



Book	Policy Manual
Section	11-8-23 Board Approval
Title	ELECTORAL PROCESS
Code	po0142.1
Status	
Adopted	June 9, 2008
Last Revised	June 8, 2022

#### 0142.1 - ELECTORAL PROCESS

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

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

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

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

If an incumbent fails to file a Declaration of Candidacy and nomination papers by the 5:00 P.M. deadline on the first Tuesday in January, candidates may file a Declaration of Candidacy and nomination papers 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.

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

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

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

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

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

In addition, if an incumbent files written notification that the incumbent is not a candidate for reelection to their office or fails to file a declaration of candidacy within the time prescribed by this bvlaw, 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.

Revised 12/14/15  
Revised 12/9/20  
Revised 11/8/23

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Legal	120.06 (1), Wis. Stats. 120.06 (6)(b), Wis. Stats. 120.06 (6)(b)3m, Wis. Stats.
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Book	Policy Manual
Section	11-8-23 Board Approval
Title	PUBLIC EXPRESSION OF BOARD MEMBERS
Code	po0143.1
Status	
Adopted	June 9, 2008
Last Revised	January 9, 2017

#### 0143.1 - PUBLIC EXPRESSION OF BOARD MEMBERS

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

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

- A. to local media;
- B. on social media;
- C. to members of the community;
- D. to local officials and/or State officials.

Sometimes the public statements, or statements to individuals, by Board members imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents may cause issues for the member, the Board, as well as the District. Therefore, Board members should, when writing or speaking on school matters on social media, to the media, members of the community, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

Revised 11/8/23

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Last Modified by Jennifer Bower on October 6, 2023



Book Policy Manual  
Section 11-8-23 Board Approval  
Title New Bylaw - [Common/Union High Schools Only] - MEETINGS  
Code po0164  
Status

**New Bylaw - Vol. 32, No. 2 - V1 [Common/Union High Schools Only]**

**0164 - MEETINGS**

**Regular Meetings**

The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.

**Change of Regular Meetings**

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

**Special Meetings**

A special meeting of the Board shall be held upon the written request of any Board member provided there is compliance with the following notice provisions and State law.

The School District Clerk or, in the School District Clerk's absence, the President shall fix a reasonable date, time, and place for the meeting. The School District Clerk or, in the School District Clerk's absence, the President shall notify each Board member of the date, time, and place of the meeting, in a manner likely to give the Board member notice of the meeting, at least twenty-four (24) hours before the meeting. If the School District Clerk or, in the School District Clerk's absence, the President determines that providing notice at least twenty-four (24) hours before a special Board meeting is, for good cause, shown by the School District Clerk or President, impossible or impractical, the School District Clerk or President may notify each Board member of the date, time, and place of the meeting less than twenty-four (24) hours, but not less than two (2) hours, before the meeting. A notice of any special meeting shall be posted at least twenty-four (24) hours before said special meeting at the District office and such other places as the Board may determine unless, for good cause, such notice is impossible or impracticable, but in no case may the notice be less than two (2) hours in advance of the meeting.

A special meeting may be held without prior notice if all Board members are present and consent, or if each member consents in writing even if the Board member does not attend, provided appropriate notice is provided as defined under Chapter 19.

**Notice of Meetings**

Public notice of all Board meetings shall be given pursuant to statute. Such notice shall be given, without cost, to any news media which submits a written request for meeting notices and to a news medium likely to give notice in the District's geographic area. In addition, such notice shall be made public in at least one (1) 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 Press Times.

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

"If special accommodations are necessary for you to participate in this meeting, please contact the Director of Pupil Services at 492-2905, ext. 1010 at least twenty-four (24) hours prior to the meeting."

**Cancellation of Meetings**

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

### **Virtual Participation in Meetings**

Unless otherwise determined by the Board President or due to an order by an authorized authority preventing in-person attendance at a meeting, Board members are expected to attend meetings in person at the location set by the Board for the meeting. A Board member may attend virtually in instances where a member is unable to attend in person due to a scheduled absence from the District or due to a physical restriction preventing attendance. The Board member is responsible for making advance arrangements with the District administration to facilitate participation in the meeting.

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

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

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

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Book Policy Manual  
Section 11-8-23 Board Approval  
Title REGULAR MEETINGS  
Code po0164.1  
Status  
Adopted June 9, 2008

~~0164.1~~ **REGULAR MEETINGS**

~~The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.~~

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**Last Modified by Jennifer Bower on October 2, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	SPECIAL MEETINGS
Code	po0164.2
Status	
Adopted	June 9, 2008
Last Revised	December 9, 2020
Prior Revised Dates	10/24/2018; 06/10/2020

#### ~~0164.2~~ **SPECIAL MEETINGS**

~~A special meeting of the Board shall be held upon the written request of any Board member provided there is compliance with the following notice provisions and State law.~~

~~The School District Clerk or, in the School District Clerk's absence, the President shall fix a reasonable date, time, and place for the meeting. The School District Clerk or, in the School District Clerk's absence, the President shall notify each Board member of the date, time, and place of the meeting, in a manner likely to give the Board member notice of the meeting, at least twenty four (24) hours before the meeting. If the School District Clerk or, in the School District Clerk's absence, the President determines that providing notice at least twenty four (24) hours before a special Board meeting is, for good cause, shown by the School District Clerk or President, impossible or impractical, the School District Clerk or President may notify each Board member of the date, time, and place of the meeting less than twenty four (24) hours, but not less than two (2) hours, before the meeting. A notice of any special meeting shall be posted at least twenty four (24) hours before said special meeting at the District office and such other places as the Board may determine unless for good cause such notice is impossible or impracticable, but in no case may the notice be less than two (2) hours in advance of the meeting.~~

~~A special meeting may be held without prior notice if all Board members are present and consent or if each member consents in writing even if s/he does not attend, provided appropriate notice is provided as defined under Chapter 19.~~

~~Revised 9/24/12  
Revised 1/9/17  
Revised 12/13/17  
Revised 6/10/20~~

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Legal 19.84(3), Wis. Stats.  
120.11(2), Wis. Stats.  
120.43(2), Wis. Stats

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Book Policy Manual  
Section 11-8-23 Board Approval  
Title NOTICE OF MEETINGS  
Code po0165.1  
Status  
Adopted June 9, 2008  
Last Revised June 8, 2022

~~0165.1~~ **NOTICE OF MEETINGS**

~~Public notice of all Board meetings, and other meetings subject to Policy 8309—Open Meetings for Non Board Committees, 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 to the Ashwaubenon Press Times.~~

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

~~The notice shall also contain the following statement:~~

~~"Upon request to the Director of Pupil Services, 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."~~

~~Revised 10/30/19~~

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

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Book	Policy Manual
Section	11-8-23 Board Approval
Title	CHANGE OF REGULAR MEETINGS
Code	po0165.2
Status	
Adopted	June 9, 2008
Last Revised	April 14, 2022

~~0165.2~~ **CHANGE OF REGULAR MEETINGS**

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

~~T.C. 4/14/22~~

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**Last Modified by Jennifer Bower on October 2, 2023**





Book	Policy Manual
Section	11-8-23 Board Approval
Title	INCAPACITY OF THE SUPERINTENDENT
Code	po1260
Status	
Adopted	June 9, 2008
Last Revised	March 17, 2021

#### 1260 - INCAPACITY OF THE SUPERINTENDENT

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

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

If it is determined that the Superintendent is unable to perform the duties of ~~his/her~~ the office, ~~s/he~~the Superintendent may at ~~his/her~~the Superintendent's request, be placed on sick leave, with pay, not to exceed the amount of ~~his/her~~their accumulated but unused sick leave and any advancement of such sick leave which may be authorized by Board policy.

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

Revised 11/8/23

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Last Modified by Jennifer Bower on October 6, 2023



Book	Policy Manual
Section	11-8-23 Board Approval
Title	SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po1623
Status	
Adopted	August 27, 2012
Last Revised	June 8, 2022

### **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, 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**

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 aides 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 Disability

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job related requirements of the employment position the individual holds or desires and, can perform the essential functions of the job in question, with or without reasonable accommodation.

## Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who 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

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").

Tammv Nicholson  
Director of Pupil Services  
1055 Griffiths Lane  
Green Bay, WI 54304  
tnicholson@ashwaubenonk12.org  
920-492-2905 x 1010

Keith Lucius  
Assistant Superintendent of Schools for Student/Staff Resources  
1055 Griffiths Lane  
Green Bay, WI 54304  
920-492-2905x1005  
klucius@ashwaubenonk12.org

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

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The 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 Superintendent or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints, as appropriate. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

## Complaint Procedures

If a person believes that 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.

- X** An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.
- X** 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) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the CO for good cause.

~~X~~ 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) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The CO shall maintain the District's files and records relating to the complaint.

~~X~~ The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Superintendent will render his/her decision within ten (10) days of the hearing.

~~X~~ The employee may be represented, at his/her own cost, at any of the above described meetings/hearings.

~~X~~ The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

### **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 Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or interfere with any individual because the person opposed any act or practice made by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

### Education and Training

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

### Retention of Investigatory Records and Materials

The CO is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- 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;
- written witness statements;
- narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- 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);
- 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;
- 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;
- 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;
- 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;
- 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;
- 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);
- copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- 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.

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.

Revised 9/22/14  
Revised 10/24/18

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34 C.F.R. Part 104

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

**Last Modified by Jennifer Bower on October 2, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po1630.01
Status	
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## 1630.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

### Introduction

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

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

### Eligibility Requirements

To be eligible for leave under the FMLA, you must have been employed by the Board for at least twelve (12) months in the past seven (7) years **and** must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. ~~All full-time instructional staff members are deemed to meet the 1,250-hour requirement.~~

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

### Qualifying Reasons for Leave

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

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

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

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

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

- D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of **his/her/the staff member's** position
- E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

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

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating

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

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her the staff member's own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

See the Human Resources Coordinator to determine whether your request for leave qualifies under one (1) of the above categories.

#### **Amount of Leave Available**

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, s/he the staff member is entitled to a total of twelve (12) work weeks of leave in a **calendar year** for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

Spouses who are both employed by the District may take a combined total of twelve (12) weeks of leave for the birth or placement of a child for adoption or foster care.

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

- A. a total of six (6) weeks of leave for the birth of his/her the staff member's natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

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

#### **Definitions of Serious Health Conditions**

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

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

##### **A. Hospital Care**

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

##### **B. Absence Plus Treatment**

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

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.



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

### C. Pregnancy

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

### D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); **and**
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

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

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

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

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

### Required Staff Member Notice

The staff member must provide the Human Resources Coordinator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

Staff members must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

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

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

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

### Certification By Healthcare Provider

If a staff member requests leave due to his/her/their own serious health condition or the serious health condition of his/her/their spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

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

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

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

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare provider to obtain answers to unanswered questions on the form or to clarify illegible answers and to authenticate the certification.

If the Human Resources Coordinator doubts the validity of a certification, it may require, at the Board's expense that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The Human Resources Coordinator may request re-certifications on a periodic basis as permitted by law.

### **Designation of Leave**

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

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

Absent extenuating circumstances, the Human Resources Coordinator will, at a minimum, verbally notify the staff member whether leave is being designated as FMLA leave within two business days of the date the staff member provides information to the Human Resources Coordinator sufficient to enable him/her/the Superintendent to determine that the leave is being taken for an FMLA-qualifying reason.

The Human Resources Coordinator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

### **Manner In Which Leave Can Be Taken**

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

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

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

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

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

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Human Resources Coordinator for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The Human Resources Coordinator may require instructional staff members who take Federal leave near the end of an academic term to extend their leave through the end of the academic term if:

- A. the leave is commenced more than five (5) weeks from the end of the term but the employee intends to return during the final three (3) weeks of the term and the leave is longer than three (3) weeks in duration;
- B. the leave is commenced within five (5) weeks of the end of the term and the employee intends to return during the final two (2) weeks of the term and the leave period was at least two (2) weeks in duration; or
- C. the leave commences within three (3) weeks of the end of a term and the leave was at least five (5) working days in duration.

Staff members whose leave is extended at the end of an academic term under this section will be charged against their FMLA entitlement only the time that they required for purposes of their leave.

### **Coordinating Leaves - Substitution**

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

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

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

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

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

## Continuation of Benefits

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

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

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

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

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

## Accrual of Benefits

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

## Employment Restoration

A staff member will generally be reinstated to the same position s/he/they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if s/he/the staff member had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, s/he/the staff member is not entitled to be reinstated.

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

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

## Fitness For Duty Certification

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

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job related and consistent with business necessity.

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

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

## Confidentiality

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

## No Discrimination

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

## Miscellaneous

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

The Human Resources Coordinator shall see that the policy is posted properly.

The Human Resources Coordinator shall provide a copy of the policy upon the request of a staff member.

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Legal

29 U.S.C. 2601 et. seq.

29 C.F.R. Part 825

103.10, Wis. Stats.

Wis. Admin. Department of Workforce Development (DWD) 225

National Defense Authorization Act of 2010

**Last Modified by Jennifer Bower on October 6, 2023**



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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 District curriculum plan shall be developed, evaluated, and adopted. The plan shall include overall program evaluation processes that provide for evaluation on a continuing basis and in accordance with a plan for curriculum growth established by the Superintendent. The District shall provide for the review of the evaluation process at least every five (5) years. The District curriculum plan shall include sequential curriculum plans, which provides an organized set of learning experiences that build upon previously acquired knowledge and skills.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as the plan for learning necessary to accomplish the educational goals of the District.

