536.67	10 E 800 310 239000 000	ERC INC	JANUARY 2023 EAP SERVICES
02/09/2023	103032	R	73.51	10 E 400 411 126000 000	FLINN SCIENTIFIC INC	Science Supplies
02/09/2023	222300567	A	407.50	10 E 800 351 239000 000	FLS APPAREL	PROMOTIONAL ITEMS
02/09/2023	222300568	A	1,135.95	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-HS
02/09/2023	222300568	A	348.79	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-SR
02/09/2023	222300569	A	599.90	10 E 400 449 125500 000	HEID MUSIC CO	Summer school piano keyboards
02/09/2023	222300570	A	2,851.15	50 E 800 449 257000 000	HPS LLC	KITCHEN EQUIPMENT
02/09/2023	103033	R	595.00	10 E 140 472 110000 000	IXL LEARNING	IXL Site License/Pilot Package
02/09/2023	222300571	A	12.50	21 E 200 411 164907 000	JEANQUART, DEBORAH	12/30/2022 Christmas

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02/09/2023	222300572	A	85.00	10 E 800 310 162000 000	JENSEN, CHARLES	stockings - Kind Clipper Club Varsity BBB vs Peshtigo Official
02/09/2023	222300573	A	345.95	27 E 800 310 223300 019	KYLES CONSULTING LLC	JANUARY 2023 SBS/MAC FEE
02/09/2023	103034	R	50.00	10 E 800 310 239000 000	LAUTENBACH, AMY	MEMORIAL GIFT
02/09/2023	222300574	A	75.00	10 E 800 310 162000 000	LECAPTAIN, MARK	Basketball Official
02/09/2023	222300574	A	75.00	10 E 800 310 162000 000	LECAPTAIN, MARK	Basketball official
02/09/2023	222300575	A	85.00	10 E 800 310 162000 000	LUER, AARON	Varsity GBB official vs NEW
02/09/2023	103035	R	50.00	10 E 800 310 239000 000	MAGLIARO, FRANCES	MEMORIAL GIFT
02/09/2023	103036	R	87.39	50 E 800 415 257220 174	MARCHANTS FOODS	BEEF STICKS/BRATS
02/09/2023	103036	R	182.02	50 E 800 415 257220 000	MARCHANTS FOODS	HOT DOGS
02/09/2023	103036	R	634.34	50 E 800 415 257220 174	MARCHANTS FOODS	BEEF STICKS
02/09/2023	222300576	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV GBB official vs NEW
02/09/2023	222300576	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV BBB vs Peshtigo Official
02/09/2023	222300577	A	85.00	10 E 800 310 162000 000	MILLER, DAVID	Varsity BBB vs Peshtigo Official
02/09/2023	222300578	A	180.00	10 E 800 310 231500 000	NEOLA INC	CONSULTING SERVICES- 10/25/22
02/09/2023	103037	R	36.70	10 E 800 351 239000 000	PENINSULA PULSE	JANUARY LEGAL NOTICES
02/09/2023	103038	R	2,077.19	10 E 800 432 222200 031	PENWORTHY CO	Library Books
02/09/2023	103039	R	68.00	10 E 800 411 162000 000	PHOTOS BY MATT INC	SENIOR BOYS BB 8X10'S
02/09/2023	222300579	A	6,043.26	50 E 800 415 257220 000	PRAIRIE FARMS	MONTHLY BILLING ACCT #47-471
02/09/2023	103040	R	3,632.30	10 E 800 310 162000 000	PRIMETIME TIMING	TRACK/FIELD TIMING SERVICES 2023
02/09/2023	222300580	A	11,200.00	21 E 800 411 161942 000	PROPSOM, MATTHEW	2/8/2023 Clipper Clays Team Ammo Purchase
02/09/2023	222300581	A	500.00	27 E 800 310 221300 341	RENAISSANCE LEARNING	Virtual Training Module, FastBridge
02/09/2023	222300582	A	75.00	10 E 800 310 162000 000	SANCHEZ, ALEXANDER	JV GBB official vs GIB
02/09/2023	222300582	A	75.00	10 E 800 310 162000 000	SANCHEZ, ALEXANDER	JV BBB vs Peshtigo Official
02/09/2023	103041	R	533.23	10 E 800 411 231000 000	SCATURO'S BAKING COM	SB RETREAT BKFST/LUNCH
02/09/2023	222300583	A	299.57	10 E 800 355 263300 000	SPECTRUM BUSINESS	Acct #8245 11 120 0173238 Monthly Charges
02/09/2023	103042	R	70.00	10 E 800 943 162000 000	STATE BAR OF WISC -	Mock Trial Semifinals Banquet
02/09/2023	222300584	A	11.76	27 E 800 411 223300 341	STAPLES ADVANTAGE	supplies
02/09/2023	222300584	A	21.43	27 E 800 411 223300 341	STAPLES ADVANTAGE	supplies
02/09/2023	103043	R	450.00	21 E 400 411 165904 000	STEPHENS, BRIAN	HS Ski Team Hotel Stay Reimbursement
02/09/2023	222300585	A	75.72	10 E 200 411 135200 000	SULLIVAN, PAIGE	1/5/2023-1/30/2023 Food Lab Supplies
02/09/2023	222300585	A	120.28	10 E 200 450 135200 000	SULLIVAN, PAIGE	1/5/2023-1/30/2023 Food Lab Supplies
02/09/2023	222300585	A	110.20	21 E 200 411 161931 000	SULLIVAN, PAIGE	2/2/2023 Allied Arts Costume Pieces
02/09/2023	103044	R	990.78	50 E 800 415 257220 000	SYSCO EASTERN WISCON	SCHOOL LUNCH FOOD
02/09/2023	103045	R	199.00	27 E 800 480 158100 341	TOBII DYNVOX LLC	BOARDMAKER ONLINE
02/09/2023	222300586	A	54.99	27 E 400 411 158102 341	UMENTUM, STEVEN	PROFESSIONAL 2/6/23-2/5/24 1/21/2023 Pet Snake for Biology Class
02/09/2023	222300586	A	51.50	27 E 400 411 158102 341	UMENTUM, STEVEN	1/13/2023 Mice for Snakes
02/09/2023	222300587	A	1,823.80	10 E 800 354 258000 000	US BANK	MONTHLY COPIER MACHINES LEASE PAYMENT
02/09/2023	103046	R	106.00	10 E 800 310 162000 000	VALLEY SCALE SERVICE	SCALE CALIBRATION-WRESTLING
02/09/2023	103047	R	358.10	50 E 800 415 257220 174	WASEDA FARMS COUNTRY	WHOLESALE EGG CASE FLATS
02/09/2023	103048	R	370.00	10 E 800 943 162000 000	WASHBURN SCHOOLS	Northern Conference Season Fee
02/09/2023	103049	R	25.00	10 E 400 310 124000 000	WISCONSIN MATH COUNC	2023 HS MATH CONTEST FEES

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02/09/2023	222300588	A	195.00	10 E 800 310 239000 000	WIS DRUG TESTING & C	BACKGROUND CHECKS (13)
02/09/2023	103050	R	42.70	10 E 800 943 120000 000	WIS SCHOOL MUSIC ASS	DISTRICT S/E REGIST FEES
02/09/2023	103050	R	117.40	10 E 800 943 120000 000	WIS SCHOOL MUSIC ASS	DISTRICT S/E REGIST FEES
02/14/2023	103052	R	18.00	98 L 000 000 811690 000	CROSSROADS AT BIG CR	Employee Donations
02/14/2023	103052	R	16.00	98 L 000 000 811690 000	CROSSROADS AT BIG CR	Employee Donations
02/14/2023	103053	R	252.84	98 L 000 000 811680 000	GURSTEL LAW FIRM PC	Case No. 12-CV-224; File #802986
02/14/2023	103054	R	170.09	98 L 000 000 811680 000	HEUER LAW OFFICES, S	CASE #22SC93
02/14/2023	103055	R	675.00	98 L 000 000 811660 000	SB LUNCH PROGRAM	Lunch Deductions
02/14/2023	103056	R	297.00	98 L 000 000 811690 000	UNITED WAY	Employee Donations
02/14/2023	103056	R	292.00	98 L 000 000 811690 000	UNITED WAY	Employee Donations
02/14/2023	103057	R	502.14	98 L 000 000 811680 000	WISCTF	Case ID - 2798607 & Case ID - 555787
02/16/2023	103058	R	128.64	10 E 400 411 136360 000	AIRGAS USA LLC	Welding Gases and Safety Glasses
02/16/2023	103058	R	59.67	10 E 400 450 136431 000	AIRGAS USA LLC	Welding Gases and Safety Glasses
02/16/2023	103058	R	223.14	10 E 400 411 136360 000	AIRGAS USA LLC	Welding Gases and Safety Glasses
02/16/2023	103058	R	103.53	10 E 400 450 136431 000	AIRGAS USA LLC	Welding Gases and Safety Glasses
02/16/2023	103059	R	100.00	10 E 200 310 125400 000	BAKER, DIANA	Accompanist Fees District Solo & Ensemble
02/16/2023	222300589	A	-477.30	10 E 800 411 253000 000	BELSON CO	CREDIT
02/16/2023	222300589	A	715.95	10 E 800 411 253000 000	BELSON CO	TOWELS
02/16/2023	222300590	A	75.00	10 E 800 310 162000 000	BLODGETT, MICHAEL	Varsity GBB official vs Algoma
02/16/2023	222300591	A	1,794.00	10 E 800 480 295000 000	CAMERA CORNER-CONNEC	Milestone Camera System Renewal
02/16/2023	103060	R	964.71	10 E 800 355 263300 000	CELLCOM WISCONSIN RS	Acct #003-00319495 Monthly Charges
02/16/2023	103061	R	5,343.25	27 E 800 386 436000 341	CESA 8	3RD QTR SERVICE BILLING
02/16/2023	222300592	A	2,030.00	10 E 800 386 431000 000	CESA #9	WIS VIRTUAL SCHOOL DEC 2022 (7) ENROLLMENTS
02/16/2023	103062	R	115.53	10 E 200 411 135200 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 JAN 2023 BILLING
02/16/2023	103062	R	319.72	10 E 400 411 135200 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 JAN 2023 BILLING
02/16/2023	103062	R	55.99	10 E 800 411 239000 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 JAN 2023 BILLING
02/16/2023	103062	R	933.24	50 E 800 415 257220 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 JAN 2023 BILLING
02/16/2023	103062	R	167.09	50 E 800 415 257250 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 JAN 2023 BILLING
02/16/2023	103062	R	599.04	50 E 800 415 257220 549	COBORN'S INCORPORATE	ACCOUNT# 42000040035 JAN 2023 BILLING
02/16/2023	103062	R	78.54	10 E 800 411 231000 000	COBORN'S INCORPORATE	ACCOUNT# 42000040035 JAN 2023 BILLING
02/16/2023	222300593	A	75.00	10 E 800 310 162000 000	CORY-YAEGGI, JOSHUA	JV1 BBB official vs SD
02/16/2023	103063	R	800.00	10 E 800 310 264400 000	CREDIBLE COACH LLC	COACHING WORKSHOPS
02/16/2023	103064	R	30.63	10 E 800 411 253000 000	DOOR COUNTY COOPERAT	#784909 JANUARY 2023 MONTHLY BILLING
02/16/2023	103064	R	4,968.84	10 E 800 348 256510 000	DOOR COUNTY COOPERAT	#784909 JANUARY 2023 MONTHLY BILLING
02/16/2023	103065	R	27.36	10 E 400 411 136360 000	DOOR COUNTY HARDWARE	Account# 96718- JANUARY 2023 CHARGES

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/16/2023	103065	R	133.41	10 E 200 450 136000 000	DOOR COUNTY HARDWARE	Account# 96718- JANUARY 2023 CHARGES
02/16/2023	103065	R	39.90	21 E 400 411 161924 000	DOOR COUNTY HARDWARE	Account# 96718- JANUARY 2023 CHARGES
02/16/2023	103065	R	25.41	10 E 400 450 136431 000	DOOR COUNTY HARDWARE	Account# 96718- JANUARY 2023 CHARGES
02/16/2023	103065	R	29.56	10 E 400 411 136431 000	DOOR COUNTY HARDWARE	Account# 96718- JANUARY 2023 CHARGES
02/16/2023	103065	R	571.77	10 E 800 411 253000 000	DOOR COUNTY HARDWARE	Account# 96718- JANUARY 2023 CHARGES
02/16/2023	222300594	A	658.33	10 E 800 411 162000 000	ELSMORE SWIM SHOP	SILICONE SCREEN CAP
02/16/2023	222300595	A	473.28	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-SW
02/16/2023	222300595	A	185.05	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-HS
02/16/2023	222300595	A	489.60	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-SR
02/16/2023	222300595	A	653.38	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-MS
02/16/2023	222300595	A	343.20	10 E 800 432 222200 031	FOLLETT CONTENT SOLU	Library Books-MS
02/16/2023	222300596	A	85.00	10 E 800 310 162000 000	FORD, PAUL	Varsity GBB Official vs Algoma
02/16/2023	103066	R	24.65	10 E 800 339 253300 000	GFL ENVIRONMENTAL	WASTE DISPOSAL FEE
02/16/2023	222300597	A	195.70	10 E 800 310 125000 000	HEID MUSIC CO	Oboe repair
02/16/2023	222300598	A	360.00	10 E 800 310 239000 000	HOKKER, WILLIAM	EDUCATOR LICENSING REIMBURSEMENT
02/16/2023	222300599	A	49.95	10 E 200 450 125500 000	INSTRUMENTAL MUSIC C	Band Books
02/16/2023	222300599	A	27.99	10 E 200 411 125500 000	INSTRUMENTAL MUSIC C	Percussion Instrument: Slide Whistle
02/16/2023	103067	R	400.00	10 E 800 324 253000 000	JOHNSON CONTROLS	ANNUAL MONITORING SERVICE HS/MS JAN-DEC 2023
02/16/2023	103067	R	400.00	10 E 800 324 253000 000	JOHNSON CONTROLS	ANNUAL MONITORING SERVICE SAWYER ES JAN-DEC 2023
02/16/2023	103067	R	400.00	10 E 800 324 253000 000	JOHNSON CONTROLS	ANNUAL MONITORING SERVICE SUNRISE ES JAN-DEC 2023
02/16/2023	222300600	A	179.99	10 E 400 411 125500 000	J W PEPPER & SON INC	Spring Concert Music
02/16/2023	222300600	A	169.00	10 E 400 411 125500 000	J W PEPPER & SON INC	Spring Concert Music
02/16/2023	222300601	A	44,145.12	10 E 800 310 256210 000	KOBUSSEN BUSES LTD	JANUARY 2023 BUSSING SERVICES
02/16/2023	222300601	A	1,154.10	10 E 800 310 256270 000	KOBUSSEN BUSES LTD	JANUARY 2023 BUSSING SERVICES
02/16/2023	222300601	A	6,222.37	10 E 800 310 256240 000	KOBUSSEN BUSES LTD	JANUARY 2023 BUSSING SERVICES
02/16/2023	222300601	A	395.67	80 E 800 310 256290 000	KOBUSSEN BUSES LTD	JANUARY 2023 BUSSING SERVICES
02/16/2023	222300602	A	85.00	10 E 800 310 162000 000	LEE, JEE	Varsity BBB official vs SD
02/16/2023	222300603	A	75.00	10 E 800 310 162000 000	LUDERS, MATTHEW	JV2 BBB official vs SD
02/16/2023	222300604	A	104.39	10 E 120 411 111000 000	MAAS, CHRISTINE	8/16/2022-2/14/2023 Local purchases
02/16/2023	103068	R	109.00	10 E 800 324 254200 000	MAAS FLORAL & GREENH	FIELD MAINTENANCE 10.6.22
02/16/2023	103069	R	227.40	10 E 800 324 253000 000	MARTIN SYSTEMS	Leif Everson Observatory Commercial Standard Security Monitoring 03/01/23 - 02/29/24
02/16/2023	222300605	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV2 BBB official vs SD
02/16/2023	222300605	A	75.00	10 E 800 310 162000 000	MEIKLE, REX	JV GBB official vs Algoma
02/16/2023	222300606	A	85.00	10 E 800 310 162000 000	MILLER, DAVID	Varsity BBB official vs SD
02/16/2023	103070	R	37.96	10 E 800 411 253000 000	O'REILLY AUTO PARTS	MAINTENANCE SUPPLIES
02/16/2023	103071	R	160.00	50 E 800 415 257220 549	PINKY PROMISE COFFEE	COFFEE
02/16/2023	222300607	A	10,930.68	10 E 800 480 295000 000	POWERSCHOOL GROUP LL	PowerSchool Enrollment Registration (04.16.23 - 04.15.24)- Quote #Q-713592-1
02/16/2023	103072	R	9,850.00	10 E 800 310 239000 000	RETTLER CORPORATION	Athletic Facilities, Community Center & PAC

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/16/2023	222300608	A	2,912.18	10 E 200 411 122200 000	SCHOOL SPECIALTY, LL	Topographic Mapping, Design Development & Master Planning SPIRE materials for MS Intervention
02/16/2023	103073	R	92.79	10 E 800 411 253000 000	SHERWIN WILLIAMS	PAINT
02/16/2023	222300609	A	139.42	10 E 140 411 241000 000	STAPLES ADVANTAGE	office/school supplies
02/16/2023	222300610	A	85.00	10 E 800 310 162000 000	TUST, MIKE	lpetepat@gmail.com
02/16/2023	222300611	A	85.00	10 E 800 310 162000 000	UITENBROEK, JUSTIN	Varsity BBB official vs SD
02/16/2023	103074	R	126.50	50 E 800 415 257220 174	WASEDA FARMS COUNTRY	WHOLESALE EGG CASE FLATS
02/16/2023	103075	R	490.00	21 E 100 310 164900 000	WEIDNER CENTER	SW Field Trip - Magic School Bus (show only) Order #209
02/16/2023	103076	R	72.00	21 E 800 310 161926 000	WEMTA	WEMTA Membership Renewal
02/16/2023	103077	R	50.00	10 E 800 310 239000 000	WIENKE, SHEILA	MEMORIAL GIFT
02/16/2023	222300612	A	4,362.31	10 E 800 354 258000 000	WISCONSIN DOCUMENT I	Acct #GB3909 - Contract #3239-01
02/22/2023	222300613	A	493.40	10 E 800 411 253000 000	BELSON CO	TISSUE
02/22/2023	222300613	A	869.80	10 E 800 411 253000 000	BELSON CO	TOWELS/LINERS
02/22/2023	103083	R	70.00	10 E 800 411 162000 000	DC ENGRAVING	COACH PLAQUE ENGRAVING
02/22/2023	103084	R	2,229.00	27 E 800 310 218200 011	DOOR COUNTY MEDICAL	PT-JANUARY 2023
02/22/2023	103085	R	210.78	50 E 800 324 257220 000	ECOLAB	PEST CONTROL SERVICES
02/22/2023	222300614	A	24,888.99	49 E 800 310 239000 000	ELEVATE97	Acct #11669 Logo Design
02/22/2023	222300614	A	2,825.52	10 E 400 310 241000 000	ELEVATE97	Acct #11669 Logo Design
02/22/2023	103086	R	150.58	21 E 200 411 161931 000	JONESTSHIRTS.COM	Shirts and Shorts for Allied Arts
02/22/2023	103087	R	341.55	10 E 800 416 214000 000	MACGILL	22-23 School Nurse Order
02/22/2023	103079	R	3,887.95	98 L 000 000 811634 000	MADISON NATIONAL LIF	GROUP LIFE INS
02/22/2023	103080	R	2,632.19	98 L 000 000 811635 000	MADISON NATIONAL LIF	LONG-TERM DISABILITY INS
02/22/2023	103080	R	1,122.77	98 L 000 000 811639 000	MADISON NATIONAL LIF	SHORT-TERM DISABILITY INS
02/22/2023	103081	R	332.50	98 L 000 000 811637 000	MADISON NATIONAL LIF	VOLUNTARY GROUP LIFE - 24 PAY
02/22/2023	103081	R	605.70	98 L 000 000 811637 000	MADISON NATIONAL LIF	VOLUNTARY LIFE - 18 PAY
02/22/2023	103088	R	103.88	50 E 800 415 257220 174	MARCHANTS FOODS	PORK
02/22/2023	103089	R	200.00	21 E 200 310 161941 000	OPEN DOOR BIRD SANCT	OFF SITE RAPTOR PROGRAMS TJW 3 10.23
02/22/2023	103090	R	1,120.25	50 E 800 415 257220 000	PAN O GOLD	SCHOOL LUNCH FOOD ACCT #40014
02/22/2023	222300615	A	12.00	10 E 140 411 113000 000	RUDDY, CHRISTEL	2/7/2023 Supplies for SUN Extension
02/22/2023	222300616	A	109.77	10 E 140 411 110000 000	SCHOOL SPECIALTY, LL	STEAM Supplies
02/22/2023	103082	R	1,153.54	98 L 000 000 811647 000	SUPERIOR VISION INSU	VISION INSURANCE - COVERAGE - MARCH 2023
02/22/2023	103091	R	2,550.88	10 E 800 990 239000 000	WENGER CORPORATION	RB 9-2022-04 Selle Band Conductors
02/22/2023	103091	R	2,544.00	21 E 800 411 125500 675	WENGER CORPORATION	RB 9-2022-04 Selle Band Conductors
02/22/2023	103092	R	228.40	10 E 400 411 241000 000	WOLTER ENGRAVING SER	NAMEPLATES/MAILBOX TAGS
02/23/2023	222300618	A	541.42	50 E 800 415 257220 174	SPUDE, JENNIFER	2/22/2023 ok kinda crazy one of my staff members drove to pick up our Marchant's Foods order, they have such good pizza I asked her to buy me one on my personal credit card. She then also paid for all of our school order on a seperate invoice but with my own personal credit card; please reimburse me for this purchase. I'll send the

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						receipt and charge through to Ashley for proper documentation for the expense (50E800 415 257 220 174)
02/01/2023	202201028	W	504.68	98 L 000 000 811675 000	WEA MEMBER BENEFITS	TSA Benefit: Tjernagel \$389.57 & Holtz \$115.11
02/01/2023	202201026	W	51.76	98 L 000 000 811640 000	WEA TRUST ADVANTAGE	WEA Auto Insurance
02/01/2023	202201026	W	56.87	98 L 000 000 811641 000	WEA TRUST ADVANTAGE	WEA Home Owner's Ins
02/01/2023	202201026	W	1,140.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA
02/01/2023	202201026	W	15.96	98 L 000 000 811643 000	WEA TRUST ADVANTAGE	WEA Umbrella Ins
02/01/2023	202201026	W	2,449.50	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
02/01/2023	202201026	W	3,803.33	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
02/01/2023	202201027	W	245.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
02/01/2023	202201027	W	130.12	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee Contributions
02/01/2023	202201027	W	325.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Roth Employee Contributions
02/06/2023	202201365	W	329.43	10 E 800 324 253000 000	AIRGAS USA LLC	Credit Card Payment AP Invoice.
02/06/2023	202201362	W	564.96	10 E 120 449 241000 000	ANCORA PUBLISHING	Credit Card Payment AP Invoice.
02/06/2023	202201351	W	151.17	80 E 800 411 310000 000	ARTISTS GUILD	Credit Card Payment AP Invoice.
02/06/2023	202201339	W	279.93	10 E 800 411 253000 000	BAY RIDGE PLYWOOD &	Credit Card Payment AP Invoice.
02/06/2023	202201369	W	120.00	10 E 120 411 110500 000	BUSY BEE KINDERGARTE	Credit Card Payment AP Invoice.
02/06/2023	202201357	W	144.81	21 E 800 342 161942 000	CHULA VISTA RESORT	Credit Card Payment AP Invoice.
02/06/2023	202201357	W	144.81	21 E 800 342 161942 000	CHULA VISTA RESORT	Credit Card Payment AP Invoice.
02/06/2023	202201357	W	167.26	10 E 400 342 221300 000	CHULA VISTA RESORT	Credit Card Payment AP Invoice.
02/06/2023	202201372	W	134.90	10 E 800 411 295000 000	COBORN'S INCORPORATE	Credit Card Payment AP Invoice.
02/06/2023	202201359	W	173.00	10 E 800 480 295000 000	CTL CORPORATION	Credit Card Payment AP Invoice.
02/06/2023	202201346	W	136.40	21 E 200 411 161939 000	CULVER'S OF STURGEON	Credit Card Payment AP Invoice.
02/06/2023	202201346	W	23.43	21 E 200 411 161939 000	CULVER'S OF STURGEON	Credit Card Payment AP Invoice.
02/06/2023	202201352	W	108.78	10 E 200 411 241000 000	DOOR COUNTY COFFEE &	Credit Card Payment AP Invoice.
02/06/2023	202201344	W	100.00	27 E 800 949 159100 341	DPI-TEACHER LICENSIN	Credit Card Payment AP Invoice.
02/06/2023	202201344	W	100.00	27 E 800 949 159100 341	DPI-TEACHER LICENSIN	Credit Card Payment AP Invoice.
02/06/2023	202201344	W	100.00	27 E 800 949 159100 341	DPI-TEACHER LICENSIN	Credit Card Payment AP Invoice.
02/06/2023	202201344	W	100.00	27 E 800 949 159100 341	DPI-TEACHER LICENSIN	Credit Card Payment AP Invoice.
02/06/2023	202201350	W	49.98	10 E 800 411 162000 000	DUNHAM'S SPORTS	Credit Card Payment AP Invoice.
02/06/2023	202201358	W	214.00	10 E 800 480 295000 000	EBAY	Credit Card Payment AP Invoice.

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/06/2023	202201371	W	-4.73	10 E 800 411 295000 000	GET REAL CAFE	Credit Card Payment AP Invoice.
02/06/2023	202201371	W	3.00	10 E 800 411 295000 000	GET REAL CAFE	Credit Card Payment AP Invoice.
02/06/2023	202201371	W	95.73	10 E 800 411 295000 000	GET REAL CAFE	Credit Card Payment AP Invoice.
02/06/2023	202201371	W	-4.48	10 E 800 411 295000 000	GET REAL CAFE	Credit Card Payment AP Invoice.
02/06/2023	202201371	W	93.75	10 E 400 310 221300 000	GET REAL CAFE	Credit Card Payment AP Invoice.
02/06/2023	202201367	W	1,783.41	10 E 800 339 253300 000	GFL ENVIRONMENTAL	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-6.38	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-9.08	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-25.52	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-27.94	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-11.99	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-16.50	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-29.70	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-3.74	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-29.92	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-26.46	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201361	W	-22.77	10 E 800 351 239000 000	INDEED, INC.	Credit Card Payment AP Invoice.
02/06/2023	202201332	W	513.65	10 E 800 432 222200 031	JUNIOR LIBRARY GUILD	Credit Card Payment AP Invoice.
02/06/2023	202201338	W	129.00	10 E 800 342 253000 000	KALAHARI RESORT	Credit Card Payment AP Invoice.
02/06/2023	202201356	W	224.82	21 E 010 411 160999 000	MENARDS	Credit Card Payment AP Invoice.
02/06/2023	202201356	W	1,198.32	21 E 010 411 160999 000	MENARDS	Credit Card Payment AP Invoice.
02/06/2023	202201335	W	9.95	10 E 800 355 263300 000	METROFAX	Credit Card Payment AP Invoice.
02/06/2023	202201360	W	368.90	10 E 800 480 295000 000	MOBILE DEFENDERS LLC	Credit Card Payment AP Invoice.
02/06/2023	202201333	W	172.00	10 E 800 439 222200 031	MODULAR ROBOTICS	Credit Card Payment AP Invoice.
02/06/2023	202201348	W	90.00	10 E 400 310 221300 000	NAEA MEMBER SERVICES	Credit Card Payment AP Invoice.
02/06/2023	202201340	W	369.20	10 E 800 411 253000 000	NEW PIG	Credit Card Payment AP Invoice.
02/06/2023	202201334	W	116.94	10 E 800 432 222200 031	NOVEL BAY BOOKSELLER	Credit Card Payment AP Invoice.
02/06/2023	202201331	W	197.86	10 E 800 432 222200 031	PAUL FAMILY BOOKS LL	Credit Card Payment AP Invoice.



