



**SHEBOYGAN AREA**  
— SCHOOL DISTRICT —

**NOTE:** This meeting will be held in the Boardroom.

*\*Starting/ending times may vary*

**Tuesday, December 12, 2023**

**Starting Time:** 6:00 – 6:20 p.m.\*

**CHAIR:** Ms. Robbins

**MEMBERS:** Mr. Mancl, Vice Chair

Ms. Versey

Mr. Laster

*(a quorum of the Board may be present)*

The Curriculum and Instruction Committee meeting will be held in the Board of Education meeting room, 3330 Stahl Road, Sheboygan, Wisconsin on **Tuesday, December 12, 2023 at 6:00 p.m.** The following items will be presented for consideration at that time:

Please note some Board members may be participating in this Board meeting via teleconference or other remote access technology. Members of the public who attend the meeting will be able to hear any open session dialogue between such members and the Board members present in the Boardroom. In addition, the District is offering audio and video access to the meeting via phone connection by calling 1-312-626-6799 with Meeting ID: 829 3065 3402 and Passcode: 138394 or <https://us06web.zoom.us/j/82930653402?pwd=x38XFZ0XUIWyBXPYjZlDnye6pavvQ.1> at the scheduled meeting time.

**REPORT TO THE CURRICULUM & INSTRUCTION COMMITTEE  
AGENDA**

- 5 Min. 1. **INTRODUCTION OF NEW COURSE – Mr. Jacob Konrath/Mr. Eric Spielman/Mr. Mark Wittig/Ms. Tanya TenPas** (Information/Possible Action)

The Administration recommends the adoption of the following course for the 2024-2025 school year:

- Innovative Physical Education (PE) - Grades 10-12 (North High School only)

- 1 Min. 2. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 2210 – CURRICULUM DEVELOPMENT – Mr. Jacob Konrath** (Discussion/Possible Action)

The Administration recommends the introduction (first reading) of the following revised policy:

- Policy 2210 – Program; Curriculum Development

- 1 Min. 3. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 2220 – ADOPTION OF COURSES OF STUDY – Mr. Jacob Konrath** (Discussion/Possible Action)

The Administration recommends the introduction (first reading) of the following revised policy:

- Policy 2220 – Program; Adoption of Courses of Study

- 1 Min. 4. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 2430 – DISTRICT-SPONSORED CLUBS AND ACTIVITIES – Mr. Jacob Konrath** (Discussion/Possible Action)

The Administration recommends the introduction (first reading) of the following revised policy:

- Policy 2430 – Program; District-Sponsored Clubs and Activities

- 1 Min. 5. **INTRODUCTION (FIRST READING) OF NEW BOARD OF EDUCATION POLICY 5250 – PROGRAM OR CURRICULUM MODIFICATIONS – Mr. Jacob Konrath** (Discussion/Possible Action)
- The Administration recommends the introduction (first reading) of the following new policy:
- Policy 5250 – Students; Program or Curriculum Modifications
- 1 Min. 6. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 5330 – ADMINISTRATION OF MEDICATION/EMERGENCY CARE – Mr. Jacob Konrath** (Discussion/Possible Action)
- The Administration recommends the introduction (first reading) of the following revised policy:
- Policy 5330 – Students; Administration of Medication/Emergency Care
- 1 Min. 7. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 5410 – PROMOTION, PLACEMENT, AND RETENTION – Mr. Jacob Konrath** (Discussion/Possible Action)
- The Administration recommends the introduction (first reading) of the following revised policy:
- Policy 5410 – Students; Promotion, Placement, and Retention
- 1 Min. 8. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 5512 – USE OF TOBACCO AND NICOTINE BY STUDENTS – Mr. Jacob Konrath** (Discussion/Possible Action)
- The Administration recommends the introduction (first reading) of the following revised policy:
- Policy 5512 – Students; Use of Tobacco and Nicotine by Students
- 1 Min. 9. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 5517 – STUDENT ANTI-HARASSMENT – Mr. Jacob Konrath** (Discussion/Possible Action)
- The Administration recommends the introduction (first reading) of the following revised policy:
- Policy 5517 – Students; Student Anti-Harassment
- 1 Min. 10. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 5771 – SEARCH AND SEIZURE – Mr. Jacob Konrath** (Discussion/Possible Action)
- The Administration recommends the introduction (first reading) of the following revised policy:
- Policy 5771 – Students; Search and Seizure
- 1 Min. 11. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 7434 – USE OF TOBACCO AND NICOTINE ON SCHOOL PREMISES – Mr. Jacob Konrath** (Discussion/Possible Action)
- The Administration recommends the introduction (first reading) of the following revised policy:
- Policy 7434 – Property; Use of Tobacco and Nicotine on School Premises
- 1 Min. 12. **INTRODUCTION (FIRST READING) OF REVISED BOARD OF EDUCATION POLICY 7544 – USE OF SOCIAL MEDIA – Mr. Jacob Konrath** (Discussion/Possible Action)
- The Administration recommends the introduction (first reading) of the following revised policy:
- Policy 7544 – Property; Use of Social Media

**Course Addition/Revision Recommendation Form**  
**Student and Instructional Services**  
**Sheboygan Area School District**

**2220 F1**

**Overview:**

As required by SASD policy 2220 (Adoption of Courses of Study), the School Board must approve major changes in the focus of a course or the addition of new courses being offered. Major changes and additions to course offerings are critical processes. They affect student learning opportunities, staffing, budgets, and other related factors.