The Board directs that the curriculum shall be developed and evaluated by the District Administrator, and that curriculum plans and courses of study incorporated into 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 and designed to achieve the District's philosophy and goals and ensure the possibility of their achievement;
- D. be consistent with 118.30, Wis. Stats., by incorporating incorporate State-recommended performance standards for students as the bases 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 (1) of grades 5 to 8 and in one (1) of grades 10 to 12, provide students with the instruction on shaken baby syndrome and impacted babies described in 253.15 (5), Wis. Stats.;
- N. 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 Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.~~

The Superintendent shall make progress reports to the Board periodically.

The Superintendent may ~~conduct such innovative programs~~ propose programming using innovative instructional design as are deemed to be beneficial or necessary to the continuing growth of the instructional program and to better ensure accomplishment of promote the District's educational goals. Each such innovative program intended to be part of the required hours of instruction must be consistent with Chapter 118 and appropriate State regulations and receive the approval of the Board State law and implemented consistent with the District's curriculum as approved by the Board.

Revised 6/10/20  
Revised 11/8/23

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Legal PI 8.001(6g)  
118.01, 118.24, 118.30, 121.01(1)(k), 121.02(1)(L), Wis. Stats.  
PI 8.01(2)(L), PI 8.01(2)(k)

Last Modified by Jennifer Bower on October 6, 2023



Book Policy Manual  
Section 11-8-23 Board Approval  
Title SPECIAL OBSERVANCE DAYS  
Code po2221  
Status  
Adopted June 9, 2008  
Last Revised June 8, 2022

### 2221 - SPECIAL OBSERVANCE DAYS

In compliance with the Wisconsin School Laws, the Board of Education directs the Superintendent to ensure that the following days, and any additional days proclaimed by the Governor, are appropriately observed in all schools:

January 15th	Martin Luther King Jr. Day
February 12th	Abraham Lincoln's Birthday
February 15th	Susan B. Anthony's Birthday
February 22nd	George Washington's Birthday
March 4th	Casimir Pulaski Day
March 17th	The Great Hunger
April 9th	Prisoners of War Remembrance Day
April 13th	American Creed Day
April 19th	Patriot's Day
April 22nd	Environmental Awareness Day
Last Friday in April	Arbor Day *except that if the Governor by proclamation sets apart one (1) day to be designated as Arbor and Bird Day under State law, that day shall be appropriately observed.
June 14th	Robert La Follette Sr. Day
September 11th	A day to remember the attacks that occurred on September 11, 2001, and to honor law enforcement officers and firefighters
September 16th	Mildred Fish Harnack Day
September 17th	U.S. Constitution Day
September 28th	Frances Willard Day
Wednesday of the third week in September as part of Wonderful Wisconsin Week	
Friday of the 3rd week in September	POW-MIA Recognition Day

Wednesday of the 4th week in September      Bullying Awareness Day

October 9th      Leif Erikson Day

October 12th      Christopher Columbus's Birthday

November 11th      Armistice Day

Revised 3/23/15  
Revised 11/8/23

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Legal      14.16, 118.02, 118.025, Wis. Stats.

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Book	Policy Manual
Section	11-8-23 Board Approval
Title	PROGRAM OR CURRICULUM MODIFICATIONS
Code	po2451
Status	
Adopted	June 9, 2008
Last Revised	October 30, 2019

#### 2451 - PROGRAM OR CURRICULUM MODIFICATIONS

The Board recognizes that the regular school program may not be appropriate for all students. Some students may need program or curriculum modifications to successfully meet the District's academic goals and/or graduation requirements. (See Policy 5461 - Children At-Risk of Not Graduating from High School)

Any student's parent, or the student if the parent is notified, may submit a written request to the Board, to provide the student with program or curriculum modifications, including, but not limited to:

- A. modifications within the student's current academic program;
- B. a school work training or work-study program;
- C. enrollment in an alternative public school or program located in the School District in which the student resides;
- D. enrollment in any nonsectarian private school or program, or tribal school, located in the School District in which the student resides, which complies with the requirements of State and Federal law;
- E. homebound study, including nonsectarian correspondence courses or other courses of study approved by the Board or nonsectarian tutoring provided by the school in which the child is enrolled;
- F. enrollment in any public educational program located outside the School District in which the student resides, pursuant to a contractual agreement between school districts.

The written request shall be provided to the building principal who will provide it to the Board or an administrator who is designated to do so, must handle such requests. The Board or appropriate staff member shall render its a decision, in writing, within (90) ninety days of a request, except that if the request relates to a student who has been evaluated by an Individualized Education Program team and has not been recommended for special education, the decision must be made within (30) thirty days of the request. If the request is denied, the reasons for the denial must be included. A parent may request reconsideration of any decision made by the Board or the designated administrator in response to a request for program or curriculum modifications and such request must be reviewed by the Board. The Board is required to render its determination upon review in writing.

Annually, the District shall notify students and parents of the provisions of this policy. Inclusion of such notification in the student handbook shall satisfy this requirement.

Revised 1/9/17  
Revised 11/8/23

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Legal 118.15, Wis. Stats.

Last Modified by Jennifer Bower on October 6, 2023



Book Policy Manual  
Section 11-8-23 Board Approval  
Title EMPLOYMENT OF CASUAL RESOURCE PERSONNEL  
Code po3120.07  
Status  
Adopted June 9, 2008

**~~3120.07 — EMPLOYMENT OF CASUAL RESOURCE PERSONNEL~~**

~~It is the purpose of this policy to allow the casual employment of personnel in a consulting capacity for administration, in service, or instruction.~~

~~In the general fund of the Board of Education, money is appropriated annually for special services. This might include resource persons in specialized fields of education that could offer consulting advice on the administration or instructional processes. The Superintendent shall negotiate a reasonable payment with the resource person.~~

~~Specialists from industry, business, agriculture, or health occupation fields may be employed in a consulting capacity to assist with program planning, in services, or directly in the instructional program. Professional staff members employed by the District may be used as casual resource personnel, outside of their regular assignment, at the discretion of the Superintendent.~~

~~The Superintendent shall prepare administrative guidelines to ensure proper implementation of this policy.~~

**Last Modified by Jennifer Bower on October 2, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po3123
Status	
Adopted	August 27, 2012
Last Revised	June 8, 2022

### **3123 — SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board prohibits discrimination against any employee or applicant based upon 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).

**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 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.

#### **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 aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

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

## Qualified Individual with a Disability

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

## Reasonable Accommodation

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the 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 (also known as Section 504 Compliance Officers/ADA Coordinators; hereinafter referred to as the "COs").

Tammy Lamoreur  
Director of Pupil Services  
1055 Griffiths Lane  
Green Bay WI 54304  
920-492-2905 x 1010  
tlamoreur@ashwaubenon.k12.wi.us

Keith Lucius  
Assistant Superintendent of Schools for Students/Staff Resources  
1055 Griffiths Lane  
Green Bay WI 54304  
920-492-2905 1005  
klucius@ashwaubenonk12.org

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

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. **A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.**

The 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 Superintendent or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints, as appropriate. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Compliant Procedure below.)

## 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.

- ✗ An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.
- ✗ 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) 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.

- ✗ 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) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The CO shall maintain the District's files and records relating to the complaint.
- ✗ The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.  
The Superintendent will render his/her decision within ten (10) days of the hearing.
- ✗ The employee may be represented, at his/her 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 or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, 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 Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or interfere with any individual because the person opposed any act or practice made by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

### Education and Training

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

### Retention of Investigatory Records and Materials

The CO is responsible for overseeing 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:

- all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- 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;
- written witness statements;
- narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- 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);
- 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;
- 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;
- 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;
- 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;
- 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;
- 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);
- copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- 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.

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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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 Jennifer Bower on October 2, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	STAFF DISCIPLINE
Code	po3139
Status	
Adopted	June 9, 2008
Last Revised	July 10, 2019

**3139 - STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be consistent with the requirements of any applicable Board policy, and State and Federal law. The Superintendent or designee may issue discipline when ~~she/he~~ deemed appropriate. This policy does not cover decisions to terminate or non-renew a staff member's employment ~~or accepting a staff member's resignation~~ (see Policy 3140 - ~~Non-Renewal, Resignation, and Termination~~).

**Investigation of Possible Criminal Activity**

The District may be required to investigate potential wrongdoings on the part of its employees, ~~and such wrongdoing in some cases may involve potential criminal conduct and/or co-occurring law enforcement investigation.~~ Such investigations ~~may still require that the employee truthfully answer questions relating to the activity,~~ and refusal to answer may result in discipline up to and including termination. Employees required to respond to questions regarding potential criminal activity are permitted to do so without waiving any Constitutional rights against self-incrimination that may apply during the course of a criminal investigation. As appropriate, employees will be informed of this right, through what is often referred to as a "Garrity Warning". ~~Employees may be required to answer such questions. Failure to cooperate in an investigation may result in discipline, up to and including termination of the employee. In cases where this possible wrongdoing may involve criminal activity, the District shall inform~~ The Garrity Warning informs the employee that ~~the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline. (see Form 3139 F1 - "Garrity" Warning)~~ Employees must also be informed that refusal to answer questions may be considered in determining discipline.

Staff may be disciplined for violations of Board policy or for other failures to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action, or disciplinary action that is otherwise in violation of law ~~or public policy~~.

The Superintendent may issue discipline to staff members when ~~she/he~~ deemed appropriate. The level of discipline may range from oral reprimands to suspension ~~and may lead to termination consistent with Policy 3140 - Non-Renewal, Resignation, and Termination~~ or termination consistent with the process established for termination as set forth in Policy 3140. The level of discipline shall be consistent with the seriousness of the offense as determined by the Superintendent.

Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy 3340 - Grievance Procedure.

All instances of staff discipline are subject to the employee grievance procedure, set forth in Policy 3340.

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 Revised 11/14/18  
 Revised 11/8/23

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Legal 66.0509(1m)(a), Wis. Stats.  
 Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004)  
 Garrity v. New Jersey, 385 U.S. 493 (1967)

**Last Modified by Jennifer Bower on October 6, 2023**





Book	Policy Manual
Section	11-8-23 Board Approval
Title	USE OF TOBACCO AND NICOTINE BY PROFESSIONAL STAFF
Code	po3215
Status	
Adopted	June 9, 2008
Last Revised	June 8, 2022

### 3215 - USE OF TOBACCO AND NICOTINE BY PROFESSIONAL STAFF

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any professional staff of the District to use, consume, display, promote, or sell any tobacco products, tobacco industry brand, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events. The Board authorizes the Superintendent to take reasonable measures related to the Board's expectation that the promotion and display of tobacco and related products on school property or at off-campus, school-sponsored events is prohibited.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products-focused retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

#### Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA-approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen (18) years and older. Staff using such products and bringing them to any school property or school-sponsored activity are responsible for safekeeping of these products at all times and are responsible for assuring that no students are able to obtain access to these products.

Instruction in the history and purpose of traditional tobacco that has been used as a part of faith and tradition in the Native American and American Indian communities is an exception to this policy.

#### Policy Specific Definitions

The term "any time" means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term "electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term "imitation tobacco product" means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term "off-campus, school-sponsored event" means any event sponsored by the school or School District that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term "school property" means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff, and visitors.

The term "smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant derived substances, whether or not legally sold in Wisconsin, including CBD products, Delta 8 THC, Delta 9 THC, or any other variation thereof. "Smoking" also includes carrying or using an activated electronic smoking device.

The term "tobacco products retailer" means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term "tobacco industry" means manufacturers, distributors, or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term "tobacco industry brand" means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

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**Last Modified by Jennifer Bower on October 6, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po3430.01
Status	
Adopted	June 9, 2008
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### 3430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

#### Introduction

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

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

#### Eligibility Requirements

To be eligible for leave under the FMLA, you must have been employed by the Board for at least twelve (12) months in the past seven (7) years **and** must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. ~~All full-time instructional staff members are deemed to meet the 1,250-hour requirement.~~

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

#### Qualifying Reasons for Leave

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

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

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

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

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

- D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of **his/hers/the** position
- E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

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

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating.

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

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her/their own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

See the Human Resources Coordinator to determine whether your request for leave qualifies under one (1) of the above categories.

#### **Amount of Leave Available**

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, s/he/the staff member is entitled to a total of twelve (12) work weeks of leave in a **calendar year** for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

Spouses who are both employed by the District may take a combined total of twelve (12) weeks of leave for the birth or placement of a child for adoption or foster care.

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

- A. a total of six (6) weeks of leave for the birth of his/her/the natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

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

#### **Definitions of Serious Health Conditions**

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

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

##### **A. Hospital Care**

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

##### **B. Absence Plus Treatment**

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

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

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

### C. Pregnancy

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

### D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

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

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

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

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

## Required Staff Member Notice

The staff member must provide the Human Resources Coordinator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken. Employees must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

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

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

If a staff member must take more leave than originally anticipated, s/he must notify the Human Resources Coordinator within two (2) business days of learning of the circumstances necessitating the extension.

## Certification By Healthcare Provider

If a staff member requests leave due to his/her own serious health condition or the serious health condition of his/her staff member's spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

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

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

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

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare provider to obtain answers to unanswered questions on the form or to clarify illegible answers and to authenticate the certification.

If the Human Resources Coordinator doubts the validity of a certification, it may require, at the Board's expense that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The Human Resources Coordinator may request re-certifications on a periodic basis as permitted by law.

