



***Student Learning...Whatever It Takes!***

**HORACE MANN MIDDLE SCHOOL  
PARENT/STUDENT HANDBOOK  
2022 - 2023 School Year**

**Administrators:**

Dr. Rob Phelps,  
Principal

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Associate Principal

Mrs. Hope Cameron,  
Dean of Students

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## Horace Mann Middle School 2022-2023 School Calendar

September 1	First Day of School
<b>September 5</b>	<b>Labor Day – No Classes</b>
September 7	Picture Day
September 12-16	6 <sup>th</sup> Grade to School Forest
September 19-23	6 <sup>th</sup> Grade to School Forest
September 26	Mann Connections Night, 5:30-7:00 PM
October 5	8 <sup>th</sup> Grade Heavy Metal Tour @ NTC
October 6	Picture Retake Day
October 14	6 <sup>th</sup> Grade Fun Night
October 20	Parent Teacher Conferences, 3:30-7:30 PM
October 26	1 <sup>st</sup> Quarter Ends
<b>October 26</b>	<b>No Classes in Afternoon – Parent Teacher Conferences, 12:30-7:30 PM</b>
<b>October 27-28</b>	<b>Professional Learning – No Classes</b>
November 15	School Play, 7 PM
November 16	School Play for students, 8:30 AM
November 18	7 <sup>th</sup> & 8 <sup>th</sup> Grade Fall Dance, 7-9 PM
<b>November 23</b>	<b>Non-Contract Day – No Classes</b>
<b>November 24-25</b>	<b>Thanksgiving Break – No Classes</b>
December 1	7 <sup>th</sup> & 8 <sup>th</sup> Grade Band Concert, 7 PM
December 6	6 <sup>th</sup> , 7 <sup>th</sup> , & 8 <sup>th</sup> Grade Choir Concert, 7 PM
December 8	7 <sup>th</sup> & 8 <sup>th</sup> Grade Orchestra Concert, 7 PM
December 9	CD to School Forest
<b>December 23–30</b>	<b>Winter Break – No Classes</b>
January 9	Mann Connections Night, 5:30-7:00 PM
January 13	2nd Quarter Ends
<b>January 16</b>	<b>Professional Learning – No Classes</b>
January 22-23	6 <sup>th</sup> -8 <sup>th</sup> Grade Musical, 7 PM
January 24-25	6 <sup>th</sup> -8 <sup>th</sup> Grade Musical for students
January 31	6 <sup>th</sup> Grade Orchestra Concert, 7 PM
February 4	Wisconsin Valley Honors Band, All Day
February 7	6 <sup>th</sup> Grade Band Concert, 7:00 PM
February 10	7 <sup>th</sup> & 8 <sup>th</sup> Grade Valentines Dance, 7-9 PM
<b>February 17</b>	<b>Professional Learning – No Classes</b>
February 25	Solo Ensemble, All Day @ East
February 27	Eastside Orchestra Concert (Grades 7-12), 7 PM @ East
March 2	2nd Semester Parent/Teacher Conferences, 3:30-6:30 PM
March 3	7 <sup>th</sup> Grade Band Clinic, 9 AM @ East
March 6	2nd Semester Parent/Teacher Conferences, 3:30-6:30 PM
March 9 & 10	8 <sup>th</sup> Grade to School Forest
March 11	Shawano Jazz Festival
March 13 & 14	Variety Show, 7 PM
March 14	Variety Show Performance for students, 8:30 AM
March 17	3rd Quarter Ends
<b>March 20–24</b>	<b>Spring Break – No Classes</b>
April 1	Rock-Infused Orchestra Festival, All Day @ East
<b>April 7</b>	<b>No Classes</b>
April 14	6 <sup>th</sup> Grade Fun Night
April 24	Mann Connections Night, 5:30-7:00
May 1	Eastside Band Concert (Grades 7-12), 7 PM @ East
May 9	6 <sup>th</sup> Grade Band & Jazz Band Concert, 7 PM
May 12	CD to School Forest
May 11 & 12	Jazz Band & Chamber Orchestra Tour, 8 AM-2 PM
May 15	7 <sup>th</sup> & 8 <sup>th</sup> Grade Choir Concert, 7 PM
May 16	6 <sup>th</sup> , 7 <sup>th</sup> & 8 <sup>th</sup> Grade Orchestra Concert, 7 PM
May 19	8 <sup>th</sup> Grade Farewell Dance, 7-9 PM
<b>May 26</b>	<b>Professional Learning - No Classes</b>
May 27	7 <sup>th</sup> & 8 <sup>th</sup> Grade Band – Memorial Day Parade, 8 AM-12 PM
<b>May 29</b>	<b>Memorial Day – No Classes</b>
May 30	8 <sup>th</sup> Grade Awards Ceremony, 7 PM
May 30, 31 & June 1	7 <sup>th</sup> Grade to School Forest
<b>June 2</b>	<b>No PM Classes - Students' Last Day, 4th Quarter Ends Dismissal @ 12:35 PM</b>

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# **BE SAFE**

## **STUDENT SAFETY CONCERNS**

Every student has the right to attend the Wausau School District (WSD) without fear of being threatened or harmed in any way, either verbally or physically. In order to make this goal a reality, the school administration at the Wausau School District will enforce the following consequences for rule violations:

A recommendation for expulsion from the Wausau School District will be made to the Wausau Board of Education for the following behaviors at school or at school-sponsored activities:

- Possession of a gun.
- Possession of a dangerous weapon with intent to threaten or cause bodily harm to others or to cause property damage.
- Intentional use of unprovoked force against a Wausau School District employee.

Students may be recommended to the Wausau Board of Education for expulsion from the Wausau School District for the following behaviors at school or at school-sponsored activities:

- The student has repeatedly refused or neglected to obey school or School Board policies.
- Starting a fire, or attempting to start a fire, on school premises.
- Disrupting the school environment through the use of violence or threats of violence.
- Acting in a way that threatens the life or health of another person where such conduct is considered criminal by federal, state, or local laws.
- Sexually assaulting another person.
- Setting off the school's fire alarm system or falsely reporting a fire when no fire exists.
- Making a bomb threat or placing a false alarm call.
- Possession of, under the influence of, selling, dispensing or delivering drugs or chemicals which Wisconsin Statutes define as illegal.

Suspension from school for up to five days may result for a student committing any of the following behaviors at school or at school-sponsored activities:

- Making threats against any Wausau School District employee.
- Verbal, physical or sexual harassment of another person.
- Failure to identify yourself to a school staff member.
- Vandalism to school property or equipment.
- Possessing or being under the influence of alcohol.
- Forcing someone to act against their will through the use of intimidation and/or threats.
- Sexually explicit/obscene conduct.
- Use of profane or obscene language/gestures toward any member of the Wausau School District.
- Theft of school property or equipment.
- Refusing to leave the school's premises when directed by a school official.
- Obtaining, or attempting to obtain, money or property from someone who's unwilling to give it to you.
- Use of physical force against another student.

## **UNSAFE ACTIONS / THREATS**

A student whose actions threaten the safety of another student may be suspended from school. Examples include: fooling around, horseplay, threatening remarks, repeating rumors that one student wants to beat up someone else, or encouraging others to fight. We expect our students to take actions to prevent their fellow students from being hurt.

## **JUVENILE CITATIONS**

The Wausau City Council, in accordance with the Wisconsin State Statutes, has revised its bond schedule. The majority of our students are old enough to receive citations/fines for breaking laws within the schools. Examples of incidents where citations may be issued include: theft, smoking, possession of cigarettes or tobacco, throwing snowballs, profane language,

fighting, and disorderly conduct. The revised statute also means a mandatory court appearance where the judge sets the fine amount. We want students and parents/guardians to be aware that this is another option in disciplining students who choose to disrupt the school atmosphere.

### **SCHOOL RESOURCE OFFICER**

The Wausau Police Department, in cooperation with the Wausau School District, has a police officer that works full-time at Horace Mann Middle School. The school resource officer can be contacted through the Student Services Office at Horace Mann. The officer handles police referrals at Horace Mann and also serves as a resource person in the classroom. Students wishing to see the officer may go to the Student Services Office. Horace Mann's resource officer is Koua Thao. For further information, see Board Policy 5132.

### **Hard Lockdown Procedures: ALICE**

Safety and security of everyone who enters our building is a top priority at Horace Mann Middle School. The Horace Mann staff and the Wausau Police Department have been trained in how to respond in the event of an active intruder or shooter. The training for how to respond to an active intruder or shooter is called **ALICE**. ALICE is an acronym; its letters represent ALERT, LOCKDOWN, INFORM, COUNTER, and EVACUATE. ALICE serves to optimize response time and safety.

"A" in ALICE stands for **ALERT**. A staff person will ALERT everyone in the building that we are initiating hard lockdown procedures.

"L" in ALICE stands for **LOCKDOWN**. After the alert, staff will initiate LOCKDOWN procedures.

"I" stands for **INFORM**. After the initial alert, office staff and administration will INFORM everyone of the purpose of the lockdown and to clarify the nature of the threat. Staff and students can use this information to make decisions about what steps to best ensure their safety.

"C" stands for **COUNTER**. COUNTER measures are used to create physical and mental distractions for the active intruder or shooter.

"E" stands for **EVACUATE**. For some situations, the choice to EVACUATE the building might be the safest decision. One of the most important safety measures we can take is making sure that we take any threats of violence we hear or see seriously. Report anything suspicious to teachers, counselors, administrators, parents or our School Resource Officer. Let the staff and administration determine if what you heard or saw is a real threat.

### **SKATEBOARDS, ROLLERBLADES OR ANY WHEELED ITEM**

Since skateboards, rollerblades, or any wheeled item on school grounds present an element of danger to walkers, drivers and riders, their use is not permitted on school grounds. Students violating this rule will have their skateboard, rollerblades, or wheeled item confiscated, and students will be subject to disciplinary action.

### **LASER POINTERS & OTHER HIGH INTENSITY LIGHTS**

No lasers, high intensity lights, or flashlights are permitted at school. Lasers will be confiscated and students may be subject to disciplinary action.

### **FIREWORKS**

Students are not to bring any firecrackers or fireworks of any sort to school. Students who choose to bring these items will be referred to the school resource officer and/or suspended from school.

## **CODE OF STUDENT CONDUCT**

The Wausau School District recognizes and accepts its responsibility to create, foster, and maintain an orderly and safe class environment conducive to teaching and to the learning process. Equally important, the District owes its students the opportunity to attend school as free as reasonably possible from unnecessary and unwarranted distraction and disruption, particularly by those relatively few students who, for whatever reason, are unwilling, unready, or unable to avail themselves of the opportunity for an education. Those students may be recommended to the Director of Pupil Services for a pre-expulsion hearing.

Harassment can take many forms. It is unwanted behavior that interferes with your life. It limits and denies the rights of students to study, work and play in the school setting. Harassment makes people feel bad. Everyone has a right not to be harassed, and our staff feels strongly that all students should feel safe at school. If you are being harassed, tell the harasser to STOP and contact a staff member. Continue to be an Upstander.

### **SEXUAL HARASSMENT**

Sexual harassment is **unwanted** behavior of a sexual nature. There are school board policies, as well as state and federal laws, which prohibit sexual harassment. Some examples include inappropriate gestures or touch, sexual remarks, name-calling or spreading rumors, making sexual comments about one's body, or drawing or displaying offensive pictures.

### **VERBAL HARASSMENT**

Verbal harassment is **unwanted** verbal comments which make a person feel bad or unsafe. Examples include teasing to cause embarrassment, threatening to cause harm to the person, or teasing about a person's clothes or appearance.

### **RACIAL HARASSMENT**

Racial harassment is **unwanted** comments regarding a person's ethnic makeup. Examples include ethnic name-calling or making negative comments about a particular ethnic group.

### **PHYSICAL HARASSMENT**

Physical harassment is **unwanted** behavior of a physical nature. Examples include pushing, striking another student, or causing harm. Physical harassment, in some cases, is against the law and is defined as battery, assault or disorderly conduct.

### **INTIMIDATION**

Intimidation is **unwanted** threats to cause harm. Telling someone to watch his/her back or stating that someone else is going to beat him/her up are examples of intimidation. Another example is getting in someone's private space.

