

## C-FC POLICY COMMITTEE

June 26, 2019 School Board Meeting

### List of policies to consider for adoption:

- 1) 225 District Administrator Evaluation
- 2) 330 Curriculum Development and Improvement
- 3) 333 Parent Rights in Relation to District Programs
- 4) 333-Rule Student Privacy Protection Procedures
- 5) 333 Exhibit 1 Notification of Child's Participation in Survey Revealing Private Information
- 6) 333 Exhibit 2 Child's Participation in U.S. Dept of Education Funded Surveys
- 7) 342.1 Programs for Students with Disabilities
- 8) 342.3 Gifted and Talented
- 9) 342.5 Title 1 Programming
- 10) 342.8 Section 504 Plans and Services
- 11) 343.2 Class Size
- 12) 343.5 Online Learning Activities and District Online Courses
- 13) 343.44 Part-Time Open Enrollment
- 14) 345.11 High School Class Rank
- 15) 345.4 Promotion & Retention of Students Through 8<sup>th</sup> Grade
- 16) 345.6 High School Graduation Requirements
- 17) 345.64 Physical Education Credit Option
- 18) 346 Student Assessment Program
- 19) 346 Exhibit Annual Notice of Student Assessment Information
- 20) 347 Student Records
- 21) 347 Rule Notice
- 22) 347.1 Student Directory Data
- 23) 361.1 Instructional Materials Selection
- 24) 361.1 Rule Complaint Procedure
- 25) 361.1 Exhibit Complaint Form
- 26) 363.2 Safe & Responsible Use of the Internet and Other Technology Resources
- 27) 363.3 Technology for Students with Special Needs (Assistive Technology)
- 28) 411 Equal Educational Opportunities
- 29) 411 Rule Student Discrimination Complaint Procedure
- 30) 411 Exhibit 1 Public Notification of Student Nondiscrimination Policy
- 31) 411 Exhibit 2 Complaint Form
- 32) 411.1 Student Harassment & Bullying
- 33) 411.1 Rule 1 Reports by Students and Other Non-Employees
- 34) 411.1 Rule 2 Reports by Employees
- 35) 411.1 Rule 3 Responding to Reports of Bullying and Harassment Involving Students
- 36) 411.1 Rule 4 Board Guidelines for the District's Procedures, Services and Communications Related to Bullying and Harassment

- 37) 411.1 Exhibit Reporting of Bullying or Harassment Form
- 38) 411.2 Rule Procedures for Enrollment and Placement of Homeless Children and Youths
- 39) 411.3 Rule Procedures for Providing Transportation for Children in Out-of-Home Care (Foster Care)
- 40) 850 Sales and Solicitations on School Property

**List of policies to repeal/eliminate:**

Policy 1 and all former Policy Governance (or Coherent Governance) policies, all OPs, GPs, Els, B/SR's and Rs.

## **District Administrator Evaluation**

### **Policy 225**

The School Board shall regularly evaluate the performance of the District Administrator in order to: fulfill an important aspect of the Board's oversight responsibilities; encourage effective educational leadership and management within the District; engage the District's chief administrative employee in an ongoing exchange of evaluative information and insight; and make necessary judgments about the employment and compensation of the District Administrator.

At a minimum, the Board shall evaluate the District Administrator in writing every six months during the 1<sup>st</sup> two years of employment and yearly thereafter.

Along with the duties and responsibilities identified in the District Administrator's written job description or employment contract, any of the following may also serve as part of the foundation of the Board's evaluation of the District Administrator:

1. The District's mission and beliefs statement and the District's strategic plan;
2. Specific annual or other goals the Board has established and identified in consultation with the District Administrator;
3. The administrator standards identified by the Department of Public Instruction; and
4. Other leadership standards expressly identified by the Board in consultation with the District Administrator.

The Board shall use data and other available objective and subjective evidence to inform its evaluation of the District Administrator. The District Administrator shall be responsible for preparing such data and other evidence as he/she believes may be relevant to the evaluation process, except as otherwise directed by the Board. As part of the evaluation process, the Board may also require the District Administrator to complete a self-evaluation that assesses the present working relationship between the Board and the District Administrator, and that summarizes progress to date on District goals and on any other goals or expectations that had been established specifically for the District Administrator.

Evaluations shall help to identify and document particular individual performance goals for the District Administrator that correlate to (1) areas identified for professional improvement or growth; and/or (2) key District goals. Each time such a goal is established, the Board will work with the District Administrator to identify measurement mechanisms and performance indicators related to assessing future progress on the goal.

An evaluation may encompass not only the short-term period between the current and most recent evaluations, but may also address trends over longer time periods and the status of long-term projects and long-term planning initiatives.

Except for those periodic written evaluations required by law, not all evaluations that occur under this policy need to be reduced to a written document, provided that the Board is satisfied that a more informal process or outcome is sufficient at the time of the evaluation in question.

The Board President shall work with the District Administrator to ensure that sufficient meetings are scheduled so that the evaluation process can reach its conclusion in a timely fashion.

**Legal References:**

**Wisconsin Statutes**

Section 118.24 [administrator contracts]

Section 121.02(1)(a) [school district standard; verification of licensure]

Section 121.02(1)(b) [school district standard; professional development of employees]

Section 121.02(1)(q) [school district standard; evaluation of licensed staff]

**Wisconsin Administrative Code**

PI 8.01(2)(a) [annual certification to DPI of administrator's current license]

PI 8.01(2)(q) [board evaluation of district administrator]

PI 34.003 [DPI's administrator standards]

**Cross References: SP1; 9/28/11**

**Adoption Date: June 27, 2019**

## **Curriculum Development and Improvement**

### **Policy 330**

The major objective of curriculum development is to improve the District's educational offerings and its instructional activities and practices in order to increase student engagement in the learning process and improve student achievement. The School Board will provide the resources to develop and implement the curriculum within the financial capabilities of the District. The District's curriculum and instructional programs shall be in line with the state's educational standards, goals, and expectations; other applicable legal requirements; and the local goals and standards established by the Board and/or the administration.

To the extent consistent with the remainder of this policy, the Board delegates responsibility for the development, evaluation and improvement of the curriculum to the District's professional staff, under the leadership and direction of the District Administrator, Director of Curriculum, principal, and other administrators who have direct responsibilities in instructional areas.

Curriculum and instructional program development should be a participatory process within the District.

1. Communication and coordination among grade level and subject area teachers should be emphasized on a K-12 basis whenever curriculum is developed or evaluated. The Board encourages the use of intra-disciplinary and inter-disciplinary work teams.
2. The Board encourages practices that seek to engage the broader community in the evaluation of curriculum and instruction and in generating ideas for improvement.
3. The Board's belief is that all instructional personnel have a professional obligation to participate in and contribute to the curriculum development and evaluation processes.
4. Curriculum development and evaluation should be guided and supported by appropriate internal and external research.
5. The Board expects that the District's professional educators will seek and utilize resources and expertise from outside the District as they strive to develop and improve the effectiveness of the District's curriculum.

The District Administrator, or an appropriately-licensed designee, shall develop and implement a District curriculum plan to structure the curriculum development, evaluation, and improvement process. The District-level plan shall specify the normal allocation of instructional time among subject areas at the various instructional levels.

As part of the District-level plan, the District shall develop and maintain sequential curriculum guides, in either a print or electronic format, in the various subject areas identified in state law.

1. These guides shall provide the instructional framework for each broad area of study, and for specific courses.

2. Each guide shall specify the sequential learning objectives for the subject area and the core course content; identify the instructional resources that are available for each course/grade; identify appropriate means of student assessment; and include a program evaluation method.
3. The guides shall be aligned with applicable standards and goals. Explicit connections should be made between the standards and goals that are being addressed by particular curricular objectives and content.
4. The guides shall also be aligned with the District's locally-established learning goals and objectives. Explicit connections should be made between the local goals and objectives that are being addressed by the specific learning objectives and content of a given course of study.
5. The curriculum guides shall address and facilitate instructional differentiation within the applicable course of study.
6. Objectives and activities related to the use of technology and computer literacy shall be integrated into the curriculum guides for all grade levels.

The Board shall make decisions to add or remove District programs and areas of study. However, subject to the limitations and expectations defined in this policy, the administration shall have authority to approve and implement revisions to the various curriculum guides created for various subject areas. Within the programs and among the various courses and areas of study that have been approved by the Board, the District Administrator and building principals may also decide, without obtaining Board approval, whether a particular course, class, or curricular activity will be offered in a given semester, term, or school year.

Instructional personnel are responsible for providing student instruction that is consistent with applicable academic and instructional standards, the approved curriculum, any mandatory instructional elements or assessments that are included in the relevant curriculum guide(s), and such other directives or expectations as may be established by the employee's supervising administrator(s). In most cases, these general boundaries are expected to leave instructional staff with reasonable professional latitude to creatively define particular instructional activities, approaches to instruction, assignments, and means of assessment that will further the objective of improving student engagement and student learning, and that will also further the District's locally-established learning goals and objectives for students.

The District Administrator, or an appropriately licensed designee, shall establish, continuously monitor, and revise as necessary (e.g., due to newly issued standards or due to targeting a specific area for improvement) a schedule for conducting periodic program evaluations in each area of study that is covered by the District's sequential curriculum guides. After reviewing the results of such periodic evaluations, the District Administrator shall provide the Board with any reports and recommendations for possible Board action that he/she deems necessary or prudent.

#### **Legal References:**

##### **Wisconsin Statutes**

Section 118.01 [state educational goals and expectations]

Section 118.015 [development of a comprehensive reading curriculum]

Section 118.019 [human growth and development instruction]  
Section 118.30(1g)(a)1 [board adoption of academic standards]  
Section 120.12(14) [school board duty to determine school course of study]  
Section 120.13 [school board broad power to do all things reasonable for cause of education]  
Section 121.02 [school district standards; generally]  
Section 121.02(1)(k) [school district standards; curriculum plans]  
Section 121.02(1)(L) [school district standards; required instruction]

**Wisconsin Administrative Code**

PI 8 [school district standards, generally]  
PI 8.01(2)(k) [curriculum plan requirements for school districts]

**Cross References: SP1; 1/2/15**

**Adoption Date: June 27, 2019**

## Parent Rights in Relation to District Program/Activities and Student Privacy

### Policy 333

Parents may request a change in or exemption to their child's participation in certain District educational programs or activities in accordance with state and federal laws. These laws also grant parents and guardians the right to inspect certain materials that are part of the District's curriculum or other activities.

1. The parent of a student may, upon submitting a written request to the principal, opt their child out of participation in:
  - a. Instruction in human growth and development.
  - b. Instruction in certain health-related subjects (physiology and hygiene, sanitation, the effects of controlled substances and alcohol upon the human system, symptoms of disease and the proper care of the body).
  - c. The state-mandated achievement examinations annually administered to students in grades 4, 8, 9, 10, and 11 that are part of the Wisconsin Student Assessment System (WSAS).
  - d. Any state-mandated or federally-mandated achievement examination that is part of the WSAS and annually administered to students in grades 3, 5, 6, or 7, provided that approving an opt-out request is permitted by the applicable laws and regulations.
2. If the District conducts mental health assessments of any child or arranges to provide mental health services to any child, then, to the extent required by applicable law or as otherwise deemed appropriate by the administration, the District shall provide written notice to the child's parent describing such assessments or services and obtain the written consent of a parent for the child's participation. If applicable, any such notice and consent procedures will be directed to an adult student.
3. The District shall provide to the parent of each affected student advance notice of the District's intent to engage any of the following activities (including notice of the scheduled or approximate date of the activity), and, except where applicable law or this policy expressly requires the District to obtain affirmative consent, the parent shall have, **at a minimum**, the right to opt their child out of participation in each such activity:
  - a. Any activity involving the collection, disclosure or use of personal information collected from students for the purpose of marketing, or otherwise providing that information to others for that purpose.
  - b. Any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered by the school and scheduled by the school in advance, and (c) not necessary to protect the immediate health and safety of the student, or of other students; except that this paragraph shall not be interpreted to apply to any



such examination or screening that is required or expressly authorized by state law.

- c. Any survey that contains or reveals information concerning any of the following:
- political affiliations or beliefs of the student or the student's parent;
  - mental or psychological problems of the student or the student's family;
  - sex behavior or attitudes;
  - illegal, anti-social, self-incriminating or demeaning behavior;
  - critical appraisals of other individuals with whom students have close family relationships;
  - legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
  - religious practices, affiliations or beliefs of the student or student's parent; or
  - income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

However, if the District intends to require students to participate in any survey, analysis or evaluation that would reveal information concerning any of the eight protected-information categories above, and if the activity in question is funded in whole or in part by any program of the U.S. Department of Education, then the District shall first obtain the affirmative, written consent of a parent for the student's participation (or, for an adult student, the advance, affirmative consent of the adult student).

District staff shall take additional precautions to protect student privacy when engaging in any of the above-mentioned activities in accordance with established procedures.

4. Upon request to the District, the parent of a student may inspect:
- a. Any instrument used in the collection of personal information from students for the purpose of marketing, or otherwise providing that information to others for that purpose.
  - b. Any survey the District intends to administer or distribute to students that contains or that would reveal information in any of the eight protected-information categories listed within this policy, above.
  - c. Any survey created by a third party (regardless of content) before the survey is administered or distributed by the District to a student.
  - d. Any instructional materials (exclusive of tests or assessments) used as part of the educational curriculum for the student, which shall be interpreted to include, for example, (1) the curriculum and instructional materials used in any human growth and

development instructional program; and (2) the instructional materials used in connection with any survey, analysis or evaluation (including any research or experimentation program or project designed to explore new or unproven teaching methods) that is funded in whole or in part by any U.S. Department of Education program.