To ensure communication and to facilitate the approval process, the following procedures and timelines are required for all offered courses\*. As deemed necessary, the Assistant Superintendent of Student and Instructional Services may modify the procedures and timelines to meet student needs.

\* *On-line courses from the Wisconsin E-School Network, K-12 Learning, and Compass Learning are pre-approved. The approval process must be used for all other on-line courses.*

**Procedures:**

- Step 1:** Department chairpersons, teachers, principals, and/or S & I department staff assess needs for major course revisions and additions.
- Step 2:** Notify S&I as soon as work begins on a course addition/revision. (Email Pam Warriner; she will notify appropriate S&I coordinators and staff.)
- Step 3:** Department staff gather proposals and propose recommendations. The *Course Addition/Revision Recommendation Form* must be completed by department chairs or by their designee.
- Step 4:** Department chair(s) email the form, along with a statement indicating their approval, to building principal(s).
- Step 5:** Building principal(s) review form and email their approval, along with the form, to S&I. (Email Pam Warriner, who will route form to appropriate S&I coordinators and Assistant Superintendent for review and signatures.)
- Step 7:** Recommendation for course approval or course revision is presented to the Board of Education for approval.

**Timelines:**

- Course Addition/Revisions that are received and approved **by November 1** will appear in the Course Description Guide **and** in the online student course selection platform for the following academic year.
- Course Additions/Revisions that are received and approved **by December 15** will **only** appear in the online student course selection platform for the following academic year. They will be added to the Course Description Guide the next time the guide is reprinted. The Course Description Guide is printed in November each year.

**Course Addition/Revision Recommendation Form  
Student and Instructional Services  
Sheboygan Area School District**

**2220 F1**

Department: Physical Education Course No: \_\_\_\_\_

Course Title: Innovative PE # Credits: \_\_\_\_\_

Curricular Area: Physical Education

Grade Level(s): 10-12

Course Length: \_\_\_\_\_ x \_\_\_\_\_ One Semester \_\_\_\_\_ Year Long

Course Type: \_\_\_\_\_ Basic \_\_\_\_\_ Regular \_\_\_\_\_ Honors

Offered at: \_\_\_\_\_ x \_\_\_\_\_ North Only \_\_\_\_\_ South Only \_\_\_\_\_ North & South

Date course becomes available to students: Fall of '24

Check One:

\_\_\_\_\_ Course Revision (No changes in length of course but major content revisions made)

X Course Addition (New course)

Please address the following in paragraph form in the space below. Please do not submit additional documents unless specified. The space below will expand as needed.

A.	<p><b>Entrance Requirements (Any pre-requisite courses or other admission requirements):</b> Fitness Foundations for Physical Education and Complete Application</p>
B.	<p><b>Intended Student Grouping (Indication of ability level or other characteristics of students expected in the course):</b> This combined General Education and Adapted Physical Education class will allow students to improve performance of self and others in recreational and fitness activities. This course combines students of ALL abilities to participate in developmentally appropriate activities including lifetime activities, physical fitness, and sport. Students will work together to increase competence and confidence in a variety of physical activities. Through ongoing leadership opportunities, members of this course will be empowered to help create a more inclusive and accepting school environment for all students.</p>
C.	<p><b>Course Justification (Reasons why the course needs to be revised or is needed. Address student needs, societal expectations and/or legal requirements):</b> This course combines students of ALL abilities to participate in developmentally appropriate activities including lifetime activities, physical fitness, and sport. Students will work together to increase competence and confidence in a variety of physical activities.</p>

**Course Addition/Revision Recommendation Form**  
**Student and Instructional Services**  
**Sheboygan Area School District**




2220 F1

D.	<p><b>Course Description (A short summary of the course that can be used to explain it to students, parents, staff, and public – 75 words max.):</b></p> <p>This course combines students of all abilities to participate in developmentally appropriate activities including lifetime activities, physical fitness, and sport. Students will work together to increase competence and confidence in a variety of physical activities. Through ongoing leadership opportunities, participants in this course will be empowered to help create a more inclusive and accepting school environment for all students. Expected learning outcomes include increasing physical fitness, Improving activity-specific skills, cooperating and working together with classmates, learning how to make better health &amp; lifestyle choices, and understanding each other's differences.</p>
E.	<p><b>Intended Learning Objective(s) (List of major learning objectives for students in this course):</b></p> <p>Innovative PE is a unique opportunity for students of varying ability levels and backgrounds to come together on equal terms through ongoing fitness, sports, leadership and wellness activities. This course focuses on the physical, intellectual and social growth of <i>all</i> participants. Engaging in physical activity and sport alongside peers with and without disabilities helps to foster important social relationships.</p>
F.	<p><b>Course Content Scope and Sequence (An outline and proposed timeline of what will be taught in the course; <i>outline and proposed timeline can be submitted as a separate document</i>):</b></p> <p><i>Units are subject to change given proper equipment and make up of class. It would be similar to the Fitness Foundations Curriculum.</i></p> <p>Students will learn and participate in units including:          Team sport/activities: Flag Football, Soccer, Flag Football, Volleyball, Floor Hockey          Individual sport/activities: Archery, Golf, Tennis, Badminton, Pickleball, Dance/Rhythms          Swimming: Stroke Development/Review, paddleboarding,          Fitness: Yoga, Lifting, Station Work, Fitness Testing          Rec Games and Team Building Activities</p>
G.	<p><b>Instructional Resources (A list of instructional resources that will be used during the course – i.e. textbooks, on-line resources, community resources, etc.):</b></p> <p>On-line Resources: (Special Olympics Unified Schools program)          WHPE (Wisconsin Health Physical Education) professional Organization and support group</p>
H.	<p><b>Student Assessment Plan (What standards and criteria will be used to evaluate student attainment of the learning objectives?):</b></p> <p>Similar to any physical education course, outcomes should align with school and/or state standards and grade-level outcomes.</p> <ol style="list-style-type: none"> <li>1. Increase in physical fitness and sport-specific skills (SHAPE National Standards 1 &amp; 3)</li> </ol>