### **CYBER HARASSMENT**

Cyber harassment is using computers, cell phones or other electronic devices to harass or intimidate someone. Examples include: posting negative comments, spreading rumors online, posting embarrassing photos and/or sending them via email or cell phone, or sending threatening/abusive messages.

## **HARASSERS BEWARE!**

Any form of harassment is wrong. **It will not be tolerated at school.** Harassment is taken seriously, and all complaints are completely investigated. Students who choose to harass another student can expect consequences which may include:

- |                              |                                  |
|------------------------------|----------------------------------|
| - in-school suspension       | - police referral                |
| - parent/guardian contact    | - detentions                     |
| - parent/guardian conference | - out-of-school suspension       |
| - verbal warnings            | - harassment prevention contract |

Harassment complaints can be report at [Wausauschools.org](http://Wausauschools.org) bookmarks under student behavior complaint form.

## **Prohibition Against Harassment and Discrimination Board Policy 5517**

The Wausau School District prohibits bullying and hazing or the threat of such activities by a student or group of students against other students or personnel. The Board of Education considers these actions to be a violation of its obligation to provide a safe, secure, flexible, inviting, and well-maintained environments that nurture student well-being and enhance teaching and learning, and determines them to be disruptive to the academic atmosphere.

### **BULLYING**

Bullying is defined as the repeated intimidation of others by the real or threatened infliction of physical, verbal, non-verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another. It may include, but is not limited to, action such as verbal taunts, spreading rumors, name-calling and put-downs, extortion of money or possessions, and exclusion from peer groups within the school, threatening another person, manipulating friendships, posting or sending mean-spirited messages about someone using cell phones, electronic mail, internet-based communications, texting, websites, blogs, etc. (also known as cyberbullying), organizing others to threaten, tease, or exclude a targeted individual, or any of the others listed. Such conduct based on race, ethnicity, disability, gender, or sexual orientation may contribute to harassment and discrimination in the school environment.

Students who engage in any act of bullying at school, at a school function, or in connection to any activity sponsored by the District, or while enroute to or from school, are subject to disciplinary action in accordance with Board Policy 5705, up to and including suspension or expulsion. In addition, cyberbullying can result in discipline whether it occurs on or off school property, irrespective of whether it involves an electronic device at school, at home, or at a third-party location, if it results in a substantial disruption of the school learning environment.

Students and employees shall be informed annually of this prohibition via the parent/guardian/student handbook, employee handbook, or other such publications. This policy shall not be interpreted to prohibit a reasonable and civil exchange of opinions or debate, which is protected by state or federal law.

### **HAZING**

Hazing is defined as any intentional, knowing, or reckless act meant to induce physical pain, embarrassment, humiliation, deprivation of rights, or that creates physical or mental discomfort, or that results in property damage or theft, and is directed against a student for the purpose of being initiated into, affiliating with, holding office in (collectively called "initiation activities"), or maintaining membership in any organization, club, or athletic team sponsored or supported by the District and whose membership is totally or predominately other students from the District. Hazing is prohibited and applies to any and all student-sponsored and adult-sponsored activities that have not been approved by the District. An example of an approved school-sponsored initiation activity is the ceremony for the induction of students into the National Honor Society.

Students engaging in any hazing or hazing-type behavior that is in any way connected to any activity sponsored or supported by the District will be subject to disciplinary actions in accordance with Board Policy 5705, up to and including suspension or expulsion. Students and employees shall be informed annually of this prohibition via the parent/guardian/student handbook, employee handbook, or other such publications.

The School Board shall comply with the Wisconsin statutes that require school boards to provide an instructional program designed to give students knowledge of effective means by which they may recognize, avoid, prevent, and halt physically or psychologically intrusive or abusive situations that may be harmful to them. Any student who feels that he or she is the victim of bullying or hazing should contact the building principal or his/her designee, or follow the complaint procedure provided in Board Policy 5405.

Students and others are prohibited from retaliating against those who report incidents of bullying or hazing or who assist in an investigation. Students and others who retaliate shall be subject to discipline consistent with District policies and procedures up to and including suspension or expulsion.

Employees who participate in, allow, or knowingly fail to enforce this policy will be subject to disciplinary action. Furthermore, as may be required by law, law enforcement officials shall be notified of bullying, cyberbullying, or hazing incidents.

## **Guidelines Relating to Alcohol and/or Other Controlled Substance Use Board Policy 5530**

The Wausau School District recognizes that alcohol and other controlled substance use and the problems associated with it are commonplace in our society. Students have the right to attend school in an environment that is free from use of alcohol, non-medical use of controlled substances, or use of any substance that alters perception or behavior. These substances interfere with the learning environment of students and the performance of students and employees.

The District regards alcohol and other controlled substance use, addiction, or chemical dependency as a behavioral/medical problem. To address the problem, cooperation and communication between the parent/guardian and school are necessary. Parents/guardians are urged to contact the school with concerns pertaining to alcohol and controlled substance use. The schools, in turn, will communicate with parents/guardians of students experiencing problems associated with alcohol and/or controlled substances.

The following actions are prohibited by students in or on District property, in any District-owned or contracted vehicle, or at any District or school-sponsored activities and events:

1. The use, possession, dispensing, distribution, manufacture, transfer, sale, or possession with intent to sell controlled substances, alcohol or drug paraphernalia (as defined by local, state and federal statutes); or any substance that alters perception or behavior; and
  2. Being under the influence of alcohol, controlled substances, or use of any substance that alters perception or behavior.
- Parents/guardians and students will be informed annually through the Parent/Student Handbook of the established standards of conduct and possible sanctions related to the use and abuse of alcohol and controlled substances per the Parent/Guardian/Student Handbook. This policy will also be distributed through school newsletters and/or school handbooks. Failure to abide by this policy may result in disciplinary action up to and including suspension or expulsion from school. Any disciplinary action shall be done in accordance with state law and established procedures. Violation of this policy may also result in referral to law enforcement officials for prosecution under specific local, state, or federal laws.

The District shall assist students, parents/guardians, and staff to be aware of procedures that exist to deal with the problems associated directly or indirectly with controlled substance and alcohol use and abuse. This policy will be reviewed in school parent/guardian groups, student support groups, AODA peer training, and homerooms. The District will participate in programs, including student support programs that focus on prevention of drug and alcohol use and abuse and provide intervention and support for those students affected by controlled substance or alcohol problems. These programs should be part of a network of community services and be provided through both school and community efforts.

### **ALCOHOL AND/OR OTHER CONTROLLED ENFORCEMENT REGULATIONS**

1. Referral of students for use or possession of alcohol, controlled substances, or drug paraphernalia:
  - a. Anyone who has reasonable suspicion to believe that a student is using or possessing alcohol, controlled substances, or drug paraphernalia in or on District property, in any District-owned or contracted vehicle, or at any District or school-sponsored activities and events shall report such student to the principal or his/her designee.
  - b. The principal or his/her designee shall investigate the incident. If alcohol or controlled substance use is suspected, the student will be referred to a counselor, school nurse, or other appropriate person.
  - c. If an alcohol or controlled substance use is established as the problem by the principal or his/her designee, the student's parents/guardians will be notified immediately. Law enforcement will also be notified.
  - d. The principal or his/her designee may request the student's parents/guardians have the student receive medical test(s) from an appropriate agency and/or have the student assessed by a professional outside agency.
  - e. If possession is suspected, the student's locker or storage area may be subject to a search. Any alcohol, controlled substance, or drug paraphernalia confiscated will be turned over to law enforcement.
  - f. Suspension procedures shall follow for any student found in violation of this provision. A student may also be considered for expulsion depending upon the outcome of the investigation.
  - g. Subsequent violations may result in a recommendation for expulsion.
2. Referral of students for being under the influence of alcohol and/or controlled substances:
  - a. Anyone who has reasonable suspicion to believe that a student is under the influence of alcohol and/or other controlled substance in or on District property, in any District-owned or contracted vehicle, or at any District or school-sponsored activities and events shall report such student to the principal or his/her designee.
  - b. The principal or his/her designee shall investigate the incident. The student will be referred to a counselor, school nurse, or other appropriate person. The student's parents/guardians will be notified immediately.



- c. If the principal or his/her designee is unable to contact a parent/guardian of the student referred or if the parent/guardian is unable to take immediate charge of such student, the principal, in the interest of the health and safety of the student, may make arrangements for appropriate medical treatment and transportation to a medical facility.
  - d. The principal or his/her designee may request the student's parents/guardians have the student receive medical test(s) from an appropriate agency and/or have the student get an assessment by a professional outside agency.
  - e. Suspension procedures shall follow for any student found in violation of this provision. A student may also be considered for expulsion depending upon the outcome of the investigation. Law enforcement may be involved.
  - f. Subsequent violations may result in a recommendation for expulsion.
3. Student Self-Referral:
- a. A counselor sought out by a student will try to help the student or will refer the student to an appropriate community agency.
  - b. Confidentiality will be maintained by the counselor who will encourage the student to talk with parents/guardians and seek additional help. Only individuals who need to know will be involved.
4. Referral of students for dispensing, distributing, transferring, manufacturing, selling, or possessing with intent to sell alcohol, controlled substances, or drug paraphernalia:
- a. Anyone who has reasonable suspicion to believe that a student is dispensing, distributing, transferring, manufacturing, selling, or possessing with the intention of selling alcohol, controlled substances, or drug paraphernalia on District property, in any District-owned or contracted vehicle or at any school-sponsored activity shall refer such student to the principal or his/her designee.
  - b. The principal or his/her designee, shall investigate the incident and contact the student's parents/guardians.
  - c. The student's locker and/or storage area may be subject to search during the investigation. Any confiscated alcohol, controlled substance, or drug paraphernalia will be turned over to the police.
  - d. A referral will be made to the police for possible violation of local, state, or federal laws.
  - e. Suspension procedures shall follow for any student found in violation of this provision. A student may also be considered for expulsion depending upon the outcome of the investigation.
  - f. Subsequent violations may result in a recommendation for expulsion.

## **TOBACCO PRODUCTS**

Students are not permitted to possess or use tobacco in the building, on the school grounds, or within the area immediately surrounding the grounds. Also, students in possession of related smoking materials, such as matches, lighters, e-cigarettes, vaping pens, or Juul products will be in violation of this policy. Violation is a serious offense and will result in an in-school or out-of-school suspension of up to three days and/or a municipal citation.

## **Horace Mann is a Tobacco-Free Zone!**

### **Guidelines Relating to Tobacco Use Board Policy 5512**

As a result of the extreme health risk to children and adults, the use of all tobacco-related products (smoking and smokeless products, including e-cigarettes and/or vapor pens) are prohibited from use on premises and property owned, leased, or rented by, or under the control of the Wausau School District. Furthermore, this prohibition is extended to all groups or individuals using and/or renting District property for education or non-educational purposes.

For the purpose of this Policy, "tobacco" includes, but is not limited to, cigarettes (including electronic cigarettes, nicotine vaporizers, and other substitute forms of cigarettes); cigars, loose tobacco, smokeless tobacco (including chewing tobacco and snuff); liquid nicotine, and other substances containing tobacco or nicotine.

# **BE RESPONSIBLE**

## **ATTENDANCE PROCEDURES**

Regular attendance during school hours including individual classes is required by state law. Under state law, ten days of excused absence from school are allowed for specific reasons that include illness, funerals, and family emergency. Attendance is taken in each individual class. (WI statute 118.15)

### **TARDINESS**

It is important that every student develop the habit of being on time. Tardiness disrupts classes and indicates a lack of concern and responsibility. If a student is more than ten minutes tardy to class, this will be considered an absence from that class.

- a. If you are tardy because you arrived late from another class where the teacher held you, get your excuse from that teacher.
- b. Students arriving late to school must check in and receive a pass from the Attendance Office. A note or phone call from a parent/guardian must be received by the attendance office for the tardy to be excused. If the Attendance Office does not receive a note or a phone call from a parent/guardian, the student will be considered unexcused.
- c. Discipline for classroom tardiness will be handled by individual teachers. However, continued tardiness may be referred to the associate principal.
- d. Students who are continually tardy to school will be referred to the associate principal. Students will be assigned either a lunch hour or an after-school detention to make up the time. Excessive tardiness will be considered truancy.