Parents shall make any of the above requests regarding inspection of materials or student participation in certain activities in writing to the principal or his/her designee. Other parent requests dealing with student participation in other curricular, instructional or programmatic activities that are not expressly identified in this policy may be made in the same manner. All requests will be judged individually and shall be based upon any applicable state or federal requirements or guidelines. The principal or his/her designee shall respond to such requests in a timely manner.

For purposes of this policy, the terms “survey,” “parent,” “invasive physical examination,” and “personal information for the purpose of marketing” shall be defined as those terms are defined (including applicable exceptions) in the federal Protection of Pupil Rights Amendment (PPRA).

The District shall inform parents of this policy and related procedures annually at the beginning of each school year. Any changes to this policy shall be made in consultation with parents of students.

#### **Legal References:**

##### **Wisconsin Statutes**

Section 118.01(2)(d)2.c [student exemption from certain health education activities]

Section 118.019 [human growth and development instruction]

Section 118.30(2)(b)3 [parental right to excuse child from taking state-mandated assessments in grades 4, 8, 9, 10 and 11]

##### **Federal Laws**

20 U.S.C. §1232(h) [Protection of Pupil Rights Provision of General Education Provisions; student privacy policies required and other privacy and parent’s rights mandates]

20 U.S.C. §7101 [obligation to obtain informed parental consent in connection with certain federally-funded mental health assessments and mental health services]

34 C.F.R. Sections 98.3 and 98.4 [U.S. Department of Education Regulations; last issued/revised under prior versions of the PPRA]

**Cross References: SP1; 3/9/18**

**Adoption Date: June 27, 2019**

## **Student Privacy Protection Procedures**

### **333-Rule**

#### **A. Protection of Student Privacy in the Administration or Distribution of Surveys Containing or Revealing Protected Information**

The following additional arrangements apply to further protect student privacy in the event the District administers or distributes any survey for which the District has not obtained affirmative, written consent from a parent or guardian (or adult student) and where the survey in question contains or would reveal information in any of the eight protected-information categories outlined in Board policy:

1. All student responses to such surveys shall be anonymous, unless the students' parents or guardians (or adult students) were given express notice that the survey responses would not be anonymous.
2. Students shall be informed that their participation in the survey is voluntary (i.e., participation remains the student's choice, even though the student's parent or guardian did not preemptively opt the student out of participation in the survey).
3. Survey responses will be collected and handled in a manner that prevents students and others with no legitimate role in the survey process from accessing the content of individual survey responses.

#### **B. Protection of Student Privacy in the Collection, Disclosure or Use of Personal Information for Marketing Purposes**

The following additional arrangements apply for the protection of student privacy in the event that the District collects, discloses or uses personal information from students for the purpose of marketing, or otherwise provides personal information to others for that purpose:

1. The District shall not sell, or allow the collection of personal information from students by others for the purpose of selling, any lists or other records that contain student or parent names, addresses, telephone numbers, or email addresses.
2. The District shall not collect, disclose or use a student's or parent's social security number for any marketing purpose, or for the purpose of selling such numbers.
3. The District shall honor any parent opt-out from the disclosure of personal information that is identified as "directory data" under the District's student record policies and/or procedures as an opt-out from the District's disclosure of any personal information collected from his/her student to any third party for the purpose of marketing.

4. The use of any instrument to collect personal information from students for the purpose of marketing must have the express pre-approval of the District Administrator.

**Cross References: SR1; 1/2/15**

**Adoption Date: June 27, 2019**

**Notification of Child's Participation in US Dept. of Education-Funded  
Survey Revealing Private Information**

**333-Exhibit 2**

Federal law requires the Cochrane-Fountain City School District to notify you and obtain written consent before the District requires your child to participate in any survey (including an evaluation) funded in whole or in part by the U.S. Department of Education that reveals information concerning any of the following:

- political affiliations or beliefs of the student or the student's parent or guardian;
- mental or psychological problems of the student or the student's family;
- sex behavior or attitudes;
- illegal, anti-social, self-incriminating or demeaning behavior;
- critical appraisals of other individuals with whom students have close family relationships;
- legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
- religious practices, affiliations or beliefs of the student or the student's parent or guardian; or
- income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

On [identify date of scheduled U.S. Department of Education-funded survey activity], the District plans to administer a [identify name of survey] to [identify who the survey is being administered to]. The survey is intended to [describe what the survey entails and the purpose of the survey]. You may inspect the survey and any instructional materials used in connection with the survey upon request. The building principal or designee shall respond to your request in a timely manner.

Please sign and return the consent form below no later than [identify return date] so that your child may participate in this survey.

Name of Child: \_\_\_\_\_

\_\_\_\_ **YES**, I give permission for my child to participate in the survey activity described above.

\_\_\_\_ **NO**, I do not want my child to participate in the survey activity described above.

Parent or Guardian Signature \_\_\_\_\_

**Cross References: SE2; 8/5/11**

**Adoption Date: June 27, 2019**

## Participation in Survey Revealing Private Information

### 333-Exhibit 1

Federal law requires the Cochrane-Fountain City School District to notify you and allow you to opt your child out of participating in certain surveys (including certain evaluations) that would reveal information concerning any of the following:

- political affiliations or beliefs of the student or the student's parent or guardian;
- mental or psychological problems of the student or the student's family;
- sex behavior or attitudes;
- illegal, anti-social, self-incriminating or demeaning behavior;
- critical appraisals of other individuals with whom students have close family relationships;
- legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
- religious practices, affiliations or beliefs of the student or the student's parent or guardian; or
- income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

Following is a schedule of planned student survey activities for the upcoming school year that may reveal such information.

*{Editor's Note: In the space below, list the specific or approximate dates when the survey activity is to take place, identify the type of the survey(s) to be administered or distributed, identify to whom the survey(s) is to be administered or distributed, indicate whether or not the survey responses will be submitted on an anonymous basis, and provide a summary of what the survey(s) entails.}*

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If you **DO NOT** want your child to participate in one or more of the above-listed survey activities that are applicable to your child, you should notify the building principal or designee in writing by no later than *[identify the deadline date]*. Any parent or guardian may also inspect any of the above-listed surveys, as well as any instructional materials used in connection with such surveys upon request. The building principal or designee shall respond to your request in a timely manner.

**Cross-References: SE1; 1/2/15**

**Adoption Date: June 27, 2019**

## **Programs for Students With Disabilities**

### **Policy 342.1**

The School Board recognizes its responsibility to provide an array of programs, interventions, aids, services, modifications, accommodations, and procedural and substantive protections for students with disabilities. The District's legal obligations with respect to students with disabilities arise under various state and federal laws, including but not limited to the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and section 118.13 and Chapter 115, Subchapter V of the state statutes. While this policy primarily addresses the District's special education program under the IDEA, the District recognizes that the various state and federal laws create both complimentary and independent rights, protections, and obligations. That is, special education under the IDEA represents only one aspect of the District's comprehensive program for students with disabilities. Further, in order to meet the needs and respect the legal rights of all students with disabilities, the District recognizes that it must not only maintain a comprehensive system of general processes and supports, but also assess each student as an individual and each situation in its unique context.

#### **IDEA Policies, Procedures, and Forms**

The Board has adopted a special education policy and procedure manual based on the model prepared by the Wisconsin Department of Public Instruction (DPI), presently without District-specific substantive modifications. The Board has also adopted the DPI model special education forms, presently without District-specific substantive modifications.

The Board delegates to the District Administrator and Director of Special Education the authority and responsibility to approve and immediately implement such changes to the District's special education policies, procedures, and forms as are necessary to comply with applicable law, including the approval and implementation of DPI-issued revisions to the DPI model policy and procedure manual and model forms. However, any discretionary substantive changes to the District's special education policies, procedures, and forms that deviate from the DPI models and that are not legally mandated shall be presented to the Board for approval prior to implementation.

The Director of Special Education shall have responsibility for recording, tracking, and reporting to DPI how the District's special education policies, procedures, and forms differ from the DPI models, if at all.

#### **IDEA Programs and Services**

Specific education programs and services for students with disabilities under the IDEA shall be determined by the student's individualized education program (IEP) team and based on an assessment of the student's individual needs. To the extent outlined in the student's IEP (and/or as a result of the application of other legal rights), such students shall participate in state or District academic assessments, with or without accommodations, or in appropriate alternate assessments.

The Board delegates to the District Administrator and Director of Special Education the

authority to designate and maintain a current list of the District employees who are authorized to serve as the local education agency (LEA) representative on District IEP teams and in other special education processes. Such designees shall receive periodic training that is specific to serving in that role. To the extent the administration designates an employee as an LEA representative whose current job description does not expressly include that responsibility, the District Administrator shall determine whether the applicable job description should be modified and advise the Board accordingly.

The District may contract with its assigned Cooperative Educational Service Agency, other public school districts, and other qualified persons to provide special education programs and/or services whenever the District determines that such contracting would appropriately meet the needs of the student(s) and otherwise serve as an appropriate means of implementing the special education and related services defined in each student's IEP.

### **Reports, Audits, and Plans**

The District Administrator or his/her designee shall complete and timely submit all special education report forms, audit materials, and District plans as may be required by any state or federal agency in relation to the District's programs for students with disabilities.

### **Legal References:**

#### **Wisconsin Statutes**

<u>Chapter 115, Subch. V</u>	[educational programs and services for children with disabilities]
<u>Section 118.13</u>	[student nondiscrimination]
<u>Section 118.30(2)(b)1</u>	[state student assessments; children with disabilities]
<u>Section 121.54(3)</u>	[student transportation; children with disabilities]

#### **Wisconsin Administrative Code**

<u>PI 11</u>	[educational programs and services for children with disabilities]
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#### **Federal Laws**

<u>Individuals with Disabilities Education Act</u>	[programs and services for students with disabilities]
<u>Section 504 of the Rehabilitation Act of 1973</u>	[disability discrimination; reasonable accommodations]
<u>Americans with Disabilities Act</u>	[disability discrimination; reasonable accommodations]

### **Cross References: SP1; 1/2/15**

**Adoption Date: June 27, 2019**



## **Gifted and Talented Program**

### **Policy 342.3**

Upon recommendation of the District Administrator, the School Board shall employ or, if already employed, designate the licensed employee who is assigned to coordinate the District's gifted and talented program (the "Coordinator"). The Coordinator shall have primary responsibility for overseeing the day-to-day implementation and the ongoing development, evaluation, and revision of the District's plan for gifted education for students in all grades.

The Coordinator shall not implement substantive amendments or changes in the District's plan for gifted education without first obtaining the approval of the District Administrator. If the District Administrator determines that a proposed change to the District's plan fundamentally alters the nature of the District's program for gifted education, the District Administrator shall present the proposed change to the Board for approval prior to implementation. Further, if any such change to the plan necessitates an amendment to an approved District budget (or to the Board's proposed budget if the budget for the school year in question has not yet been formally adopted), then the administration shall obtain advance Board approval of the change to the plan, and the related budget amendment(s).

Annually following the conclusion of each school year, or at such other times as may be directed by the District Administrator or the Board, the Coordinator shall prepare a written report concerning the status of the District's program and plan for gifted education.

The following are the Board's expectations for the District's program and plan for gifted education:

1. The plan and program shall provide for the identification and, as needed, further assessment or evaluation of students who may require educational programming, services, or activities based on identified exceptionalities in specific academic areas or in the other categories/capabilities that are addressed in the plan.
2. The identification and referral process within the plan and program shall allow for and encourage identification and referral based on multiple measures and multiple sources of information.
3. The plan and program shall provide an opportunity for parental participation in the identification and referral process, and in determining any individualized programming for the student.
4. The District's plan and program for gifted education shall be designed and implemented in a manner that is consistent with the District's nondiscrimination obligations and policies. No student shall be denied the opportunity to access or participate in gifted education in a manner that would constitute unlawful discrimination or that would otherwise violate any applicable law or Board policy.

5. The plan and program shall recognize that giftedness can emerge or be first identified at different ages; and, therefore, the plan or program shall not preclude initial identification based solely on a student's age or grade.

In meeting its obligation to provide gifted education, the District is required and challenged to identify and provide programming for students for whom there is demonstrated evidence of extraordinary capabilities and for whom some aspect(s) of the District's standard curriculum and regular programs may be inappropriate. At the same time, it is the Board's expectation that the District's standard curriculum and educational programs will be sufficiently adaptable, and cover a sufficiently wide span of rigor, such that they will be appropriate for, and adequately challenge, many students who are very intelligent, creative, hard-working, and resourceful, as well as many students who consistently demonstrate above-average performance. This expectation for the standard curriculum is aligned with the Board's foundational belief that all students have (1) a tremendous aptitude and capacity to learn; (2) valuable talents, skills, and abilities that should be nurtured and celebrated; and (3) unique educational needs and interests. Keeping this foundational belief in mind, the District will consider and may implement individualized curricular and program modifications or other individualized interventions for any student.

#### **Legal References:**

##### **Wisconsin Statutes**

Section 115.997(5)(b) [educational program placement of children affected by military transfer, including placement in gifted and talented programs]

Section 118.13 [student nondiscrimination]

Section 118.15(1)(d) [program and curriculum modifications]

Section 118.35 [programs for gifted and talented students]

Section 121.02(1)(t) [school district standard; gifted and talented education]

##### **Wisconsin Administrative Code**

PI 8.01(2)(t) [regulations for school district standards; gifted and talented education]

PI 18.04 [modifications to high school graduation standards to accommodate students with exceptional needs and interests]

**Cross References: SP1; 1/2/15**

**Adoption Date: June 27, 2019**

## **Title I Programming**

### **Policy 342.5**

In an effort to help students master challenging curricula and meet high academic standards, the District participates in the federal Title I program.