## Designation of Leave

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

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

Absent extenuating circumstances, the Human Resources Coordinator will, at a minimum, verbally notify the staff member whether leave is being designated as FMLA leave within two (2) business days of the date the staff member provides information to the Human Resources Coordinator sufficient to enable him/her/the Superintendent to determine that the leave is being taken for an FMLA-qualifying reason.

The Human Resources Coordinator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

## Manner In Which Leave Can Be Taken

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

When leave is governed only by the FMLA, intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition. Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

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

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

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Human Resources Coordinator for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The Human Resources Coordinator may require instructional staff members who take Federal leave near the end of an academic term to extend their leave through the end of the academic term if:

- A. the leave is commenced more than five (5) weeks from the end of the term but the employee intends to return during the final three (3) weeks of the term and the leave is longer than three (3) weeks in duration;
- B. the leave is commenced within five (5) weeks of the end of the term and the employee intends to return during the final two (2) weeks of the term and the leave period was at least two (2) weeks in duration; or
- C. the leave commences within three (3) weeks of the end of a term and the leave was at least five (5) working days in duration.

Staff members whose leave is extended at the end of an academic term under this section will be charged against their FMLA entitlement only the time that they required for purposes of their leave.

## Coordinating Leaves - Substitution

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

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

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

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

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

## Continuation of Benefits

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

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

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

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

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

### **Accrual of Benefits**

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

### **Employment Restoration**

A staff member will generally be reinstated to the same position s/he/they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if s/he/they had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, s/he/the staff member is not entitled to be reinstated.

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

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

### **Fitness For Duty Certification**

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

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job related and consistent with business necessity.

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

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

### **Confidentiality**

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

### **No Discrimination**

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

### **Miscellaneous**

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

The Human Resources Coordinator shall see that the policy is posted properly.

The Human Resources Coordinator shall provide a copy of the policy upon the request of a staff member.

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Book	Policy Manual
Section	11-8-23 Board Approval
Title	SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po4123
Status	
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### **4123 – SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education 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**

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 aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

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

## Qualified Individual with a Disability

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job related requirements of the employment position the individual holds or desires and can perform the essential functions of the job in question, with or without reasonable accommodation.

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 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").

Tammv Lampercour  
Director of Pupil Services  
1055 Griffiths Lane Green Bay WI 54304  
920-492-2905 x-1010  
tlampercour@ashwaubenon.k12.wi.us

Keith Lucius  
Assistant Superintendent of Schools for Student/Staff Resources  
1055 Griffiths Lane  
Green Bay WI 54304  
920-492-2905 x1005  
klucius@ashwaubenonk12.org

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

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.

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 Superintendent or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

## Complaint Procedures

If a person believes that 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.

- ✗ An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.
- ✗ 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) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the CO for good cause.

- ✗ 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) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The CO shall maintain the District's files and records relating to the complaint.
- ✗ The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.  
The Superintendent will render his/her decision within ten (10) days of the hearing.
- ✗ The employee may be represented, at his/her 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 or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, 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 Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or interfere with any individual because the person opposed any act or practice made by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

### ~~Education and Training~~

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

### ~~Retention of Investigatory Records and Materials~~

~~The CO is responsible for overseeing 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; and~~
- ~~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.~~

~~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.~~

Revised 9/22/14

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

**Last Modified by Jennifer Bower on October 2, 2023**



Book Policy Manual  
 Section 11-8-23 Board Approval  
 Title STAFF DISCIPLINE  
 Code po4139  
 Status  
 Adopted June 9, 2008  
 Last Revised November 14, 2018

**4139 - STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary such action shall be consistent with the requirements of any applicable Board policy, and State and Federal law. The Superintendent may issue discipline including termination unless Board action is required by law when she/he deemed appropriate. This policy does not cover decisions to terminate a staff member's employment or accepting a staff member's resignation (see Policy 4140 - Termination and Resignation).

**Investigation of Possible Criminal Activity**

The District may be required to investigate potential wrongdoings on the part of its employees, and such wrongdoing in some cases may involve potential criminal conduct and/or co-occurring law enforcement investigations. Such investigations may still require that the employee answer questions relating to the activity and employees who refuse to answer such questions may be disciplined for failure to cooperate in the investigation. Employees required to respond to questions regarding potential criminal activity are permitted to do so without waiving any Constitutional right against self-incrimination that may apply during the course of a criminal investigation. Employees should be advised of this right, often referred to as a "Garrity Warning". Employees may be required to answer such questions. Failure to cooperate in an investigation may result in discipline, up to and including termination of the employee. In cases where this possible wrongdoing may involve criminal activity, the District shall inform The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. Employees must also be informed that refusal to answer questions may be considered in determining discipline.

Staff may be disciplined for violations of Board policy or for other failure to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action, or disciplinary action that is otherwise in violation of law.

The Superintendent may issue discipline to staff members when she/he deemed appropriate. The level of discipline may range from oral reprimands to suspension or termination and may lead to termination consistent with Policy 4140 - Termination and Resignation. The level of discipline shall be consistent with the seriousness of the offense as determined by the District Administrator.

Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy 4340 - Grievance Procedure.

All instances of staff discipline are subject to the employee grievance procedure, set forth in Policy 4340 - Grievance Procedure.

Revised 12/12/11  
 Revised 11/8/23

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Legal 66.0509(1m)(a), Wis. Stats  
 Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004)  
 Garrity v. New Jersey, 385 U.S. 493 (1967)

**Last Modified by Jennifer Bower on October 6, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	USE OF TOBACCO AND NICOTINE BY SUPPORT STAFF
Code	po4215
Status	
Adopted	June 9, 2008
Last Revised	June 8, 2022

#### 4215 - USE OF TOBACCO AND NICOTINE BY SUPPORT STAFF

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any support staff of the District to use, consume, display, promote, or sell any tobacco products, tobacco industry brand, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events. The Board authorizes the Superintendent to take reasonable measures related to the Board's expectation that the promotion and display of tobacco and related products on school property or at off-campus, school-sponsored events is prohibited.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products-focused retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

#### Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA-approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen (18) years and older. Staff using such products and bringing them to any school property or school-sponsored activity are responsible for safekeeping of these products at all times and are responsible for assuring that no students are able to obtain access to these products.

Instruction in the history and purpose of traditional tobacco that has been used as a part of faith and tradition in the Native American and American Indian communities is an exception to this policy.

#### Policy Specific Definitions

The term "any time" means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term "electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term "imitation tobacco product" means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term "off-campus, school-sponsored event" means any event sponsored by the school or School District that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term "school property" means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff and visitors.

The term "smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant derived substances, whether or not legally sold in Wisconsin, including CBD products, Delta 8 THC, Delta 9 THC, or any other variation thereof. "Smoking" also includes carrying or using an activated electronic smoking device.

The term "tobacco products retailer" means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term "tobacco industry" means manufacturers, distributors or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term "tobacco industry brand" means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

Revised 10/24/11

Revised 12/9/20

Revised 11/8/23

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Legal                      111.321, Wis. Stats.  
                                  120.12(20), Wis. Stats.  
                                  20 U.S.C. 6081 et seq.  
                                  20 U.S.C. 7182

**Last Modified by Jennifer Bower on October 6, 2023**





Book	Policy Manual
Section	11-8-23 Board Approval
Title	FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po4430.01
Status	
Adopted	June 9, 2008
Last Revised	November 14, 2018

#### 4430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

##### Introduction

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

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

##### Eligibility Requirements

To be eligible for leave under the FMLA, you must have been employed by the Board for at least twelve (12) months in the past seven (7) years **and** must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. ~~All full-time instructional staff members are deemed to meet the 1,250-hour requirement.~~

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

##### Qualifying Reasons for Leave

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

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

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

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

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

- D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of **his/hers/the** position
- E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

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

F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, which renders the service member medically unfit to perform the member's office, grade, rank, or rating.

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

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her/their own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

See the Human Resources Coordinator to determine whether your request for leave qualifies under one (1) of the above categories.

#### **Amount of Leave Available**

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, s/he/the staff member is entitled to a total of twelve (12) work weeks of leave in a **calendar year** for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

Spouses who are both employed by the District may take a combined total of twelve (12) weeks of leave for the birth or placement of a child for adoption or foster care.

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

- A. a total of six (6) weeks of leave for the birth of his/her/the staff member natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

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

#### **Definitions of Serious Health Conditions**

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

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

##### **A. Hospital Care**

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

##### **B. Absence Plus Treatment**

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

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

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

### C. Pregnancy

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

### D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); **and**
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

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

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

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

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

### Required Staff Member Notice

The staff member must provide the Human Resources Coordinator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for your own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken. Employees must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

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

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

If a staff member must take more leave than originally anticipated, ~~she~~ the staff member must notify the Human Resources Coordinator within two (2) business days of learning of the circumstances necessitating the extension.

### Certification By Healthcare Provider

If a staff member requests leave due to his/her/their own serious health condition or the serious health condition of his/her spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

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

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

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

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare provider to obtain answers to unanswered questions on the form or to clarify illegible answers and to authenticate the Certification.

If the Human Resources Coordinator doubts the validity of a Certification, it may require, at the Board's expense that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The Human Resources Coordinator may request re-certifications on a periodic basis as permitted by law.

## Designation of Leave

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

The Human Resources Coordinator will give the staff member the Notice on each occasion that s/he/the staff member notifies his/her/their supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one notice will be provided unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the Human Resources Coordinator will, at a minimum, verbally notify the staff member whether leave is being designated as FMLA leave within two (2) business days of the date the staff member provides information to the Human Resources Coordinator sufficient to enable him/her/the Superintendent to determine that the leave is being taken for an FMLA-qualifying reason.

The Human Resources Coordinator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

## Manner In Which Leave Can Be Taken

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

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

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

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

## Coordinating Leaves - Substitution

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

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

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

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

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

## Continuation of Benefits

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

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

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

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

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

## Accrual of Benefits

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

### Employment Restoration

A staff member will generally be reinstated to the same position ~~s/he~~they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if ~~s/he~~they had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, ~~s/he~~the staff member is not entitled to be reinstated.

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

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

### Fitness For Duty Certification

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

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job related and consistent with business necessity.

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

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

### Confidentiality

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

### No Discrimination

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

### Miscellaneous

The Human Resources Coordinator may designate another administrator to perform ~~his/her~~their duties under this policy.

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

The Human Resources Coordinator shall see that the policy is posted properly.

The Human Resources Coordinator shall provide a copy of the policy upon the request of a staff member.

Revised 11/22/10  
Revised 12/13/10  
Revised 4/14/14  
Revised 11/8/23

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Legal                      29 U.S.C. 2601 et seq.  
                                  29 C.F.R. Part 825  
                                  103.10, Wis. Stats.  
                                  Wis. Admin. Department of Workforce Development (DWD) 225  
                                  National Defense Authorization Act of 2010

Last Modified by Jennifer Bower on October 6, 2023



Book	Policy Manual
Section	11-8-23 Board Approval
Title	OPEN ENROLLMENT PROGRAM (Inter-District)
Code	po5113
Status	
Adopted	June 9, 2008
Last Revised	January 11, 2023

### 5113 - OPEN ENROLLMENT PROGRAM (Inter-District)

The School District ("District") will participate in the Wisconsin Public School Open Enrollment Program in accordance with applicable law and the relevant policies and rules of the District, all as amended from time-to-time.

#### DEFINITIONS

The following definitions will apply to the District's Open Enrollment Program.

**A. 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 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 Superintendent.

**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 legal 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.

**H. Absences (Excused and Unexcused)**

See Policy 5200 - Attendance.

**I. Truancy and Habitual Truancy**

See Policy 5200 - Attendance.

**J. Part of the School Day**

See Policy 5200 - Attendance.

**K. Tardiness**

See Policy 5200 - Attendance.

#### FULL-TIME OPEN ENROLLMENT

## A. Annual Space Determinations

During a January meeting, the Board shall establish the availability of space by determining the number of regular education and special education spaces in the schools, programs, classes, or grades. In setting space availability, the Board may choose to set no limitations or may set limits on availability using the following criteria:

1. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
2. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes or buildings.
3. Enrollment projections, which account for factors that include but are not necessarily limited to, likely short and long term economic development in the community, housing starts, current and future needs for special programs, laboratories, or other initiatives.
4. In determining the amount of space available, the District will count resident students, students attending the District for whom tuition is paid **by written agreement with the resident district** 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 118.51(3m)(a) and are already attending public school in the District.

## B. Processing of Open Enrollment Applications

A parent of a nonresident student may submit an application to attend school in the District during the applicable regular open enrollment period or through the alternative open enrollment process. The application must be submitted using the form designated by the Wisconsin Department of Public Instruction.

Upon receipt of an application, the Superintendent shall confirm that the application is complete or request that it be completed before being further considered.

Parents shall be notified of the determination on their applications on or before the first Friday following the first Monday in June following receipt of the application, or within the timeframe otherwise established by law. If approved, the parent shall be notified of the approval and the specific assignment within the District. If, upon enrollment, the student is appropriately placed in a different grade level, the student shall be so assigned unless applications for that grade level have been denied or there is no longer space available at that grade level.

Any notice of a decision to deny shall include the following:

1. Specific reason(s) for denial.
2. Notice of the parents' right to appeal, the address to send the appeal, and information on where to locate the form required for appeal.