### **TRUANCY**

Truancy denotes any absences of part or all of one or more days from school during which the principal or teacher has not been notified of the legal cause of such absence by the parent/guardian of the absent pupil. (WI statute 118.15 & 118.16)

Students will be required to makeup all time missed for unexcused absences. For further information on attendance and procedures for students identified as habitually truant, please see the Board of Education Parent/Student Handbook on the district website.

When a student is identified as having attendance concerns, the student's Horace Mann school counselor or associate principal will meet with the student to discuss possible barriers to regular attendance and parents will be contacted by phone or in writing if concerns persist. At the discretion of the attendance secretary/associate principal, students will be referred to the Wausau Truancy Abatement Program. After multiple steps to alleviate absences involving students and parents, a referral may be made to the School Resource Officer to consider issuing a truancy citation.

**Wisconsin law - Wisconsin State Statute 118.15. (3)(a) requires students to be in school with no more than 10 parent-excused days per year. After 10 parent-excused days, students will need to be medically excused and documentation turned into the office.**

Being at school every day is key for your child to stay engaged, successful and on track to graduate. Absences can be a sign that a student is losing interest in school, struggling with school work, or dealing with personal issues. By 6th grade, absenteeism is one of three signs that a student may drop out of high school.

The longer students are away from school, peers and teachers, the more difficult it is for them to feel like they belong to the school community.

## **CELL PHONES & ELECTRONIC DEVICE POLICY**

At Horace Mann, we have a strict policy about no cell phones between 7:30 a.m. and 2:55 p.m. Cell phones and all other electronic devices (i.e. iPods, iPads, mp3 players, gaming devices, etc.) are to stay in student lockers during these hours.

Cell phones and other electronic recording devices are NOT to be taken into or used in the athletic locker room areas or in restrooms at any time. Cell phones and/or electronic recording devices may not be used to take pictures or video at any time without a teacher's prior approval, including before and after school. Horace Mann staff and students have an "expectation of privacy" that pictures or videos will not be taken.

## **LOCKER POLICY**

Lockers are made available for student use in storing school supplies and personal items necessary for use at school. They are not to be used for any other purpose without prior approval. Students are to keep their assigned locker unless it is changed by the issuing teacher or the office. Students will also choose a locker in the locker room. This locker will be used to store Physical Education clothes. Students must purchase a lock from the Physical Education Department. No other locks are allowed on any locker. The school is not responsible for anything taken from your locker. If you value your personal possessions, keep your locker locked and DO NOT give your combination to anyone! Students are not allowed to use any other student's locker. The hall locker and Physical Education locker are the property of the school and are provided for student use. The locker is not the student's private property and may be opened and inspected by school administrators at any time, for any reason, including searching for stolen items, weapons, drugs, or other items which place students or staff in danger. School personnel may take possession of any item in a locker which violates Wisconsin law or school rules.

In an effort to maintain the new condition of our lockers and ensure their looks and durability for years to come:

- Nothing is to be taped or attached on the outside of the locker.
- NO CONTACT PAPER is to be used inside the locker! It leaves behind a sticky residue and is very difficult to clean.
- All items inside the lockers need to be secured with magnets. We kindly ask that you refrain from using any type of tape on the inside of the lockers. If tape is used, it must be "painter tape" which can be purchased at most discount or home improvement stores.
- Items are not to be stored on top of the banks of lockers.

## **ACADEMICS**

### **ACADEMIC HONESTY**

Horace Mann Middle School regards academic honesty as a cornerstone of its mission. It is expected that all schoolwork submitted as a class requirement represent the original efforts of the student. Teachers, students, administrators, and parents/guardians are all important contributors to maintaining academic integrity at school. All forms of academic dishonesty are unacceptable!

Some examples of academic dishonesty include:

- Cheating on quizzes, tests, exams (giving or receiving unauthorized help)
- Plagiarism (using someone else's work, words, or ideas and claiming they are your own)
- Copying someone else's homework or other work
- Allowing your work to be copied
- Making up information, data, and/or citations
- Group work on individual assignments
- Forging information and presenting it as authentic or real
- Turning in the same work in multiple classes (projects or research papers) without prior teacher permission
- Having another person complete assignments or other work

- Completing another person's homework or assignments
- Purchasing or selling papers/assignments/homework
- Use notes or reference materials in an unauthorized way (cheat sheets; electronic means)
- Failure to follow a teacher's test-taking procedures

Students who are academically dishonest will be required to make up the class work or test to ensure an accurate assessment of the student's proficiency and skill level. Students will also be subject to disciplinary action.

## **Physical Education Curriculum**

The PE curriculum is what is classified as "non-linear." This means that individual teachers are engaged in different units/activities throughout the year. This is to prevent multiple classes in areas such as the pool or the fitness center at the same time. What this means for students is that they receive the same content by the end of each school year.

The work that we've done is to standardize our assessment practices as well as develop common rubrics for reporting to our parents and guardians. There are 7 units in which we engage every school year for every grade level. Each one of those units has a proficiency rubric attached to it with learning targets from the SHAPE Standards which are adopted on the national level. You will be able to find these rubrics, as well as all assessments, on your specific teacher's itsLearning pages.

### **Yearly Units/Activities**

<b>Swimming</b>	<b>Invasion Games</b>	<b>Net/Wall Games</b>	<b>Outdoor Pursuits/ Adventure Education</b>	<b>Target Games</b>	<b>Fitness</b>	<b>Dance</b>
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### **National Physical Education Standards**

<b><u>Standard 1</u></b> The physically literate individual demonstrates competency in a variety of motor skills and movement patterns.	<b><u>Standard 2</u></b> The physically literate individual applies knowledge of concepts, principles, strategies and tactics related to movement and performance.	<b><u>Standard 3</u></b> The physically literate individual demonstrates the knowledge and skills to achieve and maintain a health-enhancing level of physical activity and fitness.	<b><u>Standard 4</u></b> The physically literate individual exhibits responsible personal and social behavior that respects self and others.	<b><u>Standard 5</u></b> The physically literate individual recognizes the value of physical activity for health, enjoyment, challenge, self-expression and/or social interaction.
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### **Assessment & Grading**

Instructors will be using the proficiency rubrics daily to set classroom learning targets. Class activities center around the skills and knowledge necessary in developing as a competent mover. Teachers use formative assessments throughout the unit to give students feedback for improvement and how they can achieve meeting the standard/learning target. Quizzes, tests, peer feedback and work packets can also be used for students to demonstrate the knowledge they are gaining from participation in activities.

Grading/Reporting reflects the level of consistent performance demonstrated by the student throughout the entirety of the unit. Learning new skills and understanding concepts is an ongoing process and we are focused on the daily improvements made by each student. When reporting, we are informing parents and guardians on the overall progress and consistent performance demonstrated by their student.

## Report Card

When you receive your students report card it will look slightly different. Families that have gone through a Wausau School District elementary school will notice that our new reporting system will look very much like the ones from that experience. We want to be able to inform families what their students know and what their students can do. We feel that the following proficiency scale will communicate that much better than the traditional percentage based A, B, C scale.

<b>Wausau School District Middle School Physical Education Standards Based Reporting Guide</b>			<u>Indicators for Academic Success</u>	<u>Standard 4: Successful Learner Behavior Expectations</u>
	<b>EX</b>	<b>WOW!</b> Not only can you ride a bike by yourself but you can also pop a wheelie, jumps ramps and other stunts	<u><b>Exceeding the Standard</b></u> The student consistently exceeds grade level standards and expectations. Performance is characterized by self-motivation and the ability to apply the skill with consistent accuracy, independence and a high-level of quality.	<u><b>Exceeding Expectations</b></u> Student independently exceeds behavioral expectations through role modeling and leadership
	<b>ME</b>	<b>Congratulations!</b> You can successfully ride a bike on your own.	<u><b>Meeting the Standard</b></u> The student consistently meets grade level standards and expectations. Performance is characterized by the ability to apply skills with accuracy, independence and quality with minimal assistance. This is an excellent level of achievement and one that a student should be working towards as developmentally appropriate.	<u><b>Meeting Expectations</b></u> Student consistently demonstrates their ability to meet behavioral expectations
	<b>PR</b>	<b>Almost there!</b> You are pedaling well and staying upright as long as someone is there to assist.	<u><b>Progressing toward the Standard</b></u> The student is progressing toward grade level standards and expectations. Performance varies in consistency with regard to accuracy and quality. Student requires additional practice and support.	<u><b>Progressing Toward Expectations</b></u> Student meets behavioral expectations most of the time but with adult support
	<b>NM</b>	<b>Keep trying!</b> You're riding a bike but you need the assistance of training wheels.	<u><b>Not Meeting the Standard</b></u> Student has produced minimal evidence to garner an evaluation of performance, skills or abilities.	<u><b>Not Meeting Expectations</b></u> Student requires consistent adult support and/or intervention to meet behavioral expectations
	<b>NE</b>	<b>Please try</b> Make an attempt to show us what you can do.	<u><b>No Evidence</b></u> Student has not produced any evidence for the teacher to make an evaluation of performance.	<b>N/A</b>

## IMC

Horace Mann Middle School Library Media Center services all our students with access to over 21,000 books, magazines, subscription databases, ebooks, audiobooks, and a variety of digital resources. The Library collection serves students spanning 6th through 8th grade with resources supporting educational, special interest, and leisure reading. The HMMS LMC "takes into consideration the varied interests, abilities, learning styles, and maturity levels of the students served."

The Horace Mann Middle School LMC collection will "... provide a wide range of library materials at varying levels of difficulty, with diversity of appeal and the presentation of different points of view to meet the needs of students and teachers." (WSD Board Approved Selection Policy, 2521D)

Students visit the LMC for lessons with their ELA class; lessons focus primarily on information literacy, research skills, digital citizenship, and independent reading. Students are encouraged to visit the LMC during resource times and/or throughout the day. The LMC also has an on-line presence to allow for digital access to a variety of online resources and our online catalog. The LMC website can be found at <https://tinyurl.com/mryne6k3>

If you have any questions about the Horace Mann Middle School LMC please, contact Mrs. Engel, HMMS Library Media Director via email at [sengel@wausauschools.org](mailto:sengel@wausauschools.org) or call #715-261-0728.

A few things you need to know about the HMMS Library Media Center (LMC)

- ★ Students can check out up to four items at a time
- ★ Most items can be checked out for a two-week period and may be renewed once if there isn't a waiting list.
- ★ We do not have overdue fines; however, students may not check out other items if they have book fines or an overdue book.
- ★ If a student loses a book they will be billed the replacement cost of the book.
- ★ If a book comes back damaged and it needs to be repaired by our staff the cost will be \$3. If a book is damaged beyond repair, the student will have to pay the replacement cost.

### **On-line databases**

We have wonderful databases for students to use when working on research projects and homework. Here is how they can be accessed.

\*Go to Horace Mann Middle School IMC's Website

\*Then go to the **On-line Resources** link

#### **Biography in Context**

**Username: student**

#### **Facts on File: Issues and Controversies**

**User Name: HMMS**

**Password: 54403**

#### **CultureGrams Online**

**\*after you log in choose "My products page"**

User Name: **hmannms**

Password: **library**

#### **World Almanac for Kids**

**Username: hmms**

**Password: 54403**

#### **FactCite**

(Includes Biography for Beginners and Science Databases)

User Name: **hmms**

Password: **54403**

#### **SIRS Knowledge Source (Researcher)**

**\*after you log in choose "My products page"**

User Name: **hmannms**

Password: **library**

#### **Research in Context**

**Username: student**

**Remote Access Password: hmms**

If you have any questions about the Horace Mann Middle School IMC, please contact Mrs. Engel, Library Media Specialist.

## **STUDENT DRESS AND APPEARANCE**

Horace Mann takes pride in the appearance of its students. Students' attire reflects the quality of the school, conduct, school work and the general atmosphere of the school. We expect at all times that students will dress and groom themselves appropriately for school. It is expected that such dress will not be disruptive to the learning process. Responsibility for the personal appearance of students enrolled in the Wausau School District shall normally rest with the students themselves and their parent/guardian.

This code is not intended to limit the right of the building and/or district administration to establish rules or restrictions regarding other paraphernalia (including bandanas) or dress that disrupts or threatens to disrupt the learning environment of any school. If there is a disagreement between students and/or a parent/guardian and the staff regarding the appropriateness of clothing or other paraphernalia, the principal or his/her designee will make the final decision. Student dress or grooming shall not, however:

- a. affect the health or safety of students; or
- b. distract from or disrupt the learning process within the classroom or school setting.