The District is a school-wide model Title 1 school. The District Administrator, in coordination with the District's designated Title I Coordinator shall have overall responsibility for monitoring both the success of the District's Title I programming and the District's compliance with the various legal requirements that apply to participation in the Title I program. The administration's oversight responsibilities in regard to the Title I program include the following:

1. Ensuring District-level involvement in the planning, delivery, and regular evaluation of the Title I programs and services at individual schools. This includes ensuring that school-based plans, goals, and service initiatives are complementary to District-level plans, goals, and initiatives.
2. Ensuring the appropriate development, maintenance, dissemination, and periodic updating of a District-level Title I parent and family engagement policy, and verifying that the corresponding school-level parent and family engagement policies and compacts are in place.
3. Ensuring the establishment and implementation of procedures for providing parents and guardians with the various notifications required under the federal Title I laws and regulations, including an annual notification of this policy.
4. Structuring opportunities for the District to appropriately coordinate and collaborate with private schools and other entities providing educational services (e.g., early childhood development programs) in the community.
5. Ensuring the appropriate documentation and reporting structures are in place to:
  - a. Monitor key compliance factors such as the District's maintenance of fiscal effort, the "supplement and not supplant" restrictions on the use of federal Title I funds, and, to the extent applicable, the intra-District comparability-of-service requirements established under federal law.
  - b. Facilitate the timely completion and submission of state and federal reports, applications, or other information that may be required or requested by state or federal officials in connection with the District's participation in the Title I program.
  - c. Appropriately track the allocation, distribution, and expenditure of Title I funds.

### **Legal References:**

#### **Federal Laws**

<u>20 U.S.C. Sec. 6312</u>	[local educational agency Title I plans; includes expectations regarding teacher and paraprofessional qualifications and annual notice requirements]
<u>20 U.S.C. Sec. 6313</u>	[Eligible school attendance areas]
<u>20 U.S.C. Sec. 6314</u>	[School-wide Title I programs]
<u>20 U.S.C. Sec. 6315</u>	[Targeted-assistance Title I schools]
<u>20 U.S.C. Sec. 6318</u>	[Parental involvement]
<u>20 U.S.C. Sec. 6320</u>	[Participation of children enrolled in private schools]
<u>20 U.S.C. Sec. 6321</u>	[Fiscal requirements]
<u>20 U.S.C. Sec. 6322</u>	[Coordination requirements]

**Federal Regulations**

<u>34 C.F.R Part 200</u>	[Federal Title I regulations]
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**Cross References: SP1; 12/6/16**

**Adoption Date: June 27, 2019**

## **Section 504 Plans and Services for Students with Disabilities**

### **Policy 342.8**

Pursuant to Section 504 of the Rehabilitation Act, the District shall provide a free appropriate public education (FAPE) to each eligible student who has a physical or mental impairment which substantially limits a major life activity. The District's duty to provide FAPE applies to each such student, regardless of the specific nature or severity of the student's disability. Further, the District shall not discriminate against any student based upon (1) any prior record of physical or mental impairment, or (2) a student being regarded as having a physical or mental impairment (e.g., based upon an assumption or perception of a disability). In connection with these obligations, the District shall take reasonable steps intended to protect a student with a disability from being harassed or retaliated against on the basis of the student's disability.

To meet its obligations under Section 504, the District shall:

1. Engage in appropriate notification and "child-find" activities that are designed to identify and locate children residing in the District who may have a disability and who may be in need of special education and related services;
2. Make and accept referrals for evaluations as required by law;
3. Conduct evaluations and make eligibility and placement determinations in a manner that reflects the standards and requirements established under both Section 504 and the Individuals with Disabilities Education Act (IDEA), such as the following: (a) parent consent is required for initial evaluations; and (b) all eligibility and placement determinations must be made on an individualized basis with a focus on the student's identified educational needs;
4. Employ appropriate procedural safeguards, including providing parents and guardians with required notices and appropriate opportunities to review their child's records;
5. Develop, implement, and appropriately review a written Section 504 plan for each qualifying student with a disability (NOTE: An individualized education program (IEP) generally serves as the 504 plan for students who are also IDEA-eligible provided that the IEP is sufficient to meet the District's Section 504 obligations to the student.);
6. Reevaluate students before any significant change in placement and in order to periodically redetermine eligibility; and
7. Adhere to appropriate procedures and standards in connection with the suspension and/or potential expulsion of any student with a disability.

The principal is the District's designated Section 504 Coordinator. The Coordinator shall have primary responsibility for the administrative procedures used within the District to implement the requirements of Section 504 and this policy. The Coordinator shall also be responsible for ensuring appropriate staff training and professional development in connection with the District's obligations under Section 504, and for monitoring and evaluating the District's overall implementation of Section 504.

The District encourages informal resolution of complaints and concerns regarding the implementation of Section 504 procedures. Accordingly, the Section 504 Coordinator shall make efforts to address a parent's or guardian's complaints or other concerns by appropriate means that may include scheduling additional meetings of relevant members of the applicable 504 team or attempting to mediate a resolution. Any informal resolution of a complaint or concern that requires a modification to a student's 504 plan shall be incorporated into the plan using appropriate procedures.

Any person who believes that a student with a disability has been discriminated against, retaliated against, or harassed on the basis of the student's disability, or who believes that the District has otherwise violated Section 504 or its implementing regulations, may file a complaint through the internal complaint procedure established under the District's student nondiscrimination policy. A person who wishes to file such a complaint, or who requires more information about the complaint procedure, should contact the District's Section 504 Coordinator or, if the Section 504 Coordinator is temporarily unavailable or if the complaint in question involves any alleged improper conduct by the Coordinator, the District Administrator.

A parent or guardian (or adult student) who disagrees with the identification, evaluation, educational placement, or the provision of a free appropriate public education of a student with a disability under Section 504, and who has been unable to reach a satisfactory resolution of the issue(s) with the District, has the right to request an impartial hearing. The complaining party shall have the right to participate in such a hearing, to present evidence, and to be represented by a person of their choice, including an attorney. A request for an impartial hearing must be made in writing and mailed or delivered to District Administrator. Upon receipt of a request for a hearing, the necessary arrangements will be made by the District, including the selection of a hearing officer. Any party aggrieved by the decision of the hearing officer may seek judicial review of the decision to the extent permitted by applicable law.

Relationship between Section 504 and the IDEA. Section 504 and the IDEA are related but distinct laws. For example, a student with a disability who is not eligible for special education or related services under the IDEA may have rights to receive certain aids, services, modifications, or academic adjustments under Section 504. Further, even in the case where a student with a disability does not need any special education or related services, or any modifications to the District's policies, procedures, or practices, the student remains protected by the general nondiscrimination provisions found within Section 504, Title II of the Americans with Disabilities Act, state law, and District policy.

Relationship between Section 504 and pre-referral intervention strategies. The Board encourages the identification and use of individualized interventions that address the unique needs of a student. A regular education intervention plan can be appropriate for any student who does not have a disability, and who is not suspected of having a disability, but who is facing challenges in school. However, such pre-referral assistance and interventions must not be intended to impede or to serve as a substitute for necessary referrals, evaluations, and eligibility determinations under the IDEA and/or Section 504.

**Legal References:**

**Wisconsin Statutes**

Section 118.13 [student discrimination prohibited]

**Wisconsin Administrative Code**

PI 9 [student nondiscrimination]

**Federal Laws**

Section 504 of the Rehabilitation Act of 1973 [disability discrimination; reasonable accommodations]

Individuals with Disabilities Education Act [programs and services for students with disabilities]

Title II of the Americans with Disabilities Act [disability discrimination; reasonable accommodations]

**Cross References: SP1; 1/2/15**

**Adoption Date: June 27, 2019**

## Class Size

### Policy 343.2

The Cochrane-Fountain City Board of Education supports appropriately small class sizes. Local experience and national research studies suggest that small class size contributes to more effective teaching and learning for all students and encourages a climate where students take learning seriously and help one another to succeed and grow, both academically and socially.

The District Administrator shall work with the administrative team to establish and maintain class sizes that promote a safe and productive learning environment. In making class assignments and determining class and program sizes, the administration will carefully consider factors such as the following:

1. Compliance with special education and other mandates/regulations;
2. Alignment with district goals;
3. Safety and available space;
4. The age level of the students;
5. The degree of dependence or independence of the students;
6. The number of special needs or at-risk students to be involved;
7. The unique learning needs of students;
8. The nature of the course or class content, as well as the activities to be conducted (i.e. chorus or band may require larger class size);
9. The courses which are sequential in nature (i.e. foreign language) where a commitment has been made to students;
10. The qualifications of teachers who are involved;
11. Cost and availability of alternatives.

Following are guidelines to be used by district administration, along with other variables, to determine when a class section should be eliminated or an additional class section added:

<u>Grade</u>	<u>Class Size Range</u>
5K	15-18
1	15-18
2	15-18
3	15-18
4-6	20-25
7-8	25-30
9-12 (core classes only)	25-30

Every effort will be made to keep class sizes within prescribed ranges, recognizing that there will be variations and exceptions. Additional instructional support may be provided through the assignment of additional teachers, aides, specialists or interns. In determining staffing, the administration and Board must balance the desire for small class size with the fiscal and space limitations of the District.



**Legal References:**

**Wisconsin Statutes**

- 118.001 [Duties and Powers of School Boards]
- 118.24 (2) [School District Administrator]
- 120.12 (2) [School Board Duties]
- 120.13 [School Board Powers]

**Cross References:**

**Adoption Date: June 27, 2019**

## **Online Learning Activities and District Online Courses**

### **Policy 343.5**

The School Board supports online learning as a means of:

- Enabling more personalized learning opportunities;
- Providing students with access to additional courses, learning activities, and instructional materials;
- Offering a greater variety of learning environments; and
- Encouraging skills and aptitudes that will support life-long learning.

Online instruction and online learning occur in a variety of settings and formats. The District's student nondiscrimination policy applies to online educational opportunities, including the requirement that no student shall be unlawfully denied access to, or the benefits of, a learning activity, course, or program.

#### **Student Online Learning Activities Incorporated into Courses that Maintain a Traditional Class Schedule**

The administration is charged with approving student online learning activities that are incorporated into courses that maintain a traditional schedule of in-person class time. Members of the District's instructional staff are charged with ensuring that they have received administrative approval for such integrated online learning activities (including approval of both the instructional materials and the necessary technology resources). In addition to verifying basic alignment with the relevant curriculum, important considerations related to the approval of these online learning activities include at least the following:

1. The instructional materials used in the activity are approved in a manner that is consistent with the District's general selection criteria and procedures.
2. The learning opportunity and the technology resources required to complete the activity are adequately accessible to all students in the applicable grade/class/program, including students with disabilities and students with limited access to technology resources at home.
3. The administration has taken appropriate steps to address the District's compliance with student records and student privacy requirements for any third-party provider whose content, service, or product is used in the activity and who receives, accesses, or uses any personally-identifiable student data.

#### **District Online Courses**

For purposes of this policy, "District online courses" are courses the District has approved for possible student registration for students in grades 9-12 following a determination that the course meets all of the following requirements:

1. An instructional administrator has favorably evaluated (a) the course's academic content and rigor; (b) the instructional materials used in the course; (c) the course's alignment with applicable standards and curriculum guides; (d) the appropriateness of the student assessment methods used in the course; and (e) the accessibility of the learning environment and the instructional materials.
2. As a result of the course having a significant online instructional component, the students taking the course are not required to meet for class at school (i.e., to be physically present in the same learning environment as the teacher) for substantially the same number of in-person, instructional hours that similar non-online courses are normally scheduled to meet within the District.
3. The course is taught by a teacher who carries appropriate licensure pursuant to standards approved by the Department of Public Instruction (DPI), although the teacher need not be an employee of the District.
4. The District has identified and approved any third-party provider(s), including the provider(s) of the relevant technology platform(s), based on an assessment of each provider's ability to meet applicable District requirements/policies and applicable legal requirements, including requirements related to student records management and student privacy.
5. A student who is taking the course does not apply directly to another educational institution under the part-time open enrollment program, the Technical College Course Program, the Early College Credit Program, or other similar program in order to register for and attend the course (i.e., the District is responsible for the course approval and registration process).
6. Either the teacher will grade the student using the applicable District grading scale, or the District has determined that the grade received from the teacher can readily be converted to the applicable scale.
7. If taught by a teacher who is not employed by the District, the course shall not be comparable to a course that is already offered in the District, with the following exceptions: (a) any course that the Board has expressly approved for such dual offering; (b) a course that a student is taking for credit recovery; (c) a course that is being taken as part of a formal alternative education program or under the District's plan for serving at-risk students; (d) the student has a schedule or site-based conflict that the District determines cannot reasonably be reconciled during a subsequent school term without undue academic detriment to the student; (e) a student is taking the course during the term of his/her expulsion from school, if allowed under his/her expulsion order or if the course is an educational service required by law; (f) the course is part of an approved plan for home-bound instruction; or (g) the course meets a student's individual needs consistent with a plan or with procedures that the District has adopted to meet legal obligations (e.g., special education, Section 504, talented and gifted education, EL/bilingual education, etc.).

District online courses may be separately offered as summer school classes only if the course is eligible for state summer school aid and only subject to the space availability and/or budgetary limitations approved by the Board.

Student applications to take District online courses shall be submitted and approved in accordance with established District procedures.

At or prior to the time a student begins an approved online course, the District will provide an orientation to the student that addresses the applicable attendance, participation, and academic progress expectations; the academic and technical support resources that are available to the student; the student's use of the applicable learning platform(s); and such other information as the District's staff deems appropriate.