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02/06/2023	202201331	W	638.11	21 E 800 411 161926 000	PAUL FAMILY BOOKS LL	Credit Card Payment AP Invoice.
02/06/2023	202201349	W	10.00	21 E 400 310 161948 000	PDK INTERNATIONAL	Credit Card Payment AP Invoice.
02/06/2023	202201342	W	71.88	27 E 800 411 223300 341	REVERSO	Credit Card Payment AP Invoice.
02/06/2023	202201345	W	134.00	21 E 200 411 161939 000	STURGEON BAY CINEMA	Credit Card Payment AP Invoice.
02/06/2023	202201336	W	1,420.00	21 E 800 310 161942 000	SCTP- SCHOLASTIC CLA	Credit Card Payment AP Invoice.
02/06/2023	202201353	W	28.00	10 E 200 411 126000 000	SHORE TO SHORE RENTA	Credit Card Payment AP Invoice.
02/06/2023	202201374	W	79.00	27 E 800 310 223300 341	SMORE	Credit Card Payment AP Invoice.
02/06/2023	202201375	W	271.38	27 E 800 411 223300 341	SONNY'S PIZZERIA LLC	Credit Card Payment AP Invoice.
02/06/2023	202201370	W	63.75	10 E 800 411 295000 000	STONE HARBOR RESORT	Credit Card Payment AP Invoice.
02/06/2023	202201343	W	17.99	27 E 800 411 218100 341	TARGET	Credit Card Payment AP Invoice.
02/06/2023	202201343	W	36.91	27 E 800 411 158100 341	TARGET	Credit Card Payment AP Invoice.
02/06/2023	202201343	W	24.76	21 E 200 411 161923 000	TARGET	Credit Card Payment AP Invoice.
02/06/2023	202201343	W	35.76	21 E 200 411 161923 000	TARGET	Credit Card Payment AP Invoice.
02/06/2023	202201343	W	6.33	10 E 140 411 114000 000	TARGET	Credit Card Payment AP Invoice.
02/06/2023	202201343	W	3.80	10 E 140 411 114000 000	TARGET	Credit Card Payment AP Invoice.
02/06/2023	202201364	W	115.00	10 E 140 411 114000 000	TARGET.COM	Bins to organize all of 4th grades science kits for easy access to materials.
02/06/2023	202201366	W	69.00	10 E 140 411 114000 000	TARGET.COM	Bins to organize all of 4th grades science kits for easy access to materials.
02/06/2023	202201327	W	120.70	10 E 800 342 231000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	216.50	21 E 200 411 161939 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	268.80	10 E 800 310 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	-19.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	-19.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	-19.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	-19.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	-19.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	-19.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	180.89	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/06/2023	202201327	W	146.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	146.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	146.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	146.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	146.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	146.06	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	109.00	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	550.71	10 E 800 342 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	27.55	10 E 800 411 162000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	69.00	10 E 120 411 124000 000	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201327	W	281.25	27 E 800 342 158100 341	US BANK	Credit Card Payment AP Invoice.
02/06/2023	202201373	W	-2.96	10 E 800 411 295000 000	VISTAPRINT	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	5.21	50 E 800 415 257220 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	44.38	50 E 800 415 257220 174	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	62.64	50 E 800 415 257220 174	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	18.77	50 E 800 415 257220 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	39.73	50 E 800 415 257220 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	64.84	50 E 800 415 257220 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	39.73	50 E 800 415 257220 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	6.48	10 E 200 411 222200 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	292.42	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	56.90	21 E 140 411 170006 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	122.46	21 E 140 411 164900 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	52.12	21 E 400 411 166324 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	16.48	10 E 800 411 162000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	62.76	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	4.97	10 E 400 411 136000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	32.56	10 E 800 411 162000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/06/2023	202201328	W	412.66	21 E 200 411 161939 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	70.69	10 E 200 411 126000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	26.97	10 E 200 414 120000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	14.25	10 E 120 411 241000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	59.50	10 E 120 411 241000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	22.48	10 E 200 411 126000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	-21.73	10 E 800 411 162000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	21.73	10 E 800 411 162000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	42.35	10 E 800 411 295000 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	37.34	10 E 800 411 221200 000	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201328	W	36.28	27 E 800 411 223300 341	WALMART COMMUNITY	Credit Card Payment AP Invoice.
02/06/2023	202201337	W	440.00	10 E 800 310 264400 000	WASBO FOUNDATION	Credit Card Payment AP Invoice.
02/06/2023	202201355	W	119.00	80 E 800 310 256290 000	WASHINGTON ISLAND FE	Credit Card Payment AP Invoice.
02/06/2023	202201329	W	380.33	50 E 800 449 257000 000	THE WEBSTAURANT STOR	Credit Card Payment AP Invoice.
02/06/2023	202201330	W	2,056.80	50 E 800 449 257000 000	THE WEBSTAURANT STOR	Credit Card Payment AP Invoice.
02/06/2023	202201368	W	260.00	21 E 100 310 164900 000	WEIDNER CENTER	Credit Card Payment AP Invoice.
02/06/2023	202201354	W	50.00	10 E 800 411 162000 000	WISC INTERSCHOLASTIC	Credit Card Payment AP Invoice.
02/06/2023	202201363	W	67.15	21 E 200 411 161939 000	WORKPLACEPRO	Credit Card Payment AP Invoice.
02/06/2023	202201363	W	1,105.60	21 E 200 411 161939 000	WORKPLACEPRO	Credit Card Payment AP Invoice.
02/06/2023	202201347	W	140.00	10 E 400 310 221300 000	WSST CONVENTION	Credit Card Payment AP Invoice.
02/06/2023	202201347	W	140.00	10 E 400 310 221300 000	WSST CONVENTION	Credit Card Payment AP Invoice.
02/06/2023	202201347	W	120.00	10 E 400 310 221300 000	WSST CONVENTION	Credit Card Payment AP Invoice.
02/06/2023	202201341	W	271.84	10 E 800 411 253000 000	ZORO.COM	Credit Card Payment AP Invoice.
02/06/2023	202201148	W	1,439.59	50 E 800 415 257250 000	PEPSI-COLA OF GREEN	HS VENDING
02/15/2023	202201202	W	504.68	98 L 000 000 811675 000	WEA MEMBER BENEFITS	TSA Benefit: Tjernagel \$389.57 & Holtz \$115.11
02/15/2023	202201200	W	51.76	98 L 000 000 811640 000	WEA TRUST ADVANTAGE	WEA Auto Insurance
02/15/2023	202201200	W	56.87	98 L 000 000 811641 000	WEA TRUST ADVANTAGE	WEA Home Owner's Ins
02/15/2023	202201200	W	1,135.00	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth IRA
02/15/2023	202201200	W	15.96	98 L 000 000 811643 000	WEA TRUST ADVANTAGE	WEA Umbrella Ins
02/15/2023	202201200	W	2,449.50	98 L 000 000 811642 000	WEA TRUST ADVANTAGE	WEA Roth TSA
02/15/2023	202201200	W	3,653.33	98 L 000 000 811676 000	WEA TRUST ADVANTAGE	WEA Tax Sheltered Annuity
02/15/2023	202201201	W	245.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Plan #98971-01 Employee

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/15/2023	202201201	W	130.12	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Contributions Plan #98971-01 Employee
02/15/2023	202201201	W	325.00	98 L 000 000 811672 000	WISCONSIN DEFERRED C	Contributions Plan #98971-01 Roth Employee
02/13/2023	202201198	W	1,000.10	50 E 800 415 257250 000	PEPSI-COLA OF GREEN	HS VENDING
02/17/2023	202201199	W	5,233.57	10 E 800 331 253300 000	WISCONSIN PUBLIC SER	Acct #0401972111-00007 District Gas
02/21/2023	202201211	W	11.30	10 E 120 411 241000 000	AMAZON.COM	Safe Harbor and EL Resources and Supplies
02/21/2023	202201212	W	10.30	10 E 120 411 241000 000	AMAZON.COM	Safe Harbor and EL Resources and Supplies
02/21/2023	202201213	W	6.99	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	66.28	50 E 800 415 257250 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	77.70	10 E 800 480 295000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	110.70	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	-840.31	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	24.84	50 E 800 411 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	37.48	50 E 800 411 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	36.99	50 E 800 415 257220 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	27.98	50 E 800 411 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	499.54	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	327.88	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	49.95	50 E 800 411 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	69.95	50 E 800 449 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	34.95	50 E 800 411 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	89.98	10 E 800 449 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	834.32	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	192.02	10 E 800 449 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	187.02	10 E 800 449 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	63.14	50 E 800 449 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	19.63	50 E 800 411 257000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	99.90	50 E 800 415 257220 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	337.66	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	83.24	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	143.36	10 E 800 449 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	608.30	10 E 800 411 295000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	43.45	10 E 800 411 295000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	359.90	10 E 800 411 295000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	840.31	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201213	W	176.37	10 E 800 411 253000 000	AMAZON.COM	Amazon Payment AP Invoice.
02/21/2023	202201214	W	95.00	10 E 800 411 222200 000	AMAZON.COM	Printer Cartridge
02/21/2023	202201215	W	147.99	10 E 400 450 136431 000	AMAZON.COM	Epoxy Resin for resale
02/21/2023	202201216	W	30.07	10 E 120 411 110400 000	AMAZON.COM	4K supplies
02/21/2023	202201217	W	12.50	10 E 120 411 110400 000	AMAZON.COM	4K supplies
02/21/2023	202201218	W	21.69	10 E 120 411 110400 000	AMAZON.COM	4K supplies
02/21/2023	202201219	W	29.74	10 E 120 411 110400 000	AMAZON.COM	4K supplies
02/21/2023	202201220	W	40.23	10 E 120 411 110400 000	AMAZON.COM	4K supplies
02/21/2023	202201221	W	16.49	27 E 200 310 158103 341	AMAZON.COM	supplies
02/21/2023	202201222	W	55.99	10 E 120 411 124000 000	AMAZON.COM	supplies, math
02/21/2023	202201223	W	28.58	10 E 120 411 124000 000	AMAZON.COM	supplies, math
02/21/2023	202201224	W	14.99	10 E 120 411 124000 000	AMAZON.COM	supplies, math
02/21/2023	202201225	W	11.25	10 E 120 411 124000 000	AMAZON.COM	supplies, math
02/21/2023	202201226	W	12.18	10 E 120 411 124000 000	AMAZON.COM	supplies, math
02/21/2023	202201227	W	11.79	10 E 120 411 124000 000	AMAZON.COM	supplies, math
02/21/2023	202201228	W	69.03	10 E 140 342 221300 000	AMAZON.COM	HiLo Books that did not get

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/21/2023	202201229	W	22.99	10 E 140 411 114000 000	AMAZON.COM	fulfilled from first PO Books, chairs and organizational material for my classroom.
02/21/2023	202201230	W	6.79	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201231	W	6.94	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201232	W	9.19	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201233	W	6.99	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201234	W	5.99	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201235	W	6.79	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201236	W	7.53	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201237	W	9.58	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201238	W	7.58	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201239	W	11.14	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201240	W	7.44	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201241	W	9.89	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201242	W	7.37	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201243	W	9.50	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201244	W	4.69	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201245	W	6.81	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201246	W	142.23	10 E 140 411 114000 000	AMAZON.COM	Books, chairs and organizational material for my classroom.
02/21/2023	202201247	W	125.54	10 E 140 342 221300 000	AMAZON.COM	Classroom supplies

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/21/2023	202201248	W	22.59	10 E 140 342 221300 000	AMAZON.COM	Classroom supplies
02/21/2023	202201249	W	20.99	21 E 400 411 166324 000	AMAZON.COM	Sadies Decorations
02/21/2023	202201250	W	9.99	21 E 400 411 166324 000	AMAZON.COM	Sadies Decorations
02/21/2023	202201251	W	13.99	21 E 400 411 166324 000	AMAZON.COM	Sadies Decorations
02/21/2023	202201252	W	11.99	21 E 400 411 166324 000	AMAZON.COM	Sadies Decorations
02/21/2023	202201253	W	21.98	21 E 400 411 166324 000	AMAZON.COM	Sadies Decorations
02/21/2023	202201254	W	27.94	21 E 400 411 166324 000	AMAZON.COM	Sadies Decorations
02/21/2023	202201255	W	77.97	21 E 400 411 166324 000	AMAZON.COM	Sadies Decorations
02/21/2023	202201256	W	104.97	10 E 400 411 222200 000	AMAZON.COM	Library Supplies
02/21/2023	202201257	W	250.46	10 E 200 449 241000 000	AMAZON.COM	Replacements for MS FACE Department
02/21/2023	202201258	W	113.36	10 E 200 449 241000 000	AMAZON.COM	Replacements for MS FACE Department
02/21/2023	202201259	W	79.16	10 E 200 449 241000 000	AMAZON.COM	Replacements for MS FACE Department
02/21/2023	202201260	W	134.88	10 E 200 449 241000 000	AMAZON.COM	Replacements for MS FACE Department
02/21/2023	202201261	W	35.44	10 E 200 449 241000 000	AMAZON.COM	Replacements for MS FACE Department
02/21/2023	202201262	W	459.96	10 E 200 449 241000 000	AMAZON.COM	Replacements for MS FACE Department
02/21/2023	202201263	W	38.72	21 E 140 411 164910 000	AMAZON.COM	Supplies for Earthworks Club.
02/21/2023	202201264	W	7.02	10 E 120 411 241000 000	AMAZON.COM	Literacy Intervention Supplies
02/21/2023	202201265	W	23.96	10 E 120 411 241000 000	AMAZON.COM	Literacy Intervention Supplies
02/21/2023	202201266	W	13.98	10 E 120 411 241000 000	AMAZON.COM	Literacy Intervention Supplies
02/21/2023	202201267	W	79.12	10 E 120 411 241000 000	AMAZON.COM	Literacy Intervention Supplies
02/21/2023	202201268	W	21.99	10 E 120 411 241000 000	AMAZON.COM	Literacy Intervention Supplies
02/21/2023	202201269	W	17.49	10 E 120 411 241000 000	AMAZON.COM	Literacy Intervention Supplies
02/21/2023	202201270	W	105.48	10 E 120 411 241000 000	AMAZON.COM	EL and Reading Intervention Supplies
02/21/2023	202201271	W	22.59	10 E 120 411 241000 000	AMAZON.COM	EL and Reading Intervention Supplies
02/21/2023	202201272	W	119.98	10 E 140 411 115000 000	AMAZON.COM	Classroom Supplies
02/21/2023	202201273	W	50.24	10 E 120 411 111000 000	AMAZON.COM	supplies for Tier 2 groups - highlighters, expo markers, saddle stapler
02/21/2023	202201274	W	23.21	10 E 120 411 111000 000	AMAZON.COM	supplies for Tier 2 groups - highlighters, expo markers, saddle stapler
02/21/2023	202201275	W	48.55	10 E 120 411 111000 000	AMAZON.COM	supplies for Tier 2 groups - highlighters, expo markers, saddle stapler
02/21/2023	202201276	W	59.90	10 E 800 432 222200 031	AMAZON.COM	Spanish Library Books
02/21/2023	202201277	W	8.99	10 E 800 432 222200 031	AMAZON.COM	Spanish Library Books
02/21/2023	202201278	W	29.95	10 E 800 432 222200 031	AMAZON.COM	Spanish Library Books
02/21/2023	202201279	W	9.99	10 E 800 432 222200 031	AMAZON.COM	Spanish Library Books
02/21/2023	202201280	W	6.16	10 E 800 432 222200 031	AMAZON.COM	Spanish Library Books
02/21/2023	202201281	W	19.35	10 E 120 411 111000 000	AMAZON.COM	School Supplies
02/21/2023	202201282	W	21.49	10 E 120 411 111000 000	AMAZON.COM	School Supplies
02/21/2023	202201283	W	9.24	10 E 120 411 111000 000	AMAZON.COM	School Supplies

CHECK DATE	CHECK NUMBER	CHE TYP	AMOUNT	ACCOUNT NUMBER	VENDOR	INVOICE DESCRIPTION
02/21/2023	202201284	W	37.98	10 E 120 411 241000 000	AMAZON.COM	SEL Materials and Resources
02/21/2023	202201285	W	27.98	10 E 120 411 241000 000	AMAZON.COM	SEL Materials and Resources
02/21/2023	202201286	W	10.19	10 E 120 411 241000 000	AMAZON.COM	SEL Materials and Resources
02/21/2023	202201287	W	13.77	10 E 120 411 241000 000	AMAZON.COM	SEL Materials and Resources
02/21/2023	202201288	W	12.54	10 E 120 411 241000 000	AMAZON.COM	SEL Materials and Resources
02/21/2023	202201289	W	14.89	10 E 400 411 136360 000	AMAZON.COM	Classroom Supplies
02/21/2023	202201290	W	19.99	10 E 400 411 136360 000	AMAZON.COM	Classroom Supplies
02/21/2023	202201291	W	26.99	10 E 400 411 136360 000	AMAZON.COM	Classroom Supplies
02/21/2023	202201292	W	38.97	10 E 400 411 136431 000	AMAZON.COM	Classroom Supplies
02/21/2023	202201293	W	168.96	10 E 200 449 136000 000	AMAZON.COM	Fab Lab Heat Press
02/21/2023	202201293	W	160.00	21 E 200 411 164909 000	AMAZON.COM	Fab Lab Heat Press
02/21/2023	202201293	W	319.00	21 E 800 449 136000 678	AMAZON.COM	Fab Lab Heat Press
02/21/2023	202201294	W	21.29	27 E 400 411 158102 341	AMAZON.COM	Supplies for Snake
02/21/2023	202201294	W	0.70	21 E 400 411 158102 681	AMAZON.COM	Supplies for Snake
02/21/2023	202201295	W	11.12	27 E 400 411 158102 341	AMAZON.COM	Supplies for Snake
02/21/2023	202201295	W	0.37	21 E 400 411 158102 681	AMAZON.COM	Supplies for Snake
02/21/2023	202201296	W	13.54	27 E 400 411 158102 341	AMAZON.COM	Supplies for Snake
02/21/2023	202201296	W	0.45	21 E 400 411 158102 681	AMAZON.COM	Supplies for Snake
02/21/2023	202201297	W	8.70	27 E 400 411 158102 341	AMAZON.COM	Supplies for Snake
02/21/2023	202201297	W	0.29	21 E 400 411 158102 681	AMAZON.COM	Supplies for Snake
02/21/2023	202201298	W	30.49	27 E 400 411 158102 341	AMAZON.COM	Supplies for Snake
02/21/2023	202201298	W	1.00	21 E 400 411 158102 681	AMAZON.COM	Supplies for Snake
02/21/2023	202201299	W	15.48	27 E 400 411 158102 341	AMAZON.COM	Supplies for Snake
02/21/2023	202201299	W	0.51	21 E 400 411 158102 681	AMAZON.COM	Supplies for Snake
02/21/2023	202201300	W	4.98	21 E 010 411 160999 000	AMAZON.COM	Classroom Supplies
02/21/2023	202201301	W	36.97	21 E 010 411 160999 000	AMAZON.COM	Classroom Supplies
02/21/2023	202201302	W	11.98	21 E 010 411 160999 000	AMAZON.COM	Classroom Supplies
02/21/2023	202201303	W	37.57	10 E 140 411 241000 000	AMAZON.COM	laminator office - bus tags
02/21/2023	202201304	W	25.13	10 E 140 411 241000 000	AMAZON.COM	laminator office - bus tags
02/21/2023	202201305	W	30.70	10 E 400 411 136431 000	AMAZON.COM	Supplies
02/21/2023	202201306	W	8.88	10 E 400 411 136431 000	AMAZON.COM	Supplies
02/21/2023	202201307	W	224.39	10 E 400 411 121000 000	AMAZON.COM	art supplies
02/21/2023	202201308	W	55.95	10 E 400 411 121000 000	AMAZON.COM	art supplies
02/21/2023	202201309	W	200.90	10 E 400 411 121000 000	AMAZON.COM	art supplies
02/21/2023	202201310	W	43.90	10 E 400 411 121000 000	AMAZON.COM	art supplies
02/21/2023	202201311	W	78.96	10 E 400 411 121000 000	AMAZON.COM	art supplies
02/21/2023	202201312	W	320.77	21 E 400 411 158102 681	AMAZON.COM	Terrarium - Using Raibrook Funds (\$100 required to release funds is being spent on other Amazon "Snake Supplies"
02/21/2023	202201313	W	19.99	27 E 400 411 158102 341	AMAZON.COM	Biology Skills Supplies
02/21/2023	202201314	W	13.59	27 E 400 411 158102 341	AMAZON.COM	Biology Skills Supplies
02/21/2023	202201315	W	5.98	10 E 140 411 121000 000	AMAZON.COM	Art Supplies
02/21/2023	202201316	W	40.56	10 E 140 411 121000 000	AMAZON.COM	Art Supplies
02/21/2023	202201317	W	17.96	10 E 140 411 121000 000	AMAZON.COM	Art Supplies
02/21/2023	202201318	W	44.91	10 E 140 411 121000 000	AMAZON.COM	Art Supplies
02/21/2023	202201319	W	37.98	10 E 140 411 121000 000	AMAZON.COM	Art Supplies
02/21/2023	202201320	W	13.23	10 E 140 411 121000 000	AMAZON.COM	Art Supplies
02/21/2023	202201321	W	19.47	10 E 140 411 121000 000	AMAZON.COM	Art Supplies
02/21/2023	202201322	W	9.99	21 E 140 411 164900 000	AMAZON.COM	New books for classroom library (30.21 left in grant).
02/21/2023	202201323	W	9.68	21 E 140 411 164900 000	AMAZON.COM	New books for classroom library (30.21 left in grant).

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02/21/2023	202201324	W	11.04	21 E 140 411 164900 000	AMAZON.COM	New books for classroom library (30.21 left in grant).
02/21/2023	202201325	W	12.85	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation \$
02/21/2023	202201326	W	14.53	21 E 400 411 161908 000	AMAZON.COM	sketchbook art journal class supplies - donation \$
02/21/2023	202201206	W	17,578.37	98 L 000 000 811901 000	DEAN HEALTH INC	HEALTH INSURANCE - MARCH 2023 COVERAGE
02/21/2023	202201206	W	119,667.38	98 L 000 000 811630 000	DEAN HEALTH INC	HEALTH INSURANCE - MARCH 2023 COVERAGE
02/21/2023	202201206	W	24,023.25	10 E 800 290 292000 000	DEAN HEALTH INC	HEALTH INSURANCE - MARCH 2023 COVERAGE
02/21/2023	202201205	W	13,462.74	98 L 000 000 811632 000	DELTA DENTAL	DENTAL INSURANCE - MARCH 2023 COVERAGE
02/21/2023	202201205	W	2,228.95	98 L 000 000 811901 000	DELTA DENTAL	DENTAL INSURANCE - MARCH 2023 COVERAGE
02/21/2023	202201205	W	652.98	10 E 800 290 292000 000	DELTA DENTAL	DENTAL INSURANCE - MARCH 2023 COVERAGE
02/24/2023	202201204	W	652.00	50 E 800 415 257250 000	PEPSI-COLA OF GREEN	HS VENDING
02/21/2023	202201207	W	1,391.40	98 L 000 000 811646 000	STANDARD INSURANCE C	ACCIDENT, CRITICAL & HOSPITAL INDEMNITY INS. COVERAGE - MARCH 2023
02/21/2023	202201207	W	1,627.50	98 L 000 000 811648 000	STANDARD INSURANCE C	ACCIDENT, CRITICAL & HOSPITAL INDEMNITY INS. COVERAGE - MARCH 2023
02/21/2023	202201207	W	483.04	98 L 000 000 811649 000	STANDARD INSURANCE C	ACCIDENT, CRITICAL & HOSPITAL INDEMNITY INS. COVERAGE - MARCH 2023
02/23/2023	202201203	W	922.60	10 E 800 331 253300 000	WISCONSIN PUBLIC SER	Acct #0401972111-00005 JANUARY Gas for Bus Garage
02/28/2023	202201376	W	0.96	10 E 800 355 263300 000	CENTURYLINK	Monthly Charges
02/28/2023	202201377	W	23,834.71	50 E 800 415 257220 000	GORDON FOOD SERVICE	February 2023 Food Bill
02/28/2023	202201377	W	4,051.46	50 E 800 415 257250 000	GORDON FOOD SERVICE	February 2023 Food Bill
02/28/2023	202201377	W	7,182.80	50 E 800 415 257220 549	GORDON FOOD SERVICE	February 2023 Food Bill
02/28/2023	202201380	W	62,015.09	98 L 000 000 811611 000	INTERNAL REVENUE SER	FEDERAL TAXES
02/28/2023	202201380	W	57,321.52	98 L 000 000 811612 000	INTERNAL REVENUE SER	FEDERAL TAXES
02/28/2023	202201379	W	27,809.71	98 L 000 000 811613 000	WISCONSIN DEPARTMENT	STATE TAXES
02/28/2023	202201378	W	74,608.62	98 L 000 000 811621 000	WISCONSIN RETIREMENT	STATE RETIREMENT
02/28/2023	202201378	W	26,230.26	98 L 000 000 811622 000	WISCONSIN RETIREMENT	STATE RETIREMENT

800,896.01 Totals for checks



FUND SUMMARY

<u>FUND</u>	<u>DESCRIPTION</u>	<u>BALANCE SHEET</u>	<u>REVENUE</u>	<u>EXPENSE</u>	<u>TOTAL</u>
10	GENERAL FUND	0.00	0.00	216,419.34	216,419.34
21	SPECIAL REVENUE - GIFTS	0.00	0.00	30,509.95	30,509.95
27	SPECIAL EDUCATION	0.00	0.00	12,226.22	12,226.22
49	CAPITAL PROJECTS FUND	0.00	0.00	42,818.99	42,818.99
50	FOOD SERVICE FUND	260.00	0.00	62,895.77	63,155.77
80	COMMUNITY SERVICE FUND	0.00	0.00	665.84	665.84
98	PAYROLL CLEARING FUND	435,099.90	0.00	0.00	435,099.90
***	Fund Summary Totals ***	435,359.90	0.00	365,536.11	800,896.01

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

# ELEMENTARY COURSES



## Session 1: June 12 - June 29

Course Title	Teacher	Grade	Session	Weeks
Basketball Camp	Kyle Retzlaff	3 - 5	Session 1	1, 2, 3
Biking & Hiking Adventures	Ivy Berg & Gary Grahl	3 - 8	Session 1	1, 2
Break the Spell	Polly Schink	3-5	Session 1	1, 2, 3
Book Lovers for Kids!	Jessica Louthain	1-2	Session 1	1, 2, 3
Edible Chemistry	Molly Cornell	3-5	Session 1	1, 2, 3
Etched Mirrors	Cheryl Pfister	3 - 5	Session 1	1, 2, 3
Exploring the World	Alex Sperber & Anne Herring	3-5	Session 1	1, 2, 3
Gaming Unplugged	Jane Lewis	4-5	Session 1	1, 2, 3
Intro to Spanish	Christel Ruddy	4 - 5	Session 1	1, 2, 3
Just the Facts	Jane Lewis	4-5	Session 1	1, 2, 3
Lemonade Stand	Mandy Schoeneman	3-5	Session 1	1, 2
Phonics for 1st & 2nd Grades	Alex Sperber	1-2	Session 1	1, 2, 3
Recorder Karate	Cheryl Pfister	3-5	Session 1	1, 2, 3
Role-Playing Games	Christel Ruddy	3-5	Session 1	1, 2, 3
Pentatonic Poems	Cheryl Pfister	4-5	Session 1	1, 2, 3

# ELEMENTARY COURSES



## Session 2: July 10 - July 27

Course Title	Teacher	Grade	Session	Weeks
Basketball Camp	Kyle Retzlaff	1-5	Session 2	4, 5, 6
Book Lovers for Kids!	Jessica Louthain	1-2	Session 2	4, 5, 6
Do you Hear What I Hear?	Polly Schink	Kindergarten	Session 1	1, 2, 3
Edible Chemistry	Molly Cornell	3-5	Session 2	4, 5, 6
Etched Mirrors	Cheryl Pfister	3-5	Session 2	4, 5, 6
Gaming Unplugged	Jane Lewis	4-5	Session 2	4, 5, 6
Intro to Spanish	Christel Ruddy	4 - 5	Session 2	4, 5, 6
Just the Facts	Jane Lewis	4-5	Session 2	4, 5, 6
Lemonade Stand	Mandy Schoeneman	3-5	Session 2	4, 5
Pentatonic Poems	Cheryl Pfister	3-5	Session 2	4, 5, 6
Recorder Karate	Cheryl Pfister	3-5	Session 2	4, 5, 6
Role Playing Games	Christel Ruddy	3-5	Session 2	4, 5, 6
Theater	Lola DeVillers	3-5	Session 2	5, 6

# MIDDLE SCHOOL COURSES



## Session 1: June 12 - June 29

Course Title	Teacher	Grade	Session	Weeks
Baseball for All	Neal Henrigillis	6 - 8	Session 1	1, 2, 3
Biking & Hiking Adventures	Ivy Berg & Gary Grahl	3 - 8	Session 1	1, 2
Build an Animal House (Bird, Squirrel, Butterfly)	Scott Hockers	6 -7	Session 1	1, 2, 3
Child Care Basics	Ashley Bagenski	6-9	Session 1	1, 2, 3
Credit Recovery	Drew Demeny/Mary Harrington	6 - 8	Session 1	1, 2, 3
Intro. To Music Production	Drew Demeny	8-12	Session 1	1, 2, 3
Never Bored with Board Games	Kasee Jandrin	MS	Session 1	1
Reflections of a Fisherman	Kasee Jandrin	6 -7	Session 1	1
Rocketry	Scott Hockers	6 - 7	Session 1	1, 2, 3
Sixth Grade Success	Kasee Jandrin	MS	Session 1	3
Strength & Conditioning	TBD	6 - 12	Session 1	1, 2, 3
Trail Mountain Biking	Craig Sigl	6 - 8	Session 1	2
Volleyball Skills Camp	Mary Harrington	6 - 8	Session 1	1, 2, 3

# MIDDLE SCHOOL COURSES



## Session 2: July 10 - July 27

Course Title	Teacher	Grade	Session	Weeks
Baseball for All	Neal Henrigillis	6 - 8	Session 2	4, 5, 6
Child Care Basics	Ashley Bagneski	6-9	Session 2	4, 5, 6
Credit Recovery	Mary Harrington	6 - 8	Session 2	4, 5, 6
Strength & Conditioning	TBD	6 - 12	Session 2	4, 5, 6
Trail Mountain Biking	Craig Sigl	6 - 8	Session 2	4
UKE Can DO IT!	Cheryl Pfister	6 - 8	Session 2	4, 5, 6
Volleyball Skills Camp	Mary Harrington	6 - 8	Session 2	4, 5, 6

# HIGH SCHOOL COURSES



## Session 1: June 12 - June 29

Course Title	Teacher	Grade	Session	Weeks
Building Construction	Michael Bryfczynski / Zack Albers	10 - 12	Session 1	1, 2, 3
Child Care Basics	Ashley Bagenski	6-9	Session 1	1, 2, 3
Credit Recovery	Cliff Wind / John Jandrin	HS	Session 1	1, 2, 3
Door County History	Barry Mellen	8 -12	Session 1	1, 2, 3
Introduction to Diversity Studies/NWTC	Dr. John Jandrin	9-12	Session 1	1, 2, 3
Intro to Music Production	Drew Demeny	8-12	Session 1	1, 2, 3
Intro to Photography	Cassie Gigstead	9-12	Session 1	1, 2, 3
Strength & Conditioning	Todd Meikle	6 - 12	Session 1	1, 2, 3
Volleyball	Mary Harrington	9-12	Session 1	1,2,3

# HIGH SCHOOL COURSES



## Session 2: July 10 - July 27

Course Title	Teacher	Grade	Session	Weeks
Building Construction	Michael Bryfczynski / Zack Albers	10 - 12	Session 2	4,5,6
Child Care Basics	Ashley Bagneski	6 -9	2	4, 5, 6
Credit Recovery	Cliff Wind / John Jandrin	9-12	2	4, 5, 6
Hiking, Biking and Kayaking	Todd Meikle	9-12	2	4,5,6
Volleyball	Mary Harrington	9-12	Session 2	4, 5, 6

Book	Policy Manual
Section	5000 Students
Title	ENTRANCE AGE
Code	po5112
Status	Active
Adopted	April 17, 2013
Last Revised	January 11, 2023

## 5112 - ENTRANCE AGE

The Board shall establish student entrance age requirements which are consistent with Wisconsin Law and sound educational practice and which ensure equitable treatment.

### A. Kindergarten

A child is eligible for entrance into four (4) year old kindergarten if s/he attains the age of four (4) on or before September 1st and a child is eligible for five (5) year old kindergarten when s/he attains the age of five (5) on or before September 1st of the year in which s/he applies for entrance and meets residence requirements. The child may not be placed in an alternative program without permission of the parent.

### B. First Grade

A child must be six (6) years of age on or before September 1st in the year in which s/he enrolls. A student must have completed a kindergarten program or must receive a waiver of this requirement.

Any student who has not completed a five (5) year old kindergarten program, but seeks to enroll into first grade must receive a waiver of the requirement. The following students are eligible to receive a waiver:

1. Any student who has moved to the District from another state or country where completion of a five (5) year old kindergarten program is a prerequisite to enrollment in first grade and that student has received a waiver of the requirement in his or her prior state or country.
2. Any student who has moved to the District from another state or country that does not require the completion of five (5) year old kindergarten prior to enrollment in first grade.
3. Any student who, at the discretion of the building principal, in consultation with the first-grade teacher(s) of the District, determines that, notwithstanding that the student has not completed a five (5) year old kindergarten program, the student has demonstrated sufficient aptitude in all core competencies normally required of kindergarten students in the District upon completion of the kindergarten program.