**The principal or his/her designee makes the final determination of what is appropriate attire to be worn at school.**

## **BE RESPECTFUL**

### **PUBLIC DISPLAYS OF AFFECTION**

The school recognizes that genuine feelings of affection may exist between students; however, students shall refrain from behaviors such as hand-holding, hugging, and kissing on campus or at school-related events. Repeated or especially inappropriate behavior in this regard may result in disciplinary consequences.

### **SELLING/SOLICITATION**

There is to be no selling or solicitation of any items by students at school without receiving prior approval from the principal.

### **TRANSPORTATION**

State law requires that school districts provide bus transportation for pupils who live more than two miles from their school. Except for special education and handicapped students, the Wausau School District, for financial reasons, will not provide free bus transportation for students within the two-mile limit. It shall be the policy of the Wausau School District that the maximum walking distances to a school bus stop outside the Wausau city limits is 1/2 mile for middle school students. This policy applies to all students except for special education students.

Who can ride?

- A. Only students assigned to a bus may ride that bus.
- B. Students may only be picked up and dropped off at their assigned stop.
- C. A request to be picked up or dropped off at any other place MUST follow this procedure:
  - 1. A note from the parent/guardian must be taken to the associate principal of your school.
  - 2. The associate principal must sign the note giving permission for the change.
  - 3. The note must be given to the driver when boarding the bus.
  - 4. If a student rides a different bus, the driver will only take the student if there is a seat on the bus (This should be cleared with First Student Bus Company at 715-842-2268 before the associate principal signs the note.)
  - 5. The following information must be on the note: date note was written, place you wish to get off, day and date this change will take place, reason for change, and parent/guardian's signature.
- D. A Student School Bus Pass must be shown to the driver when boarding the bus.

### **BUS RIDER RULES**

- 1. No littering on the school bus.
- 2. Use proper boarding/departing procedures.
- 3. Do not use unnecessary loud, boisterous sounds, yell, be rude, discourteous, or annoying.
- 4. Remain seated at all times, except when boarding or departing the bus.
- 5. Do not eat/drink on the bus without the driver's permission.
- 6. Do not have parts of your body hanging out of windows.
- 7. Do not use improper language/profanity/gestures.
- 8. Do not throw objects in, at or out of the bus.
- 9. Do not engage in behavior that abuses the safety, well-being and respect of others on the bus or at the bus stop.
- 10. Do not push, trip, kick, hit, bite or spit.
- 11. Do not disobey instructions of, and/or show disrespect to, the bus driver.
- 12. Do not bring illegal/dangerous articles/substances and/or weapons on the bus.
- 13. Do not light matches, use lighters or possess or use tobacco products.
- 14. Do not tamper with bus equipment or destroy property.
- 15. Do not engage in sexual misconduct/harassment.
- 16. Do not fight or engage in violent behavior.
- 17. Do not use behavior that requires the bus driver to pull over in order to preserve the safety of others.

## WAUSAU SCHOOL DISTRICT CONTINUOUS NONDISCRIMINATION NOTICE

The Wausau School District does not discriminate against individuals on the basis of race, age, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes"). Federal law prohibits discrimination in education and employment on the basis of age, race, color, national origin, sex, religion, or disability.

Anyone who believes that the Wausau School District has inadequately applied the principles and/or regulations of Title VI, Title VII, Title IX, Section 504 or the Americans with Disabilities Act, may file a complaint with the WSD Equity Coordinator at the Longfellow Administration Center, 415 Seymour Street, Wausau, Wisconsin 54403, or by telephone at 715-261-0500.

Hauv paus tsev kawm ntawv Wausau tsis cais cais leej twg li ntawm hauv neeg, hnuv nyoog, xim nqaij tawv, kev ntseeg, hauv neeg keeb kwm, kev ntseeg, kev xeeb tub, cev xeeb tub, xwm txheej txij nkawm, niam txiv xwm txheej, kev nyiam poj niam txiv neej, poj niam txiv neej, (suav nrog kev hloov pauv poj niam txiv neej, kev hloov poj niam txiv neej lossis poj niam txiv neej), lossis lub cev, lub paj hlwb, kev xav, lossis kev kawm tsis taus ("Cov Chav Kawm Tiv Thaiv"). Tsoomfwv txoj cai txwv tsis pub muaj kev ntxub ntxaug hauv kev kawm thiab kev ua haujlwm raws hnuv nyoog, hauv neeg, xim tawv nqaij, lub tebchaws tuaj, poj niam txiv neej, kev ntseeg, lossis kev xiam oob qhab.

Ib tus neeg twg uas ntseeg tias Wausau Lub Tsev Kawm Hauv Nroog tau ua tsis tau raws li cov hauv paus ntsiab lus thiab/lossis cov cai ntawm Title VI, Title VII, Title IX, Ntu 504 lossis Txoj Cai Asmeskas Xiam Oob Qhab, tuaj yeem ua ntawv tsis txaus siab nrog WSD Tus Saib Xyuas Kev Ncaj Ncees ntawm Longfellow Administration Center, 415 Seymour Street, Wausau, Wisconsin 54403, lossis hu xov tooj ntawm 715-261-0500.

El Distrito Escolar de Wausau no discrimina a las personas por motivos de raza, edad, color, religión, origen nacional, ascendencia, credo, embarazo, estado civil, estado paterno, orientación sexual, sexo (incluido el estado transgénero, cambio de sexo o identidad de género), o discapacidad física, mental, emocional o de aprendizaje ("Clases protegidas"). La ley federal prohíbe la discriminación en la educación y el empleo por motivos de edad, raza, color, nacionalidad, sexo, religión o discapacidad.

Cualquiera que crea que el Distrito Escolar de Wausau ha aplicado inadecuadamente los principios y / o regulaciones del Título VI, Título VII, Título IX, Sección 504 o la Ley de Estadounidenses con Discapacidades, puede presentar una queja ante el Coordinador de Equidad de WSD en el Centro de Administración de Longfellow, 415 Seymour Street, Wausau, Wisconsin 54403, o por teléfono al 715-261-0500.

Specific complaints of alleged discrimination under Title IX (sex) and Section 504 (disability) should be referred to:

Dr. Keith Hilts  
Superintendent of Schools  
Wausau School District  
415 Seymour Street  
Wausau, WI 54402-0359  
715-261-0500

Christopher Nyman  
Director of Learning and  
Student Achievement  
Wausau School District  
415 Seymour Street  
Wausau, WI 54402-0359  
715-261-0500

Tabatha Gundrum  
Director of Human Resources  
Wausau School District  
415 Seymour Street  
Wausau, WI 54402-0359  
715-261-0500

Complaints can also be filed with the Office for Civil Rights:

U.S. Department of Education  
Office for Civil Rights- Chicago Office  
500 W Madison Street, Suite 1475  
Chicago, Illinois 60661

Phone: 312-730-1560  
Fax: 312-730-1576  
TDD: 312-730-1609  
E-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)  
Website: <http://www.ed.gov/ocr>



## **Board of Education Policies:**

### **2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

The Board is committed to providing an equal educational opportunity for all students in the District.

The Board does not discriminate on the basis of race, age, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes") in any of its student program and activities. This policy is intended to support and promote nondiscriminatory practices in all District and school activities, particularly in the following areas:

- A. use of objective bases for admission to any school, class, program, or activity;
- B. prohibition of harassment towards students and procedures for the investigation of claims (see Policy 5517);
- C. use of disciplinary authority, including suspension and expulsion authority;
- D. administration of gifts, bequests, scholarships and other aids, benefits, or services to students from private agencies, organizations, or persons;
- E. selection of instructional and library media materials in a nondiscriminatory manner and that reflect the cultural diversity and pluralistic nature of American society;
- F. design and implementation of student evaluation practices, materials, and tools, but not at the exclusion of implementing techniques to meet students' individual needs;
- G. design and configuration of facilities;
- H. opportunity for participation in extra-curricular and co-curricular activities provided that separate programs for male and female students may be available provided comparable activities are made available to all in terms of type, scope, and District support; and
- I. the school lunch program and other school-sponsored food service programs.

The Board is also committed to equal employment opportunity in its employment policies and practices as they relate to students. The Board's policies pertaining to employment practices can be found in Policy 1422, Policy 3122, and Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

In furtherance of the aforesaid goal, the District Administrator shall:

- A. Curriculum Content
  - 1. review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both sexes, various races, ethnic groups, etc. toward the development of human society;
  - 2. provide that necessary programs are available for students with limited use of the English language;
- B. Staff Training
  - develop an ongoing program of staff training and in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;
- C. Student Access
  - 1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
  - 2. verify that facilities are made available in a non-discriminatory fashion, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;
- D. District Support
  - require that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;
- E. Student Evaluation
  - verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

The District Administrator shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or equal access. The Compliance Officer(s) also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

The District Administrator shall attempt annually to identify children with disabilities, ages 3 - 21, who reside in the District but do not receive a public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient, including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis.

## Reporting Procedures

Students, parents and all other members of the School District community are encouraged to promptly report suspected violations of this policy to a teacher or administrator. Any teacher or administrator who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Students who believe they have been denied equal access to District educational opportunities in a manner inconsistent with this policy may initiate a complaint and the investigation process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

## Title IX Complaint Coordinators/District Compliance Officers (hereinafter referred to as the "COs")

The Board designates the following individuals to serve as the District's CO's:

Tabatha Gundrum  
Director of Human Resources  
715-261-0520  
415 Seymour Street, Wausau, WI 54403  
tgundrum@wausauschools.org

Katie Colwell  
Coordinator of Professional Learning  
715-261-0551  
415 Seymour Street, Wausau, WI 54403  
kcolwell@wausauschools.org

The names, titles, and contact information of these individuals will be published annually:  
in the staff and student handbooks.

- A. on the School District's website.

A CO will be available during regular school/work hours to discuss concerns related to student discrimination in educational opportunities under this policy.

## Investigation and Complaint Procedure

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

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

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

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

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

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

The investigation will include:

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

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definitions in this Policy, as well

as in State and Federal law as to whether the Complainant has been denied access to educational opportunities on the basis of one of the protected classifications, based on a preponderance of evidence standard. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

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, engage outside legal counsel to conduct the investigation consistent with this policy.

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

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above. The decision of the District Administrator will be reviewed by the Board upon request.

If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction, Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157. Any person, including the Respondent in a complaint, who is subject to disciplinary action up to and including termination as a result of a complaint may choose to file a grievance utilizing the District's grievance procedure as outlined in Policy 3340 or Policy 4340.

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

#### **Additional School District Action**

If the evidence suggests that any conduct at issue violates any other policies of the Board, is a crime, or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.) (Policy 8462), or threats of violence (Policy 8462.01), the CO or District Administrator shall take such additional actions as necessary and appropriate under the circumstances, which may include a report to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations.

#### **Confidentiality**

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

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

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

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

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts related to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions, both individual and systemic, taken to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

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

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

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Legal  
118.13 Wis. Stats.  
P.I. 9, Wis. Adm. Code  
P.I. 41, Wis. Adm. Code  
Fourteenth Amendment, U.S. Constitution  
20 U.S.C. Section 1681, Title IX of Education Amendments Act  
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974  
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act  
29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended  
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964  
42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975  
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

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

### **Introduction**

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

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

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

### **Coverage**

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

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

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

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

### **Definitions**

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

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

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
  - B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
  - C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
1. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.
    - a. *Rape* is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.
    - b. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - c. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
    - d. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
    - e. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
    - f. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by Wis. Stat. §§ 948.02 or 948.09, or whose status as a student prohibits such sexual contact per Wis. Stat. §948.095.
    - g. *Other Sexual Contact* includes the intentional emission of bodily fluids on the complainant, or at the direction of the Respondent, for the purposes of sexual gratification as defined in Wis. Stat. § 940.225(5)(b).
    - h. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
    - i. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
  2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
    - a. A current or former spouse or intimate partner of the victim;
    - b. A person with whom the victim shares a child in common;
    - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
    - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
    - e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
  3. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tammy Bents  
Employee Relations Specialist  
715-261-0523  
415 Seymour Street, Wausau, WI 54403  
tbents@wausauschools.org

Katie Colwell  
Coordinator of Professional Learning  
715-261-0551  
415 Seymour Street, Wausau, WI 54403  
kcolwell@wausauschools.org

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

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

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

TITLE(S)  
PHONE NUMBER(S)  
OFFICE ADDRESS(ES)  
EMAIL ADDRESS(ES)

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

*The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: <https://www.boarddocs.com/wi/waus/Board.nsf/Public>. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.*

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

### **Grievance Process**

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

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

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

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

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

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

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title IX Coordinator. alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

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

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

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

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

Because the Board is considered to have actual knowledge of sexual harassment or allegations of sexual harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of sexual harassment or allegations of

sexual harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or sexual harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to Wis. Stat. 48.981 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

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

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

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

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

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

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

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a formal complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal complaint to the other Title IX Coordinator who will then proceed with the grievance process with respect to that formal complaint.