Failure to meet established participation, progress, or other course expectations in a District online course will lead to appropriate consequences, up to and including removal from the course, denial of credit, and denial of future requests to take online courses. Failure to meet any requirement that the District establishes as an attendance requirement for an online course, without an acceptable excuse under the District's student attendance policies, may also lead to referral for truancy proceedings. Students should expect that most courses will include periodic scheduled meetings, assessments, conferences, or discussions to be held at specific times and, in some instances, at school.

Nothing in this policy prohibits a parent or guardian from submitting other types of requests for program or curriculum modifications in a manner that is consistent with other Board policies and applicable procedures.

### **Legal References:**

#### **Wisconsin Statutes**

<u>Section 115.28(53)</u>	[state superintendent duties, which include making online courses available]
<u>Section 115.28(54)</u>	[state superintendent duties, which include promoting the delivery of online instruction]
<u>Section 118.13</u>	[student nondiscrimination]
<u>Section 118.15(1)(d) – (f)</u>	[program or curriculum modifications]
<u>Section 120.13</u>	[school board power; do all things reasonable for the cause of education]
<u>Section 121.004(8)(b)</u>	[summer average daily membership equivalent for state aid purposes – online instruction]
<u>Section 121.14</u>	[state aid for summer and interim session classes, including online classes]

#### **Federal Laws**

Individuals with Disabilities Education Act [programs and services for students with disabilities; includes National Instructional Materials Accessibility Standard and provision of assistive technology devices and services for students with disabilities]

**Cross References: SP1; 12/12/17**

**Adoption Date: June 27, 2019**

## **Part-Time Open Enrollment**

### **Policy 343.44**

Under the part-time open enrollment program, a student enrolled in a public school in the high school grades may be permitted to attend a public school in a nonresident school district to take up to two courses at any one time.

#### **Provisions Applicable to All Part-Time Open Enrollment Applicants and Participants**

If a student wishes to participate in the part-time open enrollment program, the student and his/her parent or guardian are solely responsible for (1) following all application procedures, (2) providing express notice to the applicable school districts that confirms the student's intent to attend a course into which the student has been accepted, (3) meeting the minimum eligibility criteria, and (4) meeting relevant deadlines, as such requirements are further defined in state law, any applicable state regulations, or the policies and procedures of the applicable school districts. Failure to submit a timely and complete application or a failure to meet other mandatory requirements are grounds for loss of the opportunity to participate in the course(s).

The principal or an administrative-level designee shall be responsible for (1) ensuring that the District appropriately processes all resident and nonresident student applications for the part-time open enrollment program; and (2) determining whether the District will approve or deny individual applications based on the criteria established in state law, any applicable state regulations, and applicable District policies and procedures.

The parent or guardian of a student who is taking a course under this policy is responsible for transporting the student to and from the course, unless state or federal law otherwise requires a school district to provide transportation.

#### **Resident High School Students Attending Individual Courses in Other Public School Districts**

District high school students who are residents of the District may apply to take a course(s) in another public school district in Wisconsin under the part-time open enrollment program in accordance with state law.

The District shall deny a resident student's otherwise timely and complete application to attend a course in another public school district under the part-time public school open enrollment program if:

1. The course conflicts with the student's individualized education program (IEP); or
2. The cost of the course would impose an undue financial burden on the District.

The District shall determine whether each course identified on a resident student's application satisfies any of the District's high school graduation requirements. The District shall notify the applicant, in writing, if a course will not satisfy a graduation requirement.

The District shall pay for the cost of a resident student's approved course(s) to the extent required by state law and by the Wisconsin Department of Public Instruction.

## **Nonresident High School Students Applying to Attend Courses in the District**

Nonresident public high school students residing within the State of Wisconsin may apply to take courses in the District under the part-time-open enrollment program in accordance with state law and established procedures. For purposes of determining the deadlines for submitting part-time open enrollment applications and for providing the related approval, rejection, and acceptance notices, the starting date for a course shall be determined by the administration in a manner consistent with the following parameters:

1. For courses other than online courses, the starting date will normally be the first date on which the course meets for time that counts toward state-required hours of direct student instruction.
2. For online courses, the starting date will normally be the earlier of the date by which the student will be expected to have initiated their access to the course management system, or by which the student will be expected to have made direct contact with the teacher.
3. With the approval of the principal or his/her administrative-level designee, a starting date earlier than the normal starting date may be established where it is determined that an earlier date is necessary for the student's effective participation in the course.

Nonresident students seeking to enroll in specific District courses under the part-time open enrollment program shall be subject to the same criteria that are used for making course-related eligibility and acceptance decisions for students who are District residents. Such criteria include meeting applicable course prerequisites, academic requirements, proficiency standards, and conduct-related requirements. In addition, there must be space available in the course.

Regarding space availability considerations, the District will give preference (i.e., ahead of part-time open enrollment applicants) in making acceptance and placement decisions for individual courses to the following:

1. **District students have first priority.** Up to the point at which the District provides formal notice of acceptance or denial to a part-time open enrollment applicant (which will occur no sooner than six weeks before and no later than one week before the course is scheduled to begin), the District will give a preference to otherwise-eligible students whose primary enrollment and school of attendance is (or at the time of the applicable course will be) within the public schools of the District (including students who are not District residents who are regularly attending a school in the District under the full-time open enrollment program). In addition, the District may reserve a reasonable number of spaces in particular classes to accommodate possible course changes by such District students and to accommodate additional regular District students who are late enrollees.
2. **Non-District students who are District residents have a preference over nonresidents.** Provided that such students have applied to take the course no later than at least six weeks before the course starting date, the District will also give a secondary preference to non-District students who are residents of the District and who are entitled to apply to take the course under state law or under any other Board policy (e.g., certain residents who are enrolled in a private school, tribal school, or home-based private educational program).

If, after applying the applicable preferences, the District has space available in a course for part-time open enrollment students and any other students who may be eligible to apply to take the course, but the District has received more qualifying applications from such interested persons than there are spaces available, then the District will use a random procedure to determine which additional students to accept into the course. Unless a different procedure is approved by the principal or his/her designee, the random procedure shall consist of either a randomized drawing or the use of a random number generator to assign a random number to each applicant, with the lowest-assigned number being the first applicant to be granted an available space.

To the extent required by law, nonresident students attending courses in the District under the part-time open enrollment program will have the rights and privileges of similarly-situated resident students and will be subject to the same policies and rules as similarly-situated resident students.

In providing opportunities for nonresident students to attend courses in the District under the part-time open enrollment program, the District shall provide appropriate opportunities to and shall not unlawfully discriminate against students with disabilities. However, if a question arises as to possible services or course accommodations or modifications for a student with a disability, the District shall contact the student's parent or guardian and involve representatives of the school(s) responsible for the student's current IEP or other services plan to the extent necessary and appropriate.

**Legal References:**

**Wisconsin Statutes**

- Section 115.385(4) [required parent notification of educational options, including part-time open enrollment]
- Section 118.13 [student nondiscrimination]
- Section 118.145(4) [resident students enrolled in private schools/tribal schools taking courses in the public high school]
- Section 118.15(1)(d) [discretionary program and curriculum modifications]
- Section 118.33 [high school graduation requirements]
- Section 118.52 [part-time open enrollment]
- Section 118.53 [home-schooled students taking courses in the public schools]
- Section 118.57 [required public notification of educational options, including part-time open enrollment]

**Wisconsin Administrative Code**

- Subchapter V of PI 36 [part-time open enrollment regulations]

**Cross References: SP2; 5/7/19**

**Adoption Date: June 27, 2019**

## High School Grading Scale, Grade Point Average and Class Rank

### Policy 345.11

#### **GRADES IN HIGH SCHOOL COURSES**

The following is the District's standard letter-based grading scale and grade point average (GPA) conversion chart for high school courses:

<b>Grade</b>	<b>GPA</b>	<b>Grade</b>	<b>GPA</b>
A	4.000	D+	1.334
A-	3.668	D	1.000
B+	3.334	D-	.668
B	3.000	F	.000 (no credit earned)
B-	2.668	PASS	credit earned; not factored into GPA
C+	2.334	FAIL	no credit earned; not factored into GPA
C	2.000	I	incomplete
C+	2.334	W	withdrawn w/ school approval
C	2.000		
C-	1.668		

No courses eligible for inclusion in the calculation of a GPA receive weighted treatment when the letter grade is converted to the numerical scale.

#### **HIGH SCHOOL GRADE POINT AVERAGES**

Semester Grade Point Average. The District uses the end-of-semester composite grade that a student earns in each course for purposes of calculating a grade point average for each individual semester.

Cumulative Grade Point Average. A student's cumulative high school grade point average is a calculation derived using each end-of-semester composite grade in a course.

Courses and course grades are either included in or excluded from the District's GPA calculations as follows:

1. Courses that the District offers for high school credit are included in the student's GPA whenever a high school student takes the course in the District and receives a grade that has a numerical GPA equivalent. This includes online courses offered by the District that are taken without applying to or attending another educational institution, provided the student has been authorized to take the course for a grade with a numerical GPA equivalent.



2. Provided that the administration determines that the grade awarded can be adequately converted to the District's high school grading scale, grades received in the following courses are included in the student's GPA:
  - Courses taken at or through a Wisconsin technical college or college/university in an attempt to earn high school credit, or through an articulation agreement with a Minnesota technical college (whether for dual credit or only for high school credit).
  - Courses taken at another public high school or accredited private high school for which the District would award high school credit for a passing grade.
  - Courses for which the District would award high school credit for a passing grade and which the student has taken in either a District alternative education program or a District program for students with exceptional educational interests, needs, or requirements.
3. Any course taken by a 7<sup>th</sup> or 8<sup>th</sup> grade student for credit toward high school graduation and that is being used to satisfy one of the mandatory minimum credits required by state law, other than for credit in health education, is included in the student's cumulative high school grade point average.
4. Courses taken on a Pass/Fail basis with District approval (i.e., no letter grade is recorded) are not used in determining GPA.
5. Any grade received by a student for instruction that has been provided by a home-based private educational program or by a non-accredited private school shall not be used in determining GPA.
6. Grades earned by a student in another country or through a study abroad program shall not be used to determine GPA, honors, or class rank.

Under the standards identified above, there are courses for which a student may receive high school credit (including credit toward high school graduation requirements) but for which the grade received will not factor into the calculation of a student's GPA.

### **RANK IN ANTICIPATED GRADUATING CLASS**

School-wide class rankings shall be maintained based on high school students' cumulative GPAs beginning at the conclusion of the first semester of 9<sup>th</sup> grade and continuing through the conclusion of the 12<sup>th</sup> grade. The calculation is updated at the conclusion of each semester.

### **NONDISCRIMINATION STATEMENT**

The District shall not unlawfully discriminate in the methods, practices and materials used for evaluating students on the basis of sex, sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, any physical, mental, emotional or learning disability, or any other legally-protected status or classification. This does not, however, prohibit the use of special testing materials or techniques to meet the individualized needs of students. Discrimination complaints shall be processed in accordance with established procedures.

**Legal References:**

**Wisconsin Statutes**

Section 118.33 [high school graduation requirements]

**Wisconsin Administrative Code**

HEA 9.05(2) [high school grading policy required]

PI 9.03(1)(f) [student nondiscrimination in student evaluation/testing policies]

PI 18 [high school graduation requirements]

**Cross References: SP1; 4/13/18**

**Adoption Date: June 27, 2019**

## Promotion and Retention of Students Through 8<sup>th</sup> Grade

### Policy 345.4

This policy addresses end-of-year, grade-to-grade promotion and retention decisions that are made at any point prior to a student's attendance in any high school program in the District (i.e., prior to the start of 9th grade or any program-specific equivalent to 9th grade). This policy does not address grade-level acceleration decisions or any decision to adjust the initial grade-level placement of a newly-enrolled student during the student's first school year of attendance in a District school or program.

The administration is expected to implement this policy and, in conjunction with other instructional staff members, make the promotion and retention decisions for individual students. If a student's parent or guardian disagrees with a District decision regarding promotion or retention, the parent or guardian may submit a written request for reconsideration to the District Administrator. Except as otherwise required by law, the decision of the District Administrator following such a request shall be final.

For students in grade 1 through 8, the School Board directs the administration to develop and implement a process for annual promotion and retention decisions that initially identifies students who are at risk of possible retention.

When a student is having very significant academic difficulty in one or more areas and is at risk of possible retention, it is the Board's judgment that no single measure or description of the student's academic progress, knowledge, and skills is sufficient to determine whether the student should be retained or promoted. Accordingly, before making a final decision to promote or retain a student who the District has identified as being at risk of retention, the administration and instructional staff will use a team-based approach to review and consider, at a minimum, the following information about the student's academic progress in relation to established promotion and retention criteria:

1. The two most recent state assessment results (or results from an alternate assessment, if applicable) that are available for the student, although the team need not consider an assessment taken prior to November 1 of the previous school year;
2. The results of available District-provided academic assessments (including standardized tests other than the state assessments), although the team need not consider an assessment taken prior to November 1 of the previous school year;
3. The student's summative grades and teachers' summative evaluations of the student's academic skills (generally as reflected on report cards and formal progress reports); and
4. Evidence indicating the extent to which the student has made progress with respect to individual goals that the District established for the student.

Additional information about the student's academic progress may also be considered if the team considers it helpful in making the promotion/retention decision. For example, the team could consider information from a relevant out-of-district source, the results from specific classroom assignments, projects or tests, specific samples of the student's work, and/or other teacher

recommendations relating to the student's skills and progress that add greater overall context to the team's decision-making process.

For each student identified as being at risk of retention, the team shall recommend, with final decision-making authority resting with the principal or his/her designee, either that:

1. the student should be promoted in combination with the identification of individualized goals and the use of available intervention strategies that are intended to enhance the student's overall development, alleviate an identified barrier that may be inhibiting the student's learning, improve the student's level of engagement with school, and/or provide the student with opportunities to reduce observed gaps in the student's learning relative to grade-level standards; or
2. the student should be retained in combination with the identification of individualized goals and the use of appropriate intervention strategies.