**Course Addition/Revision Recommendation Form**  
**Student and Instructional Services**  
**Sheboygan Area School District**

**2220 F1**

	<ol style="list-style-type: none"> <li>2. Reinforce positive habits &amp; reasoning to make better health &amp; lifestyle choices (SHAPE National Standard 5)</li> <li>3. Deepen understanding of activity/game/sport rules and strategies (SHAPE National Standard 2)</li> <li>4. Opportunities to develop movement confidence and competence in a variety of physical activities/activity settings (SHAPE National Standard 5)</li> <li>5. Foster new friendships and social inclusion amongst classmates (SHAPE National Standard 4)</li> <li>6. Advance social and leadership competencies (SHAPE National Standard 4)</li> </ol>
1.	<p><b>Costs (What are the costs associated with the changes or implementation of the new course? – i.e. instructional resources, equipment, necessary professional development, room modifications, etc.):</b></p> <p>Equipment:</p> <ul style="list-style-type: none"> <li>● Badminton racquets</li> <li>● Large Birdies</li> <li>● Trainer Volleyballs</li> <li>● Misc. Team building items (balls, yarn balls, bean bags)</li> <li>● Trainer Footballs</li> <li>● Small Archery bows and arrows</li> </ul> <p>WHPE Membership</p>

Reviewed By	Signature	Date	Approval – Y/N
Department Chairperson		10/16/23	Y
Building Principal(s)	Mark A. Wittig	10/19/23	Y
Director of Instructional Services		10/19/23	
Asst. Supt. of Student & Instructional Services			

Book	Policy Manual
Section	2000 Program
Title	CURRICULUM DEVELOPMENT
Code	po2210*pdw
Status	First Reading
Adopted	October 22, 2013
Last Revised	December 13, 2022

## 2210 - CURRICULUM DEVELOPMENT

The Board recognizes its responsibility for the quality of the educational program of the schools. To this end, a District the 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 District Administrator 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 to include:

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

The Board directs that the curriculum 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. provide provides instruction in courses consistent with statute and regulations of the Department of Public Instruction or appropriate State agency;
- B. ensure 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 basis for determining how well each student is achieving curriculum objectives;
- E. allow allows for the development of individual talents and interests, as well as recognizes that learning styles of students may differ;
- F. provide 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. utilize utilizes a variety of learning resources to accomplish the educational goals;
- H. encourage encourages students to utilize guidance and counseling services in their academic and career planning;

- I. in the elementary grades, ~~provide~~ provides regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art, and music;
- J. in grades five (5) to eight (8), ~~provide~~ provides regular instruction in language arts, social studies, mathematics, science, health, physical education, art, and music;
- K. in grades nine (9) to twelve (12), ~~provide~~ 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. ~~provide~~ provides regular instruction in foreign language in grades seven (7) and eight (8);
- M. in one (1) of grades five (5) to eight (8) and in one (1) of grades ten (10) to twelve (12), provides 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 twelve (12);
- O. at least once in grades five (5) to eight (8) and at least once in grades nine (9) to twelve (12), include instruction on the Holocaust and other genocides ~~effective with the 2022-2023 school year~~;
- P. ~~provide~~ 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; and
- Q. ~~provide~~ provides for multicultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society including, but not limited to, Euro-Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native Americans.

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

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

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

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

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

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

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

Revised 3/23/21

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Legal 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)

Cross References PI 8.001(6g)



Book	Policy Manual
Section	2000 Program
Title	ADOPTION OF COURSES OF STUDY
Code	po2220*pdw
Status	First Reading
Adopted	October 22, 2013
Last Revised	October 22, 2013

### 2220 - **ADOPTION OF COURSES OF STUDY**

The Board of Education shall provide a comprehensive instructional program to serve the educational needs of the students of this District. In furtherance of this goal and pursuant to law, the Board shall periodically adopt courses of study through inclusion in the sequential curriculum plan described in Policy 2210 - Curriculum Development. A course of study is part of the sequential curriculum plan that describes course objectives, sequence, content, and a method of evaluating student attainment of objectives. Each course of study shall specify the hours of instruction committed to it each week, semester, and school year.

The Board shall determine which units of the instructional program constitute courses of study and are thereby subject to the adoption procedures of the Board. No course of study shall be taught in the schools of this District unless it has been adopted by the Board.