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

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

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

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

### **Timeline**

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

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

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



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

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

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

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

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

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

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

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

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

### ***Consolidation of Formal Complaints***

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

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

### ***Informal Resolution Process***

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

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

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

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

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

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

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

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

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

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

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

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

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

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

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

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.
- C. Whether a person is allowed to audio record or video record any meeting or grievance proceeding will be consistent with the procedures established in Board Policy 2461 – Recording of IEP Team Meetings.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings.

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

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

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

### **Determination of Responsibility**

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

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

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

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

The written determination will include the following content:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Appeal**

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

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

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

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

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

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

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

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

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

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

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

## **Retaliation**

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

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

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

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

### **Confidentiality**

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

### **Application of the First Amendment**

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

### **Training**

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

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

All Board employees will be trained concerning their legal obligation to report sexual harassment to the Title IX Coordinator. This training will include practical information about how to identify and report sexual harassment.

### **Recordkeeping**

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

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

- A. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website.

### **Outside Appointments, Dual Appointments, and Delegations**

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

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

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

## **Discretion in Application**

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

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

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

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### **Legal**

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

## **8330 - STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Except for data identified by policy as "directory data," student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

### **Address Confidentiality Program**

Students who are verified participants in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice shall be permitted to use their substitute assigned address for all District purposes. The Board shall refrain from including the student's actual/confidential residential address in any student records or files (including electronic records and files) or disclosing the student's actual/confidential residential address when releasing student records. The Board shall only list the address designated by the Wisconsin Department of Justice to serve as the student's address in any student records or files, including electronic records and files. Further, the Board shall use the student's substitute assigned address for any and all communications and correspondence between the Board and the parent(s) of the student (or adult student). The student's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. The intentional disclosure of a student's actual/confidential residential address is prohibited.

The Board may enter into a memorandum of understanding with a county department under State statutes (s. 46.215, 46.22 or 46.23) or a tribal organization, as defined under Federal law, that permits disclosure of information contained in student records as provided under State

law in cases in which the student's parent, if the student is a minor or the student, if the student is an adult, does not grant permission for such disclosure.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" or "adult student" refers to a student who is eighteen (18) years of age or older.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of adult students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code, and provided that the student has not made a written request to the District that his/her parents not be permitted access to personally identifiable information from his/her records.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, or medical consultant); a contractor, consultant, volunteer or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g. a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers).

"Legitimate educational interest" is defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have a legitimate educational interest.

The Board authorizes the administration to:

- A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
  1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification - Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  2. the parent or eligible student, upon request, receive a copy of the record;
  3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record; and
  4. no later than the next working day, the District shall transfer to another school, including a private or tribal school, or school district, all student records relating to a specific student if the transferring school district or private school has received written notice from the student if s/he is an adult or his/her parent or guardian if the student is a minor that the student intends to enroll in the other school or school district or written notice from the other school or school district that the student has enrolled or from a court that the student has been placed in a juvenile correctional facility, as defined in s. 938.02(10p), or a secured residential care center for children and youth, as defined in s. 938.02(15g);

In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of, or in addition to, that which is provided by public, private, and tribal schools.

- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a juvenile detention facility in which the student has been placed, or a juvenile court that has taken jurisdiction of the student;
- C. disclose student records that are pertinent to addressing a student's educational needs to a caseworker or other representative of the department of children and families, a county department under s. 46.215, 46.22, or 46.23, or a tribal organization, as defined in 25 USC 450b(L), that is legally responsible for the care and protection of the student, if the caseworker or other representative is authorized by that department, county department, or tribal organization to access the student's case plan;
- D. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- E. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- F. release de-identified records and information in accordance with Federal regulations;
- G. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than a representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study.

This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the

study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

- H. disclose personally identifiable information from education records without consent, to authorized representatives of the Federal government, as well as State and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception.

This written agreement must include: (1) designation of the receiving entity as an authorized representative; (2) specification of the information to be disclosed; (3) specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements; (4) a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity; (5) a statement requiring the organization to destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed; and (6) a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, the District will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the District will verify, to the greatest extent practicable, that the personally identifiable information is used only for the audit, evaluation or enforcement of a government-supported educational program. The District will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District will verify that the information is destroyed when no longer needed for the audit, evaluation or compliance activity.

- I. request each person or party requesting access to a student's record to abide by Federal regulations and State laws concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent, or, if the student is an eligible student, without the written consent of the student, except as provided by applicable law.

## **DIRECTORY INFORMATION**

Each year the District Administrator shall provide a public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information":

- A. a student's name;
- B. photograph (with the choice of social media, school newsletters/publications, district/school website, yearbook or all places);
- C. major field of study;
- D. participation in officially recognized activities and sports;
- E. height and/or weight, if a member of an athletic team;
- F. dates of attendance;
- G. date of graduation;
- H. degrees and awards received;
- I. name of the school most recently previously attended.

Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory information" upon written notification to the Board within fourteen (14) days after receipt of the District Administrator's annual public notice or enrollment of the student into the District if such enrollment occurs after the annual public notice.

In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to



any person other than individuals within the recruiting services of the Armed Forces." The District Administrator is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of "directory information," either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the District Administrator shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information," on former students without student or parental consent unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

The Board shall not collect or use personal information obtained from students or their parents for the purpose of marketing or for selling that information.

## **INSPECTION OF INFORMATION COLLECTION INSTRUMENT**

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least fourteen (14) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within fourteen (14) business days of the principal receiving the request.

The District Administrator shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment;
- B. book clubs, magazine, and programs providing access to low-cost literary products;
- C. curriculum and instructional materials used by elementary and secondary schools;
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- E. the sale by students of products or services to raise funds for school-related or education-related activities;
- F. student recognition programs.

The District Administrator shall prepare administrative guidelines so that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law;
- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The District Administrator shall also develop guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;
- B. informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board.

46.22 Wis. Stats.  
46.23 Wis. Stats.  
115.298 Wis. Stats.  
118.125 Wis. Stats.  
118.125(2)(q) Wis. Stats.  
25 USC 450b(L)  
34 C.F.R. Part 99  
20 U.S.C. Section 1232f (FERPA)  
20 U.S.C. Section 1232g (FERPA)  
20 U.S.C. Section 1232h (FERPA)  
20 U.S.C. Section 1232i (FERPA)  
26 U.S.C. 152  
20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act  
20 U.S.C. 7165(b)  
20 U.S.C. 7908

## **5517 - STUDENT ANTI-HARASSMENT**

### **Prohibited Harassment**

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

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

The Board will vigorously enforce its prohibition against harassment based on the traits of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws (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 recurrence, and remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals students, administrators, teachers, staff, and as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

### **Other Violations of the Anti-Harassment Policy**

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

- A. Retaliating against a person who has made a report or filed a complaint alleging harassment, or who has participated as a witness in a harassment investigation;
- B. Filing a malicious or knowingly false report or complaint of harassment;
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties

### **Definitions**

#### **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 transgender status, change of sex, or gender identity), race color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights. 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.

## Harassment

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

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

## Sexual Harassment

"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 either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment 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. 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;
- D. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;
- E. 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;
- F. unwelcome behavior or words directed at an individual because of gender;  
Examples are:
  - 1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
  - 2. rating a person's sexuality or attractiveness;
  - 3. staring or leering at various parts of another person's body;
  - 4. spreading rumors about a person's sexuality;
  - 5. letters, notes, telephone calls, or materials of a sexual nature;
  - 6. displaying pictures, calendars, cartoons, or other materials with sexual content.
- G. 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.

- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; and
- I. 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 work place, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

Not all behavior with sexual connotations constitutes sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

### **Race/Color Harassment**

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

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

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

### **National Origin Harassment**

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

### **Disability Harassment**

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

### **Reporting Procedures**

Students and all other members of the School District community, as well as third parties, are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor, or District employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at their first opportunity.

Students who believe they have been subjected to harassment are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false.

If, during an investigation of a reported act of bullying in accordance with Policy 5517.01 – Bullying, the principal determines that the reported misconduct may have created a hostile learning environment and may have constituted harassment based on sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws, the principal will report the act of bullying to one of the Compliance Officers who shall assume responsibility to investigate the allegation in accordance with this policy.

Reporting procedures are as follows:

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

### **District Compliance Officers**

The Board designates the following individuals to serve as the District's "Compliance Officers" (hereinafter referred to as the "COs").

Matthew Collins  
Director of Pupil Services  
715-261-0570  
415 Seymour Street  
Wausau WI 54403  
mcollins@wausauschools.org

Henry Kremnitzer  
Student Safety Specialist  
715-261-0507  
415 Seymour Street  
Wausau WI 54403  
hkremnitzer@wausauschools.org

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

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

Any Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Thereafter, the COs must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within two (2) business days to advise them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer to conduct an investigation following all the procedures outlined in the complaint procedures.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin review and investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) calendar days of learning of the incident.

### **Investigation and Complaint Procedure**

Any student who believes that they have been subjected to harassment may seek resolution of their complaint through the procedures described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

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

## Complaint Procedure

A student who believes s/he has been subjected to harassment hereinafter referred to as the "Complainant", may file a complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the CO, District Administrator, or other District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District employee at the student's school, the CO, District Administrator, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) business days.

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

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or to be actively engaging in, harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant or the alleged harasser, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the District Administrator prior to any action being taken. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform 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 provided an opportunity to respond to the complaint.

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

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

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

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subject to harassment. In determining if harassment occurred, a preponderance of evidence standard will be used. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

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, engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the Complainant and the Respondent.

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

The decision of the District Administrator shall be final. If the Complainant feels that the decision does not adequately address the complaint they may appeal the decision to the State Superintendent of Public Instruction.

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

### **Additional School District Action**

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

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

### **Confidentiality**

The District will make all reasonable efforts to protect the rights of the Complainant and the Respondent. The District will respect the privacy of the Complainant, the Respondent, and all witnesses in a manner consistent with the District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed, however. All Complainants proceeding through the investigation process should be advised that as a result of the investigation, the Respondent may become aware of the Complainant's identity.

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

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Reprisal**

Submission of a good faith complaint or report of harassment will not affect the Complainant's status or educational environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator will develop a method of discussing this policy with the School District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the School District community at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, State, and Federal law.

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address and telephone number of the Compliance Officers, the name, mailing address and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

A copy of this policy shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

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

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

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;

- D. any written documentation of actions taken by District personnel;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any interim measures offered and/or provided to Complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

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

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

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Legal  
 48.981, Wis. Stats.  
 118.13, Wis. Stats.  
 P.I. 9, Wis. Admin. Code  
 P.I. 41 Wis. Admin. Code  
 Fourteenth Amendment, U.S. Constitution  
 20 U.S.C. 1415  
 20 U.S.C. 1681 et seq., Title IX of Education Amendments Act  
 20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974  
 29 U.S.C. 794, Rehabilitation Act of 1973  
 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

## **2240 - CONTROVERSIAL ISSUES IN THE CLASSROOM**

The Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion and likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

- A. is related to the instructional goals of the course of study and level of maturity of the students;
- B. does not tend to indoctrinate or persuade students to a particular point of view; and
- C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal. Issues pertaining to human growth and development, as defined by statute, are subject to 118.019, Wis. Stats.

When controversial issues have not been specified in the course of study, the Board will permit the instructional use of only those issues which have been approved by the principal.



In the discussion of any controversial issue in the classroom or in the course of professional duties, a teacher may not express a personal opinion, so that students are encouraged to develop their own opinion instead of relying on the opinion of a trusted teacher.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular classes/lesson for specified reasons. The student, however, will not be excused from participating in the course or activities mandated by the State and will be provided alternative learning activities during times of parent requested absences.