### Application of Space Determinations and Random Selection Process:

If there are more applications than spaces, the Board will fill the available spaces by random selection, provided that first priority will be given to non-resident students already attending District schools and their siblings. 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. Random selection shall be conducted among the student applications for each grade level. The order of grade level selection shall also be randomly determined. The following considerations will be included in the random selection process:

1. Preferences
  - a. If the Board has not guaranteed approval in its determination of space availability to currently attending students, it shall grant preference to such students in the random selection process.
  - b. If the Board has not guaranteed approval in its determination of space availability to the siblings of currently attending students, it shall grant preference to such students in the random selection process.

If in any selection process there are more students eligible for preferred treatment than there are spaces available, the Board shall conduct random selection from among the students granted preference.
2. The sibling of a student selected in the random selection process shall be granted preference to any spaces available that the sibling has applied for, but the sibling may not be approved if there are no remaining spaces for the sibling.
3. After the date specified in 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:
  - a. A parent notifies the nonresident school board that the student will not attend the nonresident school district.
  - b. A parent fails to provide the notification accepting open enrollment as required in 118.51(3)(a)6., Wis. Stats.
  - c. The Board determines that additional spaces have become available since its determination at the January Board meeting.

The District shall notify the parent of a student accepted from the waiting list of that student's eligibility to attend the District, unless the student has already enrolled in a different non-resident school district or has since become a resident of the District. The notice shall state the following:

- a. the school or program the student has been assigned to;
- b. a date, at least ten (10) calendar days from the date of the notice, by which the parent must accept the open enrollment approval. Failure to timely accept shall be considered rejection and the approval shall be considered rescinded.

### C. Decisional Criteria for Non-Resident Applications

Decisions on non-resident open enrollment applications will be based only on the following criteria:

1. Space availability as defined in this policy.
2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school-operated daycare program resides in a district which offers the program for which application is made.
3. Whether the non-resident student **is currently under an order of expulsion for any reason: or has been expelled from any school district within the current school year or the two (2) preceding school years but the period of expulsion has ended**, or is pending any disciplinary proceeding, based on any of the following activities:
  - a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by means of explosives.
  - b. Engaging in conduct while at school or under school supervision that endangered the health, safety or property of others.
  - c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety, or property of others at school or under the supervision of a school authority or of any school employee or Board member.
  - d. Possessing a dangerous weapon (as defined in 939.22(10), Wis. Stats.) while on school property or under school supervision.

Notwithstanding the Board's acceptance of a 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 is determined to fall under paragraph C. 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 resident board under 115.777(1) Wis. Stats. or identified by the non-resident student's resident school board under 115.77(1m)(a) Wis. Stats., but not yet evaluated by an individualized education program team.
7. If a 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 his/her resident school district.
8. 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 habitual 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.

### D. Reapplication Procedures

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.



#### **Termination of Open Enrollment**

If the Board determines that a student is habitually truant during either semester of the current school year, the Board may prohibit the nonresident student from attending in the succeeding semester or school year. The District Administrator shall assure compliance with DPI regulations pertaining to open enrollment termination found in Wis. Admin Code PI 36.09.

If the parent or nonresident student believes the student has been marked absent, tardy, or truant in error, the parent or student may contact the school attendance officer and provide a written explanation of the circumstances believed to be in error. The attendance officer shall review the matter and provide a response to the parent or student either correcting the attendance record, confirming the accuracy of the record, or requesting additional information upon which a decision will then be made. If additional information is requested, it must be provided within five (5) school days of the request or no additional



information will be considered in the decision.

Open enrollment of a student in a virtual charter school may also be terminated if, on three (3) occasions during a single semester, the student has failed to respond to a school assignment or directive within five (5) school days not counting any days excused by the student's parents up to a maximum of ten (10) school days per year, and after each occurrence the virtual charter school notified the student's parents. After the third incident, the virtual charter school program shall notify the Board of the nonresident students failure to participate in the program. The Board may terminate the student's open enrollment.



#### H. 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. The District will provide transportation for a non-resident student with an identified disability for whom transportation is required by the student's IEP.

### 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.

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 in 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.

### DELEGATION TO SUPERINTENDENT

The Board delegates to the Superintendent the authority to approve or deny open enrollment applications including under the alternative procedures consistent with the criteria in this policy and based on the Board's space determinations approved in January of each year.

### ATTENDANCE/HABITUAL TRUANCY

Under 118.51(11) Wis. Stats., if the non-resident Board determines that a student attending the non-resident school district under open enrollment is habitually truant from the non-resident school district during either semester in the current school year, the nonresident Board may prohibit the pupil from attending the non-resident school district under open enrollment in the succeeding semester or school year. When determining habitual truancy, a student's overall attendance is taken into consideration (i.e. any absence from school without an acceptable excuse for part or all of five (5) or more days, including tardiness, on which school is held during a school semester).

### ANNUAL REVIEW AND REVISION OF POLICY

The Board shall review its If, in the course of reviewing the Board's Open Enrollment Program annually, it opts to modify the policy, any changes shall be made by resolution and be adopted prior to the first application date of the open enrollment period to which the revisions shall apply.

#### General Provisions

- A. 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. The District's Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to all applicants under this program. In addition, the District will not discriminate on the basis of an applicant's intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability, except as provided for in the statute authorizing this program.

#### Application of Emergency Orders

All timelines or other procedures described in this policy and in any implementing administrative guidelines are subject to modification in the event that the State or Federal government issues emergency or other temporary orders affecting any of the subject matter of this policy. The policy automatically incorporates the contents of any such order or proclamation, including any discretionary authority provided, and delegates by policy the authority to exercise that discretion to the Superintendent.

- Revised 6/9/08
- Revised 7/11/11
- Revised 4/23/12
- Revised 9/22/14
- Revised 1/26/15
- Revised 1/25/16
- Revised 1/10/18
- Revised 10/24/18
- Revised 7/10/19
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- Revised 6/10/20
- Revised 1/13/21
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- Revised 6/8/22
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Book Policy Manual  
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Title MISSING AND ABSENT CHILDREN  
Code po5215  
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Adopted June 9, 2008  
Last Revised June 8, 2022

### 5215 - MISSING AND ABSENT CHILDREN

It is the intent of this Board of Education to cooperate with local, State, and National efforts to decrease the number of missing children. For purposes of this Policy, the following definitions apply:

"Absent child" means a child that left the child's parents or approved placement through social services and whose whereabouts are known, but who refuses to return. This involves children who are runaways, but not known to be missing.

"Missing child" means a child whose whereabouts are unknown, which may include abducted children who have been abducted by a non-custodial parent, a victim of human trafficking, or another unknown circumstance.

The Superintendent and/or building Principals shall permit during the school day the entrance into the school a student lacking records or identification as a student, and shall assure that allow the child to remain in the building office area until law enforcement or social services is notified and takes custody of the child. Such a procedure reduces the risk of removal of a missing or absent child from the area before intervention by law enforcement or social services.

Procedures in this policy are to be implemented in coordination with Policy 5111.01 - Homeless Students.

Revised 11/8/23

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Last Modified by Jennifer Bower on October 6, 2023



Book	Policy Manual
Section	11-8-23 Board Approval
Title	ADMINISTRATION OF MEDICATION/EMERGENCY CARE
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### 5330 - ADMINISTRATION OF MEDICATION/EMERGENCY CARE

The Board shall not be responsible for the diagnosis and treatment of student illness. The administration of medication to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication were not administered during school hours, or the child is disabled and requires medication to benefit from his/her/their educational program.

For purposes of this policy, "practitioner" shall include any physician, dentist, podiatrist, optometrist, physician assistant, and advanced practice nurse prescriber who is licensed in any state. "Medication" shall include all drugs including those prescribed by a practitioner and any nonprescription drug products. "Administer" means the direct application of a nonprescription drug product or prescription drug, whether by injection, ingestion, or other means, to the human body. "Nonprescription drug product" means any nonnarcotic drug product which may be sold without a prescription order and which is prepackaged for use by consumers and labeled in accordance with the requirements of State and Federal law.

Before any prescribed medication may be administered to any student during school hours, the Board shall require the written instructions from the child's practitioner accompanied by the written authorization of the parent.

Nonprescription drug products may be administered to any student during school hours only with the prior written consent of the parent. Substances, which are not FDA approved (i.e. natural products, food supplements), will require the written instruction of a practitioner and the written consent of the parent. ~~Only those nonprescription~~ Nonprescription drugs that are provided by the parent ~~may be administered if they are supplied~~ in the original manufacturers package which lists the ingredients and recommended therapeutic dosage in a legible format ~~may be administered~~. Students are prohibited from possessing, using, carrying, or distributing in school or on school grounds drugs or other products which, even though not defined as a drug, are used or marketed for use for medicinal purposes, such as to relieve pain or to relieve the symptoms of an underlying medical condition (including aspirin, ibuprofen, dietary supplements, CBD oil products, etc.). This provision of policy is to be viewed together with the Board policy on Drug Prevention, Policy 5350.

No CBD products will be permitted for use at school.

The document authorizing the administration of both prescribed medication and nonprescription drug products shall be kept on file in the administrative offices.

Only medication in its original container; labeled with the date, if a prescription; the student's name; and the exact dosage will be administered. Parents, or students authorized in writing by their practitioner and parents, may administer medication.

No student is allowed to provide or sell any type of medication to another student. Violations of this rule will be considered violations of Policy 5530 - Drug Prevention and of the Student Code of Conduct.

Medications will be administered and the instruction and consent forms will be maintained in accordance with the Superintendent's guidelines.

Any bus driver, staff member or volunteer, authorized in writing by the Superintendent or a principal, is immune from liability for his/her/their acts or omissions in administering medication including, but not limited to glucagon and epinephrine, unless the act or omission constitutes a high degree of negligence and, in the case of any staff member or volunteer who administers glucagon or epinephrine, the staff member or volunteer contacts emergency medical services as soon as practicable after administering the drug. Such immunity does not apply to health-care professionals.

~~All prescription medication shall be kept in a locked storage case in the school office unless the medication is an emergency medication which the student is authorized to carry and self-administer by authorization of both parent and practitioner, and the possession of such medication by student in school is not prohibited by law or regulation.~~

All prescription medication shall be secured and appropriately stored (allowing for quick access and retrieval before, during, and after school hours), unless the medication is an emergency medication that the student is authorized to carry and self-administer by authorization of both the student's parent(s) and practitioner, and the possession of such medication by the student in school is not prohibited by law or regulation.

The Board shall permit the administration by staff of any medication requiring a delivery method other than oral ingestion when both the medication and the procedure are prescribed by a practitioner and the delivery is under the supervision of a licensed nurse, provided that the staff member has completed any necessary training and that staff member voluntarily agrees to deliver the

medication. No staff member, other than a health care professional, shall be required to administer medications that are administered by means other than oral ingestion.

Any staff member or volunteer who, in good faith, renders emergency care to a student is immune from civil liability for ~~his/her~~ **their** acts or omissions in rendering such emergency care.

Any administrator or principal who authorizes an employee or volunteer to administer a nonprescription drug product or prescription drug to a student is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence or the administrator or principal authorizes a person who has not received the required Department of Public Instruction training to administer the nonprescription drug product or prescription drug to a student. School nurses, as District employees, are regulated by the Wisconsin Nurse Practice Act and are therefore not necessarily immune from civil liability.

The school nurse(s) providing services or consultation on the District's Emergency Nursing Services Plan has provided assistance in the development of this policy and will also provide a periodic review of the written instructions and consent forms and the Medications Administration Daily Log(s).

All students and staff are prohibited from using essential oils at school.

Revised 7/11/11

Revised 8/27/12

Revised 9/22/14

Revised 5/9/18

Revised 7/8/20

Revised 8/12/20

T.C. 8/11/21

Revised 11/8/23

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Legal

- 118.29, Wis. Stats.
- 118.291, Wis. Stats.
- 118.292, Wis. Stats.
- 118.2925, Wis. Stats.
- 121.02, Wis. Stats.
- PI 8.01(2)(g)
- Wis. Admin. Code N 6.03
- 2009 Wisconsin Act 160

**Last Modified by Jennifer Bower on October 6, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	USE OF TOBACCO AND NICOTINE BY STUDENTS
Code	po5512
Status	
Adopted	June 9, 2008
Last Revised	June 8, 2022

### 5512 - USE OF TOBACCO AND NICOTINE BY STUDENTS

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any student of the District to possess, use, consume, display, promote, or sell any tobacco products, tobacco industry brand, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events. The Board authorizes the Superintendent to take reasonable measures related to the Board's expectation that the promotion and display of tobacco and related products on school property or at off-campus, school-sponsored events is prohibited.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products-focused retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

#### Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

The prohibition on the use of other products containing nicotine, including, but not limited to, nicotine patches and nicotine gum may be removed when a parent or "adult" student provides documentation from a licensed medical practitioner that the student's use of non-tobacco nicotine products is being medically supervised for the cessation of a nicotine addiction and the student complies with Policy 5330 - Administration of Medication.

Instruction in the history and purpose of traditional tobacco that has been used as a part of faith and tradition in the Native American and American Indian communities is an exception to this policy.

#### Policy Specific Definitions

The term "any time" means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term "electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term "imitation tobacco product" means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similarly to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term "off-campus, school-sponsored event" means any event sponsored by the school or School District that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term "school property" means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transported students, staff and visitors.

The term "smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant derived substances, whether or not legally sold in Wisconsin, including CBD products, Delta 8 THC, Delta 9 THC, or any other variation thereof. "Smoking" also includes carrying or using an activated electronic smoking device.