The District Administrator shall recommend to the Board such courses of study as are deemed to be in the best interests of the students and are needed to comply with State law. The District Administrator's recommendation shall include the following information about each course of study:

- A. the intended learning objective(s), defined in terms of how the learning is applied;
- B. its scope and sequence and a statement of the rationale used to determine the amount and type of instructional time needed to accomplish the objectives at each level;
- C. the resources that its implementation will require, including instructional materials, equipment, specially-trained personnel, etc.;
- D. the plan for its continuous assessment which includes criteria and standards; and
- E. its developmental and operational history as well as data on results, where available.

The District Administrator shall maintain a current list of all courses of study offered by this District.

118.01, 118.24(2)(c), 121.02(1)(k), Wis. Stats.

PI 8.01(2)(k)2

PI 8.01(2)(k)3

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Legal 118.01, Wis. Stats.



Book	Policy Manual
Section	2000 Program
Title	DISTRICT-SPONSORED CLUBS AND ACTIVITIES
Code	po2430*pdw
Status	First Reading
Adopted	October 22, 2013
Last Revised	August 2, 2022

#### 2430 - **DISTRICT-SPONSORED CLUBS AND ACTIVITIES**

The Board believes that the goals and objectives of this District are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are related to the District's curriculum and or mission.

The purpose of District-sponsored activities shall be to enable students to explore a wider range of individual interests than may be available in the District's courses of study but are still related to accomplishing the educational outcomes for students as adopted by the Board in Policy 2131. The Board encourages all students, including those students in elementary and middle school grades, to participate in such opportunities. In implementing this policy, the District Administrator shall take steps to make such opportunities accessible to all students.

For purposes of this policy, District-sponsored activities are typically those activities in which:

- A. the subject matter is actually taught or will be taught in a regularly offered course;
- B. the subject matter concerns the District's composite courses of study;
- C. participation is required for a particular course;
- D. participation results in academic credit; or
- E. the subject matter is of interest to students and aligns with the Districts' goals and mission.

No activity shall be considered to be under the sponsorship of this Board unless it meets one or more of the criteria stated above and has been approved by the District Administrator.

Such activities, along with competitive extra-curricular activities/athletics, may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board and directed by a staff advisor.

The Board shall allow nondistrict-sponsored, student clubs and activities during noninstructional time, in accordance with the provisions in Policy 5730 - Equal Access For Nondistrict-Sponsored, Student Clubs and Activities.

Nondistrict-sponsored, student activities that are initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - Use of District Facilities. The Board, however will not:

- A. assume any responsibility for the planning, conducting, or evaluating of such activities;
- B. provide any funds or other resources; or
- C. allow any member of the District's staff to assist in the planning, conducting, or evaluating of such an activity during the hours when is functioning as a member of the staff.

All activities which meet the criteria of this policy are sponsored by the District and are authorized to use the District name, logo, mascot, or any other name which would associate an activity with the District, provided such use is consistent with other applicable District policies.

No nondistrict-sponsored organization may use the name of the School District or any other name which would associate an activity with the District.

Students shall be fully informed of the District-sponsored activities available to them and of the eligibility standards established for participation in these activities. District-sponsored activities shall be available to all students who elect to participate and who meet eligibility standards.

The District Administrator shall prepare administrative guidelines to implement a program of clubs and activities. Such guidelines should ensure that the needs and interests of the students are properly assessed and procedures are established for continuing evaluation of each club and activity.

Whenever a student becomes a member of a District-sponsored student group or national organization such as the National Honor Society, in order to remain a member, they must continue to meet all of the eligibility criteria and abide by the principles and practices established by the group or the organization.

Revised 12/12/17

Revised 2/22/22

T.C. 8/2/22

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Legal

120.12(23), Wis. Stats.

P.L. 98-377

Book	Policy Manual
Section	5000 Students
Title	PROGRAM OR CURRICULUM MODIFICATIONS
Code	po5250*pdw
Status	First Reading

### 5250 – PROGRAM OR CURRICULUM MODIFICATIONS

In accordance with Policy 5200 – Attendance, the Board may excuse a student from regular school attendance to participate in a program or curriculum modification leading to high school graduation or a high school equivalency diploma.

Any such request for a program or curriculum modification from the parent, or the student if the parent is notified, shall be in writing.

The Board, or its designee, shall provide a written decision within ninety (90) days to a properly submitted request for a program or curriculum modification. If the request is denied, the reasons for denial shall be included in the written decision. An exception is if the student has been evaluated by an IEP team but not recommended for special education, then the written decision must be provided within thirty (30) days.

The Board designates the District Administrator to make decisions for program or curriculum modifications.

Any decision made by the Board or its designee regarding a request for a program or curriculum modification may be appealed by the parent to the Board, and the Board shall provide a written decision to the parent.

The request for a program or curriculum modification may include, but is not limited to, the following:

- A. modifications within the student's current academic program;
- B. a school work training or work study program;
- C. enrollment in any 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 in accordance with applicable 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 student is enrolled;
- F. enrollment in any public educational program located outside the School District in which the student resides, which may be pursuant to a contractual agreement between the school districts.

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 provision.