The Principal shall perform any required testing to establish the student's academic capabilities and shall prepare a written evaluation that either grants or denies the waiver and provides explanation as to the decision.

### C. Appeal of Denial of Waiver

The parents of any student denied a waiver under this section by the building principal may appeal that decision to the District Administrator by submitting a written request to the Administrator within ten (10) days of the decision of the principal.

The decision of the District Administrator is final.

### D. Initial Entry

Children entering the District for the first time must comply with State law. Students must have an immunization record on file at the school. Any student who does not have the proper immunization may be excluded or permitted to remain in school



pursuant to Policy 5320 - Immunization.

Any student and/or his/her parent(s) who enters the District for the first time must disclose prior or pending school expulsions-at the time of enrollment.

### E. **Early Admission**

Application for early entry to five (5) year old kindergarten may be made to the elementary administrator if the child will be five (5) years old after the legal date of September 1 but before November 1. **The District does not allow early entrance to four (4) year old kindergarten.**

**Procedures for Implementing the above policy:**

- ✓ 1. Application shall be made in writing by the parent to the elementary administrator.
- ✓ 2. A personal interview with the elementary principal shall be held to determine the parent's reasons for requesting entrance prior to the legal age.
- ✓ 3. An evaluation of the child's potential to benefit from early admission to school shall be required. The evaluation shall consider emotional stability, social and mental maturity, information from preschool experiences, and physical health. The individual evaluation shall be conducted by a certified school psychologist in conjunction with other pupil service workers. The evaluation shall be at no cost to the parents. Criteria to be met before early admission is granted includes:

#### a. **The child should be superior in intellectual growth.**

1. Assessment results should indicate that the child has strong potential for success in an instructional program. (District Guideline - 90th percentile)
2. S/He should have adequate language skills and the ability to express himself or herself well.
3. S/He should display an interest in school-type activities.

#### b. **The child should be in good health. Health needs will not interfere with satisfactory school progress.**

S/He should demonstrate those perceptual skills and possess the motor development needed to participate successfully in regular activities of kindergarten.

#### c. **The child is well developed socially and emotionally and:**


1. should demonstrate the ability to successfully work and play with other children of kindergarten age.
2. should be ready to work independently for developmentally appropriate periods of time.
3. should show evidence of emotional stability.
4. should show the ability to get along well with other children in group situations.
5. the home environment should be supportive of his/her future success in school.

#### d. **The motivation of the parents in requesting early admission should be based on the child's welfare and not personal convenience.**

- ✓ 4. Students will only be admitted through this process for an entrance date which is the first day of the school year.
- ✓ 5. After the evaluation in (C) has been completed, a conference shall be held with the parents to consider the appropriateness of early entrance to kindergarten and the elementary principal will make a written recommendation to the District Administrator. The decision of the District Administrator can be appealed, in writing, to the Board. The Board has the final authority for deciding whether or not the child is to be admitted to kindergarten.

#### ✓ 6. **Trial Period**

It may be possible that the child will obtain high scores in each of the tests yet be a questionable candidate for early admission. Therefore, a child who is allowed early admission will be placed on a trial basis in the actual instructional



setting of the kindergarten for a six-week period at the start of the school year. This will allow the kindergarten teacher an opportunity to more completely assess the child's ability to cope with classroom procedures and expectations.

Revised 6/19/19

Revised 12/18/19

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Legal 118.14, 118.15, 120.12(25), Wis. Stats.

**Last Modified by Debby Finton on February 6, 2023**



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**March 6th, 2023**

### **4K Teachers' Feedback for Board Consideration**

The 4K Teaching Staff was made aware of the a recent request by a district staff member for early entrance of his child and is asking that the Board of Education consider the information below as they review the Entrance Age Policy #5112:

#### **Developmental Considerations/Concerns:**

- We want to make the important point that Kindergarten is not the same as 4K. 3-year-olds are not the same developmentally, emotionally, and socially as 4-year-olds. The differences between ages 3 and 4 are even greater than the differences between ages 4 and 5.
  - There could potentially be a two year age gap between students in the same class (if a family keeps a child with a late summer birthday home an extra year and another family sends their child early.
  - We are finding an increasing amount of students who come in meeting the September 1st cut off are not coming into 4K with the readiness skills that they once did (independence in the bathroom, fine motor skills etc.). As a result, we have had to make a greater shift in our practices to teach self-help skills, which affects the time we have for teaching academics.
- In going through a recent experience with a student who wanted early entrance into Kindergarten, the evaluation stated that the student didn't meet the eligibility requirements according to the assessment and yet she was still placed in the K program against the educators' recommendation. She is struggling with some of the readiness skills that she would have received in 4K. The parents of this student wanted early entrance into 4K.
- From our perspective, students deserve the gift of time to learn and grow alongside their age-level peers in all the skills that will help them throughout their school experience.
- As educators, we struggle to understand why parents/guardians would want to rush their child into starting early. 4K offers students the opportunity to grow from not having much if any formal school to learning how "to do school" and lays a foundation that is of the utmost importance for them to succeed in our K-12 educational system.
  - If the reason for an early entrance request is because there is concern that a student is well-above his/her peers academically, teachers are trained and provide opportunities to challenge students while they also learn the important social-emotional skills that help them to thrive as they grow in our system.
  - Per our Board Policy, if the motivation for a parent to request early entrance into Kindergarten is anything other than the welfare of the child (ie: convenience for the parent/family), early admission is not considered.

- We hope our families understand that 4K is not mandatory and should not be viewed as daycare. We are wondering if they are aware that Headstart could be an option for them or maybe the district needs to look at a 3K program?

**Considerations/Concerns for Assessment Process, if a request is considered:**

- The Tool that is used for screening 4K students for possible placement in our Early Childhood Program, the *District Developmental Screening (Child Find)* was created to identify developmental delays, not placement for 4K. We currently do not have a tool that would serve as an evaluation for early entrance into our 4K program.
- We are concerned with the time needed for evaluating children for early admission and are wondering who would be responsible for this.
- With the prior situation of early admission for a kindergartner, we already had families asking about this/assuming it was an option. We are concerned with the workload that will be necessary to complete the assessment process. if this becomes something many more families request. There will always be a child who has a birthday a day or two after any cut off, whether it is Sept. or Nov.

**Other Considerations/Concerns:**

- We have great concern about making an exception or change to this policy and our questions are:
  - -What if this gets out to other staff and community members who are/have been in similar situations in the past?
  - We are also wondering why we would change now and did not consider it in the past?

Book	Policy Manual
Section	Tabled Materials
Title	Copy of REVISED POLICY - VOL. 30, NO. 2 - WELLNESS
Code	po8510
Status	
Adopted	April 17, 2013
Last Revised	April 19, 2023

## **REVISED POLICY - VOL. 30, NO. 2**

### **8510 - WELLNESS**

As required by law, the Board of Education establishes the following wellness policy for the Sturgeon Bay School District as a part of a comprehensive wellness initiative.

#### **Policy Preamble**

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the District's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

Schools alone, however, cannot develop in students healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition choices to:

- A. promote nutrition education with the objective of improving students' health and reducing childhood obesity;
- B. improve the health and well-being of our children, increase consumption of healthful foods during the school day, and create an environment that reinforces the development of healthy eating habits;
- C. promote nutrition guidelines, a healthy eating environment, child nutrition programs, and food safety and security on each school campus with the objective of promoting student health and reducing childhood obesity;
- D. provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short and long-term benefits of a physically active lifestyle;
- E. promote the health and wellness of students and staff through other school based activities.

#### **Policy Leadership**

[DRAFTING NOTE: At a minimum, schools/districts must establish wellness policy leadership of one or more school official(s) who have the authority and responsibility to ensure each school complies with the policy.]

[Choose One of the Following:]

( x ) The District Administrator will oversee the development, implementation, and evaluation of the wellness procedures ( x ) and is authorized to designate a staff member or members with responsibility to assure that wellness initiatives are followed in the District's schools.

( ) The designated official for oversight of the wellness policy is \_\_\_\_\_ [Insert Name/Title]. The official shall convene the Wellness Committee and lead the review, updating, and evaluation of the policy.

( ) Each school shall designate a site coordinator who shall ensure compliance with the policy.

### **Required Public Involvement**

The District Administrator shall obtain the input of District stakeholders, to include parents, students, representatives of the school food authority, educational staff (including physical education teachers), school health professionals, School Board members, members of the public, and other school administrators in the development, implementation, evaluation, and periodic review and update, if necessary, of the wellness policy. (x ) School-level health advisory or wellness committees may assist in the planning and implementation of these Wellness initiatives.

**(x ) District ( ) School [END OF OPTION] Wellness Committee**

**[DRAFTING NOTE: There is no requirement related to the inclusion of policy language regarding the formation of a Wellness Committee. However, this practice is strongly encouraged.]**

### **Committee Formation**

[Choose One of the Following Options If Forming a Wellness Committee. Note: If the Board approves the formation of a Wellness Committee, as per this policy, any meetings of the committee must follow the Open Meetings Law requirements.]

[Option #1]

( ) A Wellness Committee shall be formed and maintained to oversee the activities set forth in this policy. The Committee shall meet annually to review nutrition and physical activity policies and to develop an action plan for the coming year. The Committee shall meet no less than \_\_\_\_\_ [Insert Number] times during the school year to discuss the implementation of the established activities and address any barriers and challenges. The Committee shall report annually to the Board on the implementation of the policy and any recommended changes or revisions. The Board will adopt or revise policies based on the Committee's recommendations.

[Option #2]

( x ) The District shall convene a Wellness Committee that meets at least \_\_\_\_1\_\_\_\_ [Insert Number] times during the school year to establish goals and oversee school health policies and programs, including development, implementation, and periodic review and update of this Wellness Policy.

[Option #3]

( ) To assist in the creation of a healthy school environment, the District shall establish a Wellness Committee that will provide an ongoing review and evaluation of the Wellness Policy. The Committee shall meet no less than \_1\_\_\_\_\_ [Insert Number] times during the school year to implement, assess and review, and make recommendations for changes to the Wellness Policy.

[END OF OPTIONS]

(x ) Committee Representatives

**[DRAFTING NOTE: While there is no requirement to identify specific members of the Committee, this practice is strongly encouraged.]**

The District shall invite a diverse group of stakeholders to participate in the development, implementation, and periodic review and update of the Wellness Policy.

Stakeholders may include:

- A. (x ) administrator(s)
- B. ( ) Board member(s)
- C. (x ) classroom teacher(s)
- D. ( ) physical education teacher(s)

- E.  school food service representative(s)
- F.  school nurse(s)
- G.  community member/parent(s)
- H.  student(s)
- I.  medical/health care professional(s)
- J.  nutrition and/or health education teacher(s)
- K.  school counselor(s)
- L.  local business representative(s)
- M.  Other: \_\_\_\_\_

**Nutrition Standard for All Foods/School Meal Programs/Standards and Guidelines for School Meal Programs**

**[DRAFTING NOTE: At a minimum, all schools must include the first response to be in compliance with the USDA final rule on wellness policies.]**

- A. All meals meet or exceed current nutrition requirements established under the Healthy Hunger-free Kids Act of 2010. [DRAFTING NOTE: The policy should include a link to USDA meal pattern requirements or list them individually.] (<https://fns-prod.azureedge.net/sites/default/files/resource-files/SP38-2019os.pdf#page=2>)
- B. Drinking water is available for students during mealtimes.
- C.  All schools in the District participate in USDA child nutrition programs, including NSLP & SBP.  
 \_\_\_\_\_ **[Insert program names; e.g. NSLP, SBP, FFVP, SMP, SFSP].**
- D.  All meals are accessible to all students.
- E.  ~~Withholding food as a punishment shall be strictly prohibited.~~
- F.  ~~All meals are appealing and attractive and served in clean and pleasant settings.~~
- G.  ~~When drinking fountains are not present in the cafeteria, water cups/jugs are available.~~
- H.  ~~Students are provided at least \_\_\_\_\_ [Insert Number; recommended 10] minutes to eat breakfast and at least \_\_\_\_\_ [Insert Number; recommended 20] to eat lunch after being seated.~~
- I.  ~~All school campuses are "closed" meaning that students are not permitted to leave the school grounds during the school day.~~
- J.  ~~Lunch shall be scheduled following recess for elementary students.~~
- K.  ~~Lunch shall be served between \_\_\_\_\_ [Insert time; recommended 11am-1pm].~~
- L.  ~~Menus shall be posted on the District website and will include nutrient content.~~
- M.  Menus shall be created/reviewed by a Registered Dietitian or other certified nutrition professional.
- N.  All school nutrition program directors, managers, and staff shall meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals.
- O.  Other: \_\_\_\_\_

**School Meal Program Participation**

[DRAFTING NOTE: If you would like to include language related to the promotion of school meal programs, select responses below.]



The District:

- A.  Shall notify parents of the availability of the breakfast, lunch, and summer food programs and shall be encouraged to determine eligibility for reduced or free meals;
- B.  Shall allow students the opportunity to provide input on menu items;
- C.  Shall restrict the scheduling of club/organizational meetings during the lunch period unless students are allowed to purchase lunch to be consumed during the meetings;
- D.  Shall explore the use of nontraditional breakfast service models (such as breakfast in the classroom) to increase breakfast participation.
- E. Other: \_\_\_\_\_

#### Foods and Beverages Sold Outside of School Meals

[DRAFTING NOTE: At a minimum, all schools/districts must select the first response to be in compliance with the USDA final rule on wellness policies. Schools/Districts may establish standards more strict than USDA. If this is the case, select an alternative response.]

- A. All food and beverages sold and served outside of the school meal programs ("competitive" foods and beverages) shall, at a minimum, meet the standards established in USDA's Nutrition Standards for All Foods Sold in Schools (Smart Snacks) rule. [DRAFTING NOTE: The policy should include a link to the USDA Smart Snacks standards or list individually.]
- B.  ~~All food and beverages sold to students during before and after school programs shall meet the USDA Smart Snack nutrition standards.~~
- C.  ~~No beverages with non nutritive sweeteners (artificial or natural), such as diet iced tea, diet soda, etc. shall be sold to students during the school day regardless of their compliance with the USDA Smart Snacks standards.~~
- D.  ~~The sale of foods and/or beverages containing caffeine (with the exception of trace amounts of naturally occurring caffeine) at all grade levels during the school day are prohibited.~~
- E.  ~~Other: \_\_\_\_\_~~

#### Foods Offered/Provided but Not Sold

[DRAFTING NOTE: USDA has not set forth standards related to foods offered/provided, but not sold, to students. However, they have mandated that schools establish their own standards. To meet this requirement, select one option or write your own.]

- A.  All foods offered on the school campus shall meet or exceed the USDA Smart Snacks in School nutrition standards including those provided at celebrations and parties and classroom snacks brought by staff or family members.
- B.  The District encourages foods offered on the school campus meet or exceed the USDA Smart Snacks in School nutrition standards including those provided at celebrations and parties and classroom snacks brought by staff or family members.
- C.  All foods and beverages offered on the school campus, including those provided at celebrations, parties, or part of classroom snacks, will adhere to the District standards as established below.
- D.  Food rewards or incentives shall not be used in classrooms to encourage student achievement or desirable behavior.
- E.  Celebrations that involve food will be limited to \_\_\_\_\_ [Insert Number] (e.g. one per month).
- F.  Non-food celebrations will be promoted and a list of ideas is available to staff and family members.
- G.  Other: \_\_\_\_\_

[DRAFTING NOTE: If the District has established their own standards for schools allowed at parties, celebrations, snacks, etc. please list the standards below.]

- A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

### Fundraising

[DRAFTING NOTE: Language related to the use of food fund-raisers sold during the school day must be included in your policy. Choosing Option A is suggested to comply with Wisconsin Department of Public Instruction exemption policy.]

- A.  **The District adheres to the Wisconsin Department of Public Instruction fund-raiser exemption policy and allows two (2) exempt fund-raisers per student organization per school per year. All other fund-raisers sold during the school day will meet the Smart Snacks nutrition standards. No restrictions are placed on the sale of food/beverage items sold outside of the school day.**
- B.  **Fund-raising during and outside school hours use only non-food fund-raisers, and the District encourages those fund-raisers promoting physical activity (such as walk-a-thons, jump rope for heart, fun runs, etc.).**
- C.  **Fund-raising during and outside school hours sell only non-food items or foods and beverages that meet or exceed the Smart Snacks nutrition standards. This may include but is not limited to, donation nights at restaurants, cookie dough, candy and pizza sales, market days, etc.**
- D.  **Foods and beverages that meet or exceed the USDA Smart Snacks standards may be sold through fund-raisers during the school day. No restrictions are placed on the sale of food/beverage items sold outside of the school day.**
- E.  **The District allows up to \_\_\_\_\_ [Insert Number] exempt fund-raisers per school per year. All other fund-raisers sold during the school day will meet the Smart Snacks nutrition standards. No restrictions are placed on the sale of food/beverage items sold outside of the school day.**
- F.  **Other:** \_\_\_\_\_

### Marketing

[DRAFTING NOTE: USDA requires schools/districts to establish policies for food/beverage marketing. At a minimum, schools may only allow for foods and beverages that meet the Smart Snacks standards to be marketed/advertised. Schools may adopt stricter guidelines, such as prohibiting the marketing of food companies.]

- A.  Schools will restrict food and beverage marketing to only those foods and beverages that meet the nutrition standards set forth by USDA's Nutrition Standards for All Foods Sold in Schools (Smart Snacks) rule. Marketing includes brand names, trademarks, logos, or tags except when placed on a food or beverage product/container; displays, such as vending machine exteriors; corporate/brand names, logos, trademarks on cups, posters, school supplies, education materials, food service equipment, and school equipment (e.g. message boards, scoreboards, uniforms); advertisements in school publications/mailings; sponsorship of school activities, fundraisers, or sports teams; educational incentive programs such as contests or programs; and free samples or coupons displaying advertising of a product.
- B.  Other: \_\_\_\_\_

~~( ) The District Administrator is encouraged to form a wellness committee to carry out this function.~~

~~( ) The wellness committee shall be an administrative committee with members recruited and appointed by the District Administrator.~~

### ~~Policy Leadership and Reporting Requirement~~

~~The District Administrator will oversee development, implementation, and evaluation of the wellness procedures ( ) and is authorized to designate a staff member or members with responsibility to assure that wellness initiatives are followed in the District's schools.~~

~~The District Administrator shall conduct reviews of the progress toward school wellness procedures, identify areas for improvement, and recommend revision of procedures as necessary.~~

~~Before the end of each school year, the wellness committee shall submit to the District Administrator and Board their report in which they describe the environment in each of the District's schools and the implementation of the wellness policy in each school, and identify any revisions to the policy the committee deems necessary.~~

~~The District Administrator or a designee of the wellness committee shall report annually to the Board on the District's wellness programs, including the assessment of the environment in the District, evaluation of wellness policy implementation District wide, and the areas for improvement, if any, identified. The District Administrator or a designee of the wellness committee shall also report on the status of compliance by individual schools and progress made in attaining goals established in the policy.~~

~~The program developed shall include the following items, along with any additional measures deemed appropriate:~~

- ~~A. identify specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness, with consideration for evidence-based strategies;~~
- ~~B. develop nutrition guidelines for all foods and beverages sold during the school day, that are consistent with Federal requirements for meal nutrition standards and smart snacks, and restricting marketing efforts to only those items that meet established guidelines;~~
- ~~C. develop policies pertaining to other food items in the schools, including for classroom parties, birthday snacks, or other food items not for sale, but distributed in the schools;~~
- ~~D. describes the process and public involvement in the development of the wellness program and initiatives.~~

## **Nutrition Education**

**[DRAFTING NOTE: At a minimum, all schools/districts must include at least one goal related to nutrition education.]**  
**{Select one or more of the following:}**

- A. The primary goal of nutrition education is to influence students' lifelong eating behaviors. Nutrition education, a component of comprehensive health education, shall be offered every year to all students of the District. The District aims to teach, model, encourage, and support healthy eating by providing nutrition education.**
- B. ( ) Nutrition curriculum shall be offered as part of a sequential, standards-based program designed to provide students with the knowledge and skills necessary to promote health. Curriculum will place an emphasis on: promotion of adequate nutrient intake, healthy food preparation techniques, food safety, and healthy eating practices based on the Dietary Guidelines for Americans and MyPlate; skill development, such as reading labels to evaluate the nutrient quality of foods, meal planning, analysis of health information; and media literacy and the problems associated with food marketing to children.**
- C. ( ) Nutrition education shall be included in the Health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.**
- D. ( ) Nutrition education shall be incorporated into the Health curriculum and other aspects of the curriculum, including science, math, language arts, and elective courses.**
- E. ( ) Nutrition education shall be included in the sequential, comprehensive health curriculum in accordance with the Wisconsin Department of Public Instruction Model Academic Standards for Nutrition curriculum standards and benchmarks established by the State.**
- F. ( ) Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.**
- G. ( ) Schools will provide nutrition education lessons that cover topics such as reading a Nutrition Facts label.**
- H. ( ) Nutrition education will provide the knowledge and skills necessary to promote health.**
- I. (←) Nutrition education standards and benchmarks shall be age-appropriate and culturally relevant.**
- J. (←) The standards and benchmarks for nutrition education shall be behavior focused.**

- K. ( ) Nutrition education shall include enjoyable, developmentally appropriate, and culturally relevant participatory activities, such as contests, promotions, taste testing, and others.
- L. ( ) Nutrition education shall include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.
- M. ( ) Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.
- N. ( ) Nutrition education posters, such as the Food Pyramid Guide, will be displayed in the cafeteria.
- O. ( ) The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.
- P. ( ) Nutrition education shall extend beyond the school by engaging and involving families and the community.
- Q. ( ) Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.
- R. ( ) Nutrition education benchmarks and standards include a focus on media literacy as it relates to food marketing strategies.
- S. ( ) Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.
- T. ( ) Staff responsible for providing instruction in nutrition education shall regularly participate in professional development activities designed to better enable them to teach the benchmarks and standards.
- U. ( ) Instruction related to the standards and benchmarks for nutrition education shall be provided by highly qualified teachers.
- V. ( ) Nutrition education shall be provided to families via handouts, newsletters, postings on the website, presentations, and workshops.
- W. ~~( ) The District shall provide information to parents that is designed to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.~~
- X. ( ) **[other:]** \_\_\_\_\_
- Y. ( ) **[other:]** \_\_\_\_\_
- Z. ( ) **[other:]** \_\_\_\_\_

## Nutrition Promotion

[DRAFTING NOTE: At a minimum, all schools/Districts must include at least one goal related to nutrition promotion. Schools/districts are required to review and consider evidence-based strategies when determining these goals.]

- A. ~~( ) School nutrition services shall use the Smarter Lunchroom Self-Assessment Scorecard to determine ways to improve the school meals environment.~~
- B. ~~( ) School nutrition services shall implement at least \_\_\_\_\_ ( ) **[Insert Number]** Smarter Lunchroom techniques at each school.~~
- C. ~~( ) All foods available to students in District programs, other than the food service program, shall be served with consideration for promoting student health and well-being.~~
- D. (x) The District is committed to providing a school environment that promotes students to practice healthy eating and physical activity. Students shall receive consistent nutrition messages that promote health throughout schools, classrooms, cafeterias, and school media.
- E. ( ) School nutrition services shall use the Wisconsin Team Nutrition Meal Appeal Self-Assessment ([dpi.wi.gov/sites/default/files/imce/wisconsin-school-meals-rock/files/meal-appeal-self-assessment.pdf](http://dpi.wi.gov/sites/default/files/imce/wisconsin-school-meals-rock/files/meal-appeal-self-assessment.pdf)) to determine ways to improve the school meals environment.
- F. ( ) School nutrition services shall implement at least \_\_\_\_\_ [Insert Number] Wisconsin Team Nutrition Meal Appeal techniques at each school.

- G. ( ) School nutrition services shall purchase at least \_\_\_\_\_ [Insert Number] locally grown/produced products each year.
- H. ( ) School nutrition services shall menu at least \_\_\_\_\_ [Insert Number] local food(s) per month.
- I. ( ) School nutrition services shall offer students school garden activities, such as planning, planting, harvesting, preparing, serving, and tasting garden-produced foods.
- J. ( ) The District shall offer students the ability to participate culinary activities, such as cooking clubs and the Wisconsin Student Chef Competition.
- K. ( ) Other: \_\_\_\_\_

### Physical Activity

**[DRAFTING NOTE: At a minimum, all schools/Districts must include at least one goal related to physical activity. Additionally, schools/districts are encouraged to include goals related to physical education.]** ~~[Select one (1) or more of the following from both categories:]~~

- A. (x) The District shall provide students with age and grade-appropriate opportunities to engage in physical activity.
- B. ( ) The District shall utilize the Wisconsin Department of Public Instruction's Active Schools: Core 4+ resources.
- C. ( ) The District shall develop a comprehensive, school-based physical activity program (CSPAP), that includes the following components: physical education, recess; classroom-based physical activity; walk to school, and out-of-school time activities.
- D. ( ) Children and adolescents should participate in sixty (60) minutes of physical activity every day. The District shall provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and State standards for physical education. The District shall also provide opportunities for students to participate in physical activity in addition to physical education.
- E. ( ) Physical activity ( ) shall ( ) should **[END OF OPTIONS]** not be employed as a form of discipline or punishment.
- F. (x) Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.
- G. ( ) Schools shall encourage families to provide physical activity outside the regular school day, such as outdoor play at home, participation in sports sponsored by community agencies or organizations, and in lifelong physical activities like bowling, swimming, or tennis.
- H. All students in grades K- \_\_\_\_ shall be provided with a daily recess period at least \_\_\_\_ (\_\_\_\_) minutes in duration. Recess shall not be used as a reward or punishment. **[NOTE: NASPE's recommendation is that all elementary school students should be provided with at least one daily period of recess for a minimum of twenty (20) minutes.]**
- I. ( ) The school shall provide information to families to encourage and assist them in their efforts to incorporate physical activity into their children's daily lives.
- J. ( ) The school shall encourage families and community organizations to help develop and institute programs that support physical activity of all sorts.
- K. In addition to planned physical education, the school shall provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special health care needs. **NOTE: This is a NASPE recommendation in their position statement on Comprehensive School Physical Activity Programs (2008).]**
- L. ( ) All students in grades \_\_\_\_ - \_\_\_\_ shall have the opportunity to participate in extra-curricular activities and intramural programs that emphasize physical activity.
- M. ( ) All students in grades \_\_\_\_ -12 shall have the opportunity to participate in interscholastic sports programs.
- N. ( ) Schools shall offer a wide range of physical activities outside the regular school day that meet the needs, interests, and abilities of all students, including males, females, students with disabilities, and students with special healthcare needs.
- O. ( ) All before/after-school programs shall provide developmentally appropriate physical activity for the students who participate.

P. ( ) Schools shall discourage extended periods of student inactivity, without some physical activity.

Q. ( ) [other:] \_\_\_\_\_

R. ( ) [other:] \_\_\_\_\_

S. ( ) [other:] \_\_\_\_\_

#### Physical Education

A. (x) A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.

B. (x) The sequential, comprehensive physical education curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

C. (x) Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks adopted by the State.

D. ( ) All District elementary students in each grade shall receive at least \_\_\_\_\_ [Insert Number] minutes of physical education per week throughout the school year.

E. ( ) All District elementary students in each grade shall have physical education a minimum of three (3) times per week.

F. ( ) All District middle school students in each grade shall receive at least \_\_\_\_\_ [Insert Number] minutes of physical education per week throughout the school year.

G. ( ) All District middle school students are required to take the equivalent of one (1) academic year of physical education.

H. ( ) All-District high school students in each grade shall receive at least \_\_\_\_\_ [Insert Number] minutes of physical education per week throughout the school year.

I. ( ) All-District high school students are required to receive at least 1.5 credits of physical education prior to graduation unless the District allows for the substitution of 0.5 credit per Policy 5460.

J. ( ) Planned instruction in physical education shall promote participation in physical activity outside the regular school day.

K. ( ) All students in grades K-12, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive daily physical education for the entire school year, for at least 150 minutes per week for K- \_\_\_ students and at least 225 minutes per week for students in grades \_\_\_ -12.

**[NOTE: The National Association for Sport and Physical Education (NASPE) defines a quality physical education program in the terms and minutes specified above.]**

L. ( ) The physical education curriculum shall provide sequential instruction related to the knowledge, attitudes, and skills necessary to participate in lifelong, health-enhancing physical activity.

M. ( ) Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge and attitudes necessary to engage in lifelong, health-enhancing physical activity.

N. ( ) The sequential, comprehensive physical education curriculum shall stress the importance of remaining physically active for life.

O. ( ) The K-12 program shall include instruction in physical education as well as opportunities to participate in competitive and non-competitive team sports to encourage lifelong physical activity.

P. ( ) Planned instruction in physical education shall require students to be engaged in moderate to vigorous physical activity for at least fifty percent (50%) of scheduled class time.

Q. ( ) Teachers properly certificated/licensed in the subject area of physical education shall provide all instruction in physical education.

- R.  Professional development opportunities should focus on the physical education content area.
  - S.  All physical education classes shall have a student/teacher ratio comparable to the student/teacher ratio in other curricular areas.
- [NOTE: NASPE includes this option in the definition of a quality physical education program.]**
- T. In health education classes, the District shall include topics of physical activity, including: the physical, psychological, or social benefits of physical activity; how physical activity can contribute to a healthy weight; how physical activity can contribute to the academic learning process; how an inactive lifestyle contributes to chronic disease; and decreasing sedentary activities.
  - U.  Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.
  - V.  Planned instruction in physical education shall meet the needs of all students, including those who are not athletically gifted.
  - W.  Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, bullying, or harassment of any kind.
  - X.  Planned instruction in physical education shall include cooperative as well as competitive games.
  - Y.  Planned instruction in physical education shall take into account gender and cultural differences.
  - Z.  [other:] \_\_\_\_\_

**Other School-Based Strategies for Wellness:**

- ) As appropriate, schools shall support students, staff, and parents' efforts to maintain a healthy lifestyle.**
  - The school  shall  may provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas.
  - The schools  shall  may demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.
  - Nutrition information for competitive foods available during the school day shall be readily available near the point of purchase.

**Staff Wellness**

**The District will implement the following activities below to promote healthy eating and physical activity among school staff.**

- A.  An organized wellness program shall be available to all staff.
- B.  Application of Smart Snacks nutritional standards for foods and beverages in vending machines available to staff members.
- C.  Educational activities for school staff members on healthy lifestyle behaviors.
- D.  Distribution of an employee health newsletter to promote healthy behaviors.
- E.  Organization of employee physical activity clubs.
- F.  Establishment of peer support groups for weight management, stress management, tobacco-use cessation, family guidance, and other identified issues.
- G.  Administration of flu shots at school.