The District Administrator shall develop administrative guidelines for dealing with controversial issues. (See also Policy 3310 – Employee Expression in Noninstructional Settings)

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Legal

Garcetti v. Ceballos, 126 S. Ct. 1951 (2006)

## **2270 - RELIGION IN THE CURRICULUM**

As a public entity, the District must comply with the U.S. Constitution's First Amendment requirement that the District neither establishes religion in the schools nor prohibit students' free exercise of religion according to pertinent interpretation and application of those Constitutional provisions by the Courts. Accordingly, no Board employee will promote religion in the classroom or in the District's curriculum, or compel or pressure any student to participate in devotional exercises. Displays of a religious character must conform with Policy 8800 and AG 8800A, AG 8800B, and AG 8800D. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally. Teachers shall forward requests for religious accommodation in instruction to the Principal.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum shall be developed to include, as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board acknowledges the degree to which religion often is incorporated into certain aspects of the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District schools sometimes contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may contain such references, or may concern such issues, shall not, by itself, bar their use by the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the District's students, not for its conformity to religious principles. Students should receive unbiased instruction in the schools, so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets if any.

Accordingly, no student shall be exempted from completion of a required course of study on the grounds that components of the instruction interfere with the free exercise of his/her religion. However, if after careful personal review of the program's lessons and/or materials, a parent indicates to the school that either the content or activities conflict with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular class periods for specified reasons.

The student will be provided with alternate learning activities during the times of such parent requested absence.

For the privacy of students whose parents request that they not take part in the particular class periods for specified reasons, prior arrangements will be made for the student(s) to go to a supervised location where under the supervision of a staff member the student(s) will be provided with the alternate learning activities during the requested absence.

The District's instructional materials shall not be designed to influence students to accept or reject a particular religious belief or point of view, and the District Administrator shall prepare administrative guidelines to that effect.

Complaints by students or the public regarding any such course of study will be handled in accordance with Board Policy 9130.

See Reference: Policy 8800

See References: AG 8800A, AG 8800B, and AG 8800D

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U.S. Constitutional Amendment 1

## **2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION**

The Board respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

- A. political affiliations or beliefs of the student or his/her parents;
- B. mental or psychological problems of the student or his/her family;
- C. sex behavior or attitudes;
- D. illegal, anti-social, self-incriminating or demeaning behavior;
- E. critical appraisals of other individuals with whom respondents have close family relationships;
- F. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;
- G. religious practices, affiliations, or beliefs of the student or his/her parents; or
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The District Administrator shall establish procedures to provide parents with the opportunity to inspect any materials created by a third party used in conjunction with any such survey, analysis, or evaluation before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

Consistent with parental rights, the Board directs building and program administrators to:

- A. notify parents in writing of any surveys, analyses, or evaluations, which may reveal any of the information, as identified in A-H above, in a timely manner, and which allows interested parties to request an opportunity to inspect the survey, analysis, or evaluation; and the administrator to arrange for inspection prior to initiating the activity with students;
- B. allow the parents the option of excluding their student from the activity;
- C. report collected data in a summarized fashion which does not permit one to make a connection between the data and individual students or small groups of students;
- D. treat information as identified in A-H above as any other confidential information in accordance with Policy 8350.

For the privacy of students whose parents request that they not take part in the survey, arrangements will be made prior to the time period when the survey will be given, for the student(s) to go to a supervised location where under the supervision of a staff member the student will be provided with an alternate activity.

The Board shall not collect or use personal information obtained from students or their parents for the purpose of marketing or for selling that information.

The District Administrator is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the District Administrator is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

The notice shall provide the following:

- A. Notice of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:
  - 1. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose)
  - 2. the administration of any survey by a third party that contains one or more of the items described in A through H above
- B. The opportunity for the parents to opt their child(ren) out of participation in any survey involving any of the items above.

Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to the student. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.

The term "personal information" means individually identifiable information including: a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; and a Social Security identification number.

This section does not apply to the collection, disclosure or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, student or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment
- B. book clubs, magazines, and programs providing access to low-cost literary products
- C. curricular and instructional materials used by elementary and secondary schools
- D. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
- E. the sale by students of products or services to raise funds for school-related or education-related activities
- F. student recognition programs

## **Parent Rights - Inspection of Materials**

Parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

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20 U.S.C. 1232g, 20 U.S.C. 1232h

## **9130 - PUBLIC REQUESTS, SUGGESTIONS, OR COMPLAINTS**

Any individual(s), having a legitimate interest in the staff, programs and operations of this District shall have the right to present a request, suggestion, or complaint to the District and the Board. At the same time, the Board reserves the right to protect District staff and the students from inappropriate harassment, disclosure of confidential information, and other violations of the staff or student's rights. It is the intent of this policy to provide a process for considering and addressing public requests, suggestions, or complaints in an efficient, reasonable, and equitable manner. Requests, suggestions, or complaints made by District staff members are covered by Policy 1422, Policy 3122, and Policy 4122. This policy is not to be used to appeal or to otherwise seek review of a personnel decision that was or could have been reviewed through the grievance policy, Policy 3340 or Policy 4340.

It is the desire of the Board to address any such matters through direct, informal discussions. It is only when attempts at informal resolution fail that more formal procedures shall be used.

Generally, requests, suggestions, or complaints reaching the Board or Board members shall be referred to the District Administrator for consideration. Only those items that are appropriate for consideration under this policy will be considered. The District Administrator may close out any such request presented to him/her that is not appropriate for consideration consistent with this policy. The Board reserves the right to reverse the District Administrator's decision to dismiss any item raised and to fully investigate or review the matter.

### **Guidelines for Consideration of Matters Brought Forward Under this Policy**

#### **A. First Level**

Generally, if the matter raised involves a staff member the individual(s) should discuss the matter with the staff member, if appropriate. The individual shall take appropriate action within his/her authority and District administrative guidelines to deal with the matter. Matters related to other aspects of the District operations, programming, or other decisions shall be brought generally to the administrator closest to the issue (e.g. if the matter relates to a decision, procedure, or the like in one of the schools, the matter should be raised first with the building principal or a designated person in the school).

Discussion with the staff member may not be appropriate in some situations including, for example, where the matter involves suspected child abuse, substance abuse, or any other serious allegation that may require investigation or inquiry by school officials prior to approaching the staff member.

As appropriate, the staff member shall report the matter and whatever action may have been taken to his/her supervisor.

#### **B. Second Level**

If the matter has not been satisfactorily addressed at the First Level or it would be inappropriate to discuss the matter with the staff member, the individual(s) may discuss the matter with the staff member's supervisor, if applicable. Discussions with the supervisor shall occur promptly following any discussion with the staff member. If the matter involves allegations of harassment, discrimination, bullying, or other conduct implicating other policies and investigative procedures, the supervisor shall proceed to follow the applicable procedures which may include informing the District Compliance Officer for further review.

Matters not involving staff members that are not resolved at the First Level may be brought to the Third Level.

#### **C. Third Level**

If the matter has not been satisfactorily addressed at the Second level, and the matter does not involve the District Administrator, the individual(s) may submit a written request for a conference to the District Administrator. This request should include:

1. the specific nature of the request, suggestion or complaint and a brief statement of the facts giving rise to it;
2. the respect in which it is alleged that the individual(s) (or child of a complainant) has been affected adversely, if at all, or an explanation of other adverse results or impact of the matter;
3. the action which the individual(s) wishes taken and the reasons why it is felt that such action be taken.

The request shall be submitted promptly after discussion with the staff member's supervisor.

#### D. Fourth Level

If the matter has not been satisfactorily addressed at the Third Level, or at the First Level in the case of a matter involving the District Administrator, the individual(s) may submit a written or verbal request to the Board to address the matter. Any such request shall be submitted promptly after the latest attempt to resolve the matter. The written submission shall include all correspondences pertaining to the matter between the individual and any School District officials or employees.

The Board, after reviewing all material relating to the matter, will provide a written response or may, at its discretion, grant an opportunity to address the Board or a committee of the Board prior to making a final decision on the matter.

The Board's decision, or the decision of the committee of the Board to which the matter was referred, will be final on the matter. The Board may choose to consolidate complaints or other communications for consideration if more than one individual raises similar concerns before it, but reserves the right to refuse to consider any subsequent complaint on the same matter unless previously unknown material facts are raised.

If the individual(s) contacts an individual Board member to discuss the matter, the Board member shall refer the individual(s) to this policy or the District Administrator for further assistance.

#### **Guidelines for Matters Regarding Instructional Materials**

The District Administrator shall inform students and parents each year regarding their right to inspect instructional materials used as part of the educational curriculum and the procedure for completing such an inspection. See Policy 2416, AG 9130A.

If the request, suggestion, or complaint relates to instructional materials such as technology, textbooks, library books, reference works, and other instructional aids used in the District, the following procedure shall be followed:

- A. The criticism is to be addressed to the Director of Technology and Media Services, verbally or in writing, and shall include:
  1. author;
  2. title;
  3. sections objected to by page and item;
  4. reasons for objection.
- B. If the request, suggestion or complaint relates to library materials, see Policy 2521D - LIBRARY SELECTION POLICY.
- C. If the request, suggestion, or complaint relates to the human growth and development curriculum or instructional materials, it shall be referred to the Director of Secondary Education and the advisory committee responsible for developing the human growth and development curriculum and advising the Board on the design, review, and implementation of the curriculum. (See Policy 2414).
- D. The material in question may be temporarily withdrawn from use pending final resolution of the matter.
- E. The committee's recommendation shall be reported to the District Administrator in writing within 30 business days following the first meeting of the committee, unless extended time is granted by the District Administrator. The District Administrator will advise the individual(s), in writing, of the committee's recommendation and the District Administrator's decision. The District Administrator shall also advise the Board of the committee's recommendation and his/her decision.

No challenged material may be permanently removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

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118.01, Wis. Stats.  
118.019, Wis. Stats.  
20 U.S.C. 1232h

#### **5136 - PERSONAL COMMUNICATION DEVICES**

"Personal communication devices" ("PCDs") as used in this policy are defined in Bylaw 0100.

**Student use of PCDs will be governed by the individual school's student handbook or the District's Parent/Student Handbook.**

Students may use PCDs before and after school, during their lunch break, in between classes as long as they do not create a distraction, disruption or otherwise interfere with the educational environment, during after school activities (e.g., extra-curricular activities), or at school-related functions. Use of PCDs, except those approved by a teacher or administrator, at any other time is prohibited and they must be stored out of sight.

However, technology including, but not limited to, PCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the building principal.

Students may use PCDs while riding to and from school on a school bus or other Board-provided vehicles or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the classroom teacher, or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

PCDs, with cameras or any other recording capabilities, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The District Administrator and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex (including sexual orientation/transgender identity), disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Possession of a PCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the PCD is confiscated, it will be released/returned to the student's parent after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned over to law enforcement. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's main office until it is retrieved by the parent or turned over to law enforcement. School officials will not search or otherwise tamper with PCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 - Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

Parents are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents during the school day.

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## **5517.01 - BULLYING**

### **STATEMENT OF PURPOSE**

The Wausau School District prohibits bullying, hazing, discrimination and harassment or the threat of such activities by a student or group of students against other students or personnel in any form it may take. The Board of Education considers these actions to be a violation of its obligation and Shared Key Interest to provide safe, secure, flexible, inviting, and well-maintained environments that nurture student well-being and enhance teaching and learning, and determines them to be disruptive to the academic atmosphere. All reports of bullying will be taken seriously.

### **DEFINITIONS:**

- A. Aggressive behavior: physical or verbal behavior described as leading to self-assertion; it is often angry and destructive and intended to be injurious, physically or emotionally, and aimed at domination of one person by another.
- B. Cyberbullying: Sending, posting, or sharing negative, harmful, false or mean content about someone else through use of digital devices, occurring through text message, apps, social media, online forums, blogs, gaming or e-mail.
- C. Discrimination: the prejudicial treatment of people based on protected categories.
- D. Harassment: persistent and unwelcome conduct, advances, gestures, or words that are based on any legally protected categories.
- E. Power: the capacity or ability to direct or influence the behavior of others or the course of events., including, but not limited to, through use of physical strength, access to embarrassing information, popularity.