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Book	Policy Manual
Section	5000 Students
Title	ADMINISTRATION OF MEDICATION/EMERGENCY CARE
Code	po5330*pdw
Status	First Reading
Adopted	October 22, 2013
Last Revised	August 24, 2021

### 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 ~~their~~ ~~his/her~~ educational program.

For purposes of this policy, "practitioner" shall include any physician, dentist, podiatrist, optometrist, physician assistant, and advanced practice nurse prescriber or physician's assistant 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 manufacturer's package which lists the ingredients and **recommended therapeutic** dosage in a legible format ~~may be administered~~. Any dosage of nonprescription medication other than that listed on the medications' packaging must be authorized in writing by a medical practitioner. 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 medical 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 each building's administrative office.

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 District Administrator's guidelines.

Any bus driver, staff member or volunteer, authorized in writing by the District Administrator or a principal, is immune from liability for ~~their his/her~~ acts or omissions in administering medication including, but not limited to glucagon, an opioid antagonist, 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 an opioid antagonist, the staff member or volunteer contacts emergency medical services as soon as practicable after administering the drug to report the suspected overdose. Such immunity does not apply to healthcare professionals.

~~All prescription medications shall be kept in a locked storage area unless the medication is an emergency medication which the student is authorized to carry and self-administer by authorization of both the parent and practitioner, and the possession of such medication by the 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, may 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 ~~their his/her~~ 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). The plan shall state whether and at what extent the District **or individual schools** will retain opioid antagonists.

### **Epinephrine Auto-Injectors**

The Board intends to adopt and maintain a plan for managing students with life-threatening allergies so as to permit each school to obtain a school prescription for epinephrine auto-injectors and to permit each school nurse and designated school personnel to administer them. Accordingly, the Board directs the school nursing staff in consultation with the District Administrator to develop a plan that meets the following:

- A. specifies those designated school personnel that have agreed to receive training and that will be trained and authorized to perform the functions of the plan;
- B. identifies the specific training program that will be implemented to prepare each school nurse and designated school personnel to identify the signs of anaphylaxis and to provide or administer epinephrine auto-injectors accordingly;
- C. delineates the permissible scope of usage to include providing District-owned epinephrine auto-injectors to students who have a prescription on file with the school in the event the student is experiencing an anaphylactic event and/or administering epinephrine auto-injectors to such students, and/or administering epinephrine auto-injector treatment to any student, regardless of whether the student has a prescription on file or the staff member so trained is not aware of whether the student has a prescription on file, but believes in good faith the student is suffering from anaphylaxis, provided that the staff member immediately contacts emergency medical services;
- D. identifies the number and type of epinephrine auto-injectors each school will keep on site and identifies a member of the nursing staff or other school official who will be responsible for maintaining the epinephrine auto-injectors supply;
- E. is approved by a physician licensed in the State of Wisconsin;
- F. notes that the school and any school nurse or designated school personnel that provide or administer epinephrine auto-injectors under this plan are immune from civil liability for any harm that may result, regardless of whether there is a parental or medical provider authorization, unless the administration was a result of gross negligence or



willful or wanton misconduct;

G. is published on the District's website or the website of each school.

**Use of Essential Oils**

Avoid the broad and general application of aromatic substances in the classroom (including essential oils).

Revised 7/22/14  
Revised 2/24/15  
Revised 12/12/17  
Revised 9/25/18

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

Book	Policy Manual
Section	5000 Students
Title	PROMOTION, PLACEMENT, AND RETENTION
Code	po5410*pdw
Status	First Reading
Adopted	October 22, 2013
Last Revised	December 13, 2022

#### 5410 - **PROMOTION, PLACEMENT, AND RETENTION**

The Board of Education recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with the appropriate for each student's own development. Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

#### **Definitions**

**Promotion:** Occurs when a student is doing the quality of work that indicates the student has met the criteria established in this policy and AG 5410 - Promotion, Placement, and Retention and shall be moved forward to the next grade.

**Placement:** Occurs when a student is not doing the quality of work that indicates the student shall be promoted to the next grade. but a determination has been made that it is in the student's best interest to move forward to the next grade. A placement determination is made by the Student Intervention Team with the concurrence of the building administrator.

**Retention:** Occurs when a student is not doing the quality of work that indicates the student should move forward to the next grade. and the student should repeat the current grade. A retention decision is made by the Student Intervention Team with the concurrence of the building administrator.

A student will be promoted to the succeeding grade level when the student has:

- A. completed the course requirements at the presently assigned grade;
- B. in the opinion of the professional staff, achieved the instructional objectives set for the present grade;
- C. demonstrated sufficient proficiency to permit the student to move ahead in the educational program of the next grade;
- D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

Following sound principles of child guidance, the Board discourages the skipping of grades.

The District Administrator shall develop administrative guidelines for promotion, placement, and retention of students which:

- A. ensure students who are falling seriously behind their peers or who may not be promoted receive the special assistance they may need to achieve the academic outcomes of the District's core curriculum;
- B. require the recommendation of the relevant staff members for promotion, placement, or retention;

- C. require that parents are informed in advance of the possibility of retention of a student at a grade level;
- D. assure that efforts are made to remediate the student's difficulties before the student is retained;
- E. assign to the principal the final responsibility for determining the promotion, placement, or retention of each student.

#### **Promotion from Grade 4 and Grade 8**

**All Districts, except Union High School Districts are required to include specific promotion criteria, as outlined below, in a Board-approved policy (see 118.33(6) Wis. Stats.).**

#### **For Unified, Common, and K-8 Districts**

A student shall be promoted from 4th to 5th grade when the student meets the following criteria:

- A. the student's score on the 4th grade examination, unless the student has been excused from taking the examination;
- B. the student's academic performance;
- C. recommendations of teachers which are based solely on the student's academic performance.