The District's specific grade-level promotion criteria and other procedures related to promotion and retention decisions will be defined by rule. The rule and criteria shall strongly disfavor any use of retention in kindergarten.

Nothing in this policy or in the related criteria and procedures shall be interpreted in a manner that would interfere with or detract from a student's or parent's rights under any applicable state or federal law. For example, in regard to any student who has been referred for a special education evaluation or who is receiving special education and/or related services under an individualized education program (IEP), nothing in this policy or in its implementation shall detract from the authority of the student's IEP team.

**Legal References:**

**Wisconsin Statutes**

- |                              |   |
|------------------------------|---|
| <u>Section 118.24(2)(a)</u>  | [district administrator authority to manage the promotion of students]                |
| <u>Section 118.33(6)(a)</u>  | [policy requirement for 4 <sup>th</sup> and 8 <sup>th</sup> grade promotion criteria] |
| <u>Section 118.33(6)(cm)</u> | [policy requirement for kindergarten to 1 <sup>st</sup> grade promotion criteria]     |

**Cross References: SP1; 1/10/14**

**Adoption Date: June 27, 2019**

## **High School Graduation Requirements**

### **Policy 345.6**

The School Board awards diplomas to recognize those students who have met District-established requirements for high school graduation as set forth in this policy. The District Administrator and High School Principal(s) shall be responsible for the general supervision and management of the graduation of students under this policy. The District's general student nondiscrimination policy applies in all respects to the methods, practices, and materials used for determining the graduation status of students.

#### **A. Attendance/Participation Requirements**

One requirement of high school graduation is that the high school student, throughout his/her enrollment in the District, must have been enrolled in a class or participated in an activity approved by the Board during each class period of each school day, or enrolled in an alternative education program approved by the District. The only exceptions to this enrollment and participation requirement are those authorized under state law and approved by the District for the individual student.

A student who has attended a high school program (or an equivalent educational program) for the equivalent of four regular school terms (i.e., the equivalent of completing grades 9 through 12) and who has satisfied all other requirements to receive a regular high school diploma does not have the option to unilaterally choose to defer his/her high school graduation date and continue to attend high school.

The District also requires a meaningful period of enrollment in the District and attendance in a District school or program in order to earn a District high school diploma. The minimum period of attendance shall generally include the full semester immediately preceding the student's graduation, during which period the student earned high school credit. An exception to this minimum period may be granted by the District Administrator in extraordinary circumstances where the District Administrator determines that (1) the reason the student did not meet the requirement was reasonably beyond the control of the student and, if under the age of 18, the student's parent or guardian; and (2) instructional staff are able to make a sufficient assessment of the student's academic performance.

#### **B. Course Credit Requirements**

The District has established standard credit requirements for high school graduation. All required credits must be earned by completing the course with a minimum passing grade while the student is enrolled in the high school grades except that the District offers qualifying students who are in 8<sup>th</sup> grade additional opportunities to take certain courses for credit toward high school graduation to the extent further specified in established procedures accompanying this policy".

1. Standard Credit Requirements for Students Granted a Diploma:

- English/Writing Composition 4 credits
- Social Studies 4 credits
- Math 3 credits
- Science 3 credits
- Physical Education 1.5 credits
- Health Education .5 credit
  
- Additional Approved Elective Credits Required for Graduation 8 credits

2. The minimum passing grade required for the awarding of credit for each course constitutes a recommendation of instructional staff with regard to the student's academic performance and eligibility for graduation.
3. Credit for a course of study that a student successfully completes outside of the District may be granted credit toward high school graduation as a transfer credit. The administration shall apply established procedures to the granting of all transfer credits that a student seeks to apply toward his/her high school graduation requirements.
4. Certain courses may satisfy one of the state-mandated credit requirements under an equivalency standard. Where the District approves and offers a course under a credit equivalency standard, a student may be eligible to take the course to satisfy a state-mandated credit requirement. One limitation is that the student must not have already taken and received a state-mandated credit for any course that is a direct substitute for the proposed equivalent course such that the student would be repeating essentially the same content/learning standards in two courses. It is the responsibility of the student to verify that he/she will be eligible to receive the specified equivalency credit toward a state-mandated credit requirement.
5. With District approval and if the student satisfies all requirements as set forth in a related policy, a student who has participated in a District-approved organized physical activity may substitute an additional one-half credit in English, social studies, math or science in lieu of one-half credit of the 1.5 required credits in physical education.

**C. Civics Test Requirement**

In order to be eligible for a District high school diploma, a student must have taken and successfully completed the state-required civics test while enrolled in the high school grades in the District or, as determined by the administration, in another qualifying school or program. For students with disabilities who have an individualized education program (IEP), this requirement shall be modified or waived to the extent provided by the student's IEP and/or by applicable law.

## **D. Alternative Education Programs and Other Accommodations for Students with Exceptional Educational Interests, Needs or Requirements**

Any high school student who has satisfied each of the graduation requirements defined above shall be awarded a diploma signifying his/her graduation from high school. In addition, the District provides other routes to high school graduation, including the following:

1. A student with a disability who has not otherwise satisfied the District's high school graduation requirements shall earn his/her high school diploma if the student meets the requirements established through the student's IEP, including goals and objectives that the IEP team has determined represent a demonstration of academic proficiency that is at least equivalent to the proficiency the student would have attained if the student had satisfied the applicable minimum credit accumulation requirements defined in state law.
2. The District provides one or more Board-approved alternative education programs for high school students that provide an opportunity for the student to become eligible for high school graduation. In order to receive a District-issued high school diploma through an alternative education program, the District Administrator, High School Principal or designated program administrator must determine, in consultation with instructors who are familiar with the student's work and progress, that the student has successfully completed the program and demonstrated a level of proficiency in the subjects for which credit is required under the state's minimum graduation requirements that is equivalent to the proficiency the student would have attained if he/she had satisfied the applicable minimum credit requirements defined in state law.
3. For students with exceptional needs, interests or requirements not otherwise addressed in this section, the District may also approve, on an individualized basis, a curriculum or program modification for a high school student that provides an opportunity for the student to become eligible for high school graduation.
4. In the event that a qualified veteran, as determined under state law, requests the Board to award a high school diploma, the request shall be filed with the District Administrator and brought to the Board for review and approval.

### **Legal References:**

#### **Wisconsin Statutes**

<u>Section 38.12(14)</u>	[attendance at technical college courses]
<u>Section 115.28(7)(e)1</u>	[alternative education program definition]
<u>Section 115.915</u>	[accommodations for school-age parents]
<u>Section 115.997(7)</u>	[on-time graduation of children of military families; waiver and other requirements]
<u>Section 118.13</u>	[student nondiscrimination]
<u>Section 118.15</u>	[compulsory attendance; programs for at-risk students and program/curricular modifications]
<u>Section 118.35</u>	[gifted and talented students]
<u>Section 118.52</u>	[part-time open enrollment]

<u>Section 118.55</u>	[early college credit program]
<u>Section 118.153</u>	[children at risk of not graduating from high school]
<u>Section 118.33(1)</u>	[high school graduation standards, including requirements and local options]
<u>Section 118.33(1)(f)1</u>	[required periodic review and revision of graduation requirement policy]
<u>Section 118.33(1m)(a)</u>	[high school graduation; civics test requirement]
<u>Section 120.12(17)</u>	[school board duty; payment of tuition for University of Wisconsin system courses taken by students for high school credit under certain conditions]
<u>Section 120.13(37)</u>	[awarding high school diplomas to veterans]
<u>Section 121.02(1)(p)</u>	[school district standards; graduation standards]
<u>Chapter 115, Subchapter V</u>	[children with disabilities]

**Wisconsin Administrative Code**

<u>PI 18</u>	[high school graduation standards]
<u>PI 25</u>	[children at risk plans and programs]

**Cross References: SP1; 9/25/18**

**Adoption Date: June 27, 2019**



## Physical Education Credit Option

### Policy 345.64

Eligible students may complete an additional one-half credit course in English, mathematics, social studies or science that is not otherwise required for graduation in lieu of one-half credit of physical education for purposes of high school graduation. A student is eligible for this option under the following conditions:

1. The student has participated in one or more approved sports or other organized physical activities while in high school. Approved sports and organized physical activities include: Junior varsity and varsity level Wisconsin Interscholastic Athletic Association (WIAA)-sanctioned sports sponsored by the District.
2. During each sport season (or other activity period) used to establish eligibility for the physical education credit option, the student must not have (1) been subject to any disciplinary suspension from a contest or performance imposed either by the supervisor/coach or under any applicable code of conduct; (2) violated any applicable code of conduct during the season (or activity period), the penalty for which was, or would have been, suspension from one or more contests or performances, even though the penalty was not assessed or served during the season; and (3) been absent from a practice or contest/performance without an acceptable excuse. If the student was injured after the beginning of any of the sports seasons but continued to participate in team activities as appropriate for the remainder of the season, he/she still satisfies this requirement.
3. A student must have his/her eligibility for the physical education credit option fully approved, including successful completion of his/her participation in the qualifying sport or other activity, by the time the student needs to register for classes for second semester of 12<sup>th</sup> grade.
4. A student with a disability who is not able to meet the legitimate requirements for participation in any of the school's WIAA sports programs due to his/her disability, but who has participated in another organized physical activity approved by the Principal, may also be eligible for this physical education credit option.
5. A student who exercises this option DOES NOT receive any academic credit or a grade for participating in an approved sport. This policy merely allows a student who participates in an approved sport to take an additional one-half credit course in English, math, social studies or science *in lieu of one-half credit of physical education* to fulfill the school's graduation requirements.

Student participation in approved school-sponsored sports or organized physical activities shall be verified and documented by Guidance Counselor. In order to verify a student's participation in approved school-sponsored sports or organized physical activities and compliance with applicable codes of conduct of such activities, the student who wishes to take advantage of the physical education credit option must provide the Guidance Counselor with the name and contact information of the sport or activity coach or supervisor and the Guidance Counselor will verify and document the student's eligibility for the physical education credit option.

Nothing in this policy shall prevent a student who is eligible for accommodations to the high school graduation requirements, including the credit requirements, under other District policies from receiving those accommodations.

**Legal References:**

**Wisconsin Statutes**

Section 115.787(2) [individualized education programs; program modifications and supports for students with disabilities]

Section 118.13 [student nondiscrimination]

Section 118.33(1) [high school graduation requirements, including physical education credit requirements; authority to make accommodations for students with exceptional educational interests, needs or requirements]

Section 118.33(1)(e) [authority to allow eligible students to take alternative course credit in lieu of one-half credit in physical education]

**Federal Laws**

Individuals with Disabilities Education Act [educational programs and services for students with disabilities]

Section 504 of the Rehabilitation Act of 1973 [access to educational programs and activities and facilities by students with disabilities]

Title II of the Americans with Disabilities Act [access to educational programs and activities and facilities by students with disabilities]

**Cross References: SP2; 1/15/12**

**Adoption Date: June 27, 2019**

## **Student Assessment**

### **Policy 346**

Ongoing assessment is essential to the District's mission of providing an education appropriate to each student. Systematic collection, interpretation, and application of assessment data are necessary to determine student learning and progress, to allow for accountability in teaching and learning, and to facilitate appropriate program review.

In addition to standardized achievement tests, District assessment plans and procedures may involve the use of a variety of formal and informal assessment techniques. Examples of such techniques include the following: teacher-designed assessments, direct observations of student performance, instruments supplied by companies that create instructional materials, diagnostic assessments, tests of learning aptitude, career awareness and career aptitude/attitude assessments, portfolios, and any assessments required by state and federal laws.

The District expects student assessments to arise from established instructional goals and achievement expectations, to serve an instructionally-relevant purpose, to utilize a reasonable and appropriate methodology, and to reasonably control for sources of bias and distortion that can lead to inaccurate assessment.

Decisions regarding the assessment of students with disabilities and English Learners shall be made on an individualized basis to the extent required by law and in accordance with established District policies and procedures.

Summary District assessment data will be available to administrators and the School Board. Appropriate summary assessment reports, as well as information about the assessments administered to students, will also be provided to the public as required by law. Summary data will be used for curriculum development and evaluation, program development and evaluation, establishing District goals, making budgetary decisions, and developing remediation plans at the classroom, building, and District level when needed. Summary data will also be used to monitor the effectiveness of curriculum, materials, and instruction, to identify relevant trends with respect to groups of students, to provide accountability to parents and guardians, and to determine areas for staff development and study.

When maintained by the District, scores, grades, and other assessment data that are personally identifiable to an individual student are legally-protected student records that will not be disclosed except as otherwise permitted or required by applicable law and by the District's student records policies.

In connection with any of the methods, practices, or materials used for testing and evaluating students, the District shall not unlawfully discriminate on the basis of sex, sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, any physical, mental, emotional or learning disability, or any other legally-protected status or classification. This does not, however, prohibit the use of special testing or counseling materials

or techniques to meet the individualized needs of students. Discrimination complaints shall be processed in accordance with established procedures.