## BULLYING

Bullying is defined as the unwanted, aggressive behavior among school-age children that involves a real or perceived power imbalance. The behavior is reasonably perceived as being dehumanizing, intimidating, hostile, humiliating, threatening, or otherwise likely to evoke fear of physical harm or emotional distress. The behavior is repeated, or has the potential to be repeated, over time and can be physical, verbal, or indirect. Both students who are bullied and students who bully others may have serious, lasting problems. Bullying may consist of the real or threatened infliction of physical, verbal, non-verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another. Such conduct based on race, ethnicity, disability, gender, or sexual orientation, physical ability or disability; and social, economic, or family status." may contribute to harassment and discrimination in the school environment. Bullying may include, but is not limited to:

- A. Verbal taunts;
- B. Spreading rumors, name-calling, and put-downs;
- C. Extortion of money or possessions;
- D. Exclusion from peer groups within the school;
- E. Threatening another person;
- F. Manipulating friendships;
- G. Posting or sending negative, harmful, false or mean-spirited messages about someone using cell phones, electronic mail, internet-based communications, texting, websites, blogs, social media etc. (also known as cyberbullying); including hacking into another's account and posing as that person.
- H. Organizing others to threaten, tease, or exclude a targeted individual, or any of the above;
- I. Retaliation against individuals who report or cooperate in an investigation conducted pursuant to this policy.

In order to be considered bullying, the behavior must be aggressive and include:

- A. **An imbalance of power:** Students who bully use their power, such as physical strength, access to embarrassing information, or popularity, to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people; and
- B. **Repetition:** Bullying behaviors happen more than once or have the potential to happen more than once.

Students who engage in any act of bullying at school, at a school function, or in connection to any activity sponsored by the District (whether it is held on school premises or not), or while enroute to or from school (whether it is by District sponsored transportation or walking) are subject to disciplinary action up to and including suspension or expulsion. In addition, cyberbullying can result in discipline whether it occurs on or off school property, irrespective of whether it involves an electronic device at school, at home, or at a third-party location, if it results in a substantial disruption of the school learning environment.

## TRAINING/EDUCATION

Students, parents, and employees shall be informed annually, and additionally as the need arises, of this prohibition via the parent/student handbook, employee handbook, other such publications, and through age-appropriate training at the building level. Parent education is seen as a critical component and addressed on an ongoing basis through when opportunities arise at events such as PTO meetings, open houses, scheduling meetings, orientations, and other venues as appropriate. Additionally, this policy shall not be interpreted to prohibit a reasonable and civil exchange of opinions or debate, which is protected by state or federal law.

## HAZING

Hazing is defined as:

- A. any intentional, knowing, or reckless act meant to
  1. induce physical pain, embarrassment, humiliation, deprivation of rights; or
  2. create physical or mental discomfort; or
  3. result in property damage or theft; and
- B. is directed against a student for the purpose of being initiated into, affiliating with, holding office in (collectively called "initiation activities"), or maintaining membership in an organization, club, or athletic team sponsored or supported by the District and whose membership is totally or predominately other students from the District

Hazing is prohibited and applies to any and all student-sponsored and adult-sponsored activities that have not been approved by the District. An example of an approved school-sponsored initiation activity is the ceremony for the induction of students into the National Honor Society. Examples of prohibited hazing include, but are not limited to:

- A. Requiring a behavior for people to "earn" their way onto a team or activity;
- B. Physically or verbally abusing someone as a way of "initiation."

Students engaging in any hazing or hazing-type behavior that is in any way connected to any activity sponsored or supported by the District will be subject to disciplinary actions up to and including suspension or expulsion. Students and employees shall be informed annually of this prohibition via the parent/student handbook, employee handbook, or other such publications.

## REPORTING

The School Board shall comply with Wisconsin statutes that require school boards to provide an instructional program designed to give students knowledge of effective means by which they may recognize, avoid, prevent, and halt physically or psychologically intrusive or abusive situations that may be harmful to them. Any student who feels targeted by acts of bullying or hazing should contact the building principal designee. Students who file false reports of bullying or hazing will be subject to discipline, up to and including expulsion.

Complaints against a school board member shall be filed with the Board president or, if the complaint is against the Board president, the Board vice president.

## RETALIATION

Students and others are prohibited from retaliating against those who report incidents of bullying or hazing or who assist in an investigation. Students and others who retaliate shall be subject to discipline consistent with District policies and procedures, up to and including suspension or expulsion, and may be referred to law enforcement.

Employees who participate in, allow, or knowingly fail to enforce this policy will be subject to disciplinary action as per the Employee Handbook.

Furthermore, students may be referred to law enforcement for bullying, cyberbullying, or hazing incidents, and shall be referred to law enforcement where required by law.

## SUPPORT

Students who Administration has identified as bullied, cyberbullied, or hazed will be supported by:

- A. Being offered an opportunity to discuss the incident with a Pupil Services' staff member or other staff of their choice;
- B. Being offered on-going support with the goal of restoring self-esteem, confidence, and a feeling of safety in the school environment;
- C. Being offered encouragement to report further incidents.

Students who Administration has identified as bullying, cyberbullying, or hazing others by will be supported by:

- A. Being offered an opportunity to discuss the incident with an administrator, Pupil Services' staff member, or other staff member;
- B. Identifying the bullying behavior, the need to change, and support to change;
- C. Working to discover why the student became involved in the act of bullying;
- D. Enlisting the assistance of the parents/guardians or other supportive adult to assist in changing the behavior/attitude of the student.

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Wis. Stat. 118.46

## **5500 - STUDENT CODE OF CLASSROOM CONDUCT**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty should be maintained in the schools of this District.

The District Administrator shall establish procedures to carry out Board policy and philosophy, and shall hold all school personnel, students, and parents responsible for the conduct of students in schools, on school vehicles, and at school-related events.

Student conduct on or adjacent to school premises, on school vehicles, and at school-related events and activities shall be governed by the rules and provisions of the Student Code of Classroom Conduct. In addition, student conduct on internet-based social media outlets, when such conduct disrupts the learning environment of the school or staff, is governed by the Code of Conduct. This Code of Classroom Conduct shall include, but not limited to, the following items:

- A. specification of what constitutes dangerous, disruptive, or unruly behavior that interferes with the ability of the teacher to teach effectively, which therefore permits the teacher to temporarily remove the student from class;
- B. other student conduct that may be used by a teacher as a basis to remove a student from class; and
- C. procedures for notifying the parent of a student's removal and procedures for placement of a student that has been removed from class;

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning his/her physical and/or psychological well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline and reported to the appropriate law enforcement authorities.

The District Administrator shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

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175.32, Wis. Stats.

118.13, Wis. Stats.

118.164, Wis. Stats.

120.13, Wis. Stats.

Wis. Admin. Code P.I. 9.03

Wis. Admin. Code P.I. 41

Fourteenth Amendment, U.S. Constitution

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

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

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

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

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

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, 1979

## **5511 - DRESS AND GROOMING**

The Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools.

Accordingly, the District Administrator shall establish such grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such guidelines shall prohibit student dress or grooming practices which:

- A. present a hazard to the health or safety of the student himself/herself or to others in the school, including by way of communicating threats of harm or depictions of harmful conduct directed at others;
- B. interfere with school work, create disorder, or disrupt the educational program, including dress that promotes or depicts illegal activity, such as illegal drug use, underage alcohol consumption, or similar activities;
- C. cause excessive wear or damage to school property;
- D. prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

Such guidelines shall also apply to the dress requirements for members of the athletic teams, bands, and other school groups when representing the District at a public event. Where appropriate, a uniform or specific dress requirement shall be used for students when representing the District as described.

In enforcing the dress code, the following procedures shall be used:

- A. the principal shall serve as the initial arbiter of student dress and grooming in his/her building;
- B. before taking action to enforce dress code requirements, including by requiring that a student remove, cover, or otherwise conceal the item or depiction at issue, the principal shall determine whether the item constitutes protected speech in so far as the item independently makes a statement of a discernable nature to the observer by depiction, words, or combination of the two that does not require separate explanation.

Expressive dress may not be protected speech if it involves:

- A. Obscenity
- B. Language or depictions intended to incite violence or foment hatred of others

Dress that is speech may still be prohibited if it is likely to cause a substantial disruption to the educational environment. This may include dress that includes the use of vulgarity, discriminatory language including racial or ethnic slurs, negative stereotypes, violence, or other communication when the clear intent is to invoke strong reactions in observers so as to impair the ability of teachers and/or students to engage in educational pursuit.

No protected speech may be prohibited on the basis of disagreement by District officials with the specific point of view expressed if the topic is otherwise permitted (e.g. permitting depictions of support for one political party, but prohibiting depictions of support for the other).



If the clothing cannot be removed or concealed, and other clothing options are not available for the student, the student may be sent home after contact is made with the student's parent/guardian. The school will make attempts to collaborate with the guardian to provide alternative clothing so the student can remain within the educational environment.

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Legal  
120.13(1), Wis. Stats.

## **5200 - ATTENDANCE**

State law requires the Board to enforce the regular attendance of students. Further, the Board recognizes that the District's educational program is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose.

All children between six (6) and eighteen (18) years of age shall attend school regularly during the full period and hours, religious holidays excepted, that the school in which the child is enrolled is in session until the end of the term, quarter, or semester of the school year in which the child becomes eighteen (18) years of age, unless they fall under an exception under State law, this policy, or administrative guideline issued under this policy. A child who is enrolled in five (5) year-old kindergarten shall attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session until the end of the school term.

### **Parent Notification of Absence Required**

The Wausau School District Administrator shall require, from the parent of each student or from an adult student, who has been absent for any reason either a written or oral notification stating the reason for the absence and the time period covered by the absence. The Board reserves the right to verify such statements and to investigate the cause of each absence.

### **School Attendance Officer**

The District Administrator shall designate an administrator at each school to be the School Attendance Officer. The School Attendance Officer shall perform any duties and responsibilities s/he is required to perform by State law, this policy, and any administrative guidelines issued by the school. The duties of the School Attendance Officer shall include, but not be limited to, the following:

- A. Determining daily from attendance reports submitted by teachers which students enrolled in the school are absent from school and whether the absence is excused.
- B. Initiate communication with parent, guardian, and/or student to verify absence and promote school engagement.
- C. Submitting to the District Administrator, on or before August 1st of each year, a report of the number of students enrolled in the school who were absent in the previous year and whether the absences were excused. The District Administrator shall then submit this information to the State Superintendent.
- D. Providing student attendance information to individuals and agencies for purposes authorized by State law and the Board's Policy 8330 - Student Records.

### **Excused Absences**

As required under State law, a student shall be excused from school for the following reasons:

- A. **Physical or Mental Condition**  
The student is temporarily not in proper physical or mental condition to attend a school program.
- B. **Obtaining Religious Instruction**  
To enable the student to obtain religious instruction outside the school during the required school period (see Policy 5223 - Absences for Religious Instruction).
- C. **Permission of Parent**  
The student has been excused by his/her parent before the absence for any or no reason. A student may not be excused for more than ten (10) days per school year under this paragraph and must complete any course work missed during the absence. Examples of reasons for being absent that should be counted under this paragraph include, but are not limited to, the following:
  - 1. professional and other necessary appointments (e.g., medical, dental, and legal) that cannot be scheduled outside of the school day
  - 2. to attend a funeral
  - 3. legal proceedings that require the student's presence
  - 4. college visits
  - 5. job fairs
  - 6. vacations

**D. Religious Holiday**

For observance of a religious holiday consistent with the student's creed or belief.

**E. Suspension or Expulsion**

The student has been suspended or expelled.

**F. Program or Curriculum Modification**

The Board has excused the student from regular school attendance to participate in a program or curriculum modification leading to high school graduation or a high school equivalency diploma as provided by State law.