A student shall be promoted from 8th to 9th grade when the student meets the following criteria:

- A. the student's score on the 8th grade examination, unless the student has been excused from taking the examination;
- B. the student's academic performance;
- C. recommendations of teachers which are based solely on the student's academic performance.

Students that do not meet the above criteria will not be promoted to 5th or 9th grade.

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118.33(6), Wis. Stats.

Book	Policy Manual
Section	5000 Students
Title	USE OF TOBACCO AND NICOTINE BY STUDENTS
Code	po5512*pdw
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Adopted	October 22, 2013
Last Revised	August 2, 2022

### 5512 - **USE OF TOBACCO 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 District Administrator 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 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 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 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 12/11/18

Revised 12/10/19

Revised 3/23/21

Revised 2/22/22

T.C. 8/2/22

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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

Book	Policy Manual
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Title	STUDENT ANTI-HARASSMENT
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Last Revised	February 22, 2022

## 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 discriminatory 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 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 prompt ~~immediate~~ steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation;
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment;
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment ~~complaints~~ ~~charges~~ 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, administrators, teachers, and staff**, ~~and Board employees (i.e., administrators, and professional and classified staff)~~, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

## Bullying

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

Bullying that rises to the level of Sexual Harassment is covered by Policy 2266 - 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 or school employee that:

- A. places a student in reasonable fear of harm to **their his/her** person or damage to **their his/her** property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

"Harassment" also includes "hate speech" **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 **only and not sexual harassment under Title IX, addressed in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, and consistent with Title VII of the Civil Rights Act of 1964.** "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

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

Sexual harassment may involve the behavior of a person of any 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 recording 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 District Administrator.

- K. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- L. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

M. 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 unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, ~~or~~ ~~and~~ persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

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, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Age-Based Harassment**

Prohibited age-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age and when the conduct has the purpose or effect of interfering with the individual's educational performance; or of creating an intimidating, hostile, or offensive learning environment.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's 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").

Jacob Konrath  
Assistant Superintendent of Student and Instructional Services  
920-459-4030  
3330 Stahl Rd, Sheboygan, WI 53081

jkonrath@sasd.net

~~Andrea Holschbach~~ Jami Hintz

Assistant Superintendent of Human Resources  
920-459-3554  
3330 Stahl Rd, Sheboygan, 53081  
~~aholschbach~~jhintz@sasd.net

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:

- A. Any student who believes ~~they have~~ ~~she has~~ been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employees.
- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to the student's teacher, building administrator or District Administrator.
- C. Teachers, administrators, and other school ~~employees~~ ~~officials~~ who have the knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall ~~immediately~~ report the alleged harassment to ~~one (1) of~~ the Compliance ~~Officers~~ ~~Officer~~ and the building principal or District Administrator ~~with in 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, ~~the Board has each school's building principal shall be advised to~~ ~~designated~~ ~~designate~~ both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individuals shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

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

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one (1) of the Anti-Harassment Compliance Officers within two (2) days. Thereafter, the Compliance Officer or designee must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if under ~~the~~ age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged misconduct, including the obligation of the ~~Compliance Officer~~ ~~compliance officer~~ or designee to conduct an investigation following all the procedures outlined in the complaint procedures.

The Compliance Officers are assigned to accept complaints of harassment directly from any member of the School District community or a 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 Compliance Officer 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 District Administrator will designate a specific individual to conduct the process necessary for an~~ ~~informal or formal investigation.~~ ~~The~~ ~~the~~ Compliance Officer will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. The Compliance Officer will ~~prepare recommendations for the District Administrator.~~ ~~In the case of a complaint against the District Administrator~~ ~~or a Board member, the CO will prepare recommendations for the Board Attorney who has been designated to~~

serve as the decision-maker for such complaints. ~~or will oversee the preparation of such recommendations by a designee.~~ All Board employees must report incidents of harassment that are reported to them to the Compliance Officer 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 other student's parent/guardian, who believes that ~~the student they have~~ has been subjected to unlawful harassment may seek resolution of the 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 unlawful 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 formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).~~

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.

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

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

~~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 employee at the student's school, the Compliance Officer, District Administrator, or other District official who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful 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 Compliance Officer, District Administrator, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) days.

Throughout the course of the process, the Compliance Officer 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 Compliance Officer 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 Compliance Officer 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 District Administrator prior to any action being taken, **except for complaints against the District Administrator, 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 Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to respond to the complaint. If the respondent is another student, the student may respond to the allegations orally in an interview with the Compliance Officer or in writing within five (5) days.

**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.**

~~Within~~ **Generally, within** two (2) days of receiving the complaint, the Compliance Officer ~~or a designee~~ will initiate **an a formal** investigation **by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.** ~~to determine whether the complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the Compliance Officer.~~

The investigation **generally** will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations;
- 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.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a ~~written~~ report to the District Administrator which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of 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 Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer may consult with the Board Attorney before finalizing the report to the District Administrator.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

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

**Generally** ~~Absent extenuating circumstances,~~ within **five (5)** ~~ten (10)~~ days of receiving the report of the Compliance Officer or the designee, the District Administrator **or in the case of a complaint against the District Administrator or a Board member,** **the person designated to serve as the decision-maker for the complaint** either must issue a **written final** decision regarding whether ~~or not~~ the complaint **has been substantiated** ~~of harassment has been substantiated~~ or request further investigation.