The term "tobacco products retailer" means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term "tobacco industry" means manufacturers, distributors, or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term "tobacco industry brand" means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

Revised 10/24/11

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Revised 7/10/19

Revised 12/9/20

Revised 11/8/23

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Legal                    111.321, Wis. Stats.  
                              120.12(20), Wis. Stats.  
                              20 U.S.C. 6081 et seq.  
                              20 U.S.C. 7182

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Section	11-8-23 Board Approval
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## 5517 - STUDENT ANTI-HARASSMENT

### Prohibited Harassment

It is the policy of the Board to maintain an educational environment that is free from all forms of harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to conduct occurring in any manner or setting over which the Board can exercise control, including on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will not tolerate any form of harassment and will take all necessary and appropriate actions to eliminate it, including suspension or expulsion of students and disciplinary action against any other individual in the School District community. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our students.

The Board will vigorously enforce its prohibition against harassment based on the traits of sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the Board prohibits harassing behavior directed at students for any reason, even if not based on one (1) of the Protected Classes, through its policies on bullying (See Policy 5517.01 – Bullying).

~~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.

### Other Violations of the Anti-Harassment Policy

The Board will also take ~~immediate~~ **prompt** steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- 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.
- Filing a malicious or knowingly false report or complaint of harassment.
- Disregarding, failing to investigate adequately, or ~~delaying~~ investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment ~~charges~~ **complaints** comprises part of one's duties.

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed ~~solely~~ by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

### Notice

Notice of the Board's policy on anti-harassment in the educational environment and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy

### Definitions

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

**Complainant** is the individual 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)~~ unless expressly stated otherwise herein.

**Respondent** is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

**School District community** means ~~individuals, students, and Board employees (i.e., administrators, and professional and classified staff), administrators, teachers, and staff,~~ as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

### Bullying

Bullying is prohibited by Board Policy 5517.01 – Bullying. It is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional well-being. Bullying need not be based on any Protected Class. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student's sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, ~~of physical, mental, emotional,~~ or learning disability, or any other characteristic protected by Federal or State civil rights. Complaints brought under this policy that are more appropriately handled under the Bullying policy shall be referred for investigation consistent with the procedures in that policy.

Bullying that rises to the level of Sexual Harassment is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. i.e., sexual harassment prohibited by Title IX, and is not included in this policy. Allegations of such conduct shall be addressed ~~solely~~ by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

### Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student based on one (1) or more of the student's Protected Classes that:

- A. places a student in reasonable fear of harm to ~~his/her~~their person or damage to ~~his/her~~their 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" ~~directed against a student~~—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~~ ~~only and not sexual harassment under Title IX, addressed in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities,~~ "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- A. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of access to educational opportunities or program;
- B. submission or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education;
- C. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome verbal harassment or abuse;
- B. unwelcome pressure for sexual activity;
- C. threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls and obscene gestures;
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals;
- F. unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;

- G. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;
- H. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status;
- I. unwelcome behavior or words directed at an individual because of gender;

Examples are:

1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
2. rating a person's sexuality or attractiveness;
3. staring or leering at various parts of another person's body;
4. spreading rumors about a person's sexuality;
5. letters, notes, telephones calls, or materials of a sexual nature;
6. displaying pictures, calendars, cartoons, or other materials with sexual content.

- J. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life;

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

1. hugging, kissing, or other physical contacts with a student;
2. telling sexual jokes to students;
3. engaging in talk containing sexual innuendo or banter with students;
4. talking about sexual topics that are not related to the curriculum;
5. showing pornography to a student;
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
7. initiating or extending contact with students beyond the school day for personal purposes;
8. using e-mail, text messaging or websites to discuss personal topics or interests with students;
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
11. going to a student's home for non-educational purposes;
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of a student);
13. giving gifts or money to a student for no legitimate educational purpose;
14. accepting gifts or money from a student for no legitimate educational purpose;
15. being overly "touchy" with students;
16. favoring certain students by inviting them to come to the classroom at non-class times;
17. getting a student out of class to visit with the staff member;
18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
20. being alone with a student behind closed doors without a legitimate educational purpose;
21. telling a student "secrets" and having "secrets" with a student;
22. other similar activities or behavior

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the Superintendent.

- K. **remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;**

- 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/or persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

It is further the policy of the Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the workplace, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of: interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin/Ancestry Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's physical, mental, emotional or learning disability and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

### **Anti-Harassment Compliance Officers**

The Board designates the following individuals to serve as the District's Compliance Officers (also known as "Anti-Harassment Compliance Officers"; hereinafter referred to as the "COs").

Tammy Nicholson  
Director of Pupil Services  
920-492-2905 x1010  
1055 Griffiths Lane  
Green Bay WI 54304  
tnicholson@ashwaubenonk12.org

Keith Lucius  
Assistant Superintendent of Schools for Student/Staff Resources  
920-492-2905 x1005  
1055 Griffiths Lane  
Green Bay WI 54304  
klucius@ashwaubenonk12.org

The names, titles, and contact information of these individuals will be published annually on the School District's website.

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

### **Reports and Complaints of Harassing Conduct**

Reporting procedures are as follows:

- Any student who believes ~~she has~~ **they have** been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employees.
- Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator or Superintendent.
- Teachers, administrators, and other school ~~officials~~ **employees** who have the knowledge or received notice that a student has ~~or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to~~ **one (1) of the Compliance Officer(s) and the building principal or Superintendent within two (2) days.**

- D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator or other employees.
- E. The reporting party or Complainant shall be encouraged to use a report form available from the principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, ~~each school's building principal shall be advised to designate~~ **the Board has designated** both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individual shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

A CO will be available during regular school/work hours to discuss concerns related to harassment, ~~and~~ to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to one (1) of the COs within two (2) business days. Thereafter, the COs must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if under ~~the age of eighteen (18)~~, within two (2) days to advise of the Board's intent to investigate the alleged misconduct, including the obligation of the ~~e~~Compliance ~~e~~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 Third Party, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will contact the Complainant and begin either an informal or formal process (depending on the request of the Complainant or the nature of the alleged harassment), or the Superintendent will designate a specific individual to conduct the process necessary for an informal or formal investigation. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. The CO will prepare recommendations for the Superintendent ~~or will oversee the preparation of such recommendations by a designee~~. In the case of a complaint against the Superintendent or a Board member, the CO will prepare recommendations for Board President or Vice President who has been designated to serve as the decision-maker for such complaints. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) days of learning of the incident.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias, or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may, in consultation with the District Administrator, or Board President if the matter involves the District Administrator, engage outside legal counsel to conduct the investigation consistent with this policy.

### **Investigation and Complaint Procedure Filing a Complaint and Initial Processing of a Complaint**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any student, ~~or the student's parent/guardian~~, who believes that ~~they have~~ the student has been subjected to harassment may seek resolution of their 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.

~~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~~ **other applicable government agency**. The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

If at any time during the investigation process the investigator determines that the complaint is properly defined as Bullying, under Policy 5517.01 - Bullying and not Harassment under this Policy, because the conduct at issue is not based on a student's Protected Characteristics, the investigator shall transfer the investigation to the appropriate building principal.

~~If during an investigation of alleged bullying, aggressive behavior, and/or harassment, in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile educational environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior, and/or harassment to one (1) of the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, the matter will be investigated in accordance with the grievance process and procedures outlined in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 - Bullying investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities. The Compliance Officer shall keep the Principal informed of the status of the investigation under this policy and provide the Principal with a copy of the resulting report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities grievance process.~~

### **Complaint and Investigation Procedure**

A Complainant may file a complaint, either orally or in writing with a teacher, principal, or other District official at the student's school, the CO, Superintendent, or other District 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 at the student's school, the CO, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) days.

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

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); and a list of potential witnesses.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant or the Respondent, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the Principal prior to any action being taken, **except for complaints against the Superintendent, in which case the Board President should be consulted.** The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform the Respondent, that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the Respondent at that time. The Respondent must also be provided an opportunity to respond to the complaint.

**All investigations shall be commenced as soon as practicable upon receipt of a complaint and concluded as expeditiously as feasible, in consideration of the circumstances, while taking measures to complete a thorough investigation. The Complainant shall be notified in writing of receipt of the complaint within forty-five (45) days of the complaint and shall reach a determination concerning the complaint within ninety (90) days of receipt unless additional time is agreed to by the Complainant.**

**Generally, within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.**

~~Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the complainant reasonably informed of the investigation's progress.~~

The investigation **generally** will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness 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 Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in harassment/retaliation of the Complainant. In determining if harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The CO may consult with the Board Attorney during the course of the investigatory process and/or before finalizing the report to the Superintendent.

~~In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation the CO may in consultation with the Superintendent or Board President, if the matter involves the Superintendent, engage outside legal counsel to conduct the investigation consistent with this policy.~~

~~Absent extenuating circumstances~~ **Generally, within ten (10) five (5) days of receiving the report of the CO or designee, the Superintendent, or in the case of a complaint against the Superintendent or a Board member, the person designated to serve as the decision-maker for the complaint either must issue a final written decision regarding whether or not the complaint of harassment has been substantiated has been substantiated or request further investigation. A copy of the Superintendent's written final decision will be delivered to both the Complainant and the Respondent. The District Administrator may redact information from the decision consistent with applicable law. 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 Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ~~ten (10) five (5) days~~. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final. If the Complainant feels that the decision does not adequately address the complaint, ~~she/he~~ **may appeal the decision to the State Superintendent of Public Instruction, if the matter involves the Superintendent, [END OF OPTION].**

~~If the decision of the Superintendent 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~~ **To the extent required by law or permitted by the District, the Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or Third Party alleging the harassment pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.**

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Additional School District Action**

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or Superintendent shall report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

Any reports made to the local child protection service or to local law enforcement shall not terminate the 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, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

### **Privacy/Confidentiality**

The District will make employ all reasonable efforts to protect the rights of the Complainant, and the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigation, take appropriate action, and comply with any discovery or disclosure obligations. 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. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will instruct all members of the School District community and third parties each person who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment an investigation is expected not to disclose to Third Parties any information that is learned or provided during the course of the investigation.

### **Directives During Investigation**

The CO may recommend to the 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. For example, administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation may be required to answer questions that could also involve criminal investigations or sanctions, including the existence of a co-occurring law enforcement investigation are still required to answer questions concerning the District's investigation, but are entitled to do so without waiving their Constitutional right against self-incrimination that applies during a criminal investigation. Employees should be advised of this right, through what is often referred to as a "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

### **Remedial Action and Monitoring**

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken because of the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

### **Sanctions and Disciplinary Action**

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its 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 Superintendent ~~will develop a method of discussing this policy with the School District community~~ 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. 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 Superintendent determines is necessary or appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content 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 Officer, 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 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 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 which may include~~ but ~~not~~ are 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. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- H. e-mails, texts, or social media posts related 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 to the parties dated written determinations;
- J. dated written descriptions of verbal notifications to the parties;
- K. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no-contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; ~~and~~
- L. documentation of all actions taken, both individual and systemic, to stop the discrimination of harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.
- M. 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);
- N. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- O. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel

involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 10/12/09  
Revised 11/22/10  
Revised 12/13/10  
Revised 9/23/13  
Revised 12/15/14  
Revised 12/13/17  
Revised 7/10/19  
Revised 7/08/20  
Revised 11/8/23

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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

**Last Modified by Jennifer Bower on October 6, 2023**





Book	Policy Manual
Section	11-8-23 Board Approval
Title	BULLYING
Code	po5517.01
Status	
Adopted	June 9, 2008
Last Revised	April 14, 2022

### 5517.01 - BULLYING

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, including at any of the school buildings or other property used exclusively or in part, whether leased or owned by the District, for the purpose of school-related functions or events; or while traveling to or from school or to and from school-sponsored functions or events; in transporting vehicles arranged for by School District officials. The policy applies as well during activities that occur off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips athletic events where students are under the supervision of school authorities, or where an employee is engaged in school business, or where there is otherwise a connection to the school such that the conduct at issue affects or is intended to affect the student's educational environment. (see also Policy 3362.01 and Policy 4362.01 - Threatening Behavior Toward Staff Members)

#### Definitions

##### "Bullying"

Bullying is deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional well-being. The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age; national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic, or family status; however this type of prohibited bullying behavior need not be based on any of those particular or other particular characteristics. It includes, but is not necessarily limited to such behaviors as stalking, cyberbullying, intimidating, menacing, coercing, name-calling, taunting, making threats, and hazing.

Some examples of Bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name-calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation.
- D. ""Cyberbullying" – the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal websites, and defamatory online personal polling websites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others."

The Board recognizes that cyberbullying can be particularly devastating to young people because:

1. cyberbullies more easily hide behind the anonymity that the Internet provides;
2. cyberbullies spread their hurtful messages to a very wide audience with remarkable speed;
3. cyberbullies do not have to own their own actions, as it is usually very difficult to identify cyberbullies because of screen names, so they do not fear being punished for their actions; and
4. the reflection time that once existed between the planning of a prank – or a serious stunt – and its commission has all but been erased when it comes to cyberbullying activity;
5. cyberbullies hack into or otherwise gain access to another's electronic accounts (e-mails, social media, etc.) and posing as that individual with the intent to embarrass or harm the individual.

Cyberbullying includes, but is not limited to the following:

1. posting slurs or rumors or other disparaging remarks about a student on a website or on weblog;
2. sending e-mail or instant messages that are mean or threatening, or so numerous as to drive-up the victim's cell phone bill;
3. using a camera phone to take and send embarrassing photographs of students;
4. posting misleading or fake photographs of students on websites.