- H.  Periodic screening at school for blood pressure, blood cholesterol, body mass index, and/or other health indicators.
- I.  Annual administration of individual health-risk appraisals to help staff members establish personal health-improvement goals.
- J.  Encouragement of staff members to set medical appointments for screening for cancer, heart disease, diabetes, and other diseases.
- K.  The District shall offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom.
- L.  Other: \_\_\_\_\_

**Community Engagement**

- A.  The District shall work with community partners, including \_the hospital\_\_\_\_\_ [Insert list, e.g. hospital, university, county health department, etc.] to support district wellness.
- B.  The District shall offer \_\_\_\_\_ [Insert Number] family-focused events supporting health promotion (e.g., health fair, nutrition/physical activity open house) each year.
- C.  The District shall inform and invite parents to participate in school-sponsored activities throughout the year.
- D.  The District shall actively inform families and the public about the content of and any updates to the policy through \_\_\_\_\_ [Insert Channels of Communication: website, newsletter, mailing, etc.].
- E.  The District shall provide information on how the public can participate in the school wellness committee on an annual basis.
- F.  Other: \_\_\_\_\_

**Additional Strategies for Consideration:**

- A.  The schools shall provide at least \_\_\_\_\_ (\_\_\_) minutes daily for students to eat.
- B.  The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.
- C.  The school shall provide attractive, clean environments in which the students eat.
- D.  Students at \_\_\_\_\_ [insert name(s) of building(s)] are permitted to have bottled water in the classroom.
- E.  Activities, such as tutoring or club meetings, shall not be scheduled during mealtimes, unless students may eat during those meetings.
- F.  Schools ( ) may ( ) shall limit the number of celebrations involving serving food during the school day to no more than \_\_\_\_\_ (\_\_\_\_\_) party(ies) per class per month.
- G.  The schools ( ) shall ( ) may use environmentally friendly practices, such as the use of locally grown foods and non-disposable tableware and dishes.
- H.  Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.
- I.  Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.
- J.  [other:] \_\_\_\_\_
- K.  [other:] \_\_\_\_\_



Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program.
- B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

All foods available on campus during the school day shall comply with the current USDA nutrition guidelines, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, from vending machines, for classroom parties, or at holiday celebrations.

~~[It is recommended that one (1) or more of the following be selected:]~~

- C. **The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well, regardless of unpaid meal balances without stigma.**
- D.  The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.
- E.  ~~The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well.~~
- F.  Beginning with \_\_\_\_\_ - \_\_\_\_\_ school year, all foods available to students on campus during the school day and outside school food service hours shall comply with the current USDA nutrition guidelines, including foods available to students as classroom snacks, from vending machines for fundraisers, for classroom parties, or at holiday celebrations.
- G.  All foods available on campus at any time shall comply with the current USDA nutrition guidelines, including competitive foods that are available to students a la carte in the dining area, as well as foods that are served as classroom snacks, from vending machines, for fundraisers, for classroom parties, at holiday celebrations, at concession stands, or at any school-related event.
- H.  The school food service program  may  shall involve
  - students,
  - parents,
  - staff,
  - school officialsin the selection of competitive food items to be sold in the schools.
- I.  Any food items sold  on campus [END OF OPTION] as a fundraiser shall meet the current USDA nutrition guidelines.
- J.  The school shall prepare and distribute to staff, parents, and after-school program personnel a list of snack items that comply with the current USDA nutrition guidelines.
- K.  Each classroom party held during the school day may include no more than one (1) food or beverage that does not meet the current USDA nutrition guidelines.
- L.  The food service program shall be administered by a qualified nutrition professional.
- M.  The food service program shall be administered by a director who is properly qualified, certificated, licensed, or credentialed, according to current professional standards.
- N.  All food service personnel shall receive pre-service training in food service operations.

O.  Continuing professional development shall be provided for all staff of the food service program.

P.  [other:] \_\_\_\_\_

Q.  [other:] \_\_\_\_\_

### Monitoring and Evaluation

**[DRAFTING NOTE: At a minimum, schools/districts must conduct an assessment of the wellness policy every three years, report to the public the finding of the evaluation, and update the policy as appropriate.]**

#### [Option One: Choose Either A or B]

- A.  A review of this policy shall occur no less than once every three (3) years using a procedure developed and implemented by the District Administrator. The District shall notify school staff, students, and households/families of the availability of the wellness report via newsletters and website postings. The report will be made available at [www.sturbay.k12.wi.us](http://www.sturbay.k12.wi.us) \_\_\_\_\_ [Insert Web Address].
- B.  The Wellness Committee shall evaluate compliance with the Wellness Policy no less than once every three years. The assessment will include the extent to which each school is in compliance with the policy and how the policy compares to a model policy, as established by the U.S. Department of Agriculture. The District shall notify school staff, students, and households/families of the availability of the wellness report via newsletters and website postings. The report will be made available at \_\_\_\_\_ [Insert Web Address].

#### [Option Two: Choose one of the following options only if annual reviews of the Wellness Policy will be conducted.]

- A.  The District Administrator shall conduct an annual review of the progress toward school wellness procedures, identify areas for improvement, and recommend revision of procedures as necessary.
- B.  The Wellness Committee shall monitor goals and objectives for the District and compile an annual report to address the progress of the schools within the District in meeting wellness goals. This report will be published annually in \_\_\_\_\_ [Insert Month].
- C.  The Wellness Committee shall submit to the District Administrator and Board an annual report in which it describes the environment in each of the District's schools and the implementation of the wellness policy in each school, and identify any revisions to the policy the committee deems necessary.
- D.  The District Administrator or a designee of the Wellness Committee shall report annually to the Board on the District's wellness programs, including the assessment of the environment in the District, evaluation of wellness policy implementation District-wide, and the areas for improvement, if any, identified. The District Administrator or a designee of the wellness committee shall also report on the status of compliance by individual schools and progress made in attaining goals established in the policy.

The program developed shall include the following items, along with any additional measures deemed appropriate:

1. identify specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness, with consideration for evidence-based strategies;
2. develop nutrition guidelines for all foods and beverages sold during the school day, that are consistent with Federal requirements for meal nutrition standards and smart snacks, and restricting marketing efforts to only those items that meet established guidelines;
3. develop policies pertaining to other food items in the schools, including for classroom parties, birthday snacks, or other food items not for sale, but distributed in the schools;
4. describes the process and public involvement in the development of the wellness program and initiatives.

### Public Notice

The District Administrator shall be responsible for informing the public, including parents, students, and community members, on the content and implementation of this policy. In order to inform the public, the District Administrator shall

distribute information at the beginning of the school year to families of school children,

include information in the student handbook,

\_\_\_\_\_,

\_\_\_\_\_,

and post the wellness policy on the District's website, including the assessment of the implementation of the policy prepared by the District.

#### Record Retention

The District Administrator shall require that the District retains documentation pertaining to the development, review, evaluation, and update of the policy , including:

- A.  copy of the current policy;
- B.  documentation pertaining to the most recent assessment of implementation of wellness initiatives identified in the policy;
- C.  documentation of efforts to publicize the policy;
- D.  documentation of efforts to review and update the policy, including identification of the participating and invited stakeholders.

~~Review of this policy shall occur every three (3) years, by a committee appointed by the Board, consisting of a representative(s) of the Board, the administration, the food service provider, the parents, the students, and the public. The committee shall provide the Board with review of the performance of the programs and any recommended changes to this policy.~~

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Legal 42 U.S.C. 1751 et seq.

42 U.S.C. 1771 et seq.

Last Modified by Ann DeMeuse on March 2, 2023

Book	Policy Manual
Section	31.1 For Board Review
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**REPLACEMENT POLICY - VOL. 31, NO. 1**

**5722 - SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS**

The Board sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, school-sponsored student media shall include both student publications and productions. School-sponsored student media does not include student expression related to classes that are not directly associated with student publications/productions. The term publication shall include distribution, transmission, and dissemination of a student publication regardless of its medium. Student publications shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing)

), as well as material in electronic or on-line form (including, but not limited to, apps and services (as defined in Bylaw 0100, webpages/sites, web logs ('Blogs), video or audio clips,  ) (postings of social media (as defined in Bylaw 0100), and newsletters of announcements transmitted by e-mail,  text, wireless broadcast, or other similar distribution/dissemination).

] The Board expressly prohibits the use of social media related to student publications.

The term performance shall include presentation and broadcast of a student production. Student productions shall include vocal, musical, and/or theatrical performance, impromptu dramatic presentation, or any electronic media (including, but not limited to, radio and television programs, videoblogs (vlogs), podcasts,

) social media (as defined in Bylaw 0100), and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology).

) and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). The Board expressly prohibits the use of social media related to student productions.

**[DRAFTING NOTE: A Board should only select the following OPTION if it selected either or both of the first OPTIONS under student publication or student production.]**

Only District-approved social media (as defined in Bylaw 0100) may be used to host school-sponsored student media, in accordance with Policy 7544. School-sponsored student media must also comply with Policy 7540.02.

For purposes of this policy, school community is defined to include students, Board employees (i.e., administrators, and professional and support staff), parent/family members

) and other individuals who are

) invited by the District Administrator

) authorized or otherwise permitted by the District Administrator

to view a performance or receive directly from the District a publication

and those who have been issued credentials to access the District's secure portal.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene, or harmful to minors (as that term is defined in Children's Internet Protection Action (CIPA)); speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorizes the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

Student expression relates to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions are nonpublic forums. As nonpublic forums, the content of such student expression can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of these student expressions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker.

**[DRAFTING NOTE: With respect to student expression related to classrooms or educational settings not otherwise directly associated with school-sponsored student publications/productions, select OPTION #1, OPTION #2, OPTION #3, OPTION #4, or OPTION #5.]**

**[ ] OPTION #1**

Nonpublic forum student expression may be published/performed outside the school community (i.e., to the general public).  See Board Policy 9160 – Public Attendance at School Events.

**[END OF OPTION #1]**

**[ ] OPTION #2**

While nonpublic forum student expression generally may be published/performed outside the school community (i.e., to the general public), the following nonpublic forum student expression may only be published/performed to members of the school community: \_\_\_\_\_ [identify]  See Board Policy 9160 – Public Attendance at School Events.

**[END OF OPTION #2]**

**[x] OPTION #3**

While ordinarily nonpublic forum student expression may only be published/performed to members of the school community, the District Administrator may authorize specific nonpublic forum student expression to be published/performed outside the school community (i.e., to the general public). A teacher, student, or group of students who wish to have nonpublic forum student expression published/performed outside the school community must submit to the District Administrator a request for prior written approval for such publication/performance.  See Board Policy 9160 – Public Attendance at School Events.

**[END OF OPTION #3]**

**[ ] OPTION #4**

**[DRAFTING NOTE: The Board should select either OPTION #2 or OPTION #3 if it has authorized the limited use of District-approved Social Media to publish/perform nonpublic forum student expression.]**

While ordinarily nonpublic forum student expression may only be published/performed to members of the school community, the following nonpublic forum student expression may be published/performed outside the school community (i.e. to the general public): \_\_\_\_\_ [identify].  See Board Policy 9160 – Public Attendance at School Events.

**[END OF OPTION #4]**

**[ ] OPTION #5**

**[DRAFTING NOTE: The Board should select this OPTION if it has prohibited the use of District-approved Social Media to publish/perform nonpublic forum student media, with the exception of nonpublic forum student media that is disseminated through District-approved Social Media that employs a secure portal that restricts access to members of**

**the school community through the use of a User ID and Password (or other form of biometric authentication security).]**

[ ] Nonpublic forum student expression may only be published/performed to members of the school community. ( ) See Board Policy 9160 – Public Attendance at School Events.

**[END OF OPTION#5]**

**[DRAFTING NOTE: PLEASE CHOOSE ONE (1) OF THE FOLLOWING FOUR (4) OPTIONS (A-D). The order in which the below four (4) OPTIONS are listed is not meant to convey a preference or recommendation. Boards should select the OPTION that best reflects their current practice or a new practice they which to henceforth follow. As they consider the following OPTIONS, Board and administrators are encouraged to consult the accompanying Toolkit for a discussion of the different types of forums - e.g., nonpublic forum and limited public forum.]**

**[ ] OPTION A [Select if the Board intends to designate all school-sponsored student media, to be limited-purpose public forums (i.e., not subject to prior review/restraint) and allows them to be generally published/performed outside the school community. This is the most permissive of the OPTIONS.]**

[ ] The Board designates all school-sponsored student media as limited-purpose public forums where students can address matters of concern and/or interest to their readers/viewers. All school-sponsored student media may be published/performed outside the school community. The student journalists, content-creators and/or performers involved in these publications/productions have the right to determine the content of the student media.

[ ] The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers. School officials will not review or restrict the content of school-sponsored student media prior to publication/performance, except with respect to unprotected speech.

[ ] Each medium should provide a full opportunity for students to inquire, question, and exchange ideas.

[ ] Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy.

All school-sponsored student media shall contain a notice to the reader/viewer that the material, while school-sponsored, is student-directed and not subject to prior review. Given all student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content. With editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards, for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

**[END OF OPTION A]**

**[ ] OPTION B [Select if the Board intends to identify specific school-sponsored student publications/productions to be limited-purpose public forums (i.e., not subject to prior review/restraint), which may be published/performed outside the school community. School-sponsored student publications/productions not listed are considered nonpublic forums and will be subject to routine and systematic prior review and restraint. This is the second most permissive OPTION and only permits prior review/restraint of nonpublic forums, and generally allows limited-purpose public forums to be generally published/performed outside the school community.]**

The Board designates the following official, school-sponsored student media to be limited-purpose public forums:

**[List all publications so designated:]**

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

D. \_\_\_\_\_

E. \_\_\_\_\_

As limited-purpose public forums the student journalists, content-creators, or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content-creators, and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media.

The content may address general matters of public concern and is open to the public at large for comment at the discretion of the student journalists/content-creators/performers.

School officials will not routinely and systematically restrict the content of the publications and/or productions listed above prior to their publication/performance, except with respect to unprotected speech.

Each medium should provide a full opportunity for students to inquire, question, and exchange ideas.

Content should reflect all areas of student interest and may include topics about which there may be dissent and/or controversy.

The above-listed publications and/or productions shall contain a notice to the reader/viewer that the material, while school-sponsored, is student-directed and not subject to prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for their content, with editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

All other school-sponsored student media including classroom and/or other curricular, co-curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except for those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. **[DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board shall provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]**

**[DRAFTING NOTE: Select OPTION B-1, OPTION B-2, OPTION B-3, OPTION B-4, or OPTION B-5.]**

**[DRAFTING NOTE: The Board should only select this OPTION if it has prohibited all nonpublic forum school-sponsored student publication/performance on social media, with the exception of nonpublic forum school-sponsored student media that is disseminated through District-approved social media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]**

Nonpublic forum school-sponsored student media may only be published/performed to members of the school community.

**[END OF OPTION B-1]**

**[DRAFTING NOTE: The Board should select either OPTION B-2 or OPTION B-3 if it has authorized the limited use of District-approved social media to publish/perform nonpublic forum school-sponsored student media; as mentioned above, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all nonpublic forum school-sponsored student media.]**

**OPTION B-2**

While ordinarily nonpublic forum school-sponsored student media may only be published/performed to members of the school community, the following nonpublic forum student media may be published/performed outside the school community (i.e., to the general public): \_\_\_\_\_ **[identify]** ( ) high school newspaper **[could substitute with the name of the publication]** ( ) high school yearbook \_\_\_\_\_ **[insert name(s) of specific school-sponsored student publication/production.** ( ) See Board Policy 9160.

**[END OF OPTION B-2]**

**OPTION B-3**

While ordinarily nonpublic forum school-sponsored student media may only be published/performed to members of the school community, the District Administrator may authorize specific nonpublic forum student media to be published/performed outside the school community (i.e. to the general public). A student or group of students who wish to have his/her/their nonpublic forum student media published/performed outside the school community must submit to the District Administrator a request for prior written approval for such publication/performance.

**[END OF OPTION B-3]**

**[ ] OPTION B-4**

While nonpublic forum school-sponsored student media generally may be published/performed outside the school community (i.e. to the general public), the following nonpublic forum student media may only be published/performed to members of the school community: \_\_\_\_\_ **[identify]**. ( ) See Board Policy 9160.

**[END OF OPTION B-4]**

**[ ] OPTION B-5**

Nonpublic forum school-sponsored student media may be published/performed outside the school community (i.e. to the general public). ( ) See Board Policy 9160.

**[END OF OPTION B-5]**

**[END OF OPTION B]**

**[ ] OPTION C [Select if the Board intends to identify specific student publications/productions to be limited-purpose public forums but wants to retain the authority to engage in limited and consistent prior review/restraint on the basis of four (4) identified reasons. School-sponsored publications/productions not listed are considered nonpublic forums and will be subject to routine prior review and restraint. This is the second most restrictive and permits some prior review/restraint involving what are otherwise limited-purpose public forums.]**

The Board designates the following official, school-sponsored student media to be limited-purpose public forums:

**[List all publications so designated:]**

- A. \_\_\_\_\_
- B. \_\_\_\_\_
- C. \_\_\_\_\_
- D. \_\_\_\_\_
- E. \_\_\_\_\_

As limited-purpose public forums the student journalist, content-creators, or performers associated with the above-listed publications and/or productions may address matters of concern and/or interest to their readers/viewers. The student journalists, content creators and/or performers involved in the above-listed publications/productions have the right to determine the content of this student media. ( ) While designated as limited-purpose public forums, the listed publications/productions are not intended to address general matters of public concern and are not open to public comment.

School officials will not routinely and systematically restrict the content of the publications and/or productions listed above prior to their publication/performance; however, school officials may review the content and reject an article/posting/publication/production due to one (1) of the following four (4) reasons:

- A. where poor grammar or writing is evident;
- B. where a legitimate question of age appropriateness of the material exists;
- C. where matters beyond the limited scope of the forum are included; and/or
- D. where the content involves unprotected speech.

The above-listed school-sponsored student publications/productions, while limited-purpose public forums are not intended to address general matters of public concern and therefore are not open to public comment.

The listed publications and/or productions shall contain a notice to the reader/viewer that the material, while school-sponsored, is student-directed and subject only to limited prior review. Given the listed student publications and/or productions have been designated as limited-purpose public forums, the school assumes no liability for the content beyond that covered by the school



officials' limited prior review, with editorial control comes responsibility. Student journalists, content-creators, and performers are expected to establish and enforce standards for their publications/productions that are consistent with professional journalism/artistic/theatrical/broadcast standards.

**[DRAFTING NOTE: Select OPTION C-1, OPTION C-2, OPTION C-3, OPTION C-4, or OPTION C-5.]**

**[ ] OPTION C-1**

**[DRAFTING NOTE: The Board should only select this OPTION if it has prohibited all school-sponsored student publication/performance on social media, with the exception of school-sponsored student media that is disseminated through District-approved social media that employs a secure portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security.)**

[ ] School-sponsored student media may only be published/performed to members of the school community.

**[END OF OPTION C-1]**

**[DRAFTING NOTE: The Board should select either OPTION C-2 or OPTION C-3 if it has authorized the limited use of District-approved social media to publish/perform school-sponsored student media; as mentioned below, it is critically important that school officials routinely and consistently exercise their limited authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]**

**[ ] OPTION C-2**

[ ] While ordinarily school-sponsored student media may only be published/performed to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public):

\_\_\_\_\_ [identify] ( ) high school newspaper [could substitute with the name of the publication] ( ) high school yearbook [could substitute with the name of the yearbook] ( ) \_\_\_\_\_ insert name(s) of specific school-sponsored student publications/productions]. ( ) See Board Policy 9160.

**[END OF OPTION C-2]**

**[ ] OPTION C-3**

[ ] While ordinarily school-sponsored student media may only be published/performed to members of the school community, the District Administrator may authorize specific student media to be published/performed outside the school community (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the District Administrator a request for prior written approval for such publication/performance.

**[END OF OPTION C-3]**

**[ ] OPTION C-4**

[ ] While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may only be published/performed to members of the school community:

\_\_\_\_\_ [identify]. ( ) See Board Policy 9160.

**[END OF OPTION C-4]**

**[ ] OPTION C-5**

[ ] School-sponsored student media may be published/performed outside the school community (i.e., to the general public). ( ) See Board Policy 9160.

**[END OF OPTION C-5]**

All other school-sponsored student publications and productions, including classroom and/or other curricular, or extra-curricular/club-related publications and/or productions, are nonpublic forums. As nonpublic forums, the content of these other student publications and productions can be regulated for legitimate pedagogical school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the content of all school-sponsored student media except those publications/productions listed above, prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. **[DRAFTING NOTE: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not**

being implemented as written, and therefore the Board may be found to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]

[END OF OPTION C]

**OPTION D** [Select if the Board intends all school-sponsored student media (i.e, publications/productions) to be nonpublic forums - i.e., subject to routine prior review/restraint. This is the most restrictive OPTION.]

**[DRAFTING NOTE: for OPTIONS D-1 through D-5: It is critical that the school officials actually engage in prior review/restraint and not just reserve the right to engage in such review/restraint. If the school officials fail to routinely and consistently exercise this authority, a court reviewing a student challenge to a review/restraint may hold that this policy is not being implemented as written, and therefore the Board will be considered to have lost the authority it attempted to preserve for its administrators. The Board should provide school officials with guidance and training in order to implement this duty of review/restraint effectively and legally.]**

All school-sponsored student media are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the type and/or content of all school-sponsored student media prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may further prohibit speech that is grammatically incorrect, poorly written, inadequately researched, biased or prejudiced, vulgar, or profane, or unsuitable for immature audiences.

**[DRAFTING NOTE: Select OPTION D-1, OPTION D-2, OPTION D-3, OPTION D-4, or OPTION D-5.]**

**OPTION D-1**

**[DRAFTING NOTE: The Board should only select this OPTION if it has prohibited all school-sponsored student publication/performance on social media, with the exception of school-sponsored student media that is disseminated through District-approved social media that employs a portal that restricts access to members of the school community through the use of a User ID and Password (or other form of biometric authentication security).]**

School-sponsored student media may only be published/performed to members of the school community.

[END OF OPTION D-1]

**[DRAFTING NOTE: The Board should select either OPTION D-2 or OPTION D-3 if it has authorized the limited use of District-approved social media to publish/perform school-sponsored media; as mentioned above, it is critically important that school officials routinely and consistently exercise their authority to engage in prior review/restraint with respect to the publication/performance of all school-sponsored student media.]**

**OPTION D-2**

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the following student media may be published/performed outside the school community (i.e., to the general public):

\_\_\_\_\_ [identify] ( ) high school newspaper [could substitute with the name of the publication] ( ) high school yearbook [could substitute with the name of the yearbook] ( ) \_\_\_\_\_ [insert name(s) of specific school-sponsored student publications/productions]. ( ) See Board Policy 9160.

[END OF OPTION D-2]

**OPTION D-3**

While ordinarily school-sponsored student media may only be published/performed to members of the school community, the District Administrator may authorize specific student media to be published/performed outside the school community, (i.e., to the general public). A student or group of students who wish to have his/her/their student media published/performed outside the school community must submit to the District Administrator a request for prior written approval for such publication/performance.

[END OF OPTION D-3]

**OPTION D-4**

While school-sponsored student media generally may be published/performed outside the school community (i.e., to the general public), the following student media may only be published/performed to members of the school community: \_\_\_\_\_ **[identify]**.  See Board Policy 9160.

**[END OF OPTION D-4]**

**OPTION D-5**

School-sponsored student media may be published/performed outside the school community (i.e., to the general public).  See Board Policy 9160.

**[END OF OPTION D-5]**

**[END OF OPTION D]**

**[END OF OPTIONS A THROUGH D]**

**[NOTE: The following paragraph is OPTIONAL.]**

Students  Staff will monitor comments posted to social media platforms/sites that have been approved under Policy 7544 for use as school-sponsored student media. Comments will be monitored to verify the age-appropriateness of the material, whether unprotected speech is involved, and whether there is compliance with posted rules for use of the forum and the platform/site's applicable terms of service. Comments that are not age-appropriate for the student-audience for the school-sponsored publication, constitute unprotected speech, and/or violate the posting rules for the use of the forum and/or the platform/site's applicable terms of service will be removed. The review of posted comments will be conducted in a viewpoint neutral manner, and consistent with State and Federal law.

Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication/performance of unprotected speech.

**[DRAFTING NOTE: CHOOSE ONE (1) OF THE FOLLOWING THREE (3) OPTIONS RE: ADVERTISING.]**

**OPTION #1 [Select if the Board intends to permit advertising in some or all school-sponsored student media but requires a school employee/official to pre-approve the advertisements.]**

Advertising is permitted in

all school-sponsored student media.

the following school-sponsored student publications/productions: **[identify publications/productions]**

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

Any advertisements must be consistent with Policy 9700.01  and AG 9700B.

Advertisements submitted for publication or inclusion in a production shall be reviewed by

the class/activity advisor

the building principal

the District Administrator

school officials

for a determination that they are appropriate for juveniles. The  District Administrator  Board retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

**OPTION #2 [Select if the Board intends to permit advertising in some or all school-sponsored student media that are designated to be limited-purpose public forums, and the students involved in the specific publications/productions will be responsible for accepting or rejecting the advertisements.]**

Advertising is permitted in

all school-sponsored student media that have been designated as limited-public forums.

the following school-sponsored student media that have been designated as limited-purpose public forums: **[identify publications/productions]**

A. \_\_\_\_\_

B. \_\_\_\_\_

C. \_\_\_\_\_

Any advertisements must be consistent with Policy 9700.01 ( ) and AG 9700B.

The students in the class(es)/activity(ies) associated with

all school-sponsored student media that have been designated as limited-purpose public forums

the above-listed student media

will determine whether to include advertisements in the publications/productions. Acceptance or rejection of specific advertisements is within the control of the publication/production staff, which may accept those for activities, products, or services that are illegal for students and/or that violate State or Federal law.

The publication/production staff is encouraged to consider the age appropriateness of the ads they select.

**OPTION #3 [Select if the Board intends to prohibit advertisements in all student publications/productions.]**

Advertising is not permitted in school-sponsored student media.

**[END OF OPTIONS RE: ADVERTISING]**

### **General Prohibitions**

Regardless of their status as non-public or limited-purpose public forums, the Board prohibits publications, productions, and advertisements that:

- A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
- B.  fail to identify the student or organization responsible for the publication/performance;
- C.  solicit funds for non-school organizations or institutions when such solicitation has not been approved by the Board.

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**Last Modified by Ann DeMeuse on February 22, 2023**

# WHAT IT LOOKS LIKE NOW

Book Policy Manual  
Section Vol. 31, No. 2, July 2022  
Title Revised Policy - Vol. 31, No. 2, July 2022 - HUMAN GROWTH AND DEVELOPMENT  
Code po2414  
Status  
Adopted April 17, 2013  
Last Revised March 15, 2023

Yellow = Required

Green = Recommended

## Revised Policy - Vol. 31, No. 2

### 2414 - HUMAN GROWTH AND DEVELOPMENT

[DRAFTING NOTE: CHOOSE EITHER OPTION #1 OR OPTION #2.]

#### [ ] Option #1

The Board directs that students shall not receive instruction in human growth and development.

#### [x] Option #2

The Board directs that students receive instruction in human growth and development, consistent with Chapter 118.019(2), Wis. Stats.

[NOTE: ~~If Per 118.019(2), Wis. Stats.,~~ if instruction in human growth and development is provided, the following instructional program is recommended, per 118.019(2), Wis. Stats.]

(x) Such instruction will include the following:

A. Medically accurate and age-appropriate instruction in the following topics:

1. (x) the importance of communication about sexuality between the student and the student's parents or guardians
2. (x) reproductive and sexual anatomy and physiology, including biological, psychosocial, emotional, and intellectual changes that accompany maturation
3. (x) the benefits of and reasons for abstaining from sexual activity, which shall stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections, and shall identify the skills necessary to remain abstinent
4. (x) methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress
5. (x) how alcohol and drug use affect responsible decision making
6. (x) the impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality
7. (x) adoption resources, prenatal care, and postnatal supports
8. (x) the nature and treatment of sexually transmitted infections

B. [x] The instructional program will also include the following:

1. (x) address self-esteem and personal responsibility, positive interpersonal skill, and healthy relationships

Since we do teach it, we need to select Option #2.

2.  Identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships
3.  address the positive connection between marriage and parenting
4.  present information about avoiding stereotyping and bullying, including how to refrain from making inappropriate remarks, avoiding engaging in inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report any unwanted or inappropriate remarks or physical or sexual behaviors

[The following options are permissive areas of instruction that were removed as part of the statutory recommendations for inclusion in the Human Growth and Development Curriculum by 2011 Act 216. However, a District may still include these in their Human Growth and Development Curriculum.]

5.  puberty, pregnancy, parenting, body image, and gender stereotypes
6.  the health benefits, side effects, and proper use of contraceptives and barrier methods approved by the Federal Food and Drug Administration to prevent pregnancy and barrier methods approved by the Federal Food and Drug Administration to prevent sexually transmitted infections
7.  the skills needed to make responsible decisions about sexuality and sexual behavior throughout the student's life.

**[Note: If the District chooses to provide instruction, regardless of whether it is articulated in policy, in any of the areas listed under Section A above, they must also include instruction in the following areas, when age-appropriate, in the same course, and during the same year]**

The following shall also be incorporated into the above subjects, when age-appropriate, in the same course and during the same year:

- A. presents abstinence from sexual activity as the preferred choice of behavior for unmarried students;
- B. emphasizes that abstinence from sexual activity before marriage is the only reliable way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome;
- C. provides instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children;
- D. explains pregnancy, prenatal development, and childbirth;
- E. explains the criminal penalties for engaging in sexual activities involving a child under Ch. 948, Wis. Stats.;
- F. explains the sex offender registration requirements under 301.45, Wis. Stats.; which shall include who is required to report, what information must be reported, who has access to the information reported, and the implications of being registered;
- G. provides medically accurate information about the human papillomavirus and the human immunodeficiency virus and acquired immunodeficiency syndrome; and
- H. explains the process under 48.195, Wis. Stats., under which a parent of a newborn child may relinquish custody of the child to a law enforcement officer, emergency medical services practitioner, or hospital staff member

The District shall use instructional methods and materials that do not discriminate against a student based upon the student's race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active students or children with disabilities

**[END OF OPTION #2]**

A citizens' advisory committee shall be established, in accordance with  Board Policy 9140 - Citizens' Advisory Committees and  [END OF OPTION] 118.019(5), Wis. Stats., which will in order to provide for the effective participation of staff, parents, health-care professionals, members of clergy, and other residents of the District in the design and implementation of this program area. The role of the advisory committee is to advise the Board on the design and implementation of the human growth and development curriculum and to review the curriculum. The Board  authorizes  does not authorize **[END OF OPTION]** the Committee to submit a recommendation to the Board for the curriculum to include separating students on the basis of gender when age-appropriate as determined by the Committee.