A copy of the District Administrator's ~~final written~~ 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 District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within ~~five (5) ten (10)~~ days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

The decision of the District Administrator shall be final. If the complainant feels that the decision does not adequately address the complaint ~~they/s/he~~ may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction ("DPI"), Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

~~If the decision of the District Administrator is that there is no finding of harassment pursuant to this policy, the student/parent will be informed of the provisions of Policy 5517.01 — Bullying.~~

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or the Third Party alleging the unlawful 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 or its designee.

~~The~~ ~~To the extent required by law or permitted by the District, 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 District Administrator shall report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

Any reports made to the local child protection service or to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the District Administrator.

#### **Privacy/Confidentiality**

The District will ~~employ make~~ 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. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity. Additionally, the Respondent must be provided the Complainant's identity.~~

All 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 Compliance Officer or his/her designee will instruct ~~each person all members of the School District community and third parties~~ who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of ~~an a harassment~~ investigation is expected not to disclose ~~to Third Parties~~ any information that s/he learns or that s/he provides during the course of the investigation.

#### **Directives During Investigation**

The CO may recommend to the District Administrator placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the District Administrator is the Respondent, the CO shall make such recommendation to the Board. 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 should be provided a Garrity warning apprising 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.

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

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its 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 unlawful discriminatory practices. The Board ~~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 on an annual basis, and at such other times as the Board in consultation with the District Administrator 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 Officers, the name, mailing address and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.~~

~~A 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 **which may include** ~~including~~ **but are** not limited to:

- A. all written reports;
- B. narratives of all verbal reports or statements;
- 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. written witness statements;
- F. narratives or audio, video, or digital recordings of verbal witness statements;
- G. any documentary evidence;
- H. handwritten and contemporaneous notes;
- I. e-mails, texts, or social media posts related to the investigation and allegations;
- J. dated written determinations;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no-contact orders;
- M. documentation of all actions taken to stop the discrimination of harassment, prevent its recurrence, eliminate any hostile environment, and remedy the discriminatory effects;
- N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbook);
- O. Copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all



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

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 11/26/13

T.C. 3/17/16

Revised 12/12/17

Revised 12/10/19

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#### Legal

29 U.S.C. 794, Rehabilitation Act of 1973

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. 1415

48.981, Wis. Stats.

118.13, Wis. Stats.

P.I. 9, 41 Wis. Admin. Code

Fourteenth Amendment, U.S. Constitution 20 U.S.C. 1415

20 U.S.C. 1681 et seq., Title IX of Education Amendments Act

42 U.S.C. 1983

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964 42 U.S.C. 2000d et seq.

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990 34 C.F.R. Sec. 300.600-300.662

Book	Policy Manual
Section	5000 Students
Title	SEARCH AND SEIZURE
Code	po5771*pdw
Status	First Reading
Adopted	October 22, 2013
Last Revised	December 12, 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 Principals/school principals 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 SASD District Administrators, building principals, assistant principals, School Resource Security Officers, and Police Liaison School Security Officers.

#### Student Person and Possessions

The Board recognizes that the privacy of students or their/his/her 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 they have/has 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/liaison officer to conduct the search under the administrator's direction. If the school does not have a school resource officer or 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 Principal/principal. The Principal/He 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, they /she 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 2/24/15

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Legal 118.32, 118.325, 118.45 Wis. Stats.  
948.50, Wis. Stats.  
Wisconsin Const. Art. 1 Section 11

U.S. Constitution, 4th Amendment

Book	Policy Manual
Section	7000 Property
Title	USE OF TOBACCO AND NICOTINE ON SCHOOL PREMISES
Code	po7434*pdw
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Adopted	October 22, 2013
Last Revised	February 22, 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 District Administrator 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 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 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 ~~transported~~ **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.

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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

Book	Policy Manual
Section	7000 Property
Title	USE OF SOCIAL MEDIA
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#### 7544 - **USE OF SOCIAL MEDIA**

Technology is a powerful tool to enhance education, communication, and learning.

The Board authorizes the use of social media to promote community involvement and facilitate effective communication with students, parents/guardians, staff, and the general public. Social media is defined in Bylaw 0100 - **Definitions**.

The District Administrator is charged with designating the District-approved social media platforms/sites which shall be listed on the District's website.

It is critical that students be taught how to use social media platforms safely and responsibly. Social media (as defined in Bylaw 0100 - **Definitions**) are a powerful and pervasive technology that affords students and employees the opportunity to communicate for school and work purposes, and to collaborate in the delivery of a comprehensive education. Federal law mandates that the District provide for the education of students regarding appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and regarding cyberbullying awareness and response. See Board Policy 7540.03 – Student Technology Acceptable Use and Safety.

The District recognizes that employees may use social media for personal, as well as professional reasons. The District neither encourages nor discourages employees' use of social media for personal purposes. The District regulates employees' use of social media for purposes related to their District assignment to the same extent as it regulates any other form of employee communication in that regard.