**"Harassment"** includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of sex, (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws. Harassment is prohibited by Policy 5517 – Student Anti-Harassment.

**"Staff"** includes all school employees and Board members.

**"Third parties"** include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For a definition of and instances that could possibly be construed as hazing, consult Policy 5516.

### **Complaint Procedures**

Any student who believes they have been or **is** the victim of bullying should immediately report the situation to the building principal or assistant principal, or the Superintendent. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Complaints against a Board member shall be filed with the District Administrator, who is authorized to contact District legal counsel for assistance in handling the complaint.

Every student is encouraged to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above.

All school staff members and school officials who observe or become aware of acts of bullying are required to report these acts to the building principal or assistant principal, or the Superintendent.

Reports of bullying may be made verbally or in writing and may be made confidentially. All such reports, whether verbal or in writing, will be taken seriously and a clear account of the incident is to be documented. A written record of the report, including all pertinent details, will be made by the recipient of the report.

All complaints about behavior that may violate this Policy shall be investigated promptly by the Principal. The staff member who is investigating the report of bullying shall interview the victim(s) of the alleged bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report.

If, during an investigation of a reported act of bullying in accordance with this Policy, the principal determines that the reported misconduct may have created a hostile learning environment, discrimination, and/or may have constituted harassment based on sex (transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation 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 Policy 5517 – Student Anti- Harassment or Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. Additionally, complaints alleging sexual harassment on the basis of sex are also covered by and subject to the investigation procedures in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. If the investigation under Policy 5517 - Student Anti-harassment, Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity or Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities does not substantiate harassment based on one or more of the Protected Classes, the complaint of bullying shall still be investigated under this Policy.

If the matter or complaint involves the District Administrator or a member of the Board, it is appropriate to engage outside legal counsel to conduct the investigation consistent with this policy. Legal counsel shall conduct a prompt investigation. The Board attorney is authorized to designate an outside third party to conduct the investigation. The Board attorney or designee will arrange such meetings as may be necessary with all concerned parties within five (5) business days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The Board attorney or designee conducting the investigation shall notify the complainant and parents as appropriate, (in writing,) when the investigation is concluded and the findings made.

Parents of each student involved in the bullying report will be notified prior to the conclusion of the investigation. The District shall maintain the confidentiality of the report and any related student records to the extent required by law.

If the investigation finds that bullying has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include student discipline, including, but not limited to reprimand, suspension, or possible expulsion. Further, the result of an investigation that finds that bullying has occurred may result in discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

### **Retaliation/False Reports**

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported

in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally making a false report may result in disciplinary action as indicated above.

If a student or other individual believes there has been bullying, regardless of whether it fits a particular definition, they should report it and allow the administration to determine the appropriate course of action.

### **Privacy/Confidentiality**

The School District will respect the privacy of the complainant, the individual(s) against who the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to inform parents, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

To the extent appropriate in conducting a thorough investigation and/or as legally permitted, confidentiality will be maintained during the investigation process.

### **Notification**

Notice of this policy will be **annually** distributed to all students enrolled in the School District, ~~and their parents and/or guardians and employees.~~ The policy will also be ~~distributed~~ **provided** to organizations in the community having cooperative agreements with the schools. Additionally, the policy ~~or a summary~~ will be ~~posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. All new hires will be required to review and sign off on this policy and the related complaint procedure.~~

The School District will also provide a copy of the policy to any person who requests it.

### **Records and Reports**

Records ~~of investigations~~ will be maintained ~~in accordance with Policy 8330 - Student Records and State law on the number and types of reports made, and sanctions imposed for incidents found to be in violation of the bullying policy.~~

**[DRAFTING NOTE: An annual summary report is not required by statute. however, this provision was included in the initial model bullying policy that the Department of Public Instruction (DPI) was required to develop by law. If your District does not provide this report annually to the Board, do not include this language.]**

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of bullying behavior. The Superintendent shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines on bullying will be age and content appropriate.

Revised 9/13/10  
Revised 12/15/14  
Revised 8/11/21  
T.C. 4/14/22  
**Revised 11/8/23**

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Legal 118.46, Wis. Stats.

**Last Modified by Jennifer Bower on October 6, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	SEARCH AND SEIZURE
Code	po5771
Status	
Adopted	June 9, 2008
Last Revised	December 13, 2017

### 5771 - SEARCH AND SEIZURE

The Board of Education has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

#### School Property

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Desks and lockers are public property and school authorities may make reasonable regulations regarding their use. The District retains ownership and possessory control of student desks and lockers and the same may be searched at random by school personnel at any time. A showing of reasonable cause or suspicion is not a necessary precondition to a search under this paragraph. Students shall not have an expectation of privacy in lockers, desks, or other school property as to prevent examination by a school official. The Board directs the school principals/Principal to provide students with written notice of this policy at least annually and that routine inspections be done at least annually of all such storage places.

The Board directs that the searches may be conducted by the District Administrator, building principals, assistant principals, and/or School Resource Officer.

#### Student Person and Possessions

The Board recognizes that the privacy of students or his/her/their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion that the search will turn up evidence that the student has violated or is violating either a particular law or a particular rule of the school. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted. The extent of the search will be governed by the seriousness of the suspected infraction, the student's age and gender, the student's disciplinary history, and any other relevant circumstances or information. The Principal may arrange for a breath test for blood-alcohol to be conducted on a student whenever s/he has/they have individualized reasonable suspicion to believe the student has consumed or is under the influence of an alcoholic beverage while on school premises or while participating in a school-sponsored activity. If the result indicates a violation of school rules as described in the student handbook, the disciplinary procedure described in the student handbook will be followed. If the student refuses to take the test, the Principal will inform the student that refusal to participate implies admission of guilt leading to disciplinary action consistent with the student handbook.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

In a situation in which a search of a student's person or possessions is appropriate, school administrators should first attempt to contact the school resource officer to conduct the search under the administrator's direction. If the officer is not available, the administrator may proceed with the search, unless the information justifying the search suggests that the student is in possession of dangerous materials whereby the expertise of law enforcement is necessary. In such a case, the school official shall contact law enforcement and request their assistance.

Under no circumstances shall a school official ever conduct a strip search of a student.

#### Parking Permit Required

Permission for a student to bring a vehicle on school property shall be conditioned upon written consent of the search of the vehicle and all containers inside the vehicle by a school administrator with reasonable suspicion to believe the search will produce evidence of a violation of a particular law, a school rule, or a condition that endangers the safety or health of the student driver or others. If an administrator determines a search is necessary, he or she should request consent to search the vehicle and all containers inside the vehicle. If consent is not given, a school administrator may proceed with the search. An administrator may contact the police liaison officer or law enforcement agency for assistance in conducting a search.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the pPrincipal. S/He/The Principal shall attempt to obtain the freely-offered, written consent of the student to the inspection; however, provided there is reasonable suspicion pursuant to the above paragraphs, s/he/they may conduct the search without such consent. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable suspicion that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and in a manner that is minimally intrusive to the student based on the reasonable suspicion justifying the search.

**Use of Dogs**

The Board authorizes the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property is authorized in advance by the District Administrator, except in emergency situations, or is pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer or certified organization specially trained to safely and competently work with the dog.
- C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The District Administrator may request the assistance of a law enforcement agency in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the District Administrator, the search shall be conducted by the law enforcement officers at the direction of a District official. Law enforcement searches conducted independent of any District official request or direction shall be conducted based on standard applicable to law enforcement.

Anything found in the course of a search pursuant to this policy which constitutes evidence of a violation of a particular law or school rule or which endangers the safety or health of any person shall be seized and properly cataloged for use as evidence if appropriate. Seized items shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items that may not lawfully be possessed by the owner shall be turned over to law enforcement.

The District Administrator shall prepare administrative guidelines to implement this policy and shall provide students and staff with written notice of this policy and guidelines at least annually.

Revised 6/9/08  
Revised 3/10/14  
Revised 11/8/23

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118.45, Wis. Stats.

118.32, 118.325 Wis. Stats.

948.50, Wis. Stats.

Wisconsin Const. Art. 1 Section 11

U.S. Constitution, 4th Amendment

**Last Modified by Jennifer Bower on October 6, 2023**



Book Policy Manual  
Section 11-8-23 Board Approval  
Title New Policy - MEMORIALS FOR STAFF AND STUDENTS  
Code po7250.01  
Status

**New Policy - Vol. 32, No. 2**

**7250.01 - MEMORIALS FOR STAFF AND STUDENTS**

The Board recognizes the far-reaching impact that a student's or staff member's death may have on other students, staff, families, and the community as well as the importance of remembering deaths of students or staff, and recommends that memorials take an active form.

Some examples of memorials include a blood drive, partnering with local nonprofit organizations and related activities, and/or establishing a scholarship. As a courtesy, the family of the deceased student or staff member should also provide consent before the activity is held.

When there is a death by suicide, it is important that the response to the death not serve as an incentive for self-inflicted acts by others. The American Association of Suicidology concludes that memorials contribute negatively to the contagion effect. Projects that are life-affirming are encouraged. Examples include volunteering, tutoring, fundraising for a charity, or community service.

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Book	Policy Manual
Section	11-8-23 Board Approval
Title	USE OF TOBACCO AND NICOTINE ON SCHOOL PREMISES
Code	po7434
Status	
Adopted	June 9, 2008
Last Revised	June 8, 2022

#### 7434 - USE OF TOBACCO AND NICOTINE ON SCHOOL PREMISES

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any visitor of the District to use, consume, or sell any commercial tobacco products, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events. The Board authorizes the Superintendent to take reasonable measures related to the Board's expectation that the promotion and display of tobacco and related products on school property or at off-campus, school-sponsored events is prohibited.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products-focused retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

#### Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA-approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen (18) years and older. Staff using such products and bringing them to any school property or school-sponsored activity are responsible for the safekeeping of these products at all times and are responsible for assuring that no students are able to obtain access to these products.

Instruction in the history and purpose of traditional tobacco that has been used as a part of faith and tradition in the Native American and American Indian communities is an exception to this policy.

#### Policy Specific Definitions

The term "any time" means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.

The term "electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term "imitation tobacco product" means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term "off-campus, school-sponsored event" means any event sponsored by the school or school district that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term "school property" means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff and visitors.

The term "smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant derived substances, whether or not legally sold in Wisconsin, including CBD production, Delta 8 THC, Delta 9 THC, or any other variation thereof. "Smoking" also includes carrying or using an activated electronic smoking device.

The term "tobacco products retailer" means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term "tobacco industry" means manufacturers, distributors, or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

Revised 10/24/11

Revised 10/30/19

Revised 12/9/20

Revised 11/8/23

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111.321, Wis. Stats.

120.12(20), Wis. Stats.

20 U.S.C. 6081 et seq.

20 U.S.C. 7182

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Book	Policy Manual
Section	11-8-23 Board Approval
Title	FACILITY SECURITY
Code	po7440
Status	
Adopted	June 9, 2008
Last Revised	August 14, 2019

#### 7440 - FACILITY SECURITY

Promoting the safety of students, staff and others in the school buildings, as well as providing for the protection of the significant financial investment in the District's buildings is a critical function of the Board. Proper safety measures are to be implemented to protect those who use the buildings and to protect the buildings and equipment owned by the Board from theft and vandalism in order to maintain the optimum conditions for carrying out the educational program.

The Superintendent shall develop and supervise the District's School Safety Plan, in compliance with State and Federal laws, as described in Policy 8420 - **School Safety**.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors, and Board property and to require prosecution of those who bring harm to persons and/or property. The Board will seek to repair the damage or seek the payment of a fee to cover such repairs.

The Board authorizes the Superintendent to conduct searches of non-student visitors or vehicles on school property when there is a reasonable suspicion of violation of the law or school rules, and the search is reasonable in scope related to the objectives of the search and not excessively intrusive.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent is authorized to install metal detectors and video surveillance/electronic monitoring equipment on school property in order to protect the health, welfare and safety of students, staff, visitors and Board property, and other security devices that would assist in the detection of guns and dangerous weapons on District property.

The Superintendent shall report to the Board no later than the next regular Board meeting, any significant incident involving vandalism, theft, personal safety or other security risks and the measures being taken to address the situation.

#### Public Access to School Facilities

The Board expects that during regular school hours only students and school staff need to be present in the school building. The Board also acknowledges that there will be times during the instructional day that members of the public, including parents, invited guests, or other individuals will for appropriate and legitimate reasons require entry into a school facility. In such cases, the following guidelines shall be followed:

- A. All exterior doors to every school building shall be locked during the instructional day, preventing entry into the building and all visitors to the school building during those times will be directed to a single entrance into the building. This entrance shall be the entrance closest to the school office. Visitors must identify themselves and the purpose of their visit to the school through the intercom system.
- B. All persons other than students and building staff shall check in with the school office of the building and shall complete a visitor log. Each visitor shall be given a visitor tag that shall be worn at all times while in the building.
- C. All visitors are expected to sign out prior to departing the building.

Any visitor to the school may be refused entry or asked to leave the building at any time if the building administrator or event supervisor determines that the visitor's presence is disruptive or is likely to become disruptive to the educational environment, including all school-sponsored events, or for other safety or security reasons. If a visitor refuses to leave upon request by the building administrator, the administrator shall contact the school resource officer or local law enforcement as appropriate. No staff member should attempt to physically remove a visitor, unless the visitor poses an imminent safety threat.

Failure to follow the requirements above when entering or remaining in school facilities may be subjected to a fine not exceeding \$1,000 in circumstances tending to provoke a disturbance of the peace, persons may be fined not more than \$10,000 or imprisoned not more than ninety (90) days.