**G. High School Equivalency – Secured Facilities**

The Board has excused a student from regular school attendance to participate in a program leading to a high school equivalency diploma in a secured correctional facility, a secured child caring institution, a secure detention facility, or a juvenile portion of a county jail, and the student and his/her parent agrees that the student will continue to participate in such a program.<sup>1</sup>

**H. Election Day Official**

A high school student age sixteen (16) or seventeen (17) is permitted to be excused to serve as an election official provided that the following criteria are met: (1) the student has the permission of his/her parent to serve as an election official on election day; (2) the student has signed up and the municipal clerk has informed the principal that the student has been assigned to serve in this capacity; and (3) the student has at least a 3.0 grade point average or equivalent, or has met alternative criteria established by Board, if any. The principal shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as an election official if the child no longer has at least a 3.0 grade point average or the equivalent, or no longer meets the established alternative requirements. A student's absence to serve as an election official under this policy shall be treated as an excused absence. Where possible students are encouraged to provide advance notice as much as possible. Students are responsible for completing any missed school work and responsible for making appropriate arrangements to do so.

**Parent Communication**

It is the expectation that the parent/guardian initiates communication with school personnel within 48 hours of the absence to verify the absence.

**Unexcused Absences**

The School Attendance Officer will communicate with parent, guardian, and/or student to verify absence and promote school engagement.

**Late Arrival and Early Dismissal**

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the District.

The Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this District, the Board shall require that the school be notified in advance of such absences by written or personal request of the student's parent, who shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the School Attendance Officer.

No student shall be released to anyone who is not authorized such custody by the parents.

**Partial and Full Day Absence**

Per the Wausau School District:

**One-Half Day of School Absence:** Arriving at or leaving school and missing thirty (30) minutes or more of either the morning or the afternoon session at the elementary level and missing 50% of the instructional day at the secondary level. Attendance at the secondary level is taken by class period. Missing ten (10) minutes of a class period constitutes an absence for that class period. 4.

**Full Day of School Absence:** Three-fourths (3/4) of the instructional day at the secondary and elementary level is considered a full day absence.

**Truancy**

A student will be considered truant if s/he is absent part or all of one (1) or more days from school during which the School Attendance Officer, principal, or a teacher has not been notified of the legal cause of such absence by the parent of the absent student. A student who is absent intermittently for the purpose of defeating the intent of the Wisconsin Compulsory Attendance Statute Sec. 118.15, Wis. Stats. will also be considered truant.

A student will be considered a habitual truant if s/he is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

Designated school staff will consistently review student attendance records and attempt to actively engage the student and parent/guardian when attendance concerns are identified. The following actions may be utilized, but not limited to, to support and promote student attendance:

- A. procedures to be followed for notifying the parents of the unexcused absences of a student who is truant or a habitual truant and for meeting and conferring with such parents
- B. plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned
- C. methods to increase and maintain public awareness of and involvement in responding to truancy within the School District
- D. a provision addressing the immediate response to be made by school personnel when a truant child is returned to school
- E. the types of truancy cases to be referred to the District Attorney and the time periods within which the District Attorney will respond to and take action on the referrals
- F. plans and procedures to coordinate the responses to the problems of habitual truants, as defined under Sec. 118.16(1)(a), Wis. Stats., with public and private social services agencies and law enforcement
- G. methods to involve the truant child's parent in dealing with and solving the child's truancy problem

### **Notice of Truancy**

The School Attendance Officer shall notify a truant student's parent of the student's truancy and direct the parent to return the student to school no later than the next day on which school is in session or to provide an excuse for the absence. The notice under this paragraph shall be given before the end of the second school day after receiving a report of an unexcused absence. The notice may be made by electronic communication, personal contact, telephone call, or 1st class mail, and a written record of this notice shall be kept. The School Attendance Officer shall attempt to give notice by personal contact, telephone call, or, unless the parent has refused to receive electronic communication, notice by 1st class mail may be given. This notice must be given every time a student is truant until the student becomes a habitual truant.

### **Notice of Habitual Truancy**

When a student initially becomes a habitual truant, the School Attendance Officer shall provide a notice to the student's parent, by registered or certified mail, or by 1st class mail. The School Attendance Officer may simultaneously notify the parent of the habitually truant student by an electronic communication. The notice must contain the following:

- A. a statement of the parent's responsibility under State law to cause the student to attend school regularly
- B. a statement that the parent or student may request program or curriculum modifications for the student under State law and that the student may be eligible for enrollment in a program for children at risk
- C. a request that the parent meet with the appropriate school personnel to discuss the student's truancy  
The notice shall include the name of the school personnel with whom the parent should meet, a date, time, and place for the meeting and the name, address, and telephone number of a person to contact to arrange a different date, time, or place. The date for the meeting shall be within five (5) school days after the date that the notice is sent, except that with the consent of the student's parent the date for the meeting may be extended for an additional five (5) school days.
- D. a statement of the penalties, under State law or local ordinances that may be imposed on the parent if s/he fails to cause the child to attend school regularly as required by State law.

The School Attendance Officer will also continue to notify the parent of a habitual truant's subsequent unexcused absences.

### **Referral to the District Attorney**

Truancy cases may be referred to the District Attorney. The School Attendance Officer will ensure that appropriate school personnel have done the following before any case is referred to the District Attorney:

- A. met with the student's parent to discuss the student's truancy or attempted to meet with the student's parent and received no response or were refused
- B. provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the student's truancy and have curriculum modifications under State law
- C. evaluated the student to determine whether learning problems may be a cause of the student's truancy and, if so, have taken steps to overcome the learning problems, except that the student need not be evaluated if tests administered to the student within the previous year indicate that the student is performing at his/her grade level
- D. conducted an evaluation to determine whether social problems may be a cause of the student's truancy and, if so, have taken appropriate action or made appropriate referrals

Note that paragraph A. is not required if the meeting between school personnel, the student, and the student's parent, which was requested in the Notice of Habitual Truancy to the parent, did not occur within ten (10) school days after the Notice was sent. Paragraphs B., C., and D. are not required if appropriate school personnel were unable to carry out the activity due to the student's absences from school.

### **Make-up Course Work and Examinations**

Students who are absent from school, whether the absence was excused or unexcused, shall be permitted to make-up course work and examinations missed during the absence when they return to school. It is the student's responsibility to contact his/her teachers to determine what course work and examinations must be made-up. Teachers shall have the discretion to assign substitute course work and examinations. Teachers shall also have the discretion to specify where and when examinations and course work shall be completed, including outside regular school hours. The time for completing the work shall be commensurate with the length of the absence unless extended by the principal based upon extenuating circumstances.

Legal  
118.15, Wis. Stats.  
118.153, Wis. Stats.  
118.16, Wis. Stats.  
118.162, Wis. Stats.

## **5772 - WEAPONS**

The Board prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle, to the extent permitted by law and without the permission of the District Administrator.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms (including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, with unguarded blades, clubs, electric weapons, metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

The District Administrator will refer any student who violates this policy to the student's parents and may also make a referral to law enforcement. The student may also be subject to disciplinary action that may include immediate suspension and/or recommendation for expulsion.

This policy excludes weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off duty law enforcement officers, or out-of-state law enforcement officers;

- A. theatrical props used in appropriate settings;
- B. a knife lawfully used for food consumption or preparation, or a knife used for a lawful purpose within the scope of the person's business while on District property or at a District-sponsored activity.
- C. The School Forest resident caretaker (an employee of the District) may keep and store his/her firearms in the house he/she resides in at the School Forest. Such firearms may not be used for any unauthorized purposes at the School Forest.

Any student who has reason to believe that a person has or will violate this policy shall report to the District Administrator or the supervisor of the activity immediately. The report should include as much detail as possible concerning the person(s) involved, the weapon, the location of the person(s), and how this information was obtained.

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Legal  
120.13(1), Wis. Stats.  
943.13, Wis. Stats.  
948.605, Wis. Stats.  
948.61, Wis. Stats.  
18 U.S.C. 921(a)(3)  
18 U.S.C. 922  
20 U.S.C. 7151

## **7217 - WEAPONS**

The Board prohibits staff members, students, and visitors from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle to the extent permitted by law without the permission of the District Administrator. Policies regarding staff members are found in Policy 3217 and Policy 4217. The policy pertaining to students is found in Policy 5772.

No volunteer, including those who possess a concealed carry permit, may carry a weapon, concealed or open, if they transport students for school-sponsored events or school-related purposes in his/her own vehicle. This does not apply to the transportation of students related by blood or marriage to the volunteer if only such students are being transported.

### **Concealed Carry Permit Holders**

No parent or other volunteer may carry or in any fashion possess a concealed weapon, whether they hold a permit or not, while transporting students in a District-owned vehicle. Additionally, anyone, including a holder of a concealed carry permit license issued or recognized by the State of Wisconsin, is prohibited by virtue of Wis. Stat. 948.605(2)(b)1r from possessing a concealed weapon anywhere in or on school grounds including parking areas.

## Definition of "Weapon"

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms (including, but not limited to firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, (subject to the exceptions below) razors, with unguarded blades, clubs, electric weapons, metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off duty law enforcement officers, or out-of-state law enforcement officers;
- B. contracted personnel that are authorized by law to carry weapons in the course of their professional duties and for which the District and the contracted entity have a contract that authorizes employees of the contracted entity to carry a weapon on school grounds and in school buildings in the performance of their duties (i.e. armored transport services);
- C. theatrical props used in appropriate settings;
- D. starter pistols used in appropriate sporting events; and
- E. a knife lawfully used for food consumption or preparation, or a knife used for a lawful purpose within the scope of the person's business while on District property or at a District-sponsored activity.
- F. The School Forest resident caretaker (an employee of the District) may keep and store his/her firearms in the house he/she resides in at the School Forest. Such firearms may not be used for any unauthorized purposes at the School Forest.

The District Administrator may refer a visitor or volunteer who violates this policy to law enforcement officials. The visitor or volunteer may also be subject to other action such as loss of volunteer status at the sole discretion of the Board.

Any staff member who has reason to believe that a person has or will violate this policy shall report to the school Principal or their supervisor immediately. Failure to report such information may subject the staff member to disciplinary action, up to and including termination. The staff member may also confront the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

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Legal  
120.13(1), Wis. Stats.  
175.60, Wis. Stats.  
943.13, Wis. Stats.  
948.605, Wis. Stats.  
948.61, Wis. Stats.  
18 U.S.C. 921(a)(3)  
18 U.S.C. 922  
20 U.S.C. 7151

## 5771 - SEARCH AND SEIZURE

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

### School Property

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

The Board directs that the searches may be conducted by the District Administrator, building principals, associate principals, and/or building administrative designee.

### Student Person and Possessions

The Board recognizes that the privacy of students or 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 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 officer to conduct the search under the administrator's direction. If the officer is not available, the administrator may proceed with the search, unless the information justifying the search suggests that the student is in possession of dangerous materials whereby the expertise of law enforcement is necessary. In such a case, the school official shall contact law enforcement and request their assistance.

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

#### Parking Permit Required

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

Except as provided below, a request for the search of a student or a student's possessions will be directed to the building administrator. S/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, s/he may conduct the search without such consent. Whenever possible, a search will be conducted by the building administrator 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 administrator is responsible for contacting guardian following the search, including substances or objects found.

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.

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#### Legal

118.32, Wis. Stats.

118.325 Wis. Stats.

948.50, Wis. Stats.

Wisconsin Const. Art. 1 Section 11

U.S. Constitution, 4th Amendment

## **5530 - DRUG PREVENTION**

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community.

As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by referring abusers to the appropriate community resource through SRO's and/or school social workers.

For purposes of this policy, "drugs" shall mean:

- A. all dangerous controlled substances as so designated and prohibited by Wisconsin statute;
- B. all chemicals which release toxic vapors;
- C. all alcoholic beverages;
- D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;
- E. "look-alikes";
- F. anabolic steroids;
- G. any other illegal substance so designated and prohibited by law.

The Board prohibits the use, possession, concealment, or distribution of any drug and any drug-paraphernalia at any time on District property or at any District-related event.

The District Administrator shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools, including education, prevention and standards of conduct. Education shall be intended to develop awareness of: drug abuse, including prescription drug abuse, and prevention; the relationship between highway safety and the use of alcohol and controlled substances, including prescription drugs; and the relationship between youth suicide and the use of alcohol and controlled substances, including prescription drugs.

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Legal

118.01(2)(d), Wis. Stats.

118.24(2)(f), Wis. Stats.

118.257, Wis. Stats.

125.09(2), Wis. Stats.

Drug-Free Schools and Communities Act of 1986 as amended

20 U.S.C. 3171 et seq.

20 U.S.C. 3224A

# Horace Mann Middle School Building Layout