### **Legal References:**

#### **Wisconsin Statutes**

<u>Section 115.415</u>	[educator effectiveness evaluation requirements; include use of student assessment results]
<u>Section 115.77(1m)(bg)</u>	[assessments; students with disabilities]
<u>Section 118.016</u>	[reading readiness assessments]
<u>Section 118.13</u>	[student nondiscrimination]
<u>Section 118.30</u>	[state required student assessments]
<u>Section 118.301</u>	[alternative student assessments]
<u>Section 118.33(1m)(a)</u>	[civics test requirement for high school graduation]
<u>Section 118.33(6)</u>	[use of state student assessment scores in promotion decisions]
<u>Section 121.02(1)(r)</u>	[school district standard; 3 <sup>rd</sup> grade reading tests]
<u>Section 121.02(1)(s)</u>	[school district standard; state-required examinations]

#### **Wisconsin Administrative Code**

<u>PI 8.01(2)(r)</u>	[3 <sup>rd</sup> grade reading tests]
<u>PI 8.01(2)(s)</u>	[achievement tests]
<u>PI 9.03(1)</u>	[student nondiscrimination in testing/evaluation policies]
<u>PI 13</u>	[assessments; limited English proficient students]

#### **Federal Laws**

<u>Elementary and Secondary Education Act [Part A - Subpart 1]</u>	
<u>20 U.S.C. §6311(b)2</u>	[ESEA federal testing requirements]
<u>20 U.S.C. §6312(e)2</u>	[Title I requirements to give notice of and publicize assessment-related-information]

**Cross References: SP1; 3/7/18**

**Adoption Date: June 27, 2019**

## **Annual Notice of Student Assessment Information**

### **346-Exhibit**

This notice is intended to notify parents and guardians of students attending school in the Cochrane-Fountain School District and the public of the state and District-required assessments that are being administered to students in the District. Students with disabilities and English Learners must participate in the required assessments, with appropriate modifications where necessary, or in alternative assessments as deemed necessary or appropriate consistent with legal requirements.

### **Student Academic Assessments Required by State and Federal Laws**

The federal Every Student Succeeds Act (ESSA) requires all states to test all students in English language arts and mathematics in grades 3-8 and once in high school, and to test all students in science at least once in grades 3-5, once in grades 6-9, and once in grades 10-12. Wisconsin state statutes also require certain testing in grades 3, 4, 8, 9, 10, and 11, including periodic testing in social studies. The tests that address these state and federal requirements comprise the Wisconsin Student Assessment System (WSAS). The District administers the following WSAS assessments to students in the District:

- The **Wisconsin Forward Exam** is administered to students in grades 3-8 in English language arts and mathematics, in grades 4 and 8 in science, and in grades 4, 8, and 10 in social studies. The Forward Exam is a computer-administered, summative assessment which provides information about what students know and what students can do in relation to the Wisconsin State Standards. The assessment includes a variety of different question/item types, including multiple-choice and short-answer questions. Forward Exam results provide valuable information about student performance for individual students, District educators, and other stakeholders.
- **ACT Aspire™** is administered to students in grades 9 and 10. This summative, online assessment measures what students have learned in the areas of English, reading, mathematics, science and writing. The scores on this assessment are used to predict how a student will perform on both the ACT® and ACT WorkKeys® when they reach 11<sup>th</sup> grade.
- The **ACT® Plus Writing** assessment is administered to students in grade 11. This paper and pencil assessment tests students' skills and knowledge in reading, mathematics, English, science and writing. This assessment helps students understand what they need to learn next so they can build rigorous high school course plans and identify career areas that align with their interests. The scores from the administration of the ACT® Plus Writing (if taken with ACT Standard Time or ACT-approved accommodations) can be used by students for a variety of purposes including college admission, scholarships, course placement, and National Collegiate Athletic Association (NCAA) eligibility.
- The **ACT WorkKeys®** assessment is administered to students in grade 11 and tests students in applied mathematics, locating information, and reading for information. This paper and

pencil assessment is used to help students understand how they can improve their career readiness skills and helps employers determine whether individuals are qualified for positions. Students can earn National Career Readiness Certificates (NCRC), which are recognized by business and industry nationwide.

- All students are administered the above-mentioned assessments, with or without accommodations, except students with significant cognitive disabilities who are administered an alternative assessment – the **Dynamic Learning Maps (DLM)**. The DLM is administered to students with significant cognitive disabilities in the subject areas of English language arts and mathematics in grades 3-11, science in grades 4 and 8–11, and social studies in grades 4, 8, and 10. This online assessment is delivered via the computer; however, some students may need their teacher to present the items to them and enter the student’s response into the online platform. The DLM system is designed to map a student’s learning throughout the year and uses items and tasks that are embedded in day-to-day instruction. The assessment results give teachers the opportunity to see what students know during the year when teachers still have time to change instruction to better support student learning.

School level summary reports of the results of the WSAS academic assessments are available to the public on the Department of Public Instruction’s website at [WISEdash Public](#).

State assessment timelines can be found on the Wisconsin Department of Instruction Assessment page: [Assessment in Wisconsin](#).

### **Other Student Assessments Required by State and Federal Laws**

- **Reading Readiness Assessment**

As required by state law, the District administers a reading readiness assessment (the **Phonological Awareness Literacy Screening - PALS**) to students in grades 4-year-old kindergarten through grade 2. PALS is a research-based screening, diagnostic, and progress monitoring tool. District teachers use this screening tool to identify students at risk of developing reading difficulties, diagnose students' knowledge of literacy fundamentals, monitor progress, and plan instruction that targets students' needs. Student data collected from the screening tool provides a direct means of matching literacy instruction to specific literacy needs.

- **English Learner Assessments**

As required by state and federal laws, the District administers the following assessments to English Learners in the District:

- The **WIDA Screener** is an online test administered to students newly enrolled in the District in grades K-12 who have been identified through the enrollment process, and in accordance with District procedures, as English Learners. These English language proficiency “screener” assessments help the District to determine whether or not a child is in need of English language instructional services, and if so, at what level.

- The **ACCESS for ELLs**<sup>®</sup> assessment is administered, with or without accommodations, to students in grades K-12 who have been identified as English Learners, including those who receive special education services. This online assessment is administered annually during December or January to English Learners to measure English language proficiency and to ensure that they are progressing in achieving full English proficiency. ACCESS for ELLs<sup>®</sup> assessment results: (1) help students and families understand students' current level of English language proficiency along the developmental continuum; (2) serve as one of multiple measures used to determine whether students are prepared to exit English language support programs; (3) generate information that assists in determining whether English Learners have attained the language proficiency needed to participate meaningfully in content area classrooms without program support; (4) provide teachers with information they can subsequently use to enhance instruction and learning in programs for their English Learners; and, (5) provide the District with information that can be used in evaluating the effectiveness of the District's English Learner/bilingual programs.
  
- The **Alternate ACCESS for ELLs**<sup>™</sup> assessment is administered annually in January or February to students in grades 1-12 who are identified as English Learners and have significant cognitive disabilities that prevent their meaningful participation in the ACCESS for ELLs<sup>®</sup> assessment. The assessment results are used to monitor student progress on an annual basis, establish when English Learners have attained English language proficiency according to state criteria, inform classroom instruction and assessment, and aid in program decision making.

- **High School Civics Test**

As required by state law, the District administers a civics test to high students in the fall of their junior (11<sup>th</sup> grade) year, which is comprised of 100 questions that are identical to the 100 questions that may be asked of an individual during the process of applying for U.S. citizenship by the United States Citizenship and Immigration Services. Successful completion of this civics test is a requirement for high school graduation in the District. A student may retake the civics test until the student obtains the passing score. For students with disabilities who have an individualized education program (IEP), this requirement shall be modified or waived to the extent provided by the student's IEP and/or by applicable law.

### **Student Participation in Assessments and “Opt-Out” Information**

Parents and guardians of students attending school in the District may request information regarding student participation in any of the state or District-required assessments, including any parental rights they may have to opt their child out of taking a required assessment, from the principal. The principal shall provide the requested information in a timely manner.

**Cross-References: SE1; 3/7/18**

**Adoption Date: June 27, 2019**

## **Student Records**

### **Policy 347**

The School Board recognizes the need for and importance of appropriately maintaining the confidentiality of individually-identifiable student records throughout the record life cycle (i.e., at the points of collection, storage, use, disclosure, and destruction). Protected student records shall be available for inspection or release only with the prior approval of the student's parent or guardian (or of an adult student,) except in situations where applicable laws and regulations require or permit the inspection or release of student records without such prior approval.

The Board shall adopt a comprehensive rule to accompany this policy in order to (1) satisfy various requirements of applicable state and federal law; (2) establish specific local expectations and procedures relating to the management of student records; and (3) inform staff, students, and parents and guardians about the District's student records practices. The rule will identify practices intended to facilitate student/parent/guardian access to a student's own records and also identify circumstances under which protected student records may be disclosed without the consent of a parent, guardian, or adult student. The District shall also publish an annual student records notice in accordance with state and federal law.

The District Administrator shall have primary responsibility for ensuring that District employees and other school officials who are authorized to create, collect, maintain, use, provide access to, or destroy student records understand their duties and responsibilities as defined by applicable law, Board policy, and District procedures (including the specific confidentiality and maintenance requirements applicable to various categories of student records and other personally-identifiable records concerning students.

It is essential for all District officials, employees, and agents to understand that the legal requirements and the District expectations surrounding the confidentiality of protected student records, including the limitations on disclosure of certain records and information, generally apply not only to the actual record(s) (in whatever form), but also to any verbal exchanges which improperly disclose the content of confidential records.

The principal, under the supervision of the District Administrator shall be responsible for coordinating and implementing the Board's rule that accompanies this policy and any additional administrative procedures intended to further ensure that school district employees and other authorized school officials obtain access to protected student records only when they have a legitimate educational interest in the records or where some other legitimate basis for access applies. Particularly where physical or technological access controls are not used, the administration shall periodically monitor the extent to which training, directives, and other procedures are serving as an effective means of maintaining the confidentiality of student records.

After providing an initial copy of any student record to a parent, guardian, or student at no cost, the District may charge a reasonable fee for subsequent copying and/or mailing of the same student record(s). The District shall not charge parents, guardians, or students for any costs



associated with locating or retrieving the student's records. In situations where payment of any fees would effectively prevent a parent, guardian, or student from exercising their rights to inspect and review the student's records, any such fees shall be waived upon approval by the District Administrator or an administrative designee. Aside from fee waivers authorized by Board policy, any copying or postage fees that are established shall be applied consistently.

## **Legal References:**

### **Wisconsin Statutes**

<u>Section 19.65</u>	[rules of conduct; employee training; and security regarding personally-identifiable information]
<u>Section 48.396</u>	[law enforcement officer records]
<u>Section 115.812(2)</u>	[reporting information regarding specified students with disabilities to appropriate county departments]
<u>Section 118.125</u>	[state student records law; policies required]
<u>Section 118.126</u>	[privileged communications related to student alcohol and drug use]
<u>Section 118.127</u>	[law enforcement agency record information]
<u>Section 118.51(8)</u>	[full-time open enrollment; disciplinary and special education records]
<u>Section 118.52(10)</u>	[part-time open enrollment; disciplinary records]
<u>Section 146.82</u>	[confidentiality of patient health care records]
<u>Section 146.83</u>	[access to patient health care records]
<u>Section 252.15</u>	[access to HIV test results]
<u>Section 767.41(7)</u>	[custody and physical placement; parent access to records]
<u>Section 938.396</u>	[access to records; law enforcement and court records]
<u>Section 950.08(2w)</u>	[information provided by district attorney to schools in criminal cases]

### **Federal Laws**

<u>Family Educational Rights and Privacy Act</u>	[federal student records law]
<u>34 C.F.R. part 99</u>	[U.S. Department of Education FERPA regulations]
<u>34 C.F.R. part 300, subpart F</u>	[U.S. Department of Education IDEA regulations; confidentiality and maintenance of records]
<u>Elementary and Secondary Education Act (20 U.S.C. § 7908)</u>	[military access to student information]
<u>National School Lunch Program</u>	[heightened privacy rules for students' eligibility status and other NSLP records]

**Cross References: SP1; 12/11/17**

**Adoption Date: June 27, 2019**

## Procedures for the Maintenance and Confidentiality of Student Records

### 347-Rule

- A. **CONTENT OF RECORDS** - Student records include all records relating to an individual student other than (1) notes or records maintained for personal use by teachers or other certified personnel which are not available to others, (2) records necessary for and available only to persons involved in the psychological treatment of a student, and (3) records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
1. **Progress records** maintained by the school include a statement of courses taken by the student, the student's grades, the student's immunization records, the student's extracurricular activities and the student's attendance record.
  2. **Behavioral records** maintained by the school include psychological tests, personality evaluations, records of conversations, written statements relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, the student's physical health records other than his/her immunization records, law enforcement agency records and any other student records which are not progress records.
    - a. **"Law enforcement agency records"** include those records and other information obtained from a law enforcement agency relating to: (1) the use, possession or distribution of alcohol or a controlled substance by a student enrolled in the District, (2) the illegal possession of a dangerous weapon by a child, (3) an act for which a District student was taken into custody based on the law enforcement officer's belief that he/she violated or was violating any state or federal criminal laws, and (4) the act for which a juvenile enrolled in the District was adjudged delinquent. The law enforcement agency may provide such record information to the District on its own initiative or on the request of the District Administrator or designee, subject to the agency's official policy. The District may also enter into an interagency agreement with law enforcement and other appropriate agencies to provide for the routine disclosure of record information in accordance with state law provisions. If a law enforcement agency denies access to any of the aforementioned records, the District may file a petition with the court seeking access to the records based on legitimate educational or safety interests in the records.
    - b. **"Court records"** include those records received from a court clerk concerning a juvenile enrolled in the District who: (1) has had a petition filed with a court alleging that he/she has committed a delinquent act that would be a felony if committed by an adult, (2) has been adjudged delinquent, (3) has school attendance as a condition of his/her court dispositional order, or (4) has been found to have committed a delinquent act at the request of or for the benefit of a criminal gang that would be a felony if committed by an adult, and has been adjudged delinquent on that basis.
    - c. **"Physical health records"** include basic health information about a student, including the student's immunization records, the student's emergency medical card, a log of first aid and medicine administered to the student, an athletic permit card, a

record concerning the student's ability to participate in an education program, the results of any routine screening test such as for hearing, vision or scoliosis, and any follow-up to such test, and any other basic health information as determined by the State Superintendent of Public Instruction.