Any school staff member that witnesses a visitor in the school building who is not wearing a visitor tag as required shall report the visitor's presence to the school office. In the event the main office does not have a record of such visitor properly checking in, the office staff shall immediately contact an administrator or, if an administrator is not available, the school resource officer, if applicable, or appropriate law enforcement.

#### Parents as Visitors

The Board encourages parental involvement in the education of students in the District. For this reason, it is important to facilitate the involvement of parents in school activities and the educational process while at the same time preserving the integrity of the educational environment for all students. As a balance, the Board adopts the following requirements for parents visiting the school during the instructional day:

- A. Parents should make arrangements with their child's teacher or with the building administrator in advance of visiting their child at school unless that is not possible.
- B. Parents, like any other visitor, must enter the building through only the approved visitor entrance and shall check-in at the main office in the same fashion as a visitor.

Parents visiting District schools shall comply with Policy 9150 - School Visitors, and other relevant policies and administrative guidelines.

Parents that do not follow these guidelines or whose presence is disruptive to the educational environment may be asked to leave the building by the building administrator. Any decision to permanently restrict access of a parent may only be made by the Superintendent due to repeated failure to follow rules causing a disruption to the educational environment or for overt threats of harm or actual physical contact with any staff or student.

### **Court Imposed Restrictions**

In any case in which an individual is the subject of a court order restricting the individual's presence at a school building, including any restrictions on the individual's physical proximity to an individual that is a student or staff member at the school facility, the building administrator shall inform staff of the situation and if any staff member sees the individual on school premises that staff member shall immediately contact law enforcement and the school office.

### **Sex Offenders on School Property**

Any person that is a registered sex offender under Wisconsin Law is required to notify the Superintendent of the specific date, time and place of the person's visit to any school facility and must notify the Superintendent of ~~his/her~~ their status as a registered sex offender.

Parents of students enrolled in the District must notify the Superintendent of ~~his/her~~ their status as a registered sex offender and that ~~s/he has~~ they have a child enrolled in the District. Notification must occur at the beginning of each school year or at the time the individual is required to register or whenever the child is first enrolled, whichever occurs first.

Notification requirements do not apply if the person will be on school grounds to vote in an election or to attend a non-school sponsored event occurring on the school grounds.

Revised 3/10/14  
Revised 3/23/15  
Revised 12/12/18  
Revised 11/8/23

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State v. Vang, 2018 AP 1730 (Ct. App. 2021), pet. rev. denied.

120.13(35), Wis. Stats.

175.32(2), (3), Wis. Stat.

301.475, Wis. Stat.

**Last Modified by Jennifer Bower on October 6, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	PUBLIC RECORDS
Code	po8310
Status	
Adopted	June 9, 2008
Last Revised	June 8, 2022

### 8310 - PUBLIC RECORDS

The Board recognizes its responsibility to maintain the public records of this District and to make such records available for inspection and reproduction. The Board designates the Superintendent as the District Records Custodian (DRC), to be the legal custodian of records for the District. The DRC shall safely keep and preserve the public records of the District and shall have the authority to render decisions and carry out duties related to those public records. 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 \$.25 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 Superintendent is authorized to develop guidelines to provide for proper compliance with the intent of this policy and the public records law.

### Records Retention Schedule

19.21(6). Wis. Stats. requires that school districts retain public records, other than student records, for seven (7) years, unless a shorter period is fixed by the Public Records Board (PRB) in a records retention schedule subsequently adopted by the Board.

The Board has approved the following records retention schedules developed by the Wisconsin Historical Society and PRB:

- A+ Wisconsin Public School District and Related Records GRS (expiring March 20, 2033)
- B+ Administrative and Related Records GRS (expiring March 21, 2032)
- C+ Budget and Related Records GRS (expiring November 21, 2032)
- D+ Facilities Management and Related Records GRS (expiring November 18, 2029)
- E+ Fiscal and Accounting and Related Records GRS (expiring November 20, 2027)
- F+ Human Resources and Related Records GRS (expiring March 25, 2029)
- G+ Information Technology and Related Records GRS (expiring November 10, 2024)
- H+ Payroll and Benefits and Related Records GRS (expiring August 30, 2031)
- I+ Purchasing & Procurement and Related Records GRS (expiring November 11, 2023)
- J+ Risk Management and Related Records GRS (expiring August 25, 2024)

The District will retain public records in accordance with the preceding general records schedule(s). In the event that the preceding general records schedules adopted do not define the retention period for a particular record, the District will retain the record for seven (7) years.

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>

Revised 1/11/10  
Revised 7/11/11  
Revised 4/25/16  
Revised 12/13/17  
Revised 12/12/18  
Revised 7/08/20  
Revised 11/8/23

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Legal 118.125, 19.21, 19.31-39, 120.13(12), Wis. Stats.

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Book	Policy Manual
Section	11-8-23 Board Approval
Title	SCHOOL SAFETY
Code	po8420
Status	
Adopted	June 9, 2008
Last Revised	August 11, 2021

#### 8420 - SCHOOL SAFETY

The Board recognizes that its responsibility for the safety of students extends to its reaction to possible natural and man-made disasters and that such emergencies are best met by preparedness, and planning, and training as determined by the Superintendent consistent with the Board approved school safety plan.

Each school shall develop a school safety plan in accordance with State requirements, and each school's safety plan shall be reviewed and approved annually by the Board. The plan contains guidelines and procedures to address school violence and attacks, threats of school violence and attacks, bomb threats, fire, weather-related emergencies, intruders, parent-student reunification, and threats to non-classroom events, including recess, concerts and other performances, athletic events, and any other extra-curricular activity or event. The plan shall contemplate the use of tools to mitigate threats of school violence, including video surveillance, school resource officers, metal detectors, and other such preventative safety measures in addition to responsive measures.

The school safety plan shall include the manner of scheduling, conducting, and reviewing required drills, including fire drills, tornado or other hazard drills, school safety incident drills, and school violence drills. Each school safety plan shall specify for each type of required drill how many and how frequently they will be conducted for each building in compliance with State law requirements for the performance of such drills. The plan shall designate the responsible administrator for each building for assuring that required drills are completed, reviewed, and reported as required by law. Records of drills and related reports shall be maintained for a period of not less than seven (7) years, consistent with Board Policy 8310 - Public Records.

The Board must submit the following to the Wisconsin Office for School Safety prior to January 1st of each year:

- A. A copy of its school safety plan.
- B. The date(s) of the required annual safety school violence event drill or drills conducted in accordance with each building's school safety plan during the previous year.
- C. Certification that the Board reviewed a required written evaluation of the drill or drills.
- D. The date of the most recent school training on school safety and the number of attendees.
- E. The most recent date the Board reviewed and approved the school safety plan.
- F. The most recent date the Board consulted with a local law enforcement agency to conduct on-site safety assessments.

School administrators and staff are mandatory reporters of suspected child abuse and neglect pursuant to Wis. Stats. § 48.981 (2) (a), Wis. Stats. The Board also requires all employees to receive training regarding mandatory reporting of school violence threats pursuant to Wis. Stats. § 175.32(2) and (3), Wis. Stats. If the threat constitutes a serious and imminent threat to the health or safety of a student or school employees or the public, it shall be reported to law enforcement. A good faith standard exists for reporting threats made by an individual seen in the course of professional duties. These obligations and procedures are covered by Board Policy 8462 - Child Abuse and Neglect, as well as Policy 8462.01 - Threats of Violence. All threats to the safety of District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the school safety plan.

The Superintendent shall develop guidelines for the handling of all emergency evacuations. A crisis procedure checklist includes at least the following:

- A. \_\_\_ Assess life/safety issues immediately.
- B. \_\_\_ Provide immediate emergency medical care.
- C. \_\_\_ Call 911 and notify police/rescue first. Call the Superintendent second.
- D. \_\_\_ Convene the crisis team to assess the situation and implement the crisis response procedures.
- E. \_\_\_ Evaluate available and needed resources.

- F. \_\_\_ Alert school staff to the situation.
- G. \_\_\_ Activate the crisis communication procedure and system of verification.
- H. \_\_\_ Secure all areas.
- I. \_\_\_ Implement evaluation and other procedures to protect students and staff from harm. Avoid dismissing students to unknown care.
- J. \_\_\_ Adjust the bell schedule to ensure safety during the crisis.
- K. \_\_\_ Alert persons in charge of various information systems to prevent confusion and misinformation. Notify parents.
- L. \_\_\_ Contact appropriate community agencies and the District's public information office, if appropriate.
- M. \_\_\_ Implement post-crisis procedures.

In response to public records requests for school safety documents, after consultation with the District legal counsel and local law enforcement authorities, the Superintendent shall redact such information that may be sensitive safety or security information that is in the public's interest to remain confidential.

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Revised 8/14/19  
T.C. 8/11/21  
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Legal 118.07, 175.32(2), (3), 48.981(2)(a), Wis. Stats.

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Book	Policy Manual
Section	11-8-23 Board Approval
Title	EPIDEMICS AND PANDEMICS
Code	po8420.01
Status	
Adopted	August 12, 2020

### 8420.01 - EPIDEMICS AND PANDEMICS

Epidemics and pandemics, although related, are different. The Centers for Disease Control and Prevention (CDC) defines an epidemic as "an increase, often sudden, in the number of cases of a disease above what is normally expected in that population in that area," and a pandemic as "an epidemic that has spread over several countries or continents, usually affecting a large number of people." To address epidemics and pandemics, the Superintendent shall ~~establish an Epidemic/Pandemic Response Team ("EPRT") to develop an Epidemic/Pandemic Plan in coordination with local government and law enforcement officials. The EPRT may work as part of or in coordination with the Environmental Safety Committee and the plan~~ Epidemic/Pandemic Plan may be developed in accordance with ~~the plan developed pursuant to~~ Policy 8405 - Environmental Health and Safety Program. District administration is granted authority to take appropriate action as required in any instance where the District's plan ~~is inadequate~~ or does not cover the particular situation being addressed, and the urgency of the situation dictates the necessity for immediate decisive action.

The Epidemic/Pandemic Plan should include:

- A. a communication method for school schedule changes, busing changes, and school closures;
- B. an educational pandemic prevention program for staff and students;
- C. provision for the business office to maintain continuity of operations during an epidemic or pandemic;
- D. provision for distance-based learning for students (i.e., Internet instruction, community channel broadcast) to maintain continuity of education;
- E. procedures for preventing the spread of infectious diseases during an epidemic or pandemic, including routine cleaning of school sites;
- F. procedures for staff and student absences and extended leaves of absence due to an epidemic or pandemic;
- G. procedures for isolation and possible transportation of students and staff who become ill at school due to an epidemic or pandemic;
- H. a plan of communication regarding epidemic and pandemic status to students, parents, and staff, including any restrictions imposed on staff or students upon travel to affected areas, which may include quarantine periods if recommended by authoritative health agencies;
- I. a plan for operating the District with less staff due to an epidemic or pandemic;
- J. a designee responsible for establishing timelines within the Epidemic/Pandemic Plan and ensuring that such timelines are met and implementation of the plan occurs;
- K. a plan for determining whether to cancel any planned staff or student travel, including field trips, competitions or performances, study abroad programs, or other travel that may involve travel to affected areas.

The Epidemic/Pandemic Plan should be reviewed annually ~~by the EPRT~~ and updated as appropriate.

**Revised 11/8/23**

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**Last Modified by Jennifer Bower on October 6, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	FREE AND REDUCED-PRICE MEALS
Code	po8531
Status	
Adopted	June 9, 2008
Last Revised	August 11, 2021

### 8531 - FREE AND REDUCED-PRICE MEALS

The Board of Education recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide needy children with breakfast and lunch at a reduced rate or at no charge to the student.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Program. These criteria are issued annually by the Federal government through the Wisconsin Department of Public Instruction's **administration of the School Nutrition Programs.**

The Board designates the Superintendent and/or Director of Business Services to determine in accordance with Board standards, the eligibility of students for free and/or reduced-price meals.

The schools shall annually notify all families of the availability, eligibility requirements, and/or application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school and shall seek out and apply for such Federal, State, and local funds as may be applied to the District's program of free and reduced-price meals.

#### **Nondiscrimination Statement**

The following statement applies to all programs administered by the District that are funded in whole or in part by the U.S. Department of Agriculture (USDA):

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

~~Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.~~

~~To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form. (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:~~

**Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.**

**To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:**

1. Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights 1400  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; **or**
2. Fax: **(833) 256-1665** or (202) 690-7442; or
3. E-mail: [program.intake@usda.gov](mailto:program.intake@usda.gov).



This institution is an equal opportunity provider.

Revised 5/10/17

T.C. 8/11/21

Revised 11/8/23

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Legal

115.34-115.345, 120.10(16), 120.13(10), Wis. Stats.

42 U.S.C. 1771 et seq.

**Last Modified by Jennifer Bower on October 6, 2023**



Book Policy Manual  
Section 11-8-23 Board Approval  
Title TRANSPORTATION  
Code po8600  
Status  
Adopted June 9, 2008

### 8600 - TRANSPORTATION

It is the policy of the Board of Education to provide transportation for those students, of any age, whose distance from their school makes this service necessary within the limitations established by State law and the regulations of the Department of Public Instruction or other appropriate agency.