The District shall provide parents annually with an outline of the human growth and development program used in their child's grade level as well as information regarding how the parent may inspect the complete program and instructional materials. Prior to use in the classroom, the program shall be made available to parents for inspection.

The District shall notify the parents, in advance of the instruction and give them an opportunity, prior to instruction, to review the complete program and instructional materials and of their right to have their child excused from the instruction. The notice shall state that in the event a student is excused, that student will still receive instruction under 118.01(2)(d)2c, Wis. Stats. unless exempted and under 118.01(2)(d)8, Wis. Stats.

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Legal                      115.35, 118.01(2)(d), 118.019, Wis. Stats.  
                                 P.I. 8.01(2)(j), Wis. Adm. Code

**Last Modified by Ann DeMeuse on February 2, 2023**





**MEMO**

**To:** Board of Education  
**From:** Keith Nerby  
**Date:** March 6, 2023  
**Re:** March 2023 Principal’s Report

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**Teaching and Learning**

**2023-24 class schedules.** Counselors are processing course requests at this time. We are also working on building the schedule and reviewing section counts. The timeline is to have the schedule completed before the end of March.

***In-person state-mandated testing.***

- March 7 – ACT with Writing – All Juniors (paper)
- April 4 – Forward Social Studies – All Sophomores (online)
- April 12 – the new Pre-ACT Test– All Freshmen and Sophomores (online)

**Graduation Update:**

The commencement ceremony for the class of 2023 will be held on Saturday, June 3 at 10:00am. We will have a traditional graduation ceremony in the high school gymnasium and each family will receive six graduation tickets. The ceremony will be followed by the, relatively new tradition, of a boat parade. I am currently working with the Coast Guard and staff to help plan and organize this event. It has become a popular and a uniquely Sturgeon Bay event.

**Upcoming Events**

Here is a list of upcoming events:

Grade 11 ACT Testing	Tuesday, March 7
Quarter 3 Exams	Thursday, March 16, and Friday, March 17
<i>March 16: Classes for Blocks 1, 2, 3, and 4 in a.m. Exams for Blocks 3 and 4 in p.m.</i>	
<i>March 17: Exams for Blocks 1 and 2 in a.m. Students released at 11:45 a.m. Buses will run at noon on March 17.</i>	
Spring Break	Monday, March 20, through Friday, March 24
Classes Resume	Monday, March 27
Grade 10 Forward Exam	Tuesday, April 4
Grades 9 and 10 Aspire Testing	Wednesday, April 12

## MEMO

To: Board of Education

From: Lindsay Ferry

Date: March 6, 2023

Re: March Director of Special Education and Pupil Services Report

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**Special Education:** The Special Education continues to implement IEPs as designed in addition to working with students in the referral process. At total the team is providing support to 192 students with disabilities. The team is also in process of evaluating 12 students from Sturgeon Bay School District, 4 Parochial School students, and one Headstart student.

With the recent Child Find Event held on 3/3/2023, the team will be referring any student who did not meet developmental milestones as assessed.

### ***Pupil Services Team:***

The Pupil Service Team is working on the following:

- Scheduling for the 2023/24 School Year
- Spring Assessment Schedules: ACT and WI Forward Exam
- MLSS Tier 2 Behavioral Support in All Buildings
- Universal Mental Health Screener
- Virtual Mental Health Therapy
- March 7 Community Resource Fair

### **Meetings/Workshops:**

Recent and Upcoming meetings include the following:

- March 7: Community Resource Fair
- Boys and Girls Club Partnering
- March 10: Alternative School Programming
- March 23: Early Childhood Programming Meeting
- March 29 CESA 7 RSN meeting

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

Jan (1/4/23)	Feb (2/1/23)	March (3/1/23)	April	May	June
194	190	192			
42	42	42			
9	9	8			
29	30	30			
27	27	27			
22	22	20			
32	32	32			
2	2	2			
0	0	0			
0	0	0			
31	31	31			
48	49	45			
47	47	46			
8	8	8			
11	9	8			
4	6	7			
1	1	1			
2	10	3			
3	3	2			
2	3	6			
2	3	4			
2	1	4			
0	3	0			
1	7	2			
0	0	0			
0	0	0			
32	32	32			

## **TJ Walker Board Report March 2023**

### **Updates:**

- We held Parent Teacher Conferences Thursday, March 2. Staff met with families and shared their progress report.
- Forward Exam Training is on Wednesday, March 8. This is a DPI requirement for all staff involved in Forward Testing. Staff view the assigned videos and sign a Proctor Training and Confidentiality Agreement Form.

### **Teaching and Learning**

- 6th Grade Science and an 8th Grade Math positions are posted on WECAN.
- Pass to play incentive, March Madness Basketball Students vs Staff, on Friday, March 17.
- Forward Testing schedules are March 29 to April 14. Make-up testing goes to April 28
  - These dates were mailed out to families on March 8, 2023.
- Course Selection Sheets have been collected and Ms. Barlement has tallied our course requests.
  - Allied Arts returns to Semester 1
  - Choir 7 has 33 requests and Choir 8 has 14. 176% increase from 2022-23.
  - Spanish 7 has 49 requests. Spanish 1 has 38.
- The Leadership Team meets March 15 to review schedule tweaks. Mr. Sigl and I met with Ted Nietzsche from CESA 6 regarding our schedule. Additional topics include: ClipperTime adjustments, adopting our Behavior Decision [Flowchart](#), and setting summer meeting times to complete our 2022-2023 School Improvement Plan.

*Note: June 8 TJW Leadership Team meets with Erick Larsen to review Forward Data.*

### **Upcoming Events**

- Thursday, March 9 Choir showcase: "Dream With Me: A Night Among Stars" is held in the MS Commons at 7:00 PM.
- Friday, March 10th is our presentation with the Open Door Bird Sanctuary in the auditorium.
- Friday, March 17 Artist Showcase at Sunrise (8th grade band performs).
- Friday, March 17 March Madness Basketball Students vs Staff.
- Thursday, April 27, 28, and 29 Allied Arts performs Matilda the junior musical.

**To:** Board of Education  
**From:** Katie Smullen, Principal, Sunrise Elementary School  
**Date:** March 3rd, 2023  
**Re:** MARCH Report to the Board



## **Teaching and Learning**

### **Read Across America**

On March 2nd, teachers switched homerooms to read some amazing picture books to students. In addition to students and teachers dressing up as their favorite characters from books, this was a great celebration of reading.

### **Family Teacher Conferences and Report Cards**

This week, we will send home report cards on Wednesday and will host parent teacher conferences on Thursday and Friday. We look forward to this opportunity to partner with our students' families.

## **Community Engagement**

### **Pennies for a Purpose**

Students raised money for the earthquake victims in Turkey and Syria by hosting a fundraiser for the past few weeks. Grade levels competed by grade level, with students alone raising \$527. We are thankful for Mr. Degendorf for taking the lead on this.

### **[Sea Perch Project](#)**

The Maritime museum helped fund this very cool project that 5th graders have been working on over the past few months. Students have designed and built a remote operated vehicle that will complete a task underwater. Two groups will compete this Wednesday in their first competition. We are thankful to Mr. Pairolero for taking the lead on this project.

## **Finance, Facilities and Operations**

### **Sunrise Library**

We are looking forward to finalizing the design as construction will start this summer!

## **Upcoming Events**

- March 8 and 9 - Family Teacher Conferences
- March 9 - Sunrise Ambassador Trip to the Coast Guard Station

# 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](http://www.sturbay.k12.wi.us)

### Board of Education Report

March 2023

Katy DeVillers

*Sawyer Principal*

#### ***Teaching and Learning***

- Our next round of Parent/Teacher Conferences were held on Thursday, March 9th in the evening and Friday, March 10th in the afternoon. We had a great turnout and the work that the teachers did to prepare for these conferences is appreciated! As was the case during the October conferences, we added an opportunity for families to experience some fun activities in our gym that were related to Literacy, STEAM/Art and Phy. Ed. These were led by our Phy. Ed. Teacher, Lauren Curtin, our STEAM Teacher, Miranda Eytcheson, and our Library Teacher Associate, Danielle Tauscher. Staff Members also enjoyed a pizza dinner provided by our PTO, which was very much appreciated!
- At our Tuesday, March 7th, PBIS Meeting, Travis Grooters (2nd grade teacher) and Jenny Hull (Safe Harbor Teacher Associate) led a presentation on how to record behaviors on our Powerschool platform. This new learning and way of recording our behavior data aligns to the other schools' data-keeping procedures and helps us to run reports that will inform how we support our students who struggle with behaviors.
- After school on Monday, March 27th, Jen Paye-Weber will be coming over to Sawyer to support our new and experienced staff members in their artifact collection procedures on our Frontline platform. We appreciate her time and efforts to support us in this way as well as all the work she has done throughout the year with new staff during Clipper Academy!

#### ***Community Engagement***

- Our EC and 4K Teachers and Teacher Associates as well as our secretary, Erin Dawidiuk, organized and ran our second round of 4K Screening on Friday, March 3rd. We had 25 families participate on Friday as compared to 19 families who did so in November.

#### ***Finance/Facilities and Operations***

- Our teaching staff is looking forward to their Record-Keeping Half-Day on March 17th and appreciate this time to plan and prepare as they begin the last part of the school year.



## **Board of Education Report**

**March 15, 2023**

Jennifer Weber

*Director of Teaching, Learning and Technology*

### ***Teaching and Learning***

- Casey Manders, Constance Vogel and I attended this year's Federal Funding conference February 27 & 28 in Wisconsin Dells. The conference is an opportunity for us to collaboratively work to keep up to date with and gather information about our federal grants. We continue to grow our team knowledge base and a shared responsibility for writing and monitoring the Federal Title grants.
- The middle of the year screening window has concluded. Following testing, 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 not only in our foundational literacy data, but that it has some positive effects on our math data as well! Digging into our data happens in correlation with planning for the end of the current school year, but also helps as we look ahead to the 2023-2024 school year and summer work.
- Major work throughout the district and across content areas is being done and includes: Core Literacy Curriculum Review, Middle School Math Audit, schedule alignment for common departmental planning time at the high school, high school curriculum teams being reestablished, Tier III literacy intervention at the middle school, Computer Science and English Language Learner workshop team participation at CESA 7.
- Abby Jacobson, Sturgeon Bay High School Academic Coach, and I facilitated the first of the high school curriculum teams this month. These half day meetings are held in the Teaching & Learning Center and are largely teacher-driven. 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 focus on a number of priority areas, including revisions and alignment of curriculum and standards, assessment, literacy in the content areas, best practices, and materials and resource development.



## ***Department of Technology***

- It is E-rate season. E-rate is an FCC program designed to use Universal Service Fund revenue to make internet access and internal connections more affordable for schools and libraries. There are two E-rate categories: Category 1 services are used to connect broadband or internet to locations while Category 2 services are internal connections needed to enable high-speed broadband connectivity, and its components and their maintenance. In order to secure service for the upcoming Fiscal Year, we need to submit Forms 470 & 471. Together, these Forms allow us to enter the competitive bidding process for service and to request discounts on those services and equipment for the upcoming funding year. CESA 11 assists us with this process which has been newly updated this year and requires that we collect bids from three different internet service providers. The [linked information](#) has been prepared by Nelson Demeuse, our network specialist and outlines his E-Rate assessment thus far. More information will be provided including selection criteria and associated data along with pricing information as it becomes available.
- Tech mentors have been discussing developments in artificial intelligence and the implications for education. In an effort to support teachers as they address it in their classrooms, we will need to have discussions with students about what constitutes plagiarism in light of these developments and continue to offer academic experiences that require the authentic, creative, and critical thinking of our students.
- During our most recent inservice day, Tech mentors trained staff on using Senso to provide granular control of Chromebooks in their classrooms. Middle and high school teachers also received training on casting to their ClearTouch panels from their own laptops and student Chromebooks.



# Erate Assessment of ISP Transport\Uplink

2022-2023  
Prepared by Nelson Demeuse



# Cogent

[Link to 470](#)

Cogent highlights: Out of state

Closest uplink is Milwaukee

Cost is the highest at 1265 a month. Totals to \$15,180 a year.

No NRC fees listed, which would be assumed to be site assessment etc.

NRC install is listed as free.

No previous engagement with them or testimonials listed.

# Spectrum

[Link to 470](#)

Highlights- “Local” and some prior experience, although not good.

Lowest cost - \$625 month for a total of \$7500 a year.

Scalable up to 10 gb bandwidth.

There are no NRC items listed. They notate that final engineering, design, and site visits could add on cost. So an unknown final cost here.

No mention of hosted equipment to have in our closet, which may also incur an annual fee.

# Wiscnet

[Link to 470](#)

Highlights- Our current and “local” provider of 6+ years

Middle of road on cost at \$825 month. \$9,900 for the year.

They have listed NRC fees for equipment which produces a know value of what our cost would be.

We have the managed equipment already, clarification on what our end cost is needed from Wiscnet.

# Contract terms

Wiscnet is the only provider to list pricing past 3 years. Our annual cost was \$9,000 in our last agreement.

Spectrum and Cogent only have the 3 year price locks listed.

The unknown of cost after 3 years is concerning.



# March 2023 School Board Report

Sturgeon Bay  
Schools-Food Service

High School and Middle School additional menu item options. We provide multiple options for high school students in hopes they will stay at school for lunch instead of driving off campus.

FOR MORE INFORMATION CONTACT  
JENNY SPUDE, RDN , CD  
Food Service Director  
746.3877 jspude@sturbay.k12.wi.us

## Providing Free Breakfast for Families

During COVID months, all meals were free of charge to families due to a specifically designed USDA School Lunch Program. During that time most students joined into school meals. We observed a negative stigma associated with breakfast, that breakfast was only for students who “needed it” fade away. We felt providing free breakfast was important for at least two main reasons. Free breakfast helps support a family’s food budget and continues the habit of school breakfast participation.

Last SY we averaged 770 breakfasts/d, as program rules allowed for multiple service times. This SY we are averaging 362 breakfasts/day. Fund 50, the food service fund, provides the financial support for free breakfast. Financial support means that Fund 50 is operating without the regular pay portion that a family would normally would have been paying for each breakfast. We still receive reimbursements for each meal: \$2.67 per meal for free meal eligible families, \$2.37 per meal for reduced meal eligible families and \$0.50 for full pay meal eligible families (last year \$0.33 was the full pay meal reimbursement rate). For 10+ years our fund was already supporting/providing for families eligible for reduced meal eligible breakfasts this year, we expanded to include full pay. The additional lost revenue from not receiving full pay family contributions was expected to be \$34,080 and was for sure absorbable within our budget, this was based on 24,000 full pay breakfasts for the year. As of the end of February we currently have had 18,181 full pay breakfasts. This rate is slightly higher than expected and if rate continues, yearend participation will be around 27,000 breakfasts this will create an additional lost revenue of \$2200 which is absorbable. As of the end of January Fund 50 remained at a strong positive balance.

## Finger Scan System Implementation

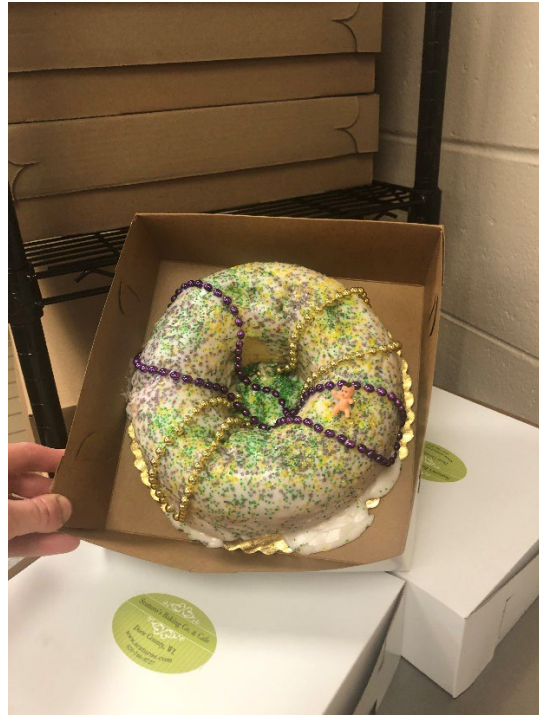
As we transition to a pay structure for meals once again (after COVID years with a different meal program in which all meals were free) we looked at alternate methods to capture student meal codes. Once students reach grades 3-5 they can often recall a 4 digit code that is unique to them and they enter this unique code at a keypad after taking a school meal. Younger students cannot regularly recall a 4-digit code, in years past we used plastic meal cards that they would bring from the classroom into the lunchroom and then were returned to the classroom after meal data entry was performed. There are more technical systems in use at libraries, school systems, universities around the country today. The one we are planning to implement is a finger scan system. The finger touch pad uses some of the ridges on our finger and converts the ridges into a binary code, this system is not fingerprinting. We plan to implement this system at Sawyer Elementary in March.

## Afterschool Snack Program

At the start of November, we began an afterschool snack programs for Sunrise and Middle Schools. Both schools offer classroom based after school activities such as homework help, resource, detention, clubs etc. All snacks are free of charge to students. For the months of Nov-January, 1000 afterschool snacks were provided (yes exactly 1000, funny huh?).

## Morning Coffee Program and Hot Chocolate

In November food service partnered with high school members of our Future Business Leaders of America (FBLA) Chapter to begin a high school coffee program. Food Service provides equipment, coffee and supplies; FBLA will provide marketing and staffing - both groups will share proceeds from cups of coffee sold. In January food service also began to offer a coffee alternative at second chance breakfast and began heating chocolate milk and serving as hot chocolate. Since the inception of cold brew coffee program we've "sold" 2008 cups of cold brew coffee and high school reimbursable meals have increased by 10%.



## Active Grants

This school year we applied for and received several grants. State administered Supply Chain Assistance Funds (\$36K) in which purchases can be made within a 400 mile radius and are minimally processed (using this grant primarily for the purchase of ½ pints of milk served at meals). Wisconsin Local Foods for Schools (\$25K) in which we expand the local supply chain and distribution of local, unprocessed or minimally processed food from small business and/or socially disadvantaged farmers or producers (using this grant for foods from Marchant's meats, Country Ovens cherries, Lifeway Kefir milk, etc). We also applied for and received support from Raibrook and Door County Medical Center to purchase several pieces of equipment. Support from these two entities funded 60% of the cost of the items we needed. These items included: a robot coupe food processor which can slice 6 cucumbers in 10 seconds, a new vending machine for high school commons as our old one was 30 years old and was unreliable, an immersion blender to help us with tasks we previously used whisks for and two industrial blenders to increase smoothie and dressings/marinade production.

Top picture: Scaturio's King Cakes on Mardi Gras Day, although we could not use grant dollars to support that purchase our students were super psyched about receiving it! We work with local food producers whenever we can.

Bottom picture: pork hocks simmering as a component in our homemade red beans and rice menu item on Mardi Gras Day – purchasing hocks and ground pork was a use of WI Local Foods to Schools Grant.



# SCHOOL DISTRICT OF STURGEON BAY

## ANCHORED IN EXCELLENCE

1230 Michigan Street | Sturgeon Bay, WI 54235

Phone: 920-746-2800 | Fax: 920-746-3888

### **March 15, 2023, Board of Education Meeting Superintendent Report**

Prepared by Dan Tjernagel, Superintendent of Schools

*Updated for the meeting packet on March 8, 2023; Additional updates added later are in section four*

#### **1. Teaching & Learning**

- a. **CESA 7 PAC Meeting** – This month’s meeting was March 3 at CESA 7.
- b. **Clipper Academy** – March 13 is this month’s edition of the Clipper Academy series designed to support teachers who are new to Sturgeon Bay.
- c. **In-service** - The next and final professional staff in-service day of the current school year is on Friday, May 5.
- d. **Data meeting follow up** – As I shared last month, Eric Larson, who has done data work with a variety of school districts and for CESA 6, had come up to meet with the Admin Team back on January 30.

To support building-level work at each of our schools, we now have arranged for Eric to return on Thursday, June 8 to meet with Building Leadership Teams at each school. The current plan is to have Eric meet with secondary-level teams in the morning and elementary-level teams in the afternoon, although the principals may adjust that, if needed.

Then we plan to have Eric come in next fall to meet with faculty members at each school as part of the Thursday, October 26, 2023, In-service Day. While this could certainly change in the coming months, the current plan is once again to have Eric meeting with secondary-level faculty in the morning and elementary-level faculty in the afternoon.

#### **2. Community Engagement**

- a. **DCEDC Board** - The monthly DCEDC Board meeting is on Tuesday, March 14.
- b. **YMCA Board meetings** – The regular monthly YMCA Board meeting is Thursday, March 16.
- c. **Legislative Days** – The next Legislative Days steering committee meeting is on Tuesday, March 28. Keith Nerby plans to join me for this meeting as we prepare to get into more of the logistics that the high school will need to know about when students join the effort on April 19.

- d. **Economic Development Meeting** – President Stephani and I were invited to attend the bi-weekly economic development meeting at City Hall on the afternoon of Tuesday, March 7. It was very interesting to hear about all sorts of development in process and being considered within the city, not the least of which involves housing for families as well as staff. While we’ve all heard figures about the need for housing units and the housing units in progress, we were told that 298 units involving eight major projects are currently in process and should be online by the middle of 2024. While not all of those units are in the school district, some are and other are in close proximity to the district.
- e. **Manufacturer’s Association Meeting** – Select SBHS staff and I were invited to attend the March 13 Manufacturer’s Association meeting in the Industrial Park. However, due to a scheduling snag it looks like we will actually be part of the September 11, 2023, meeting.
- f. **Spring Community Newsletter** – Jane Stephen has been in contact with me about the usual logistics and timing. Right now, it looks like mid to late May is the target window for having those hit mailboxes.

### 3. Finance, Facilities, & Operations

#### a. **Annual Compensation Review Meeting follow up -**

As part of the follow up to the annual review meeting we looked at key topics in our March 1 learning session. As we discussed in the learning session, I followed up with the committee members so they were informed, and also let them know Jake or I would be in touch so they could help us gather some information from colleagues at their building about whether or not they are interested in pursuing some sort of PTO-type approach. I’ll copy and paste the body of the email below so everyone who monitors my report can continue to stay informed. Jake also followed up with the group to get that ball rolling on the PTO-related topic.

#### i. **Teacher Salary Ladder**

- As communicated previously, the plan is for teachers to move up to the next ladder rung for the 2023-2024 school year. Even with the unknown aspects of the State Budget process, since we were able to build this progression into our budgeting and operational referendum planning, we believe we can do this even without knowing what the exact level of State support will be. We also know that this will likely be appreciated and cause less nervousness than the old days of providing a contract and telling people they won't be paid less than this year, but that we won't know more until after the State budget is approved.
- Once we know what the State Budget looks like, it is possible that the Board could look further at a couple of salary ladder scenarios Jake has sketched out that apply percentage increase tweaks to part or all of the ladder. To be clear, those draft scenarios/options do not eliminate any ladder rung(s) so the proximity to base issue would not be impacted by this type of potential change or additional increase.

- Also recall that while we usually approve those teacher salary amounts for the next year as part of the April board action on returning teacher contracts, technically the salary ladder is part of the Salary & Supplemental Pay guide which usually gets a first reading in May and a second reading/approval in June.
- Even aside from these two timelines, recall that if the news is positive as we all hope, the Board can certainly take action to provide additional compensation at a later date as has been done on occasion in the past. Just so we're clear, I cannot promise that this will occur, but I want to remind people that just because salaries are approved in the spring, that doesn't mean the Board cannot take additional action.

ii. **Appendix D – Additional Employment Pay Schedule: Curriculum Writing Hourly Rate**

- We did not zero in on any specific dollar amount at this point, in part because of the State Budget dynamic once again, but there was consensus that having a rate(s) somewhere between the current rates and the approved Summer School 2023 Pilot rates makes sense. There was also consensus that having a rate(s) that is more than the recently adjusted supervisory rate of \$20 makes sense.
- We're hopeful this can be included in the Salary & Supplemental Pay Guide for next year that the Board considers this spring as noted earlier in this email. Note: It is possible that the rate is not adjusted until after the State Budget is approved, but we'll see.

iii. **Sick Days/PTO/Flexible Time**

- This is where we'll need your help in the next few days, so keep on reading a bit more.
- I framed the conversation somewhere between keeping the current system but adding an incentive day or two to strive for some movement on one end of the spectrum, to the possibility of shifting to much more of a PTO system on the other end of the spectrum. Part of the rub, however, which I want you, anyone else, and the Board to know is that I don't want Jake/Kim/me to put a bunch of work into a PTO system if a majority of professional staff members don't even want it.
- The Board members present were very open to the key things we discussed based on the compensation meeting dialogue and the possibility of making either a smaller tweak to the system or a much larger shift. There is no specific system that we sketched out, but Jake and I were given the green light to give you an update and also ask for your assistance in getting feedback from staff in order to try to put something together.
- Jake or I will be in touch further (probably Jake since I'm at CESA tomorrow), about getting a sense from the people at your building regarding their thoughts--similar to the way some of you have quickly gathered input from your colleagues on topics in the past. Jake and I would like to give you a similar starting point, though, to help everyone in getting a pulse on things.
- From there, I anticipate sharing the feedback with the Board and if all continues to proceed well, we could implement some sort of work group, so stay tuned for that as well.

- b. **Miron Update** – Eric Brandt from Miron plans to be in contact with Jake, John Sullivan, and me by mid-March once he hears back from contractors on the Sunrise Library project. We’ll work on the high-level timelines and budget and let Katie Smullen and Holly Selle deal with the various specifics and details around where they want the bookcases and so forth. That work is planned for the summer of 2023 so it can be completed prior to the usual August events involving in-service and the start of the new year.
- c. **Weather Closures & Delays** – At this point in the winter, we have had one two-hour delay (December 15) and three closures (December 23, January 19, and February 23). Principals are keeping an eye on the instructional hours for their buildings to ensure we don’t run into a problem there (and in preparation for when we certify instructional hours for the State in the summer). This means we have one full day plus two hours of professional staff make-up time, but we’ll see if that increases in March or April.

As a quick reminder, the following is a portion of the school calendar section of the professional staff handbook:

*In the event a situation beyond the control of the Board requires the closing of one or more or all schools the first two days will not be rescheduled. All other days will be rescheduled by the Superintendent.”*

As a quick reminder, there is no requirement from the State when it comes to the number of school days as there was years ago. Instead, the DPI requirement is as follows:

Half-day K	437 hours
Full-day K - 6	1050 hours
7-12	1137 hours.

Practically speaking how we’ve applied the language from the professional staff handbook in recent years is that if we don’t have the need to add instructional minutes/hours/days for students yet, we can take another approach to having any professional staff time requirements being met. It could be as simple as me giving the word to the principals to go ahead and work with their staff on the make-up time. Stay tuned as we navigate the rest of the winter and communicate accordingly for the professional staff make-up time.

- d. **Joint Review Board Meeting** – Mike Stephani plans to represent the district at the March 9 Joint Review Board meeting. This meeting was called by the City and deals with Tax Incremental District No. 8, which would involve three parcels near the corner of North 3<sup>rd</sup> Avenue and Jefferson Street. According to the map in the packet provided by the City, the vacant retail building (the former Ace Hardware), parking lot across the street, and the existing mixed use building next to the parking lot would comprise the new TID.

According to the information provided by the City, the property is currently valued at \$1,111,700. The TID dollars would go toward incentives for a

developer, public restrooms, street/sidewalk improvements, parking improvements, façade improvements, and administrative/organizational fees totaling \$1.155 million.

4. **Additional Items and/or Updates** *(added after I submitted my report for the Board packet)*

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]**

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 capital assets that materially increase their value or useful life (not ordinary repairs and maintenance)

Capital expenditures, which are expenditures for capital assets, require prior written approval in order to be allowable in certain situations. General-purpose equipment, buildings, and land, as well as improvements to land, buildings, or equipment which materially increase their value or useful life, are unallowable as direct charges unless the Federal awarding agency or pass-through entity provides prior written approval. Whereas capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.

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

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.  description of the property;

B.  serial number or other identification number;

C.  source of funding for the property;

D.  titleholder;

E.  acquisition date;

F.  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 project 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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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 prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy as 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's 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, "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 receives 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 Compliance Officer (see Policy 1422 - Nondiscrimination and Equal Employment Opportunity) 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 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 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 7461 [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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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 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)

920-746-287401 \_\_\_\_\_  
(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~~ **complainant's** employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to ~~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 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~~ **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 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 and the obligation to do so within five (5) business days.

[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.

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.

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 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.

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 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 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, 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.

118.125, 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.  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 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 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**



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 ~~transgender~~ transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), 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 Classes Characteristics~~"), and encourages those within the School District community as well as ~~Third Parties~~ Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and, in those cases where harassment is substantiated, ~~the Board will take immediate steps calculated to~~ end the harassment, prevent its recurrence, 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 Classes 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; ~~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.

### 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/Ancstry 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 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.  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 ~~complainant'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, 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 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, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have ~~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 ~~7~~ 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 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 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~~ ~~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. 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.

[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~~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~~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~~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 ~~Third Party~~ alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The 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~~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~~ ~~he learns or that she 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 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~~ 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/Complainant, 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

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
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	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 with a disability:** means a person who has, ~~had~~ <sup>has</sup> 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 (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

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

**Qualified Individual with a Disability**

With respect to public preschool, elementary, and secondary educational services, a qualified individual 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.]**

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)

920-746-2874 \_\_\_\_\_  
 (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.  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 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 F12). 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: 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.]**

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 or 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 report by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken during the investigatory phase to protect the Complainant from further ~~discrimination or retaliation~~ **less 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.**

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) 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 Administrator will be reviewed by the Board upon request.

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

The Board reserves the right to investigate and resolve a complaint, or report of **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**, ~~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 shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

### **Impartial Due Process Hearing**

A student and/or parent may request an impartial due process hearing regarding the identification, evaluation, or placement of a student with a disability. The student and/or parent may but are not required to first exhaust the above complaint procedure before requesting an impartial due process hearing. The parent of a student with a disability and a student over eighteen (18) years old (if not under guardianship) or an emancipated student has the right to: (1) examine records or documents that the school relied on in making its decision about the student; (2) request an impartial due process hearing that provides the parent and/or student with an opportunity to participate and permits representation by an attorney; and (3) have an opportunity for review of the decision made at the hearing.