- d. "**Patient health care records**" include all records relating to the health of a student prepared by or under the supervision of a health care provider which are not included in the student "physical health records" definition above. Any record that is required to be treated as a patient health care record is subject to different disclosure and confidentiality requirements than other behavioral records.

3. **Directory data** are those student records designated in the District's student directory data policy 347.1.

**B. CONFIDENTIALITY** - All student records are confidential, subject to (1) the following exceptions, (2) any other disclosures of student records that may be mandated by state or federal law, and (3) any more specific restrictions on disclosure that are imposed by a state or federal law that protects specific records to a greater extent than provided under these procedures:

1. **Release of Student Records to Students and Parents or Guardians**

- a. A student or the parent or guardian of a minor student shall, upon request, be shown and provided with a copy of the student's progress records.
- b. To the extent authorized by state and federal law, an adult student or the parent or guardian of a minor student shall, upon request, be shown the student's behavioral records in the presence of a person qualified to explain and interpret the records. Such a student or parent or guardian shall, upon request, be provided with a copy of the behavioral records.
- c. To the extent authorized by state and federal law, a parent shall have access to a student's school records regardless of whether the parent has legal custody of the child, unless the parent has been denied periods of physical placement with the child as ordered by the court.
- d. Personally identifiable information from an adult student's records may be disclosed to the student's parent(s) or guardian(s), without the adult student's written consent, if the adult student is a dependent of his/her parent(s) or guardian(s) under the Internal Revenue Code. However, disclosure under this paragraph shall not be made when an adult student has informed the school, in writing, that the information may not be disclosed.

2. **Access to Student Records (Other than Patient Health Care Records) by School Officials**

- a. School officials shall have access to a student's records only if they have a legitimate educational interest, including safety interest, in the record. A "school official" is a person employed by the District who is required by the Department of Public Instruction (DPI) to hold a license; a person who is employed by or working on

- behalf of the District as an administrator, supervisor, instructor or support staff member (including health or medical staff); a person serving on the Board; a person or company with whom the District has contracted to perform a specific task (such as an attorney, hearing officer, auditor, medical consultant or therapist); or a person serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a "legitimate educational interest" if the official needs to review a student record in order to fulfill his/her professional or District responsibility.
- b. Law enforcement agency record information received by the District may be made available to those school officials with legitimate educational interests, including safety interests, in the information. If law enforcement agency record information obtained by the District relates to a District student, the information may also be disclosed to those District employees who have been designated by the Board to receive that information for the purpose of providing treatment programs for District students. The information may not be used as the sole basis for suspending or expelling a student from school, or as the sole basis for taking any other disciplinary action against a student, except action under the District's athletic/activity code.
  - c. Court records obtained by the District must be disclosed to District employees who work directly with the juvenile named in the records or who have been determined by the Board to have legitimate educational interests, including safety interests, in the information. An employee cannot further disclose the information, and the information cannot be used as the sole basis for suspending or expelling a student from school, or as the sole basis for taking any other disciplinary action against a student, except action under the District's athletic/activity code.
  - d. Notwithstanding their confidential status, student records may be used in suspension and expulsion proceedings and by individualized education program teams under special education laws.
3. **Release of Student Progress and Behavioral Records (Other Than Patient Health Care Records) to Others**
- a. Student records shall be disclosed at the request or order of a court. The District will make a reasonable effort to notify a parent or guardian of a court order for disclosure of student records prior to complying with the order except when (1) a parent or guardian is a party to a court proceeding involving child abuse and neglect or dependency matters and the order is issued in the context of such a proceeding; (2) the court order itself prohibits such notice; (3) or any applicable law prohibits disclosure of the order to the parent or guardian.
  - b. If school attendance is a condition of a student's court dispositional order under state law, the District shall notify the court or, if the student is under the supervision of an agency, the agency that is responsible for supervising the student within five days after any violation of the condition by the student.
  - c. A law enforcement agency shall be provided a copy of a student's attendance record if the law enforcement agency certifies in writing that the student is under investigation

- for truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the student's attendance record information except as permitted by law. When a student's attendance record is disclosed to a law enforcement agency for purposes of truancy, the student's parent or guardian shall be notified of that disclosure as soon as practicable after the disclosure.
- d. A fire investigator shall be provided a copy of a student's attendance record if the fire investigator certifies in writing that: (1) the student is under investigation for arson; (2) the student's attendance record is necessary for the fire investigator to pursue his/her investigation; and (3) the fire investigator will use and further disclose the student's attendance record only for the purpose of pursuing that investigation.
  - e. The District may disclose student records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of any individual. In making this determination, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from student records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. The District shall record the following information when it discloses student record information under this exception: (1) the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and (2) the parties to whom the District disclosed the information.
  - f. For any purpose concerning the juvenile justice system and the system's ability to effectively serve a student, prior to adjudication:
    - (1) The District shall disclose pertinent student records to an investigating law enforcement agency or district attorney if the person to whom the records are disclosed certifies in writing that the records concern the juvenile justice system and the system's ability to effectively serve the student, relate to an ongoing investigation or pending delinquency petition, and will not be disclosed to any other person except as otherwise authorized by law.
    - (2) The District may disclose student records to a city attorney, corporation counsel, agency as defined in section 938.78(1) of the state statutes, intake worker under section 48.067 or 938.067 of the statutes, court of record, municipal court, private school or another school board if disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as otherwise authorized by law. This disclosure can be made for any purpose concerning the juvenile justice system and the system's ability to serve a student prior to adjudication.
  - g. On request, the District may 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 sections 46.215, 46.22 or 46.23 of the state statutes, 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 the department, county department, or tribal organization to access the student's case plan. Legal advice should be sought to determine whether a memorandum of understanding with the social service agency is advisable in these circumstances.

- h. The District, when reporting a crime that may have been committed by a student with a disability, is required to ensure that copies of the student's special education and disciplinary records are provided to the law enforcement authorities to whom the District has reported the crime. However, such disclosures must be pursuant to an applicable provision for disclosure under state and federal student records law. In general, the District will consider the following: (1) whether disclosure of the records is appropriate due to the existence of a health and safety emergency; and (2) if no imminent emergency exists, whether parent or guardian consent has been obtained for the disclosure or whether some other basis exists under the state and federal student records laws.
- i. The District shall make student records available for inspection or, upon request, disclose the contents of student records to authorized representatives of the Department of Corrections, the Department of Health Services, the Department of Children and Families, the Department of Justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under Chapter 980 of the state statutes (related to commitment of sexually violent persons), if the student records involve or relate to an individual who is the subject of the proceeding or evaluation.
- j. Upon the written permission of an adult student, or the parent or guardian of a minor student, the school shall make available to the person named in the permission form the student's progress records or such portion of his/her behavioral records as determined by the person authorizing the release. Law enforcement records may not be made available under this exception unless specifically identified by the adult student or by the parent or guardian of a minor student in the written request.
- k. Student records shall be provided to a court in response to a subpoena by parties to an action for in camera inspection, to be used only for purposes of impeachment of any witness who has testified in the action. The District will make a reasonable effort to notify a parent or guardian of the subpoena prior to complying with the subpoena except when (1) a parent or guardian is a party to a court proceeding involving child abuse and neglect or dependency matters and the subpoena is issued in the context of such a proceeding; (2) the subpoena itself prohibits such notice; (3) or any applicable law prohibits disclosure of the subpoena to the parent or guardian.
- l. Under conditions where the disclosure is permitted under both state and federal law, the District shall provide to the DPI, or another authorized federal, state, or local agency, or such an agency's authorized representative, any student record information that relates to an audit, evaluation, or any compliance or enforcement activity, that is

- associated with a federal or state-supported education program. In the case of disclosures to DPI, the District shall provide student records needed by the department to determine compliance with requirements under Chapters 115 to 121 of the state statutes. Student records may also be provided to the DPI for other purposes consistent with both state and federal law.
- m. Information from a student's immunization records shall be made available to state and local health officials to carry out immunization requirements. Summary student immunization data shall be reported. Individual student information for those students out of compliance with school immunization laws shall not be reported to the local health department or to the District Attorney without specific written parental consent for the reporting.
  - n. Upon request and after obtaining written consent to the extent required by federal law, the names of students who have withdrawn from school prior to graduation to participate in a program leading to high school graduation or an equivalency diploma shall be provided to the technical college district board in which the public school is located or, for verification of eligibility for public assistance, to the Department of Health Services, the Department of Children and Families or a county department under section 46.215, 46.22 or 46.23 of the state statutes.
  - o. Annually, on or before August 15, the District shall report to the appropriate community services boards established under sections 51.42 and 51.437 the names of students who reside in the District, who are 16 years of age or older, who are not expected to be enrolled in an educational program two years from the date of the report and who may require services under section 51.42 or 51.437 (community mental health, development disabilities, alcoholism and drug abuse). The parent(s) or guardian(s) of such students shall be contacted to obtain informed consent prior to making such a report.
  - p. The District shall provide student records necessary for purposes of open enrollment in another public school district to the extent required by law. These records may include copies of any individualized education program (IEP) that has been developed for a student with a disability and the following student discipline-related records:
    - (1) A copy of any expulsion findings and orders or records of any pending disciplinary proceedings involving the student;
    - (2) A written explanation of the reasons for the expulsion or pending disciplinary proceedings; and
    - (3) The length of the term of the expulsion or the possible outcomes of the pending proceedings.

#### 4. **Release of Patient Health Care Records**

All student patient health care records shall remain confidential. They may be released

only to persons specifically designated in state law or to other persons with the informed consent of the patient or a person authorized by the patient. Student patient health care records maintained by the District may only be released without informed consent to a District employee or agent if any of the following apply:

- a. The employee or agent has responsibility for the preparation or storage of patient health care records.
- b. Access to patient health care records is necessary to comply with a requirement in federal or state law.

Any record that concerns the results of a test for the presence of HIV or antibody to HIV (the virus which causes acquired immunodeficiency syndrome–AIDS) shall be confidential and may be disclosed only with the informed written consent of the test subject.

#### 5. **Release of Directory Data**

Student directory data may be disclosed only as outlined in the District’s student directory data policy 347.1.

When reviewing student directory data requests, as well as when implementing other provisions of these procedures, consideration shall be given to applicable provisions of the public records law and the District’s policy and procedures dealing with public records.

#### 6. **Transfer of Records**

The District shall transfer to another school (including private schools and out-of-state schools) or school district all student records relating to a specific student (including disciplinary and other behavioral records; and not including records treated as patient health care records or certain treatment records for which informed consent for disclosure has not been obtained) if it has received written notice:

- a. from an adult student or the parent or guardian of a minor student that the student intends to enroll in the other school or school district;
- b. from the other school or school district that the student has enrolled; or
- c. from a court that a student has been placed in a secured correctional facility, secured child caring institution or a secured group home.

The District forwards student records as requested so long as the disclosure is for purposes related to the student’s enrollment or transfer.

Student records shall be transferred no later than the next working day of receiving the records transfer request.

### **C. MAINTENANCE, DISCLOSURE, AND DESTRUCTION OF STUDENT RECORDS**

1. While students are attending school, their records will be maintained in the school of



attendance.. Patient health care records shall be maintained separately from a student's other records.

2. The District Administrator shall provide the principal with procedural and other technical assistance for the purpose of ensuring the confidentiality of all student records. Except as otherwise provided, all requests for inspection or for transfer to another school district should be directed to the principal who will determine whether inspection or transfer is permitted under state and federal law and these procedures. The principal or his/her qualified designee shall be present to interpret behavioral records when such a request has been made by the parent, guardian, or adult student. Upon transfer of student records to the central administrative office, the District Administrator or his/her qualified designee shall assume these duties.
3. A record of each request for access to and each disclosure of personally identifiable information from the education records of a student shall be maintained with such student's records, except when the request is from or the disclosure is to the following person/party:
  - a school official;
  - a party seeking directory data; or
  - a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information in response to the subpoena not be disclosed.
4. When a student ceases to be enrolled in a school operated by the District, the student's remaining student records shall be maintained as follows:
  - a. Behavioral records that are identifiable to the student will be maintained for no longer than one year after the student graduated from or last attended the school unless the student or his/her parent or guardian, if the student is a minor, gives permission that the records may be maintained for a longer period of time.
    - The District will normally request consent to maintain the behavioral records of such former students (such as students with disabilities) for the period of time that such records may be needed for program audit purposes. If the District does not obtain such consent, the District will arrange to maintain records needed for audit purposes in a manner that is not identifiable to the individual student.
  - b. Student progress records shall be maintained for a minimum of 5 years after the student graduates or ceases to be enrolled in the District except that a student's high school transcript shall be maintained for at least 15 years after the student graduates or ceases to be enrolled in the District.
  - c. Any request for the "directory data" of a former student will be treated according to the District's policy on "directory data," and, to the extent applicable, the District will continue to honor any valid request to opt out of the disclosure of directory

information (e.g., such as the opt-out decision that was in effect when the student was last in attendance), unless such opt-out decision is appropriately rescinded.

5. The principal shall oversee the management of the records of students with disabilities.
  - a. The District shall inform the parent(s) or guardian of a student with disabilities, or the adult student if applicable, when personally-identifiable information that was collected, maintained, or used under the Individuals with Disabilities Education Act (IDEA) is no longer needed to provide educational services to the child. Except for a record of a student's name, address, and phone number, his/her grades, attendance record, classes attended, grade level completed, and year completed, such personally identifiable information must be destroyed at the request of the parent(s), guardian, or adult student. By submitting a timely written request, the parent, guardian, or student may elect to take possession of the personally-identifiable records in lieu of having the records destroyed.
  - b. Such a notice that certain records are no longer needed to provide a child with educational services will normally be given at the time the child graduates or otherwise ceases to be enrolled in the District. As further described above, the District will also normally, at the same time, request consent to maintain particular records for the additional time period that they are needed for program audit purposes.