School buses and student-transportation vehicles shall be purchased, housed, and maintained by the District or the District shall contract for transportation services in accordance with Policy 8680 - Bus Services Contracts for the transportation of resident students between their home areas and the schools of the District to which they are assigned. However, no vehicle with a capacity of more than fifteen (15) shall be purchased or used to transport students for which there is no applicable, passenger-protection, Federal motor-vehicle safety standards.

All school buses and student-transportation vehicles, whether purchased, leased, or contracted for as provided in Policy 8680 - Bus Services Contracts shall comply with specifications defined in State and Federal law. Each operator of a school vehicle used to transport students of the District shall be licensed for the purpose for which the vehicle is being used and shall operate the vehicles in accordance with Federal and State laws.

Transportation for private school students, eligible for transportation under State law, shall be provided on the same basis as for District students.

Transportation of eligible students with exceptional educational needs or attending a technical education program shall be arranged through the use of District-owned vehicles, through cooperation with other districts, through commercial carriers, and/or by other means in the most efficient and economical manner.

Transportation privileges may be revoked if the student's conduct is in violation of the Superintendent's administrative guidelines or the Code of Conduct pertaining to student transportation. Such revocation shall be in accord with statutorily-required procedures.

The Board authorizes the Superintendent to install and operate video surveillance on District buses to enhance student safety and well-being. S/He shall establish appropriate administrative guidelines for the proper use of the cameras.

Any agreement with a transportation contractor for the provision of transportation services for the District shall have language regarding the use of video surveillance on all school buses. The Superintendent shall establish administrative guidelines to ensure proper implementation of this policy.

It is strongly recommended that the District provide notification to parents regarding video on District buses.

Revised 11/8/23

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Legal Wis. Admin. Code Trans 300.81  
120.13(27m), 121.52, 121.53, 121.54 et seq., 121.555(1)(a), Wis. Stats.

Last Modified by Jennifer Bower on October 6, 2023



Book Policy Manual  
Section 11-8-23 Board Approval  
Title New Policy - Vol. 32, No. 2, July 2023 - NURSING MOTHERS  
Code po8700  
Status

**New Policy - Vol. 32, No. 2**

**8700 - NURSING MOTHERS**

The Board supports staff members who choose to breast feed and/or express breast milk following the birth of a child. When any staff member, whether a professional staff member or support staff member has notified their supervisor of the staff member's intent to express breast milk during the workday, the principal shall make necessary arrangements to provide the following:

- A. An appropriate location that is suitable for expressing breast milk. The location must be shielded from view and not accessible during usage by any other person. The location provided may not be a bathroom.
- B. A reasonable amount of time to complete the activity based on an established schedule of frequency the staff member requires. The staff member is responsible for providing a schedule of frequency and for completing the process efficiently.

Any staff member who has given birth to a child and opts to express breast milk thereafter is entitled to the benefits of this policy.

Any staff member who has provided notice of the need to express breast milk at work and has complied with the responsibilities of doing so in this policy is eligible to do so for up to one (1) calendar year from the birth of the child.

No staff member who requires break time to express breastmilk consistent with this policy shall be subjected to retaliation or any form of adverse treatment for doing so.

Any staff member who feels they have been denied adequate protections or feels they have been retaliated against or otherwise treated unfairly as a result of availing themselves of the rights described in this policy shall report such concerns to the Superintendent. Any such report shall specify the alleged deficiency and desired resolution so that the Superintendent may provide an appropriate resolution, within ten (10) calendar days of the report.

The benefits described in this policy shall be administered concurrently with other benefits, such as Family Medical Leave Act (FMLA) rights.

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Legal 29 U.S.C. 218d

**Last Modified by Jennifer Bower on October 2, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	RELIGIOUS ACTIVITIES AND OBSERVANCES
Code	po8800
Status	
Adopted	June 9, 2008
Last Revised	August 11, 2021

### 8800 - RELIGIOUS AND PATRIOTIC CEREMONIES ACTIVITIES AND OBSERVANCES

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously oriented activities by the school are offensive to some and tend to supplant activities which should be the exclusive province of individual religious groups, churches, private organizations, or the family. The Board acknowledges that the U.S. Constitution prohibits it from adopting any policy or rule promoting or establishing a religion or any policy that unlawfully restricts any person's free exercise of the individual right to worship enjoyed by all persons. Within the confines to this legal framework, the Board adopts the following policy to address the scope of these rights and the District's authority within its own facilities or during events.

As public employees, while on duty and acting within the scope of employment or pursuant to official duties, District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. Staff are expected to avoid circumstances where the staff member's expression of religious views could be reasonably construed as an endorsement or approval of the message by the school or District. Nothing in this policy or its application shall serve to prohibit or interfere with any staff member's free exercise of their religious views in circumstances not covered by this policy.

Nothing in this policy prohibits teaching about various religions and religious practices in a manner consistent with any adopted District course curriculum. This instruction may include discussion of religious holidays and customs in a manner related to the curriculum that does not give the appearance of an endorsement of one religion over other religions or favoring either a system or religious beliefs or of other beliefs, such as atheism or agnosticism. Observance of religious holidays through devotional exercises or acts of worship is also prohibited.

Distribution of any outside organization's materials, including a request by any person wishing to facilitate dissemination of materials on District property may make a request in accordance with Policy 7510 - Use of District Facilities and Policy 9700 - Relations with Non-School Affiliated Groups.

The Board acknowledges that it is prohibited from adopting any rule respecting or promoting an establishment of religion or prohibiting any student from any guideline promulgated pursuant to this policy, from engaging in the free, individual, and voluntary exercise or expression of the student's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when students are free to associate, or on an individual basis in a manner that does not disrupt the educational process.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. Acknowledgment of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.

In accordance with the U.S. Flag Code requirements, the flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions.

Professional staff members are authorized to lead students in the Pledge of Allegiance or the National Anthem at an appropriate time each school day. No student may be compelled against the student's objections or those of the student's parents to recite the Pledge or sing the National Anthem.

Every school in the District shall offer the Pledge of Allegiance or the National Anthem each school day in grades 1 through 12. District staff conducting these activities shall protect the rights and the privacy of a nonparticipating student.

Revised 12/17/13  
Revised 7/8/20  
T.C. 8/11/21  
Revised 11/8/23

Legal

118.06(2), Wis. Stats.

20 U.S.C. 4071 et seq.

**Last Modified by Jennifer Bower on October 6, 2023**



Book Policy Manual  
Section 11-8-23 Board Approval  
Title New Policy - Vol. 32, No. 1, Jan. 2023 - PATRIOTIC ACTIVITIES AND OBSERVANCES  
Code po8802  
Status

**New Policy - Vol. 32, No. 1**

**8802 - PATRIOTIC ACTIVITIES AND OBSERVANCES**

In accordance with the U.S. Flag Code requirements, the flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions.

Professional staff members are authorized to lead students in the Pledge of Allegiance or the National Anthem at an appropriate time each school day. No student may be compelled against the student's objections or those of the student's parents to recite the Pledge or sing the National Anthem.

Every school in the District shall offer the Pledge of Allegiance or the National Anthem each school day in grades one (1) through twelve (12). District staff conducting these activities shall protect the rights and the privacy of a nonparticipating student.

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Legal 118.06, Wis. Stats.

**Last Modified by Jennifer Bower on September 7, 2023**



Book	Policy Manual
Section	11-8-23 Board Approval
Title	Renumbered/Revised Policy - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po8913
Status	
Adopted	August 27, 2012
Last Revised	June 8, 2022

### **16238913 - SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board prohibits discrimination against any employee or applicant based upon his/her/their disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

#### **Definitions**

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

**Complainant:** is the individual who alleges or is alleged to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

**Respondent:** is the individual who is alleged to have engaged in discrimination/retaliation, regardless of whether the Complainant files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

An individual with a disability means a person who has, 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**

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 aides 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 Disability**

A qualified individual with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires and, can perform the essential functions of the job in question, with or without reasonable accommodation.

### **Reasonable Accommodation**

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the Board's program and/or activities. A reasonable accommodation is not required for an individual who ~~is merely believes they are being~~ regarded as having a disability. ~~Employees requesting reasonable accommodation must cooperate with school officials in obtaining specific medical opinion that identifies the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.~~

### **Facilities**

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

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

### **District Compliance Officer**

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").

Tammy Nicholson  
Director of Pupil Services  
1055 Griffiths Lane  
Green Bay, WI 54304  
tnicholson@ashwaubenonk12.org  
920-492-2905 x-1010

Keith Lucius  
Assistant Superintendent of Schools for Student/Staff Resources  
1055 Griffiths Lane  
Green Bay, WI 54304  
920-492-2905x1005  
klucius@ashwaubenonk12.org

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

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs also shall verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. A copy of each of the Acts and regulations on which this notice is based will be made available upon request from the CO.

The 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 Superintendent or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints, as appropriate. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the Superintendent, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

### **Complaint Procedures**

If a person believes that ~~s/he has~~ ~~they have~~ been discriminated against on the basis of ~~his/her~~ ~~their~~ disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

~~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~~ **should** be filed within thirty (30) 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 **as soon as practicable relative to the ability to complete a thorough investigation but within ten sixty (±60) business days.** If no decision is rendered within ~~ten sixty (±60) business days~~, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The CO shall maintain the District's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a **hearing meeting** with all parties involved in an attempt to resolve the complaint.
- The Superintendent will render **his/her/their** decision within ten (10) days of the **hearing meeting**.
- E. The employee may be represented, at **his/her/their** 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 discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

### Directives During Investigation

The CO may recommend to the 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 a recommendation to the Board. For example, administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation may be required to answer questions that could also involve criminal investigation or sanctions. Including the existence of a co-occurring law enforcement investigation are still required to answer questions concerning the District investigation, but are entitled to do so without waiving their Constitutional right against self-incrimination that applies during a criminal investigation. **should be provided a Garrity warning advising the person of their obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution. Employees should be advised of this right, through what is often referred to as a "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. (See Form 8913 F1 - Garrity Warning)**

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

### OCR Complaint

At any time, if an employee believes that ~~s/he has~~ **they have** been subjected to discrimination based upon ~~his/her/their~~ disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street  
Suite 1475  
Chicago, IL 60661  
(312) 730-1560  
FAX: (312) 730-1576  
TDD: (877) 521-2172  
E-mail: OCR.Chicago@ed.gov

### Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

### Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

### **Sanctions and Disciplinary Action**

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and any relevant codes of conduct.

When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or interfere with any individual because the person opposed any act or practice made by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

### **Education and Training**

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

### **Retention of Investigatory Records and Materials**

The CO is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - [Information Management](#)) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, and audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, and social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);
- G. notes and summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any supportive measures offered and/or provided to the Complainant and the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged

receipt of the no contact orders;

- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and procedures/guidelines used by the District to conduct the investigation and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- N. documentation of any training provided to District personnel related to this policy including, but not limited to notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conduct an investigation of an alleged violation of this policy.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law, such as student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315 - Information Management) created or received as part of an investigation shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for not less than three (3) years and longer if required by the District's records retention schedule.

Revised 9/22/14  
Revised 10/24/18  
Revised 11/8/23

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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

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Book Policy Manual  
Section 11-8-23 Board Approval  
Title PARENT ORGANIZATIONS  
Code po9210  
Status  
Adopted June 9, 2008  
Last Revised March 23, 2015

**9210 – PARENT ORGANIZATIONS**

The Board of Education supports all organizations of parents whose objectives are to promote the educational experiences of District students. However, in using the name of the District or its schools and in organizing a group whose identity derives from a school(s) of this District, the parental organization thereby shares responsibility with this Board for the welfare of participating students.

Any new parent organization desiring to use the name or good offices of the District must obtain the approval of the Supervisor as a prerequisite to organizing.

Representatives and members of approved school related organizations shall in all circumstances be treated by District employees as interested friends of the schools and as supporters of public education in the School District.

The Board relies upon approved organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw sponsorship from organizations which violate the bounds of community taste.

Further, parent organizations shall comply with the rules and procedures set forth in Policy 9211 District Support Organizations.

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Status

#### 9211 - **DISTRICT-SUPPORT ORGANIZATIONS**

The Board appreciates the efforts of all organizations whose objectives are to enhance the educational experiences of District students, to help meet educational needs of students, and/or provide extra educational benefits not provided for, at the time, by the Board.

The Board recognizes that parent-teacher organizations and other school-related community organizations are channels through which school personnel, parents, and other citizens may discuss educational concerns, problems, and needs and work together toward solutions. The Superintendent is authorized to provide support and assistance as appropriate upon the request of such an organization.

The Board encourages parents and District staff to participate in such organizations.

The Superintendent shall:

1. review the objectives of each volunteer group to determine that relevant educational needs are being addressed;
2. communicate school and/or District needs and concerns to the volunteer groups and those of the groups to the Board;
3. approve in-District fund-raising activities of a volunteer group as well as fund-raising activities held off-premises which involve students and require that for any fundraisers by District support organizations that involve the sale to students of food items and/or beverages that will be consumed on campus, the food and/or beverages items to be sold comply with the current USDA Dietary Guidelines for Americans and Smart Snack Rules;
4. establish and maintain procedures related to proposed monetary and other gifts to the District that will provide for proper screening, acceptance, acknowledgement, and use, consistent with accounting procedures established by the State;

Any organization described in this policy must obtain advance written permission from the Building Principal or Superintendent before using any of the District's name, logos or District/school slogans for the purpose of describing or promoting the organization or any activity of the organization.

Each volunteer organization that intends to work within the school setting may only do so in cooperation with the Principal and other staff members, including for such activities as fundraisers, meetings, and the like.

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