A request for an impartial due process hearing should be made as soon as possible following a dispute in order to ensure that witnesses are available but no more than two years following the date of the matter in dispute. A request for an impartial due process hearing must be put in writing, identify the specific circumstances or areas of dispute that have given rise to the request for a hearing, and offer possible solutions to the dispute. The request for due process hearing must be filed with a District CO within the time limits specified above. The CO is available to assist individuals in filing a request for an impartial due process hearing.

When a request for an impartial due process hearing is received, the aggrieved party will have the opportunity to receive a hearing conducted by an IHO (i.e., by a person not employed by the District, not involved in the education or care of the child, and not having a personal or professional interest that would conflict with the IHO's objectivity in the hearing). The District will maintain a list of trained IHOs that may include IDEA/Article 7 hearing officers, attorneys, and Directors of Special Education outside the District. The District CO will appoint an IHO from that list, and the District will bear the costs of the hearing. The appointment of an IHO will be made within fifteen (15) days after the request for an impartial due process hearing is received.

A party to an impartial due process hearing has the right to:

- A. be accompanied and advised by legal counsel and individuals with special knowledge or training with respect to the problems of students with disabilities at the party's own cost;
- B. present evidence and confront, cross-examine and compel the attendance of witnesses;
- C. a written or electronic verbatim record of the hearing; and
- D. written findings of fact and conclusions of law setting forth the reasons for the decision.

The IHO shall conduct the impartial due process hearing within a reasonable period of time (i.e., not to exceed ninety (90) days from the request for a hearing, unless this time-frame is mutually waived by the parties or is determined by the IHO to be impossible to comply with due to extenuating circumstances). The IHO will give the parent and/or student written notice of the date, time and place of the hearing. Notice will be given no less than twenty-one (21) days prior to the date of the hearing, unless otherwise agreed to by the parent and/or student. The notice shall include:

- A. a statement of the time, place and nature of the hearing;
- B. a statement of the legal authority and jurisdiction under which the hearing is being held;
- C. a reference to the particular section(s) of the statutes and rules involved;
- D. a statement of the availability of relevant records for examination;
- E. a short and plain statement of the matters asserted; and
- F. a statement of the right to be represented by counsel.

The IHO shall conduct the hearing in a manner that will afford all parties a full and fair opportunity to present evidence and otherwise to be heard. The parent and/or student may be represented by another person of the parent or student's choice, including an attorney. The IHO shall make a full and complete record of the proceedings.

The IHO shall render a decision in writing to the parties within thirty (30) days following the conclusion of the hearing. The decision will be based solely on the testimony and demonstrative evidence presented at the hearing and include a summary of the evidence (i.e., findings of fact) and the reason for the decision (conclusions of law). The IHO's decision shall include a statement that either party may appeal the decision.

Appeal of the IHO's decision may be made to a Federal court of competent jurisdiction.

### **OCR Complaint**

At any time, if a student or parent believes that the student has been subjected to discrimination based upon disability in violation of Section 504 or the ADA, the student or parent may file a complaint with the OCR. The OCR can be reached at:

U.S. Department of Education  
Office for Civil Rights  
Chicago Office  
John C. Kluczynski Federal Building  
230 S. Dearborn Street, 37th Floor  
Chicago, IL 60604  
Telephone: 312-730-1560  
FAX: 312-730-1576  
TDD: 800-877-8339  
E-mail: [OCR.Chicago@ed.gov](mailto: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 appropriate. All 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 transgender 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~~ 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, ~~the 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 ~~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 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 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)

920-746-287101 \_\_\_\_\_  
(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.  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 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 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, ~~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 ~~complaints~~, 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	<ul style="list-style-type: none"> <li>118.13 Wis. Stats.</li> <li>P.I. 9, Wis. Adm. Code</li> <li>P.I. 41, Wis. Adm. Code</li> <li>Fourteenth Amendment, U.S. Constitution</li> <li>20 U.S.C. 1701 et seq., Equal Educational Opportunities Act of 1974</li> <li>20 U.S.C. 7905, Boy Scouts of America Equal Access Act</li> <li>29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended</li> <li>42 U.S.C. 6101 et seq., Age Discrimination Act of 1975</li> <li>42 U.S.C. 2000 et seq., Civil Rights Act of 1964</li> <li>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act</li> <li>42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended</li> <li>29 C.F.R. Part 1635, The GINA Regulations</li> <li>34 C.F.R. Part 110, The Age Discrimination Act Regulations</li> <li>Guidelines for Vocational Education Programs, Department of Education, Office for Civil Rights, March 21, 1979</li> </ul>
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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 - 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 as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy on 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 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 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, "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 receives 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 Compliance Officer (See Policy 3122 - Nondiscrimination and Equal Employment Opportunity) 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 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 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 920-746-287401 [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 the Genetic Information Nondiscrimination Act of 2008  
 29 C.F.R. Part 1635

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 transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), 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 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 (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)

920-746-287101 \_\_\_\_\_  
(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 expect 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~~ ~~complainant's~~ employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to ~~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 [ \* 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~~ ~~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 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 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.

[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. 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 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 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 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/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/medial 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 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; and
  - 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 1601, 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 ~~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)

920-746-2871 \_\_\_\_\_  
(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.  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 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 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
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## **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 "harassmentProtected ClassesCharacteristics"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and, in those cases where harassment is substantiated, ~~the Board will~~ take immediate steps ~~calculated~~ to end the harassment, prevent its recurrence, 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/(\*) 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, ~~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)

920-746-2871 \_\_\_\_\_  
(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.  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 [  ] 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]  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 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 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, shall 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 be 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, Any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to harassment or has witnessed harassment of another may seek resolution of the 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 is 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 complainant shall be reported to the District Administrator, who will consult with the other CO, if any, or if necessary appoint/designate another individual to serve as CO for the 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 informed of the status of the investigation and the decision-making process.

All written complaints must include the following information to the extent known: 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 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 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) business days of receiving the complaint, the CO will initiate a formal 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] 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;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO 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 or retaliation toward the Complainant. 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 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. 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 Third Party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The 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 ~~by he or she~~ 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, ~~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 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, 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/complaints, 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. 1601 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  
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 as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy as 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 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, "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 receives 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 Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) 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 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 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 920-746-287401 [phone].

[\* ] 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

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 - NONDISCRIMINATION 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"; ~~h~~ 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 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 (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)

920-746-28701 \_\_\_\_\_  
(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 ~~be 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 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.

[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.

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, 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 involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary 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.

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 ~~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)

920-746-287401 \_\_\_\_\_  
(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.  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 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, 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, 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.~~ 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;



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 "harassmentProtected CharacteristicsClasses"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and, in those cases where harassment is substantiated, ~~the Board will~~ take immediate steps calculated to end the harassment, prevent its recurrence, 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/(\*) 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 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;

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/Ancstry 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)

920-746-712801 \_\_\_\_\_

(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 ~~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 ~~complainant'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)  
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(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, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to harassment or has witnessed harassment of another may seek resolution of this/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 is 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 complainant 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 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 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 a formal investigation by a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process to determine whether the complainant has been subject to offensive conduct/harassment.

[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 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 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 Third Party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

**The 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, 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 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~~ 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, 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 - 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 ~~Third Parties~~ Third Parties, 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).

[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.

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 (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.

**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 (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, and 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.

## 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, "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 504 Compliance 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 \_\_\_\_\_  
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The names, titles, and contact information of these individuals will be published annually:

- A. **on the School District's website.**
- B.  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, Any student who believes that they have s/he has been subjected to harassment may seek resolution of this/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 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 ~~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** ~~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 ~~ages~~ **ages** and maturity ~~levels~~ **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 recurrence, and remedy its effects.

#### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

### 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. 1691 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. PartSec. 300.600-300.662, IDEA Regulations~~

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Legal	48.981, Wis. Stats. 118.13, Wis. Stats. P.I. 9, Wis. Admin. Code P.I. 41 Wis. Admin. Code 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
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Last Modified by Ann DeMeuse on January 31, 2023

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of DEFINITIONS
Code	po0100
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

## 0100 - DEFINITIONS

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

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

### **Administrative Guideline**

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

### **Administrator**

**An employee who holds a position of leadership over a defined function or department of the District and who reports directly to the (x) District Administrator (.) Superintendent.**

~~**[ ] Administrators may include the following positions: ( ) School Business Manager, ( ) Director of Special Education and Pupil Services, ( ) Director of Instruction, ( ) Instructional Program Coordinator, ( ) Principal, ( ) Associate/Assistant Principal, ( ) \_\_\_\_\_ . [END OF OPTION]**~~

**In policy ( ) and administrative guidelines [END OF OPTION], capitalization of the term Administrator may imply delegation of responsibilities, as appropriate, to staff members.**

### **Apps and Web Services**

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

### **Board**

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

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

### **Bylaw**

Rule of the Board for its own governance.

## **Clerk**

The chief clerk of the Board . (See Bylaw 0170)

## **District**

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

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

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## **District Administrator**

The administrative head of the School District sometimes locally referred to as Superintendent. ~~In policy, capitalization of the term District Administrator implies delegation of responsibilities to appropriate staff members.~~

~~In policy (x ) and administrative guidelines [END OF OPTION], capitalization of the term District Administrator may imply delegation of responsibilities, as appropriate, to appropriate staff members.~~

## **Due Process**

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

## **Full Board**

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

## **Information Resources**

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

## **Law Enforcement Officer(s) or Agencies**

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

## **Legal Custodian of Records**

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

## **May**

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

## **Medical Advisor**

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

## **Meeting**

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

### **Parent**

The natural or adoptive parents or the party designated by the courts as the legal guardian, custodian, or surrogate of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

### **Personal Communication Devices**

Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, and/or other web-enabled devices of any type.

### **Policy**

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

### **President**

The chief executive officer of the Board . (See Bylaw 0170)

### **Principal**

The educational leader and head administrator of one (1) or more District schools. ~~In policy and administrative guidelines, implies authority to delegate responsibilities to appropriate members of his/her staff.~~ **In policy (x ) and administrative guidelines [END OF OPTION], capitalization of the term Principal may imply delegation of authority to delegate responsibilities, as appropriate, to appropriate members of his/her staff members.**

### **Professional Staff Member**

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

### **Relative**

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household.

### **School Nurse**

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

### **School Official**

**Except if otherwise defined in policy, a school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); or a person serving on the Board. ~~; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, or medical consultant); a contractor, consultant, volunteer or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g. a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers).~~ [DRAFTING NOTE: The term school official is inclusive of other parties, such as attorney, contractor, consultant, volunteer, or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g., a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) pursuant to the Family Educational Rights and Privacy (FERPA) definition - See Policy 8330 - Student Records.]**

### **Shall**

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

**Student**

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

**Superintendent**

As noted under District Administrator, locally some districts refer to the administrative head of the School District as Superintendent. As such, the superintendent has the same authority as the District Administrator by law. In policy, capitalization of the "S" in Superintendent implies delegation of responsibilities to appropriate staff members. ~~term "S" in Superintendent implies delegation of responsibilities, as appropriate, to appropriate staff members.~~

**Support Staff**

Any employee who provides support to the District's program and whose position does not require a professional certificate. This category includes special education paraprofessionals.

**Technology Resources**

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

**Treasurer**

The chief financial officer of the Board. (See Bylaw 0170)

**Vice-President**

The Vice-President of the Board. (See Bylaw 0170)

**Voting**

A vote at a meeting of the Board. The law requires that Board members must be present in order to have their vote officially recorded in the Board minutes, and to be available for a roll call vote. [OPTION: A Board member may be present at a meeting if attending by telephone or other manner of remote access, provided that the meeting is properly held.] No voting by Proxy may be recorded or counted in an official vote of the Board.

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

Revised 8/19/15

Revised 11/15/17

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Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of ELECTORAL PROCESS
Code	po0142.1
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

#### 0142.1 - ELECTORAL PROCESS

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

##### **Declaration of Candidacy**

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

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

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

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

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

120.06 (1), 10.68 (5)(2b), Wis. Stats.  
120.06 (6)(b), Wis. Stats.  
120.06(6)(b)3m, Wis. Stats.

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

Last Modified by Ann DeMeuse on February 3, 2023

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of VACANCIES
Code	po0142.5
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

#### 0142.5 - VACANCIES

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

- A. the death of the incumbent, or the incumbent's being found mentally incompetent by the proper court
- B. the incumbent's resignation
- C. the incumbent's removal from office
- D. the incumbent's conviction of a felony or imprisonment for one (1) or more years
- E. the incumbent's election or appointment being declared void by a competent tribunal
- F. the incumbent's neglect or failure to file the oath of office or to give or renew an official bond, if required
- G. the incumbent's ceasing to possess the legal qualifications for holding office
- H. the incumbent moving his/her residence out of the District
- I. The incumbent is absent from the territory of the District for a period of sixty (60) continuous days, unless such absence is due to active duty in the armed forces, in which case the vacancy shall be temporary for the remainder of the term or until the incumbent returns and files a notice of this/her intent to return to his/her unexpired term

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

#### Filling a Board Vacancy

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

- A. Appointment by the Board to fill a vacancy shall be by the ~~members majority vote~~ of the ~~remaining existing~~ Board ~~consistent with Bylaw 0162 - Quorum and Bylaw 0167.1 - Voting~~. All votes shall be recorded, preserved and open to public inspection to the extent prescribed in ~~Wis. Stat.~~ Chapter 19, ~~Wis. Stats.~~ Secret ballots may only be used when Board members are electing officers.
- B.
- C. The Board may interview interested candidates to ascertain their qualifications.
- D. If the vacancy is not filled within sixty (60) days of the date on which the vacancy first exists, the vacancy shall be filled by appointment of the Board President.

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

Revised 9/16/15  
Revised 10/19/16

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Legal	17.03 et seq., Wis. Stats.
	17.26 (1g)(a), Wis. Stats.
	120.12 (28), Wis. Stats.

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Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of REVISED BYLAW - VOL. 31, NO. 1 - BOARD MEMBER BEHAVIOR AND CODE OF CONDUCT
Code	po0144.5
Status	Second Reading
Adopted	August 17, 2022
Last Revised	March 15, 2023

### **REVISED BYLAW - VOL. 31, NO. 1**

#### **0144.5 - BOARD MEMBER BEHAVIOR AND CODE OF CONDUCT**

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

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

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

#### **General Expectations of All Board Members**

- A. Attend all scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings.
- B. Be familiar with and follow applicable local, State, and Federal laws and regulations.
- C. Be familiar with and comply with Board policies, including policies governing Board member conduct and Board member ethics, **rules of incompatibility of office**, and conflicts of interest (see Bylaw 0144.3).
- D. Conduct themselves with integrity, honesty, and in a manner that reflects positively on the Board and on the District.
- E. Be accountable for guiding and supporting the policy decision-making process that impacts students, staff, and the community. The operation of the District is the responsibility of the administration.
- F. Establish and maintain a high level of honesty, credibility, and truthfulness in all matters dealt with by the Board.
- G. Treat others with respect and dignity at all times, and maintain decorum, and always communicate in a way that does not violate or illustrate disregard for Board policy concerning harassment or discrimination. This decency expectation applies in all communications, including while discussing sensitive, controversial, or matters involving disagreement.
- H. At all times conduct themselves in the best interest of the School District, including avoiding implicating the District in unlawful activity or supporting or encouraging efforts to harm the reputation, legal standing, or to bring other material harm to the interests of the District or the Board.
- I. Recognize that they should endeavor to make policy decisions only after full discussion at publicly held Board meetings.
- J. Render all decisions based on the available facts and independent judgment.
- K. Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community.
- L. Work with the other Board members to establish effective Board policies and to delegate authority for the administration of the District to the District Administrator.
- M. Communicate to other Board members and the District Administrator expressions of public reaction to Board policies and school programs.
- N. Inform themselves about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the Wisconsin Association of School Boards and the National School Boards Association.
- O. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff.
- P. Refrain from using their Board positions for personal partisan gain.
- Q. Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law.
- R. Remember always that their first and greatest concern must be for the educational welfare of the students attending the public schools.
- S. No Board member shall act or fail to act ~~in his/her position as a member of the Board member~~ in violation of 946.12, Wis. Stats., regarding misconduct in public office.

#### **Board Member Communication**

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

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

- A. On behalf of the Board: normally, this is the function of the Board President or in the President's absence, the Vice President. The Board may by majority vote delegate this responsibility to another Board member in a specific circumstance. In every case, the Board Member communicating the Board's position shall do so as determined by the Board and avoiding individual interpretation or editorializing.
- B. As an individual Board member, but not on behalf of the Board: a Board member who speaks, including online, in social media forums, or in any other public forum, on matters related to Board and/or District business, but not as an officially designated spokesperson of the Board, **The Board member must specify that any statement is not sponsored by the District and is a personal viewpoint.**

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

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

**( x ) Board Member Use of Electronic Communication Devices Prohibited**

An individual Board member's use of electronic communication devices, such as cell phones or smartphones, during a Board meeting, both during open session and during closed session, may lead to the public's and/or other Board members' perception that a Board member is not paying attention to the subject matter at hand or that a Board member is receiving information relative to the subject matter at hand that other Board members and members of the public are not receiving, or is communicating with persons not at the meeting regarding the subject matter of the meeting, any of which is inimical to good government and transparency, and, in the case of a closed session, may also be contrary to the legal interests of the Board. Therefore, the Board's use of electronic communication devices (including cell phones and smartphones), other than for the purpose of accessing agenda materials that are on a Board member's tablet or lap top computer, is prohibited during Board meetings.

Exceptions may be made by the Board in case an emergency or other special circumstance warrants an exception.

**Board Member Interaction with Staff**

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

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

Board members access to and request for School District records and information is governed by Board Bylaw 0143.2.

**Board Member Records and Confidentiality**

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

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

Board members are expected to maintain and protect the privacy of District records, including student records, and communications received in closed session meetings of the Board.

**Enforcement**

Complaints alleging violations of the Board Member Code of Conduct may be brought by any person and can be submitted to the Board President or, if the Board President is the member accused of violating this policy, to the Vice President.

The President or Vice President shall review the complaint and determine whether the officers, he can investigate the matter or if the President or Vice President needs to contact the School District's legal counsel for support. Upon completion of the investigation, if the conclusion reached is that the Board member violated the policy, the investigator shall brief the Board and may recommend action to be taken.

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

- A. Formal censure by resolution passed by a majority of the Board in an open session meeting of the Board.
- B. Removal from Board committee assignments for the remainder of the year and until the following organizational meeting of the Board, at which time the President is authorized to continue to withhold committee assignment. Approval of this sanction is an adopted exception to Bylaw 0155.
- C. Restriction on Board member rights granted by policy, including requesting items for a Board meeting agenda.
- D. Referral to proceed with efforts to remove the Board member from office for cause, which means inefficiency, neglect of duty, official misconduct, or malfeasance in office.
- E. Referral to law enforcement if any alleged misconduct constitutes potentially unlawful conduct.
- F. Other efforts to pursue compliance with and adherence to the policy as determined by the Board and not prohibited by law.

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Legal  
17.13, Wis. Stats.  
946.12, Wis. Stats.  
The National Association of School Boards

Last Modified by Ann DeMeuse on February 3, 2023

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of OFFICERS
Code	po0152
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

**0152 - OFFICERS**

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

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

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

The Board shall, in addition to other statutory requirements:

- A. designate depositories for school funds;
- B. designate those persons authorized to sign checks, contracts, agreements, and purchase orders;
- C. designate a day, place, and time for regular meetings which shall be held at least once every month;
- D. designate an administrator to assume specified responsibilities of the Treasurer and of the Clerk.

Revised 10/19/16

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Legal                                   120.43, Wis. Stats.  
  120.10, 120.15 et seq., Wis. Stats.

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Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of NOTICE OF REGULAR MEETINGS
Code	po0165.1
Status	Second Reading
Adopted	April 17, 2013
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0165.1 - NOTICE OF REGULAR MEETINGS

Public notice of all Board meetings, ( ) and other meetings subject to Policy 8309 - Open Meetings for Non-Board Committees, [END OF OPTION] shall be given pursuant to statute. Such notice shall be given, without cost, to any news media which submits a written request for meeting notices and to a news medium likely to give notice in the District's geographic area. In addition, such notice shall be made public in at least one of the following ways:

- A. posting the notice in at least three (3) public places likely to give notice to persons affected;
- B. posting the notice in at least one (1) public place likely to give notice to persons affected and on the governmental body's website; or
- C. by paid publication in a news medium likely to give notice to persons affected.

[ ] The notice shall be given, without cost, to the District's official newspaper, the Peninsula Pulse \_\_\_\_\_ . [DRAFTING NOTE: The official newspaper of the District, if required according to criteria in 985.05, Wis. Stats.]

~~The notice shall list Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing~~ the date, time, place, and subject matter of each regularly-scheduled meeting of the Board, including subjects intended for the consideration at any closed session, in the form which is reasonably likely to inform members of the public and the news media. To assure that notice of a meeting is specific enough to apprise the public of the purpose of the meeting, the following factors shall be considered: 1) the time and effort required to provide detailed notice; 2) the level of public interest in the particular subject; and 3) whether the meeting will involve routine or novel issues. The notice shall contain the name and address of the District and its telephone number. The notice shall be given at least twenty-four (24) hours prior to the meeting unless for good cause such notice is impossible or impractical, but in no case may the notice be less than two (2) hours in advance of the meeting.

The notice shall also contain the following statement:

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

~~The notice shall be given to the Door County Advocate and, upon the written request, to an individual, organization, firm, or corporation. The news media shall be entitled to receive, at their request, copies of such notices free of charge.~~

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Legal	19.84, Wis. Stats.
	120.11(4), Wis. Stats
	985.05(3), Wis. Stats.

Last Modified by Ann DeMeuse on February 3, 2023

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of NEW POLICY - VOL. 31, NO. 1 - CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENT
Code	po1421
Status	Second Reading
Adopted	March 15, 2023

**NEW POLICY - VOL. 31, NO. 1**

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

**Criminal History Record Check**

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

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

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

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

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

**Employee Self-Reporting Requirement**

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

The District Administrator, as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication shall notify the ( **x** ) Board President ( **x** ) in absence of Board President, the Vice President\_\_\_\_\_ for any criminal or municipal offense.

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension must be reported if the employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff in any vehicle. Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

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Legal 111.335, Wis. Stats.

**Last Modified by Ann DeMeuse on February 6, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of PHYSICAL EXAMINATION
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Last Revised	March 15, 2023

#### 1460 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment in a position that involves contact with children or the preparation of food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, subject to further tests, in order to determine the physical capacity to perform assigned duties. Additional testing may be required to assure freedom from tuberculosis in communicable form. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.

~~[ ] The Board requires every employee to undergo a physical examination as a condition of ongoing employment every \_\_\_\_ years of employment. [END OF OPTION]~~

No physical examination may be required of any employee who has filed an affidavit with the District Administrator requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.

[X] The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job related and out of necessity for safe and proper performance of job duties. [END OF OPTION]

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

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

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

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

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

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



The Board shall assume any fees for required examinations.

T.C. 12/21/22

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- 118.25, Wis. Stats.
- 118.25(2)(a), Wis. Stats.
- 121.52(3), Wis. Stats.
- 29 C.F.R., Part 1630
- 29 C.F.R. Part 1635
- 42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended
- 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of CURRICULUM DEVELOPMENT
Code	po2210
Status	Second Reading
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## 2210 - CURRICULUM DEVELOPMENT

The Board recognizes its responsibility for the quality of the educational program of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the District Administrator.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as:

- A. the courses of study, subjects, classes, and organized activities provided by the school;
- B. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group;
- C. learning activities approved by the Board for individuals or groups of students and expressed in terms of specific instructional objectives or class periods;
- D. the plan for learning necessary to accomplish the educational goals of the District;
- E. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the District.

The Board directs that the curriculum of this District:

- A. provides instruction in courses consistent with statute and regulations of the Department of Public Instruction or appropriate State agency;
- B. ensures, consistent with 115 Wis. Stats. and other applicable Federal and State laws and regulations, that special learning needs of students are provided for in the context of the regular program or classroom and provides for effective coordination with programs or agencies that are needed to meet those needs that cannot be dealt with in the regular program or classroom;
- C. be consistent with the District's philosophy and goals and ensure the possibility of their achievement;
- D. consistent with 118.30 Wis. Stats., incorporates State-recommended performance standards for students as the basis for determining how well each student is achieving curriculum objectives;
- E. allows for the development of individual talents and interests as well as recognizes that learning styles of students may differ;
- F. provides a strategy for continuous and cumulative learning through effective articulation at all levels, particularly of those skills identified as essential and life-role skills;
- G. utilizes a variety of learning resources to accomplish the educational goals;
- H. encourages students to utilize guidance and counseling services in their academic and career planning;
- I. in the elementary grades, provides regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art and music;
- J. in grades 5 to 8, provides regular instruction in language arts, social studies, mathematics, science, health, physical education, art and music;
- K. in grades 9 to 12, provides access to an educational program that enables students each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education, art and music;
- L. provides regular instruction in foreign language in grades 7 and 8;
- M. in one of grades 5 to 8 and in one of grades 10 to 12, provide students with the instruction on shaken baby syndrome and impacted babies described in ~~Wis. Stats.~~ 253.15 (5), [Wis. Stats.](#);
- N. incorporates instruction in financial literacy into the curriculum in grades kindergarten to 12;
- O. at least once in grades 5 to 8 and at least once in grades 9 to 12, include instruction on the Holocaust and other genocides effective with the 2022-23 school year;
- P. provides that, in the social studies curriculum, instruction in the history, culture, and tribal sovereignty of Federally-recognized American Indian tribes and bands located in Wisconsin takes place at least twice in the elementary grades and once in the high school grades;
- Q. provides for multi-cultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro- Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans.

As educational leader of this District, the District Administrator shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The District Administrator shall make progress reports to the Board periodically.

The District Administrator may conduct such innovative programs as are deemed to be necessary to the continuing growth of the instructional program and to better ensure accomplishment of the District's educational goals. Each such innovative program must be consistent with Chapter 118 and appropriate State regulations and receive the approval of the Board.

The District Administrator shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs before it is initiated.

Unless the Board disapproves, the District Administrator may proceed to conduct the program.

The Board encourages, where it is feasible and in the best interests of the District, participation in programs of educational research.

The Board directs the District Administrator to pursue actively State and Federal aid in support of the District's innovative activities.

Legal

118.01, 118.24, 121.02(1)(L), Wis. Stats.

PI 8.01(2)(L)

**Last Modified by Ann DeMeuse on February 3, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2266
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Adopted	July 20, 2022
Last Revised	March 15, 2023

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

### **Introduction**

The Board does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

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

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

### **Coverage**

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

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

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

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

### **Definitions**

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

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

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

1. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, **and the "nonforcible" sex offenses of incest and statutory rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest and statutory rape. - Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.**
  - a. **Rape is the carnal knowledge of a person (i.e. penetration, no matter how slight, of the genital or anal opening of a person), vagina or anus with any body part or object, or oral penetration by a sex organ of another person,** without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. ~~Attempted rape is included.~~
  - b. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - c. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
  - d. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - e. *Incest* is **nonforcible** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
  - f. *Statutory Rape* is **nonforcible** sexual intercourse with a person who is under the statutory age of consent as defined by Wis. Stat. §§ 948.02 or 948.09, or whose status as a student prohibits such sexual contact per Wis. Stat. §948.095.
  - g. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
  - a. A current or former spouse or intimate partner of the victim;
  - b. A person with whom the victim shares a child in common;
  - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
  - e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
3. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved

in the relationship.

4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Board designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

Dan Tjernagel  
Administrator  
(920)746-2804  
1230 Michigan Street Sturgeon Bay, WI 54235  
dtjernagel@sbsdmail.net

Lindsay Ferry  
Special Education Director/Pupil Services  
(920)746-2804  
1230 Michigan Street Sturgeon Bay, WI 54235  
lferry@sbsdmail.net

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

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

## **Grievance Process**

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

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

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

The Process described herein relates exclusively to complaints brought under this Policy. The District will continue to handle complaints subject to the District's other nondiscrimination and anti-harassment policies, including: Policy 5517 - Student Anti-Harassment; Policy 5517.01 - Bullying; 2260 - Nondiscrimination and Access to Equal Educational Opportunity; Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability.

## **Report of Sexual Discrimination / Harassment**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of sexual harassment by or involving the Title IX Coordinator, the person making the report should submit it to the other Title IX Coordinator. The other Title IX Coordinator will then serve in place of the Title IX Coordinator for purposes of addressing that report of sexual harassment.

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

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

Any allegations of sexual misconduct/sexual activity not involving sexual harassment will be addressed through the procedures outlined in Board policies the applicable Student Code of Conduct, or Employee/Administrator Handbook(s).

Because the Board is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of sexual harassment or allegations of sexual harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or sexual harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report.

The Board employee must also comply with mandatory reporting responsibilities pursuant to Wis. Stat. 48.981 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

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

When a report of sexual harassment is made, the Title IX Coordinator shall promptly contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related District policies, including Policy 5120 - Assignment within District; Policy 5605 - Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, and Policy 5611 – Due Process Rights.

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

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

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

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a formal complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal complaint to the District Administrator, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that formal complaint.



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

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

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of sexual harassment or submitting a false formal complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct and the Employee Handbook.

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

### **Timeline**

The District will seek to conclude the grievance process within ninety (90) calendar days of receipt of the formal complaint, followed by the appeal process which shall be processed in a timely manner.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action, except that any complaint covered by Policy 5517 - Student Anti-Harassment as well must comply with the timelines in that Policy, however, an investigation may still proceed as required under this Policy. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities.

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

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

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

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

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

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

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

The Title IX Coordinator *may* dismiss a formal complaint, or any allegations therein, if at any time during the investigation:

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

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

### **Consolidation of Formal Complaints**

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

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

### **Informal Resolution Process**

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

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

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

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

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

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

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

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

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

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

In making the determination of responsibility, the decision-maker(s) is (are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

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

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

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

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

Prior to completion of the investigative report, the investigator or Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

### **Determination of Responsibility**

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

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

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

**Determination regarding responsibility:** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

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

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

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in sexual harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. If the District Administrator is the Respondent, the Title IX Coordinator will notify the Board President of the recommended remedies for consideration and, if necessary and appropriate, implementation in compliance with applicable due process procedures, whether statutory or contractual.

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

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

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

In ultimately, imposing a disciplinary sanction/consequence, the District Administrator (or the Board when the District Administrator is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is a Member of the Board, **that member of the Board** shall be excluded from any determination regarding the imposition of a disciplinary sanction/consequence by the remaining Board members.

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

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

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

## **Appeal**

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

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);

B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within five (5) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a formal complaint or any allegations therein.

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

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

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

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

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s)'s determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a formal complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent.

### **Retaliation**

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

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

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

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

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or FERPA's regulations, and State law under Wis. Stat. §

118.12, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

### **Application of the First Amendment**

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

### **Training**

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

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

### **Recordkeeping**

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

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

- A. Each sexual harassment investigation including any determination regarding responsibility any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

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

### **Outside Appointments, Dual Appointments, and Delegations**

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

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

Legal

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

34 C.F.R. Part 106

19.21(6), Wis. Stats.