The District uses approved social media platforms/sites as interactive forms of communication and accepts public comments. The District-approved social media platforms/sites are considered limited public forums. As such, the District will monitor posted comments to verify they are on-topic, consistent with the posted rules for use of the forum, and in compliance with the platform/site's applicable terms of service. The Board's review of posted comments will be conducted in a viewpoint-neutral manner, and consistent with State and Federal law. Employees' personal posts on the public platforms/sites are limited/restricted to matters of general public interest that are not related to the employee's specific employment and wholly unrelated to the employee's job responsibilities (i.e., matters where it is clear the individual is posting not in an official capacity, but simply as a member of the public). Employees in administrative positions are ordinarily not permitted to post personal comments on matters of general public interest because to do so could be misconstrued as Board-sponsored speech.

Each District-approved social media account/site must contain a statement that specifies its purpose(s) and limits those who access the social media account/site to use of the account/site only for that/those purpose(s), and in accordance with any specified procedures, and applicable terms of service. Users are personally responsible for the content of their posts.

The District Administrator shall maintain the District's social media presence with respect to general announcements, notices, or other such communications that are disseminated to the public at large or specific audiences within the community. To the extent individual staff members wish to post information or announcements to a District social media platform, the staff member may request that the District Administrator approve and post such information. (This provision does not apply to social media communications that are related to instructional and school-sponsored activities.)

#### **Social Media for Instructional and School-Sponsored Activities**

Staff may, with prior approval/authorization from the Principal, use social media platforms/sites for communications about classroom instruction or school-sponsored activities, as well as to support classroom instruction. When a staff member uses a District-approved social media platform/site for an educational purpose, it will be considered an educational activity and will not be considered a limited public forum. Students' use of District-approved social media platforms/sites must be consistent with the Student Code of Conduct, Policy 5722/AG 5722 – School-Sponsored Student Publications and Productions, Policy 7540.03/AG 7540.03 – Student Technology Acceptable Use and Safety, the instructor's directions/procedures, and the platform/site's applicable terms of service. Students are prohibited from posting or releasing personally identifiable information about students, employees, and volunteers through District-approved social media without appropriate consent.

### **Expected Standards of Conduct on District-Approved Social Media**

Employees who access District-approved social media platforms are expected to conduct themselves in a respectful, courteous, and professional manner. Students, parents, and members of the general public who access District-approved social media platforms are similarly expected to conduct themselves in a respectful, courteous, and civil manner.

District-approved social media sites shall not contain content that is obscene; is vulgar and lewd such that it undermines the school's basic educational mission; is libelous or defamatory; constitutes hate speech; promotes illegal drug use; is aimed at inciting an individual to engage in unlawful acts or to cause a substantial disruption or material interference with District operations; or interferes with the rights of others. The District may exercise editorial control over the style and content of student speech on District-approved social media if reasonably related to legitimate pedagogical concerns. Staff or students who post prohibited content shall be subject to appropriate disciplinary action.

The District is committed to protecting the privacy rights of students, parents/guardians, staff, volunteers, Board members, and other individuals on District-approved social media sites. District employees are prohibited from posting or releasing confidential information about students, employees, volunteers, or District operations through social media, without appropriate consent (i.e., express written consent from the parent of a student, the affected employee or volunteer, or the District Administrator concerning District operations).

### **Retention of Public/Student Records**

District communications that occur through the use of District-approved social media platforms/sites – including staff members' use of social media with school-sponsored activities, and comments, replies, and messages received from the general public – may constitute public records or student records, and all such communications will be maintained (i.e., electronically archived) in accordance with the Board's adopted record retention schedule and all applicable State statutes. (See AG 8310A –Public Records)

Staff members cannot rely on social networking platforms (e.g., Facebook, Twitter, etc.) to sufficiently fulfill potential records retention requirements because these platforms, in general, do not guarantee retention and are unlikely to assist in the production of third-party comments and communications that have been edited, deleted, or are otherwise no longer available. Consequently, District employees who use such social media accounts for professional communications must operate them in accordance with the general archiving practices and technology instituted by the District so records remain within the District's control and are appropriately retained.

If a staff member uses District-approved social media platforms/sites in the classroom for educational purposes (i.e., classroom instruction), the staff member must consult with the Principal concerning whether such use may result in the creation of public and/or education records that must be maintained (i.e., electronically archived) for a specific period of time.

### **Employees' Use of District Technology Resources to Access Social Media for Personal Use**

Employees are permitted to use District technology resources (as defined in Bylaw 0100) to access social media for personal use during breaks and mealtimes.

They are reminded that the District may monitor their use of District technology resource.

### **Employees' Use of Personal Communication Devices at Work to Access Social Media for Personal Use**

Employees are permitted to use District technology resources (as defined in Bylaw 0100 - Definitions) to access social media for personal use during work hours, provided it does not interfere with the employee's job performance.

They are reminded that the District may monitor their use of District technology resources.

Employees are permitted to use personal communication devices to access social media for personal use during breaks and mealtimes.



Employees are prohibited from posting or engaging in communication that violates State or Federal law, Board policies, or administrative guidelines. If an employee/volunteer's communication interferes with his/her/their ability to effectively perform his/her/their job, or violates State or Federal law, Board policies, or administrative guidelines, the District may impose disciplinary action and/or refer the matter to appropriate law enforcement authorities.

This policy and its corresponding administrative guideline will be reviewed and updated as necessary.

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Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)

Children s Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)