118.25, Wis. Stats.

120.13, Wis. Stats.

948.02, Wis. Stats.

OCR's Revised Sexual Harassment Guidance (2001)

20 U.S.C. 1092(F)(6)(A)(v)

34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(30)

**Last Modified by Ann DeMeuse on February 28, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of CRIMINAL HISTORY RECORD CHECK
Code	po3121
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

3121 -  
**CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENT**

**Criminal History Record Check**

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

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

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

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

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

**Employee Self-Reporting Requirement**

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

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension must be reported if the employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff in any vehicle. Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

111.335, Wis. Stats.

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**Last Modified by Ann DeMeuse on February 6, 2023**



Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of DRUG-FREE WORKPLACE
Code	po3122.01
Status	Second Reading
Adopted	April 17, 2013
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Last Reviewed	March 15, 2023

### 3122.01 - DRUG-FREE WORKPLACE

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

#### Prohibited Acts

The Board prohibits any member of the District's staff from any of the following at any time while on or in District property or while performing duties at a District-related activity or event: ~~the manufacture, possession, use, distribution, or dispensing of any controlled substance or alcohol, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event.~~

- A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;
- B. using, distributing, or possessing drug paraphernalia; or
- C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over-the-counter medication.

#### Permitted Acts

~~Professional~~ staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription taken in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over-the-counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over-the-counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over-the-counter medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken only in private, out of the view of students. ~~Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 3161 - Unrequested Leaves of Absence/Fitness for Duty.~~

Each staff handbook will include a **summary** of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff; furthermore, staff members shall be informed that compliance with this requirement is mandatory. The use of marijuana and/or products containing tetrahydrocannabinols (THC), other than products expressly excluded from the definition of a schedule drug (hemp-derived CBD oil, etc.), is still prohibited under Wisconsin law and Board policy. Use of such products even in states which have passed state laws permitting usage is still unlawful under Federal law and Wisconsin law and is not an exception to the drug-free workplace policy.

#### Reasonable Suspicion Testing

**Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.**

#### Disciplinary Action

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or rehabilitation programs and/or may refer the matter to law enforcement.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements under the Drug-Free Workplace Act of 1988 and shall provide these to staff. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 3161 - Unrequested Leaves of Absence/Fitness for Duty.

### **Off Work Conduct**

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs on social media or other outlets in a fashion that tends to provoke public scrutiny, damage the staff member's credibility, depict inappropriate involvement of minors, or in some fashion diminish the staff member's ability to safely and effectively perform his/her duties. If the District administration becomes aware of such circumstances, it will investigate the matter even though the events occurred on one's personal time and not on District property or at a District event.

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

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

Revised 12/21/16  
Revised 11/15/17  
Revised 2/17/21  
Reviewed 6/15/22

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

**Last Modified by Ann DeMeuse on February 6, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of PHYSICAL EXAMINATION
Code	po3160
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

### 3160 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment in a position that involves contact with children or the preparation of food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire. Additional testing may be required to assure freedom from tuberculosis in communicable form. ~~subject to further tests, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.~~

~~[ ] The Board requires every employee to undergo a physical examination as a condition of ongoing employment every \_\_\_\_\_ years of employment. [END OF OPTION]~~

No physical examination may be required of any employee who has filed an affidavit with the \_\_\_\_\_ District Administrator requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.

[x ] The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job related and out of necessity for safe and proper performance of job duties. [END OF OPTION]

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

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

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

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

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

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

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

The Board shall assume ~~any~~the fees for ~~required~~ examinations.

Revised 5/16/18  
Revised 12/19/18  
Revised 6/15/22  
T.C. 12/21/22

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Legal

- 118.25, Wis. Stats.
- 118.25(2)(a), Wis. Stats.
- 121.52(3), Wis. Stats.
- 29 C.F.R., Part 1630
- 29 C.F.R. Part 1635
- 42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended
- 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

**Last Modified by Ann DeMeuse on February 6, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of REVISED POLICY - VOL. 31, NO. 1 - GRIEVANCE PROCEDURE
Code	po3340
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

**REVISED POLICY - VOL. 31, NO. 1**

**3340 - GRIEVANCE PROCEDURE**

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

**CHOOSE OPTION #1 or #2**

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

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

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

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

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

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

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

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

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

**CHOOSE OPTION #3 OR #4**

**[ ] OPTION #3**

**A. District Administrator:**

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

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

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

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

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the District Administrator in the initial grievance. Any fees or costs charged by the impartial hearing officer shall be ( ) paid by the District ( ) split evenly between the grievant and the District. **[DRAFTING NOTE: Neola suggests that the option that requires the District to pay the fees or costs charged by the impartial hearing officer be selected to avoid potential Due Process issues.]**

**C. Board:**

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

The Board's decision shall be by majority vote of a quorum present, which shall be final.

**[x ] OPTION #4**

**A. Principal/Supervisor:**

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

**B. District Administrator:**

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) business days of the date the Principal's/Supervisor's written decisions is issued, present **their his/her** grievance in writing to the District Administrator. This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the

employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant. **[NOTE: An example of this action is the termination of an employee.]**

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

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

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

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the impartial hearing officer shall be (x ) paid by the District ( ) split evenly between the grievant and the District. **[DRAFTING NOTE: Neola suggests that the option that requires the District to pay the fees or costs charged by the impartial hearing officer be selected to avoid Due Process issues.]**

### D. Board:

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

The Board's decision shall be by majority vote of a quorum present, which shall be final.

### [END OF OPTIONS]

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

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

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

- A. Workplace safety means those conditions related to physical health and safety of employees enforceable under Federal or State law or District rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risks.
- B. Termination does not include voluntary resignation or retirement, (x ) or the nonrenewal of an employment contract pursuant to 118.22 and 118.24 Wis. Stats., (x ) nor does it include position elimination due to a reduction in force under Policy 3131 - Reduction in Staff. **[Note: the selections made here as to whether to include nonrenewal or reduction in force must correspond to selections made in Policy 3140 - Non-renewal, Resignation, and Termination and Policy 3131 - Reduction in Staff.]**

- C. Employee discipline refers to unpaid suspensions, written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file. ~~( ) Nonrenewal of a contract under Wis. Stats. 118.22 or 118.24 shall be considered disciplinary if for misconduct or performance reasons.~~
- D. Business days means weekdays, excluding any District recognized holiday that falls on a weekday, but does not exclude weekdays during scheduled break periods.

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

**Last Modified by Ann DeMeuse on February 6, 2023**



Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of CRIMINAL HISTORY RECORD CHECK
Code	po4121
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

4121 -  
**CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENT**

**Criminal History Record Check**

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

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

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

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

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

**Employee Self-Reporting Requirement**

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

The requirement to report a conviction or deferred adjudication shall not apply to minor traffic offenses. However, an offense of operating under the influence, revocation or suspension of license, and driving after revocation or suspension must be reported if the employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff in any vehicle. Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

111.335, Wis. Stats.

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Book	Policy Manual
Section	31.1 For Board Review
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Code	po4122.01
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Adopted	April 17, 2013
Last Revised	March 15, 2023

#### 4122.01 - DRUG-FREE WORKPLACE

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

##### Prohibited Acts

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

- A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;
- B. using, distributing, or possessing drug paraphernalia; or
- C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over-the-counter medication.

##### Permitted Acts

Support staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription taken in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over-the-counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over-the-counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over-the-counter medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken in private, out of the view of students. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty.

Each staff handbook will include ( ) a copy (x ) a summary [END OF OPTIONS] of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff; furthermore, staff members shall be informed that compliance with this requirement is mandatory. (x ) The use of marijuana and/or products containing tetrahydrocannabinols (THC), other than products expressly excluded from the definition of a schedule drug (hemp-derived CBD oil, etc.), is still prohibited under Wisconsin law and Board policy. Use of such products even in states which have passed state laws permitting usage is still unlawful under Federal law and Wisconsin law and is not an exception to the drug-free workplace policy. [END OF OPTION] (x ) CBD products are prohibited on District grounds and at school events. [END OF OPTION]

##### Reasonable Suspicion Testing

**Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.**

##### Disciplinary Action

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or rehabilitation programs and/or may refer the matter to law enforcement.

~~(→) District guidelines.~~

~~(→) the Employee Handbook.~~

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements **under the Drug-Free Workplace Act of 1988** and shall provide these to staff. **Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty.**

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

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

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

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Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of PHYSICAL EXAMINATION
Code	po4160
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

#### 4160 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment in a position that involves in which s/he will come in contact with children or preparation of prepare food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, subject to further tests, in order to determine the physical capacity to perform assigned duties. Additional testing may be required to assure freedom from tuberculosis in communicable form. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.

~~[ ] The Board requires every employee to undergo a physical examination as a condition of ongoing employment every \_\_\_\_ years of employment. [END OF OPTION]~~

No physical examination may be required of any employee who has filed an affidavit with the \_\_ District Administrator \_\_\_\_\_ requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.

[ X ] The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job related and out of necessity for safe and proper performance of job duties. [END OF OPTION]

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

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

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

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

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

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

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

The Board shall assume any fees for required examinations.

Revised 5/16/18  
Revised 12/19/18  
Reviewed 6/15/22  
T.C. 12/21/22

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Legal

- 118.25, Wis. Stats.
- 118.25(2)(a), Wis. Stats.
- 121.52(3), Wis. Stats.
- 29 C.F.R., Part 1630
- 29 C.F.R. Part 1635
- 42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended
- 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

**Last Modified by Ann DeMeuse on February 6, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of GRIEVANCE PROCEDURE
Code	po4340
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

#### 4340 - **GRIEVANCE PROCEDURE**

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

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

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

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

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

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

This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant.

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

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) business days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an impartial hearing officer. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline, or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determined that the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board shall appoint a hearing officer for the

purpose of conducting the hearing. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose either on an ad hoc basis or by resolution adopted for a school year and delegate to the District Administrator the responsibility to arrange for such hearing with one of the selected officers. **When the grievant is the District Administrator, the ( ) Board President (x ) Board's legal counsel [END OF OPTIONS] shall be responsible for selection of a hearing officer and arranging a hearing.**

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

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

### **C. Board:**

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

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

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

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

- A. "Workplace safety" means those conditions related to physical health and safety of employees enforceable under Federal or State law, or District rule related to the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risks.
- B. "Termination" does not include voluntary resignation or retirement.
- C. "Employee discipline" refers to unpaid suspensions written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file.
- D. "Business Days" means weekdays, excluding any district recognized holiday that falls on a weekday, but does not exclude weekdays during schedule break periods.

Revised 2/17/21  
Revised 6/15/22  
T.C. 12/21/22

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Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of REVISED POLICY - VOL. 31, NO. 1 - OPEN ENROLLMENT PROGRAM (INTER-DISTRICT)
Code	po5113
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

### **REVISED POLICY - VOL. 31, NO. 1**

#### **5113 - OPEN ENROLLMENT PROGRAM (Inter-District)**

The District will participate in the Wisconsin Public School Open Enrollment Program in accordance with applicable law and the relevant policies and rules of the District, all as amended from time-to-time.

#### **[x ] DEFINITIONS**

The following definitions will apply to the District's Open Enrollment Program.

##### **A. Non-Resident District**

A school district located in Wisconsin which is not a student's district of residence.

##### **B. Non-Resident Student**

A student who does not reside within the geographic boundaries of the District and who seeks admission to this District under the Open Enrollment Program.

##### **C. Tuition Student**

A non-resident student who attends school in the District and pays tuition in accordance with State law.

##### **D. Full-Time Enrollment**

A student is enrolled for the entire school day and receives all of his/her required education in this District.

##### **E. Class Size**

The District's determination of the maximum number of students who can be accommodated properly in a particular classroom without jeopardizing the quality of the instructional program and mitigating circumstances for a particular school, class, or program, including enrollment projections established by the District Administrator.

##### **F. Program Size**

The enrollment or size restrictions in a specific program within a class or building. The District reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and maintain a proper learning environment, and comply with contracts, grants, and applicable laws and regulations.

##### **G. Resident Student**

A student who is a resident of this District and is consequently entitled to attend school in this District in accordance with Policy 5111 - Eligibility of Resident/Non-resident Students.

**[END OF OPTION]**

## FULL-TIME OPEN ENROLLMENT

### A. Procedures for Processing of Open Enrollment Applications

If there are more applications than spaces, the Board will fill the available spaces by random selection, provided that first priority will be given to non-resident students already attending District schools and their siblings **(✖ ) and, if the District is a union high school district, to students who are attending an underlying elementary school district.**

If the District determines that space is not otherwise available for open enrollment students in the grade or program to which an individual has applied, the District may nevertheless accept a student or the sibling of a student who is already attending in the District **(✖ ) and if the District is a union high school district an applicant who is attending an underlying elementary school district.**

**[x ]** The District will establish a numbered waiting list of all applicants. When all available slots have been filled by randomly selecting names from all applicants, the remaining names will be drawn randomly and placed on the waiting list in order of selection.

After the date specified in s. 118.51(3)(a)3., Wis. Stats., the nonresident school board may approve applications it had initially denied if any of the following cause spaces to become available:

1. A parent notifies the nonresident school board that the student will not attend the nonresident school district
2. A parent fails to provide the notification required in s. 118.51(3)(a)6., Wis. Stats.
3. The Board determines that additional spaces have become available since its determination at the January Board meeting.

In accordance with 118.51(3)(a)3, Wis. Stats., except as provided under sub. (5)(d)1., on or before the first Friday following the first Monday in June following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has accepted the application.

### B. Decisional Criteria for Non-Resident Applications

Decisions on non-resident open enrollment applications will be based only on the following criteria:

1. Whether the Board has determined that there is space in the schools, programs, classes, or grades within the District for non-resident students. The Board shall determine during a regular meeting each January the number of regular education and special education spaces available at each level, each building, and in each program, or shall determine that it will not set space limitations for open enrollment at any building, level, or program. In determining the amount of space available, the District will count resident students, students attending the District for whom tuition is paid under 121.78(1)(a), Wis. Stats., and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) or (3m)(a) and are already attending public school in the District.

Other factors the District Administrator may consider in determining the availability of space includes:

- a. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
  - b. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes or buildings.
  - c. Enrollment projections for the schools of the District which include, but are not limited to, the following factors: the likely short and long-term economic development in the community, projected student transfers in and out of the District, preference requirements for siblings of non-resident open enrollment students, ~~the required length of K-12 attendance opportunities for ( ) Chapter 220 and [END OF OPTION]~~ open enrollment students and current and future space needs for special programs, laboratories (e.g. in technology or foreign languages) or similar District educational initiatives.
  - d. **(✖ )** If the District is a union high school district, the number of students who have applied under 118.51(3)(a) or (3m)(a), Wis. Stats., and are currently attending an underlying elementary school district. **[END OF OPTION]**
2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school operated day care program resides in a district which offers the program for which application is made.

3. Whether the non-resident student has been expelled from any school district within the current school year or the two (2) preceding school years, or is pending any disciplinary proceeding, based on any of the following activities:
  - a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by means of explosives.
  - b. Engaging in conduct while at school or under school supervision that endangered the health, safety or property of others.
  - c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety, or property of others at school or under the supervision of a school authority or of any school employee or Board member.
  - d. Possessing a dangerous weapon (as defined in Section 939.22(10), Wis. Stats.) while on school property or under school supervision.

Notwithstanding the Board's acceptance of a non-resident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the non-resident student will attend a school in the District, ~~the student~~ ~~he~~ is determined to fall under paragraph B. 3.

The Board may request a copy of a non-resident student's disciplinary records from the resident school board.

The resident board shall provide to the nonresident board a copy of any expulsion order or findings, a copy of any pending disciplinary proceedings, a written explanation of said proceeding, the length of the expulsion or possible outcomes of a pending proceeding, and/or such records as permitted by law.

4. Whether the special education program or related services described in the non-resident student's Individualized Education Program ("IEP") are available in the District. Whether a service is available depends on whether existing staff in the District are qualified to provide the service or whether the district has facilities and/or equipment required for the service. A service is not available in the District if that service is currently provided to resident students through contract with a third party. Whether a service is available is not a function of whether there is space available in any program or service. A service may be unavailable even if no space limitations have been established.
5. Whether there is space available in the District to provide the special education or related services identified in the non-resident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.
6. Whether the non-resident student has been referred to ~~the non-resident student's~~ ~~his/her~~ resident board under Wis. Stat. 115.777(1) or identified by ~~his/her~~ ~~the non-resident student's~~ resident school board under Wis. Stat. 115.77(1m) (a), but not yet evaluated by an individualized education program team.

If a non-resident student's IEP is developed or changed after starting in the District, and it is then discovered that the District does not have necessary programs available or does not have space in the special education program, the District may notify the student's parent and the student's resident board. If such notice is provided, the non-resident may be transferred to ~~their~~ ~~his/her~~ resident school district.

7. If the Board has made a determination that a non-resident student attending the District under the Open Enrollment Program is habitually truant from the District during either semester of the current school year, the Board may prohibit the student from attending in the succeeding semester or school year, after complying with the requirements of PI 36.09(2).

The truancy determination shall be made on the sole basis of enrollment in the non-resident district. Open enrollment may not be denied based on the student's truancy from any other district.

#### C. Procedure for Evaluating Applications by District Residents to Transfer to Another District

The Board will consider denying resident applications when the application would increase the racial imbalance in either the District or the district to which the student has applied. **[NOTE: This is a controversial issue and the U.S. Supreme Court decisions and Wisconsin statutes apparently are in conflict. Contact District legal counsel for advice.]**

#### D. Reapplication Procedures

The Board will require accepted non-resident students to reapply under the open enrollment policy when the non-resident student enters  middle school,  junior high school or  high school. A non-resident student may be required to reapply only once. **[END OF OPTION]**

The Board will not require accepted non-resident students to reapply under the open enrollment policy as long as the

student is continuously enrolled in the District. **[END OF OPTION]**

## E. Transportation

The parents of a student attending a non-resident school district will be solely responsible for providing transportation to and from the school site. **(x )** The District will permit a non-resident student to ride District transportation, if space is available, **with parent transporting student to and from** ~~on~~ a regularly-scheduled **in-District bus stop route**. The District will provide transportation for a non-resident student with an identified disability for whom transportation is required by ~~his/her~~ **the student's IEP**.

~~( )~~ The Board may provide transportation to non-resident students from ~~his/her/their~~ resident district provided the student's resident district approved. The District Administrator shall develop procedures for implementing this provision.

**(x )** The Board **( ) will (x ) will not** permit a neighboring district to bus resident students from within its boundaries for attendance at the non-resident neighboring district. The District Administrator shall develop procedures for implementing this provision.

## ALTERNATIVE APPLICATION PROCEDURES

The parent of a non-resident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under the alternative application procedure if the student satisfies at least one (1) of the statutory criteria and has not applied to more than three (3) non-resident school districts. (See AG 5113 and AG 5113B – Open Enrollment for Students with Disabilities.)

Applications from a non-resident student under the alternative application procedures received after the Board's January meeting, at which it sets open enrollment space availability numbers for the subsequent year, may be approved for the current year if the Board has not imposed a space limitation for the student's current year grade level and also has not imposed a space limitation for the subsequent school year in the student's subsequent grade level. Alternative applications received prior to the 3rd Friday in September may be approved if the Board has approved all applications for that grade level which were received during the regular period, including the offer of enrollment to applicants placed on the waiting list, if any.

## **[x ] DELEGATION TO DISTRICT ADMINISTRATOR**

**The Board delegates to the District Administrator the authority to approve or deny open enrollment applications (x ) including under the alternative procedures [END OF OPTION] consistent with the criteria in this policy and based on the Board's space determinations approved in January of each year.**

## **[END OF OPTION]**

## ANNUAL REVIEW

The Board shall review its Open Enrollment Program annually.

## General Provisions

- A. **(x )** A student, who has been accepted under this program, who has not met the academic prerequisites for participation in a particular program in which the student wishes to enroll shall not be placed in that program.
- B. **(x )** The District's Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to all applicants under this program. In addition, the District will not discriminate on the basis of an applicant's intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability, except as provided for in the statute authorizing this program.
- C. **(x )** The District Administrator shall be responsible for developing and promulgating administrative guidelines to implement this policy. (See accompanying pages.) Such guidelines shall address at least the following matters:
  1. **(x )** participation in interscholastic athletics
  2. **(x )** District transportation services
  3. **(x )** transfer of academic credit
  4. **(x )** assignment within the District

5. (x) payment of fees and other charges

### **Application of Emergency Orders**

All timelines or other procedures described in this policy and in any implementing administrative guidelines are subject to modification in the event that the State or Federal government issues emergency or other temporary orders affecting any of the subject matter of this policy. The policy automatically incorporates the contents of any such order or proclamation, including any discretionary authority provided, and delegates by policy the authority to exercise that discretion to the District Administrator.

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Legal                                      118.51, Wis. Stats.  
   Wis. Adm. Code Ch. P.I. 36

**Last Modified by Ann DeMeuse on February 16, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of ATTENDANCE
Code	po5200
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## 5200 - **ATTENDANCE**

The Board will enforce regular student attendance in the District's program in which each student is enrolled as required pursuant to State law. Further, the Board recognizes that the District's educational program is predicated upon the participation of each student in the program of instruction in which the student is enrolled and required to attend. Student success requires continuity of instruction and program participation. For purposes of this policy, the regular period and hours of instruction including both those periods and hours a student's program require that they are in school as well as any attendance requirements defined as part of a course of virtual instruction, or a combination of the more than one type of instructional delivery.

All children between six (6) and eighteen (18) years of age shall attend school regularly during the full period and hours, religious holidays excepted, that the school in which the child is enrolled is in session until the end of the term, quarter, or semester of the school year in which the child becomes eighteen (18) years of age, unless they fall under an exception under State law, this policy, or administrative guideline issued under this policy. A child who is enrolled in five (5) year-old kindergarten shall attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session until the end of the school term.

### **Parent Notification of Absence Required**

The District Administrator shall require, from the parent or guardian of each student or from an adult student, who has been absent for any reason a written, signed, dated statement stating the reason for the absence and the time period covered by the absence. The Board reserves the right to verify such statements and to investigate the cause of each:

- A. single absence;
- B. prolonged absence;
- C. repeated unexplained absence and tardiness.

### **School Attendance Officer**

The District Administrator shall designate an administrator at each school to be the School Attendance Officer. The School Attendance Officer shall perform any duties and responsibilities ~~as s/he is required to perform~~ by State law, this policy, and any administrative guidelines issued by the school. The duties of the School Attendance Officer shall include, but not be limited to, the following.

- A. Determining daily from attendance reports submitted by teachers which students enrolled in the school are absent from school and whether the absence is excused.
- B. Submitting to the District Administrator, on or before August 1st of each year, a report of the number of students enrolled in the school who were absent in the previous year and whether the absences were excused. The District Administrator shall then submit this information to the State Superintendent.
- C. Providing student attendance information to individuals and agencies for purposes authorized by State law and the Board's Policy 8330 - Student Records.

## Excused Absences

As required under State law, a student shall be excused from school for the following reasons:

### A. Physical or Mental Condition

The student is temporarily not in proper physical or mental condition to attend a school program.

### B. Obtaining Religious Instruction

To enable the student to obtain religious instruction outside the school during the required school period (see Policy 5223 - Absences for Religious Instruction).

### C. Permission of Parent or Guardian

The student has been excused by ~~their~~his/her his/her parent or guardian before the absence for any or no reason. A student may not be excused for more than ten (10) days per school year under this paragraph and must complete any course work missed during the absence. Examples of reasons for being absent that should be counted under this paragraph include, but are not limited to, the following:

1. professional and other necessary appointments (e.g., medical, dental, and legal) that cannot be scheduled outside of the school day
2. to attend the funeral of a relative
3. legal proceedings that require the student's presence
4. college visits
5. job fairs
6. vacations

### D. Religious Holiday

For observance of a religious holiday consistent with the student's creed or belief.

### E. Suspension or Expulsion

The student has been suspended or expelled.

### F. Program or Curriculum Modification

The Board has excused the student from regular school attendance to participate in a program or curriculum modification leading to high school graduation or a high school equivalency diploma as provided by State law.

### G. High School Equivalency – Secured Facilities

The Board has excused a student from regular school attendance to participate in a program leading to a high school equivalency diploma in a secured correctional facility, a secured child caring institution, a secure detention facility, or a juvenile portion of a county jail, and ~~the student's~~his/her parent(s) agrees – the student and his/her parent or guardian agree that the student will continue to participate in such a program.

### H. Child at Risk

The student is a "child at risk" as defined under State law and is participating in a program at a technical college on either a part-time or full-time basis leading to high school graduation, as provided under State law.

### I. Election Day Official

A high school student, including students enrolled in private schools and students enrolled in home-based private education, age sixteen (16) or seventeen (17) is permitted to be excused to serve as an election official provided that the following criteria are met: (1) the student has the permission of ~~his/her~~their parent to serve as an election official on election day; (2) the student has signed up and the municipal clerk has informed the principal that the student has been assigned to serve in this capacity; and (3) the student has at least a 3.0 grade point average or equivalent, or has met alternative criteria established by Board, if any. The principal shall promptly notify the municipal clerk or the board of election

commissioners of the municipality that appointed the child as an election official if the child no longer has at least a 3.0 grade point average or the equivalent, or no longer meets the established alternative requirements. A student's absence to serve as an election official under this policy shall be treated as an excused absence. Where possible students are encouraged to provide advance notice as much as possible. Students are responsible for completing any missed school work and responsible for making appropriate arrangements to do so.

#### **J. Virtual Access**

The student is unable to access virtual instruction programming due to a temporary disruption in the student's access to necessary technological systems (i.e. internet outage, computer failure, software malfunction, etc.) as communicated by the student's parent.

A student may be excused from school, as determined by the School Attendance Officer, or the School Attendance Officer's his/her designee, for the following reasons:

##### **A. Quarantine**

Quarantine of the student's home by a public health officer.

##### **B. Illness of an Immediate Family Member**

The illness of an immediate family member.

##### **C. Emergency**

An emergency that requires the student to be absent because of familial responsibilities or other appropriate reasons.

#### **Unexcused Absences**

Unexcused absences demonstrate a deliberate disregard for the educational program and are considered a serious matter. The District Administrator shall develop administrative guidelines to address unexcused absences.

#### **Late Arrival and Early Dismissal**

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the District.

The Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this District, the Board shall require that the school be notified in advance of such absences by written (email) and/or personal request (phone or face-to-face) of the student's parent, who shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the Principal.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her. No student shall be released to anyone who is not authorized such custody by the parents.

#### **Truancy Plan**

The Board will issue a Truancy Plan based upon the recommendations of the County Truancy Committee convened under State law, the Board's policies and procedures, and applicable provisions of State law. The Board will review and, if appropriate, revise the Truancy Plan at least once every two (2) years.

#### **The Truancy Plan will include, at a minimum, the following:**

- A. procedures to be followed for notifying the parents or guardians of the unexcused absences of a student who is truant or a habitual truant and for meeting and conferring with such parents or guardians
- B. plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned
- C. methods to increase and maintain public awareness of and involvement in responding to truancy within the school district
- D. a provision addressing the immediate response to be made by school personnel when a truant child is returned to school



- E. the types of truancy cases to be referred to the District Attorney and the time periods within which the District Attorney will respond to and take action on the referrals
- F. plans and procedures to coordinate the responses to the problems of habitual truants, as defined under Sec. 118.16(1)(a), Wis. Stats., with public and private social services agencies
- G. methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem

A student will be considered truant if ~~the students/he~~ is absent part or all of one (1) or more days from school during which the School Attendance Officer, principal, or a teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent student. A student who is absent intermittently for the purpose of defeating the intent of the Wisconsin Compulsory Attendance Statute Sec. 118.15, Wis. Stats., will also be considered truant.

A student will be considered a habitual truant if ~~the students/he~~ is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

### **Notice of Truancy**

The School Attendance Officer shall notify a truant student's parent or guardian of the student's truancy and direct the parent or guardian to return the student to school no later than the next day on which school is in session or to provide an excuse for the absence. The notice under this paragraph shall be given before the end of the second school day after receiving a report of an unexcused absence. The notice may be made by electronic communication, personal contact, telephone call, or 1st class mail, and a written record of this notice shall be kept. The School Attendance Officer shall attempt to give notice by personal contact, telephone call, or unless the parent has refused to receive electronic communication, notice by 1st class mail may be given. This notice must be given every time a student is truant until the student becomes a habitual truant.

### **Notice of Habitual Truancy**

When a student initially becomes a habitual truant, the School Attendance Officer shall provide a notice to the student's parent or guardian, by registered or certified mail, or by 1st class mail. The School Attendance Officer may simultaneously notify the parent of the habitually truant student by an electronic communication. The notice must contain the following:

- A. a statement of the parent's or guardian's responsibility under State law to cause the student to attend school regularly
- B. a statement that the parent, guardian, or student may request program or curriculum modifications for the student under State law and that the student may be eligible for enrollment in a program for children at risk
- C. a request that the parent or guardian meet with the appropriate school personnel to discuss the student's truancy

The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time, and place for the meeting and the name, address, and telephone number of a person to contact to arrange a different date, time, or place. The date for the meeting shall be within five (5) school days after the date that the notice is sent, except that with the consent of the student's parent or guardian the date for the meeting may be extended for an additional five (5) school days.

- D. a statement of the penalties, under State law or local ordinances that may be imposed on the parent ~~if s/he~~ ~~upon~~ ~~failure~~ ~~fails~~ or guardian if s/he fails to cause the child to attend school regularly as required by State law

The School Attendance Officer will also continue to notify the parent or guardian of a habitual truant's subsequent unexcused absences.

### **Referral to the District Attorney**

Truancy cases will be referred to the District Attorney as provided in the County Truancy Committee Plan. The School Attendance Officer will ensure that appropriate school personnel have done the following before any case is referred to the District Attorney:

- A. met with the student's parent or guardian to discuss the student's truancy or attempted to meet with the student's parent or guardian and received no response or were refused
- B. provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the student's truancy and have curriculum modifications under State law



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## 5215 - MISSING AND ABSENT CHILDREN

It is the intent of this Board to cooperate with local, State, and National efforts to decrease the number of missing children. For purposes of this Policy, the following definitions apply:

"Absent child" means a child that left the child's parents or approved placement through social services and whose whereabouts are known, but who refuses to return. This involves children who are runaways, but not known to be missing.

"Missing child" means a child whose whereabouts are unknown, which may include abducted children who have been abducted by a non-custodial parent, a victim of human trafficking, or another unknown circumstance.

~~The District Administrator is instructed to establish administrative guidelines whereby a student lacking records is admitted into the school followed by notification of the police rather than refusing entrance and notification of authorities. Such a procedure may reduce the risk of removal of the student from the area.~~

The District Administrator and/or building principals shall permit entrance into the school a student lacking records or identification as a student, and shall assure that the child remains in the building office area until law enforcement or social services is notified and takes custody of the child. Such a procedure reduces the risk of removal of a missing or absent child from the area before intervention by law enforcement or social services.

Procedures in this policy are to be implemented in coordination with Policy 5111.01 - Homeless Students.

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**Last Modified by Ann DeMeuse on February 6, 2023**

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Code	po5461
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Adopted	March 15, 2023

**REVISED POLICY - VOL. 31, NO. 1**

**5461 - CHILDREN AT-RISK OF NOT GRADUATING FROM HIGH SCHOOL**

The Board shall establish programs to serve children in the District who are identified as "children-at-risk" in compliance with State statutes. This policy meets the requirements of State law which includes identifying and serving "children-at-risk" students as defined below:

Students who are at risk of not graduating high school because they are dropouts or are at least two (2) of the following:

- A. one (1) or more years behind their age group in the number of high school credits attained
- B. two (2) or more years behind their age group in basic skill level (math and reading)
- C. habitually truant
- D. parents
- E. adjudicated delinquents, and
- F. eighth grade students whose score in each area of the student assessment was below basic level of failing and eighth grade students that were not promoted to ninth grade

The District shall identify all children at-risk enrolled in the District. ~~The District shall annually develop a plan describing how the Board will meet the needs of such students, and assure that a plan is developed for each such student that describes how the District will meet each student's needs.~~ Each plan shall be completed on or before August 15th of each year.

All programs and services developed for "children-at-risk" shall be designed to improve and expand educational opportunities for these children on an individualized basis, through a variety of means (e.g., additional instruction, differentiation, intervention), and provide alternative courses or program modifications which satisfactorily meet the District's graduation requirements.

Principals are responsible for identifying and addressing barriers to learning through a variety of strategies. The plan will communicate the structure, strategies, and program offerings for students at-risk which will vary by individual. Strategies for support, interventions, programs, and alternative educational options are made available to all students and at all levels as needed.

**[OPTION #1]**

The Board uses a  Response to Instruction (RtI) Model  Equitable Multi-Level System of Supports (EMLSS) Model **[END OF OPTION]** that is designed as a continuum for Literacy, Mathematics, and Behavior.  RtI  EMLSS **[END OF OPTIONS]** is defined as a systemic process for achieving high levels of academic and behavioral success for all students through:

- A. multi-level, high-quality instructional approached for general, at-risk, advanced learners, and special education student needs;
- B. a balanced assessment system;
- C. collaborative practices.

The Board will make reasonable efforts to help each student acquire the necessary skills, concepts, and content of course or subject area ~~they are~~ ~~she is~~ enrolled through systemic practices of ( ) RtI (x) EMLSS. Student capabilities will be identified for ( ) RtI (x) EMLSS **[END OF OPTIONS]** using multiple criteria in accordance with District guidelines. These guidelines are aligned with the Wisconsin Department of Public Instruction's recommendations.

The District will maintain ( ) an RtI Continuum (x) a EMLSS Framework **[END OF OPTION]** and supporting documents which outline specific implementation procedures and guidelines that will be reviewed annually.

**[END OF OPTION]**

[ ] **[OPTION #2]**

The Board directs the District Administrator to establish a District specific plan that meets the following criteria: \_\_\_\_\_.

**[END OF OPTION]**

Parent involvement will be actively solicited to improve student success. Community service agencies' participation and partnerships will be encouraged and actively sought to meet student needs.

Students shall be identified and referred to these programs and services in accordance with State regulations and guidelines established by the administration. An annual report concerning "children-at-risk" shall be made to the Board.

118.153, Wis. Stats.  
P.I. 15

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Legal                                118.153, Wis. Stats.  
   P.I. 15

**Last Modified by Ann DeMeuse on February 8, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	REVISED POLICY - VOL. 31, NO. 1 - AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS
Code	po6108
Status	Second Reading
Adopted	March 15, 2023

**REVISED POLICY - VOL. 31, NO. 1**

**6108 - AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS**

The Board of Education authorizes electronic fund transfers (EFTs), including any Automated Clearing House (ACH) transactions, for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provisions of Wisconsin's Uniform Electronic Transactions Code, Chapter 137, Subchapter II. Upon the recommendation of the ( ) District Administrator (x ) Business Manager, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the ( ) District Administrator (x ) Business Manager, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Administrative Code that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

- A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;
- B. the manual signatures of the Board President, (x ) District Administrator (x ) Business Manager, and the employees authorized to initiate EFTs shall be contained therein;
- C. a requirement that the District maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;
- D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;
- E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgments, or canceled warrants, shall be provided so that it may be kept in the official files of the District, which shall be maintained in a manner which facilitates easy review and validation of transactions.

All District staff shall comply with the provisions of this policy when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

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Legal Chapter 137, Subchapter II, Wis. Stats.  
15 U.S.C.A. 1693, as amended

**Last Modified by Ann DeMeuse on February 8, 2023**



Book	Policy Manual
Section	31.1 For Board Review
Title	REVISED POLICY - VOL. 31, NO. 1 - COST PRINCIPLES - SPENDING FEDERAL FUNDS
Code	po6114
Status	Second Reading
Adopted	March 15, 2023

### **REVISED POLICY - VOL. 31, NO. 1**

#### **6114 - COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The District Administrator is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State and local laws, the associated agreements/assurances, program objectives and the specific terms and conditions of the grant award.

#### **Cost Principles**

Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal and other laws and regulations;
3. market prices for comparable goods or services for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities;
5. whether the cost does not represent any significant deviation from the established practices or Board policy which may unjustifiably increase the expense.

Whether an expenditure is necessary is determined based on the needs of the program. The expenditure must be necessary to achieve an important program objective and it must be established that the expenditure addresses an existing need.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received. This standard is met if the cost: is incurred specifically for the Federal award; benefits both the Federal award and other work of the District and can be distributed in proportions that may be



approximated using reasonable methods; and is necessary to the overall operation of the District and is assignable to the Federal award in accordance with cost principles mentioned here.

- B. Conform to any limitations or exclusions set forth in the cost principles as required by law or in the terms and conditions of the Federal award.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles
- F. Be representative of actual cost, net of all applicable credits or offsets.

The term "applicable credits" refers to those receipts or reductions of expenditures that operate to offset or reduce expense items allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the State relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.

- G. Be not included as a match or cost-share, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
  - 1. in the case of personal services, the District Administrator shall implement a system for District personnel to account for time and efforts expended on grant-funded programs to assure that only permissible personnel expenses are allocated;
  - 2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.

- I. Be incurred during the approved budget period.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to carry out authorized work and expend the funds awarded, including any funds carried forward or other revisions pursuant to the law. Prior written approval from the Federal awarding agency or state pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

### **Selected Items of Cost**

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures (as defined in Policy 7455 - Accounting System for Capital Assets):

- A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity.
- D. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR 200.436 and 2 CFR 200.465.
- E. When approved as a direct cost by the Federal awarding agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.

F. If the District is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

## **Cost Compliance**

The District Administrator shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

## **Determining Whether a Cost is Direct or Indirect**

A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.).

B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one component of the District, the governing body of the District, compensation of the District Administrator, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Wisconsin Department of Instruction (DPI) or the pass-through entity (Federal funds subject to 2 CFR Part 200 pertaining to determining indirect cost allocation).

## **Timely Obligation of Funds**

### **When Obligations are Made**

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment.

This term is used when referencing a recipient's or subrecipient's use of funds under a Federal award.

The following table illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:	The obligation is made:
Acquisition of Property	On the date the District makes a binding written commitment to acquire property
Personal services by an employee of the District	When the services are performed
Personal services by a contractor who is not an employee of the District	On the date the District makes a binding agreement to obtain the services
Performance of work other than personal services	On the date when the District makes a binding written commitment to obtain the work
Public utility services	When the District receives the services
Travel	When the travel is taken
Rental property	When the District uses the property
A pre-award cost that was properly approved by the Secretary under federal regulations, 2 CFR part 200, Subpart E	On the first day of the project period

### **Period of Performance**

All financial obligations must occur during the period of performance. Period of performance means the total estimated time interval between the start of an initial Federal award when the District is permitted to carry out the work authorized by the grant and the planned end date. The period of performance may include one or more funded portions or budget periods. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the awarding agency or the pass-through entity (e.g., Wisconsin Department of Public Instruction) to reimburse for pre-approval expenses.

If a Federal awarding agency or pass-through entity approves an extension, or if the District extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all financial obligations incurred under the award not later than ninety (90) calendar days after the end of the funding period unless an extension is authorized, or other terms are provided for in the grant. Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the awarding agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

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2 C.F.R. 200.344(b)  
2 C.F.R. 200.403-.407, 200.413(a)-(c), 200.430(a), 200.431(a) and 200.458  
34 C.F.R. 75.703  
34 C.F.R. 76.707 - .708(a)

**Last Modified by Ann DeMeuse on February 8, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of POST ISSUANCE TAX EXEMPT BOND COMPLIANCE
Code	po6146
Status	Second Reading
Adopted	April 17, 2013
Last Revised	March 15, 2023

#### 6146 - POST ISSUANCE TAX EXEMPT BOND COMPLIANCE

The Board of Education may from time to time issue bonds and other obligations. These interests are excludable from gross income for Federal income tax purposes or are excludable from interest that is paid in whole or in part by the Federal government or which bonds otherwise enjoy certain preferential treatment under the Internal Revenue Code of 1986, as amended, (the "code") or regulations developed promulgated implementing the Code (the "regulations"). Such obligations may include tax-exempt obligations and/or obligations eligible for tax credits (direct subsidies to the School District or tax credits to bond owners). All such tax-exempt obligations or tax-advantaged obligations are referred to herein as "Obligations," whether in the form of general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, lease-purchase obligations, installment-purchase obligations or otherwise.

This policy ( ) and related AG 6146 [END OF OPTION] document(s) practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for Federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The Federal tax law requirements applicable to each issue of Obligations will be detailed in the nonarbitrage or tax compliance certificate prepared by bond counsel (the "Tax Certificate") and signed by officials of the District and the post-closing compliance checklist provided by bond counsel with respect to such issue. This policy ( ) and related AG 6146 [END OF OPTION] establish(es) a permanent, ongoing structure of practices and procedures that will facilitate compliance with the Code, Treasury Regulations and SEC Rule 15c2-12 (the "Rule").

The Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the District's debt management. Accordingly, the analysis of those facts and implementation of this Policy ( ) and Administrative Guidelines [End of Option] will require on-going monitoring and consultation with an attorney experienced in legal work relating to the issuance of tax-exempt obligations or tax-advantaged obligations ("Bond Counsel") and the District's accountants.

This policy ( ) and the related AG 6146 [END OF OPTION] ( ) don't (x ) doesn't [END OF OPTION] address any post-issuance compliance requirements under State law. Nor is this policy ( ) and related AG 6146 [END OF OPTION] a substitute, or a replacement, for any Tax Certificate or a post-issuance compliance checklist relating to specific Obligations. The District is responsible for compliance with any such Tax Certificate or post-issuance compliance checklist.

This policy may be modified, expanded, abridged, or otherwise amended only by the Board upon consultation with the District's attorney and Bond Counsel, but without any notice to or consent from any trustee, bondholder or any other person.

The general purpose of the policies set forth herein is to ensure compliance with post-issuance Federal tax requirements generally falling into the following two categories:

##### A. Qualified Use of Proceeds and Financed Property

Qualified use requirements generally require monitoring of the various direct and indirect uses of bond-financed property over the life of the bonds and calculations of the percentage of nonqualified uses.

##### B. Arbitrage Yield and Rebate

Arbitrage requirements also require monitoring over the life of the bonds to determine whether the yield on investments acquired with bond proceeds are properly restricted and the district must file Form 8038-T to pay a yield reduction payment and/or rebate payment.

## **Responsible Official**

The Board designates Business Manager as the Bond Compliance Officer with primary responsibility in post-issuance compliance. The compliance officer is authorized to obtain the assistance of the Bond Counsel – the District’s legal counsel that assists in the bond issuance in carrying out necessary functions under this policy.

All personnel that are responsible for ensuring post-issuance compliance with the tax rules must receive training or educational resources, as determined appropriate by the Bond Compliance Officer.

## **Post-Issuance Duties**

The Bond Compliance Officer will engage in a detailed review of post-issuance tax compliance with the tax rules to identify instances of noncompliance and prevent violations from occurring, or timely correct identified violations, if possible. When failures to comply with post-issuance compliance requirements are identified, the Bond Compliance Officer will promptly consult with bond counsel to determine if remedial action is available, or if some other action is required.

## **Private Use**

Bond-financed projects are subject to rules and limitations on private use. Private use includes non-governmental activity through leases, management agreements, research agreements, and other type of activity in which a non-governmental entity obtains a benefit or interest in the bond-financed project beyond that normally provided to the public. In the event such special usage is contemplated, the Bond Compliance Officer must assure compliance with applicable tax regulations.

## **Use of Bond Proceeds**

The Bond Compliance Officer shall assure that bond funds are used for the purpose for which the bond issue is authorized and that any project with a combination of authorized expenses from bond proceeds and other funds, result in expenses paid for with bond proceeds that are clearly identified and properly recorded.

The Bond Compliance Officer must assure that investment activities are conducted at fair market value, and may employ bidding procedure to establish a safe harbor. The Bond Compliance Officer shall be aware of any yield restrictions on any bond issue and monitor such. In the event that reimbursement is required, the Bond Compliance Officer shall work with the District’s advisors to complete and record those transactions and to assure proper filings with the IRS.

## **Recordkeeping Requirements**

The Bond Compliance Officer is responsible for the maintenance of records relating to the bond financings, and for the transfer of all such records to his/her successor. In the event that different persons are responsible for different aspects of compliance with the tax rules (for example, the investment of bond proceeds and expenditure of bond proceeds on projects), the Bond Compliance Officer will assure coordination with all involved and retention of complete records. The following records, as applicable, shall be retained:

- A. audited financial statements of the School District throughout the period of the bond issue
- B. appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation or purchase of bond-financed facilities
- C. all public discourse concerning the bonds, including informative materials distributed by the District, as well as other publications, such as third party studies, newspaper articles, etc.
- D. paying Agent or trustee statements
- E. all records regarding the management of bond funds, including investments and the gains (or losses) from such investments; and including specifically trustee statements regarding investments, investment contracts, or other such instruments
- F. Board resolutions authorizing reimbursement of bond funds or earned interest, and accounting of any such disbursements
- G. ledger of bond expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills and cancelled checks with respect to such expenditures)
- H. records of the sale of any bond-financed facilities, including Board resolutions, sales documents, and accounting of proceeds from such sale
- I. record of any private business uses of bond-financed facilities after the issue, including leases and subleases, licenses, management contracts, research contracts, naming rights agreements or other arrangements which provide special legal entitlements to nongovernmental persons or entities

- J. arbitrage rebate reports and records of rebate and yield reduction payments, if any
- K. resolutions or minutes of Board meetings at which any action was taken by the Board pertaining to the bond issue or subsequent treatment, including any formal elections under the Code or Regulations
- L. copies of each Form 8038-T and Form 8038-R filed with the IRS and any other forms or documents filed with the IRS, and
- M. any other documents or Board minutes regarding the Bond issue, financing, facilities, investments, reimbursements, governmental review reports, etc.

The Bond Compliance Officer is responsible for the maintenance of records relating to the bond financings and for the transfer of all such records to his/her successor. In the event that different persons are responsible for different aspects of compliance with the tax rules (for example, the investment of bond proceeds and expenditure of bond proceeds on projects), the Bond Compliance Officer will assure coordination with all involved and retention of complete records. **The Board may also enter into a contract with a third party to assist the District in complying with its continuing disclosure obligations.**

Records of appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation or purchase of bond-financed facilities, as applicable, shall be retained.

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**Last Modified by Ann DeMeuse on February 7, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	REVISED POLICY - VOL. 31, NO. 1 - WAIVER OF SCHOOL FEES OR FINES
Code	po6152.01
Status	Second Reading
Adopted	March 15, 2023

**REVISED POLICY - VOL. 31, NO. 1**

[NOTE: For additional information regarding school fees, review the [Department of Public Instruction guidance.](#)]

**6152.01 - WAIVER OF SCHOOL FEES OR FINES**

The Board shall waive fees or fines assessed only for students whose parent(s) are unable to afford them and such fees and fines are barriers to the educational program. The District Administrator may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding requests for the waiver of fees.

**Eligibility Standards**

Subject to completion of required forms or direct certification through the Wisconsin Division of Children and Families database, students eligible for a waiver of school fees or fines include, but are not limited to, the following:

- A. Students who qualify for free lunches or breakfasts under the School Free Lunch Program Act and after submission and approval of the income-based application or direct certification through the Division of Children and Families State database.  
  
~~{DRAFTING NOTE: EVEN THOUGH ALL STUDENTS ARE ELIGIBLE FOR FREE LUNCH/BREAKFAST IN THE 2021-22 SCHOOL YEAR, SUCH BLANKET ELIGIBILITY DOES NOT APPLY TO THE WAIVER OF FEES WHICH APPLIES ONLY TO THOSE STUDENTS WHOSE FREE LUNCH/BREAKFAST IS BASED ON THE INCOME CRITERIA.}~~
- B. Students who are experiencing homelessness pursuant to Policy 5111.01 - Homeless Students.
- C.  Students who are eligible to receive reduced price lunch or breakfast.
- D.  Students whose families have suffered very significant losses of income due to severe illness or injury in the family or unusual expenses including, but not limited to, fire, flood, or storm damage.
- E.  Other good and just reasons, as determined by the District Administrator.

**Notification to Parents**

- A. Annually the substance of this policy shall be communicated in writing to the parent(s) of all students in the District.
- B. The first bill or notice sent to parent(s) who owe fees shall state:
  - 1. The District will waive fees or fines for persons unable to afford them in accordance with this policy.
  - 2. The procedure for applying for a waiver, and the name, address, and telephone number of the person to contact for information concerning a fee waiver.

**Procedures for Resolution of Disputes**

- A. An individual who cannot pay school fees or fines may write a letter requesting a waiver of fees to the District Administrator. The letter must contain the following:

1. name(s) of student(s)
2. name of parent(s)
3. address of parent(s)
4. phone number of parent(s)
5. school where child(ren) attend(s)
6. reason for request for waiver of fees

The District Administrator shall have the authority to review the waiver request and request such further information, if any, as ~~she deems~~ **deemed** necessary in order to make a decision on that request.

**[DRAFTING NOTE: Students who are experiencing homelessness may also be considered an unaccompanied minor, whereby the Homeless Liaison shall be responsible for notification to such student(s) and assist in drafting the request for waiver of fees and fines.]**

- B. No fee or fine shall be collected from any individual who is seeking a fee waiver in accordance with the District's policy until the District has acted on the initial request or appeal (if any is made), and the individual has been notified of the decision.
- C. If the District Administrator denies a request for a waiver, then within fifteen (15) school days of receipt of the request, a copy of the decision shall be mailed or provided in an appropriate method for those without a fixed residence or experiencing homelessness.

The decision shall state the reason for the denial and shall include the right to appeal, including the process and timelines for that action. The denial notice shall also include a statement indicating that reapplication may be made for a waiver any time during the school year if circumstances change.

- D. Students experiencing homelessness shall be immediately enrolled, scheduled for transportation, or otherwise registered for school programming regardless of outstanding fines or fees. The waiver review process shall be reviewed accordingly. If the imposition of a fine or fee is not a barrier to educational program access, the student may be assessed the fine or fee.

**[DRAFTING NOTE: Select only one option]**

- E.  The decision of the District Administrator is final.

**OR**

An appeal of the District Administrator's decision must be made to the Board within seven (7) calendar days after receipt of the decision. An appeal shall be decided within thirty (30) calendar days of the receipt of the request for an appeal.  Parent(s) shall have the right to meet with the Board in order to explain why the waiver should be granted. **[END OF OPTION]**

## **Nondiscrimination**

The Board expects all staff members to exercise the utmost care to see that, as a result of their actions or comments, students cannot differentiate between those students whose parents are unable to purchase required instructional materials, pay required fees and/or fines and those whose parents can.

National School Lunch Act, 60 Stat. 230 (1946), 42 U.S.C. 1751 (as amended)

Child Nutrition Act of 1966, 80 Stat. 885, 42 U.S.C. 1771

42 U.S.C. §11432(g)(1)

118.55(5), Wis. Stats.

120.12(11), Wis. Stats.

120.12(17), Wis. Stats.

120.12(22), Wis. Stats.

121.54(8), Wis. Stats.



Legal

National School Lunch Act, 60 Stat. 230 (1946), 42 U.S.C. 1751 (as amended)

Child Nutrition Act of 1966, 80 Stat. 885, 42 U.S.C. 1771

42 U.S.C. §11432(g)(1)

118.55(5), Wis. Stats.

120.12(11), Wis. Stats.

120.12(17), Wis. Stats.

120.12(22), Wis. Stats.

121.54(8), Wis. Stats.

**Last Modified by Ann DeMeuse on February 8, 2023**

Book	Policy Manual
Section	31.1 For Board Review
Title	Copy of STUDENT FEES, FINES, AND CHARGES
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## 6152 - STUDENT FEES, FINES, AND CHARGES

The Board may levy certain charges to students to facilitate the utilization of adequate, appropriate learning materials used in the course of instruction. If the District determines that a student is in serious financial need, it may choose to provide any or all such materials free of charge.

No student shall be denied any educational opportunity because of his/her inability to pay any fee or charge imposed. (See also Policy 6152.01 - Waiver of School Fees or Fines; [and DPI guidance \(HTTP://www.dpi.wi.gov/sfs/finances/budgeting/school-fees\)](http://www.dpi.wi.gov/sfs/finances/budgeting/school-fees) regarding school fees.)

A charge shall not exceed the combined cost of the material used, freight and/or handling charges, and nominal add-on for loss. Money received from resale of such material shall be returned to the District with an accurate accounting of all transactions.

### Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the school libraries will be subject to appropriate fines.

Any fees (including trip fees) or fines collected by members of the staff **should be handled pursuant to (x) Policy 6630 - Cash Handling and Deposits (-) appropriate District procedures [END OF OPTION].** ~~are to be turned into the school office no later than the end of the day on which the money was collected. If the school office is not open or accessible, the collected monies should be deposited in the financial institution designated by the District or in another secure location specified by the District no later than the end of the day on which the money was collected. Staff are prohibited from leaving collected money in classrooms overnight or taking collected money home. Money shall be deposited by the District no less than one (1) week after collected with a full accounting of all transactions.~~

The District Administrator may waive fines or fees upon request, consistent with Policy 6152.01. In the event the above course of action does not result in the fee being collected, the Board authorizes the Business Manager or Principal to take the student and/or his/her parents to Small Claims Court for collection.

The District shall not permit or elicit the assistance of volunteers in efforts to collect unpaid student fees or expenses, including food service balances.

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

### Students Experiencing Homelessness - McKinney-Vento Act

No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, attend school, achieve academic success, or be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding fines or fees shall be extended to extra-curricular and co-curricular activities as well as to academic programming.

Students experiencing homelessness who are able to pay  fees or fines  fees or fines and refuse to do so **[END OF OPTION]** may be prohibited from participating in graduation ceremonies until paid. No such student shall be prevented from receiving his/her student records, including diploma if earned, and final transcripts.

118.55(5), Wis. Stats.

120.12(11), Wis. Stats.

120.12(17), Wis. Stats.

120.12(22), Wis. Stats.

121.54(8), Wis. Stats.

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Book	Policy Manual
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## 7100 - FACILITIES PLANNING

The Board ~~of Education~~ recognizes that careful, prudent planning is essential to the efficient operation of the schools and that planning must be grounded on accurate data. In ~~an effort to align order to assure that future~~ District ~~facilities inventory~~ ~~with construction supports~~ the ~~needs of the~~ educational program and ~~of the responds to~~ community ~~needs~~, the Board will prepare a capital ~~expenditures~~ ~~construction~~ plan and will ~~review and~~ revise that plan periodically thereafter. ~~The plan shall include a thorough description and analysis of local and regional demographic factors which influence general population growth and public school enrollments.~~

In order to apprise the Board ~~regarding of the continuing relevance of~~ the Board's ~~facilities~~ ~~capital~~ construction plan, the District Administrator shall:

- A. annually report to the Board on the number of resident students attending school; **( x ) other factors impacting the enrollment or enrollment projections, such as open enrollment trends, community development initiatives, and other factors;**
- B. report to the Board on the enrollment by grades during the school year annually;
- C. conduct a "kindergarten census" each spring of the number of students who will be enrolled in the District schools in September and report the results to the Board;
- D. prepare student enrollment projections every year and compare the actual enrollment figures to the previously projected figures to detect early, for the benefit of the Board, any changes in enrollment trends.
- E. **( ) provide a report regarding the state of current District facilities, including maintenance needs and schedules, sufficiency of space and additional space requirements;**
- F. **(.) to the extent additional space needs are identified, provide possible solutions including building additions, renovations, new construction, availability of suitable space for lease, or other options.**

~~Information gathered in the conduct of the census shall include the age, gender, race, location, and disability of each child between the ages of birth and twenty-one (21) in this District.~~

In planning for the enlargement or modification of its facilities, the Board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs. ~~In addition, the Board may engage the services of an architectural firm to conduct a facilities study and to make recommendations. Each school building and site shall provide suitable accommodations to carry out the educational program of the school including provision for the disabled, pursuant to law and regulation.~~

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### 8310 - PUBLIC RECORDS

The Board recognizes its responsibility to maintain the public records of this District and to make such records available for inspection and reproduction. The Board designates the District Administrator as the District Records Custodian (DRC), to be the legal custodian of records for the District. The DRC shall safely keep and preserve the public records of the District and shall have the authority to render decisions and carry out duties related to those public records. The DRC may deny access to records only in accordance with the law. The DRC is authorized and encouraged to consult with the District's legal counsel to determine whether to deny access to a records request in whole or in part.

Under the Wisconsin Public Records Law, a "record" is defined as any material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by the authority. It includes handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved. A "record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials that are purely the personal property of the custodian and have no relation to his/her office; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library. The personal use exception applies to notes created by the originator solely for the purpose of refreshing his/her recollection and as a matter of convenience (not part of his/her job duties), but does not apply to notes that are distributed to others for the purpose of communicating information or notes that are created or retained for the purpose of memorializing agency activity.

In addition, records may be exempted from disclosure as a matter of statute or common law or, under the balancing test, the public interest in disclosure may be outweighed by the public interest in non-disclosure.

Any person may make an oral or written request for any public records of the District. The person may inspect or receive copies of the public record requested. The District will respond as soon as practicable and without delay. The District will either provide the requested documents, subject to any redactions, or inform the requester of the District's decision to deny the request.

The District will comply with the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice. (See Policy 5111 - Eligibility of Resident/Nonresident Students, Policy 8320 - Personnel Records and Policy 8330 - Student Records.)

The District may impose a fee upon the requester of a copy of a record of eight cents (\$.08) per page, which represents the actual, necessary, and direct cost of reproduction of the record. In addition, the District may impose a fee upon a requester for the actual time spent by District employees in locating a record, if the cost is \$50.00 or more. In calculating location costs, the District will use the applicable employee's hourly rate for salary and benefits.

The District may also charge the requester for any equipment required to fill the request (such as videotapes, computer disks, etc.). The District may impose a fee upon a requester for the actual, necessary, and direct cost of mailing or shipping of any copies which are mailed or shipped to the requester.

The District may require prepayment of fees if the total amount exceeds \$5.00. If payment is required, the District will calculate the actual cost and charge the requester. If advance payment is required, the District will either invoice the requester for the difference between the estimate and actual cost or refund any overpayment.

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member from inspecting in the performance of his/her official duties any record of this District, except student records and certain portions of personnel records.

The District Administrator ~~shall establish~~ **is authorized to develop** administrative guidelines to **provide for** ~~ensure~~ proper compliance with the intent of this policy and the public records law.

### **Records Retention Schedule**

The District has adopted the Wisconsin Department of Public Instruction 's guidelines on School District record retention.

It may be accessed at the following web address:

<https://publicrecordsboard.wi.gov/Documents/DPI%20GS-APPROVED%20June%202015%20v8.1.pdf>

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Legal 19.21, 19.31-39, 120.13(12), Wis. Stats.

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Book	Policy Manual
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#### 8450 - CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES

The Board ~~of Education~~ recognizes that control of the spread of communicable disease spread through casual-contact is essential to the well-being of the school community and to the efficient District operation.

For purposes of this policy, "casual-contact communicable disease" shall include diphtheria, scarlet fever and other strep infections, whooping cough, mumps, measles, rubella, and others designated by the Wisconsin Department of Public Health.

In order to protect the health and safety of the students, District personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations which pertain to immunization and other means for controlling casual-contact communicable disease spread through normal interaction in the school setting.

#### Initial Exposure - Suspected Communicable Disease

If a student exhibits symptoms of a communicable disease, ~~a teacher, school nurse, or the building principal will isolate the student in the building and contact the parents/guardians and may choose to send the student home. The staff member shall contact the \_\_\_\_\_Door\_\_\_\_\_ County Health Department to report the incident. The health department officials shall be responsible for conducting any investigation deemed necessary and directing the District to follow specific protocols, including those protocols established by the Wisconsin Department of Health Services (—) (hereinafter referred to as DHS) shall be followed.~~

The District Administrator ~~is authorized to~~ ~~shall~~ develop administrative guidelines for the control of communicable disease that ~~shall~~ include:

- A. instruction of professional staff members in the detection of these common diseases and measures for their prevention and control;
- B. removal of students from District property to the care of a responsible adult;
- C. preparation of standards for the readmission of students who have recovered from casual-contact communicable diseases;
- D. filing of reports as required by statute and the State Department of Health.

#### Protocols During a Pandemic/Epidemic

The procedure described above pertains to an initial and/or isolated identification of the possible presence of a communicable disease in a school. In the event of an ongoing pandemic or endemic outbreak of a communicable disease, the Administration and Board shall develop protocols to manage school during a pandemic or epidemic. (x ) See Policy 8420.01 – Epidemics and Pandemics. [END OF OPTION]

Protocols shall be developed with consideration for the following resources:

- A. Statewide declaration of emergency and related orders;
- B. guidance provided by medical and/or public health officials, such as the Centers for Disease Control and Prevention (CDC); Wisconsin Department of Health Services (DHS); Wisconsin Department of Public Instruction (DPI); American Pediatrics Association;
- C. local health department officials and local medical professionals;

D. parent and/or student groups; and

E. other resources developed for and specific to the circumstances facing the District.

252.10, 252.19, 252.21, Wis. Stats.

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Legal 252.19, 252.21, Wis. Stats.

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