#### **D. PARENT/GUARDIAN/STUDENT REQUESTS FOR AMENDMENTS OF STUDENT RECORDS**

1. A parent or guardian or adult student who believes that information contained in the student's records is inaccurate, misleading or otherwise in violation of the student's rights of privacy may request the District to amend the records. Such request shall be addressed in writing to the school official having custody of the records. Within a reasonable time after receiving the request, the person having custody of the records shall decide whether to amend the records in accordance with the request and inform the parent or guardian or adult student of the decision.
2. If the person having custody of the records refuses to amend the records, he/she shall inform the parent or guardian or adult student of the refusal and advise him/her of the right to a hearing. The request for the hearing shall be filed in writing with the District Administrator or designee. The parent or guardian or adult student shall be given notice of the date, place and time of the hearing reasonably in advance of the hearing.
  - a. The hearing shall be conducted by the District Administrator or designee, who must be someone who does not have a direct interest in the outcome of the hearing.
  - b. The parent or guardian or adult student shall be afforded the opportunity to present relevant evidence and may be assisted or represented by individuals of his/her choice at his/her own expense, including an attorney.
  - c. The decision of the hearing officer shall be based solely upon the evidence presented and shall include a summary of the evidence and the reason for the decision.

- d. The hearing shall be held and the parent(s) or guardian or adult student informed of the hearing officer's decision in writing within a reasonable period of time after the hearing.
- e. If the hearing officer decides that the information is inaccurate, misleading or otherwise in violation of the student's privacy rights, the education records of the student shall be amended accordingly.
- f. If the hearing officer decides that the information is not inaccurate, misleading or otherwise in violation of the student's privacy rights, the District shall inform the parent or guardian or adult student of the right to place a statement commenting upon the information in the education records and/or describing reasons for disagreeing with the decision of the hearing officer.

#### **E. COMPLAINTS REGARDING ALLEGED NONCOMPLIANCE WITH FEDERAL REQUIREMENTS**

Adult students or parents or guardians of minor students may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education for alleged District noncompliance with requirements of the federal Family Educational Rights and Privacy Act (FERPA).

#### **F. ANNUAL NOTICE**

Parents, guardians and adult students shall be notified annually of the following: (1) their rights to inspect, review and obtain copies of student records; (2) their rights to request the amendment of the student's school records if they believe the records are inaccurate, misleading or otherwise in violation of the student's rights of privacy; (3) their rights to consent to the disclosure of the student's school records, except to the extent state and federal law authorizes disclosure without consent; and (4) their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

The notice shall be distributed to parents and guardians and adult students at the beginning of each school year. When a student transfers into the District after the above notice has been given, the student and his/her parent(s) or guardian shall receive a copy of the notice at the time and place of enrollment.

#### **G. OTHER NOTICES**

In a manner consistent with the requirements of applicable law, the District shall provide parents, guardians, and adult students with notice of the District's student directory data designations and their right to opt-out of the release of such information as student directory data. The District shall also provide parents and guardians of secondary school students with notice of their option to direct the District not to release the secondary school student's name, address or telephone listing to military recruiters or institutions of higher education without prior written consent.

**Cross-References: SR1; 4/4/18**

**Adoption Date: June 27, 2019**

## **Student Directory Data**

### **Policy 347.1**

In accordance with the District's designation and written notice of student directory data, the District may disclose a student's directory data to any person unless the student's parent or guardian (or adult student, if applicable) has notified the District, in writing, that any or all of the student's directory data shall not be disclosed. If an appropriate party exercises a valid opt out under this policy, then the District shall not disclose the directory data covered by the opt-out decision unless (1) an appropriate party provides advance written consent for the disclosure; or (2) the District determines that there is a separate and otherwise applicable exception to the confidentiality of the records that permits or requires such disclosure.

The District designates the following data elements from student records as "directory data":

- Student's name
- Recorded images of the student that are not being maintained by the District for a separate purpose as a behavioral record
- Student's school/grade level
- Degrees and awards received by the student
- Student's participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- The name of the school most recently previously attended by the student
- Student's dates of attendance (not including daily attendance records)
- Student's date of birth
- Names of student's parents

The District's designation and use of directory data is further defined and limited as follows:

1. Pursuant to a state law requirement, unless the student's parent or guardian (or adult student) has notified the District of his/her objection to such a disclosure of the student's directory data, the District shall, upon request, provide any representative of a law enforcement agency, city attorney, district attorney or corporation counsel, county department under section 46.215, 46.22 or 46.23, a court of record or municipal court with such directory data information relating to any such student enrolled in the school district for the purpose of enforcing that student's school attendance, to respond to a health or safety emergency, or to aid in the investigation of alleged criminal or delinquent activity by a student enrolled in the District. Additional information, such as the student's home address and phone number may also be disclosed to the representatives listed above.
2. The District discloses a student's date of birth only in grades 6 and below and only for the purpose of acknowledging and observing the student's birthday within the student's school.
3. Although a student's address and telephone number are not designated as student directory data under this District policy, the District is nonetheless required by law to release a high school student's name, home address, and telephone number to military recruiters and institutions of higher education, upon their request, unless the student or the student's parent or guardian, as applicable, has notified the District that such information shall not be released without prior written consent. The District shall notify adult students and parents and

guardians of high school students under the age of 18 of their right to opt out of such disclosures. Requests for student contact information under this paragraph include requests from any technical college district for the contact information of students who may be graduating from high school in the current school year.

4. Pursuant to federal law, the District may not disclose or confirm a student's directory data without obtaining the written consent of a parent or guardian if a student's social security number or other non-directory information is used alone or in combination with other data elements to identify or help identify the student or the student's records.

### **Directory Data Notice and Opt-Out Decisions**

The District will provide written notice of the District's designation of student directory data, opt-out rights, and opt-out procedures to parents/guardians and adult students (if applicable).

Annually, the student's parent or guardian (or adult student, if applicable) shall be provided with a copy of the District's directory data notice and shall have 14 days to inform the school, in writing, that all or any part of the student's directory data may not be released without prior consent. During such 14-day periods, the District will avoid the release of the student's directory data under this policy.

Regarding decisions to opt out from the school's disclosure of all or any part of the directory data under this policy:

1. Using procedures established by the administration, a parent or guardian (or adult student, if applicable) may make, modify, or withdraw an opt-out decision regarding directory data at any time, but should allow for a reasonable period of time for such a decision to be processed.
2. Unless the District issues express notice to a parent, guardian, or adult student stating that a new opt-out decision is required (in which case a 14-day non-disclosure period will again apply), an opt-out decision from the disclosure of directory data under this policy will remain in effect until it is modified or withdrawn by an appropriate party.

### **Legal References:**

#### **Wisconsin Statutes**

- Section 19.65 [rules of conduct; employee training; and security regarding personally-identifiable information]  
Section 118.125 [state student records law; policies required]  
Section 767.41(7) [custody and physical placement; parent access to records]

#### **Federal Laws**

- Family Educational Rights and Privacy Act [federal student records statute]  
34 C.F.R. Part 99 [U.S. Department of Education FERPA regulations]  
Protection of Pupil Privacy Amendment [federal privacy and parental rights law]  
20 U.S.C. §7908 [military access to student information; see also 10 U.S.C. §503(c)]

**Cross References: SP1; 8/3/16**

**Adoption Date: June 27, 2019**

## **Selection of Textbooks and Other Classroom Instructional Materials and Resources**

### **Policy 361.1**

Textbooks and other classroom instructional materials and resources, including audio-visual and digital resources, shall be carefully selected using the general criteria outlined in this policy and in accordance with established District procedures. All textbooks and other instructional materials and resources selected for use in the classroom shall support the District's mission, goals, curriculum plans, and academic standards.

The School Board delegates the general review and selection of textbooks and other instructional materials and resources to the District's administrative and instructional staff. The process shall involve obtaining input from at least one or more members of the instructional staff who will be using the materials and may involve consultation with other personnel such as a school library media specialist, Curriculum Director and/or the District's Technology Contractor. As a general rule, the Board's expectation is that the selection of core materials intended for use throughout a grade span and/or regardless of the individual instructor (e.g., textbooks) should be subject to a more extensive and participatory evaluation process and should involve more District-level oversight and coordination than the selection of class-specific or teacher-specific supplemental materials that are less likely to serve as key elements of the District's course-to-course and grade-to-grade curricular sequences.

Textbook selection recommendations shall be submitted to the Board for review and adoption as required by law. The purchase of instructional materials using District funds shall follow established purchasing procedures.

When selecting textbooks and other instructional materials and resources for use in the classroom, consideration shall be given to each of the following factors, allowing for the possibility that, in some cases, staff may determine that a particular factor is not especially relevant:

- the extent to which the materials are judged to support and enhance student learning of the subject area(s) being taught, as identified with the input of instructional staff and based on relevant research;
- the extent to which the materials (and particularly textbooks) facilitate the District's ability to provide students with an appropriately sequential curriculum, both within a grade/course and from one grade/course level to the next;
- the extent to which the materials facilitate an appropriate assessment of student learning;
- the overall appropriateness of the materials relative to the intended student audience (i.e., relative to the anticipated range of age, skills, cognition, and maturity of the students who are most likely to use the materials);
- an evaluation of the materials for any improper bias, misinformation, or stereotyping;
- the extent to which the materials are likely to actively engage students and encourage their interest in learning;

- the extent to which the materials facilitate differentiated instruction and the pursuit of personalized learning objectives, including the extent to which the materials can help members of the instructional staff accommodate different learning targets and learning styles;
- the current capacity of staff members to make productive use of the resource, or planning for the staff development that would be needed to build that capacity;
- the accessibility of the item to individuals who require special formats (e.g., certain students with disabilities and English language learners); and
- budgetary considerations, including but not limited to the extent to which the materials being evaluated would address a current priority area among possible alternative acquisitions.

The Board recognizes that occasional objections to textbooks and other instructional materials and resources used in the classroom may occur. When parents or guardians or other individuals have concerns about particular instructional materials or resources, these concerns shall be brought forward in accordance with established administrative procedures, carefully considered, and accorded the courtesy of a prompt reply by appropriate school personnel.

The District shall not unlawfully discriminate in the selection and evaluation of instructional materials or resources on the basis of sex, sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, any physical, mental, emotional or learning disability, or any other legally-protected status or classification. Discrimination complaints shall be processed in accordance with established District procedures.

### **Legal References:**

#### **Wisconsin Statutes**

- Section 115.77 [local education agency duties related to students with disabilities]  
Section 118.03 [textbook adoption]  
Section 118.13 [student nondiscrimination]  
Section 120.13(5) [school board power to purchase necessary books, equipment and materials for use in the schools]  
Section 121.02(1)(h) [school district standard; selection of instructional and library media materials]

#### **Wisconsin Administrative Code**

- PI 8.01(2)(h) [school district standard; selection and reconsideration of instructional and library media materials]  
PI 9.03(1)(e) [requirement to address student nondiscrimination in selection of instructional and library media materials policy]

#### **Federal Laws and Regulations**

- Individuals with Disabilities Education Act [programs and services for students with disabilities; includes National Instructional Materials Accessibility Standard and provision of assistive technology devices and services for students with disabilities]



Assistive Technology Act of 1998 [assistive technology devices and services]

**Cross References: SP1; 4/13/18**

**Adoption Date: June 27, 2019**

## **Procedures for the Selection and Reconsideration of Classroom Instructional Materials/Resources**

### **361.1 Rule**

#### **A. Selection and Adoption of Textbooks**

1. Textbook selection and adoption shall be included as part of the formal cycle for curriculum adoption, evaluation, and improvement in the District. The review and any recommendations to modify the subject-area textbook(s) that are approved for use in the District (or the analogous core instructional material that is used in lieu of a formal textbook) shall occur under the direction and supervision of the Curriculum Director.
2. The review and evaluation of textbooks (or analogous core instructional material) shall take into account any general selection criteria outlined in Board policy and shall also adhere to the following:
  - a. Textbooks will be evaluated relative to the District's established curriculum objectives for their coverage of essential content-based and skills-based goals and standards and for the instructional and assessment methodologies that have been adopted or that are encouraged by the authors/publishers. Consider questions such as the following: Do the objectives of the text closely match the District's curricular expectations? Does the textbook accurately reflect the learner expectations of the District's curriculum? Does the textbook encourage higher level thinking skills and application of the content and skills to real life experiences? Has the textbook been shown to be effective in other situations?
  - b. Textbooks will be checked for bias, misinformation and stereotyping. Textbooks should be selected that reflect the cultural diversity and pluralistic nature of America's society and provide up-to-date and accurate information.
  - c. It is the legal responsibility of the District to provide instructional materials and resources that will enable students with special needs to obtain the educational opportunities and benefits in a manner that is as timely, effective, and integrated as it is for other District students. Accordingly, the District will check with appropriate sources (e.g., Wisconsin Accessible Media Productions or Bookshare) to determine whether the textbook is available (or can be made available) in alternative formats to meet the needs of students with disabilities and other students who may require special formats (e.g., English language learners).
  - d. Textbooks that are deemed acceptable relative to the criteria listed immediately above will be further screened to review the following:
    - The utility of the teacher's manual for the textbook and other supplementary materials;
    - The physical structure and layout of the materials and, if applicable, the continuity within any series;
    - Readability;

- Writing style;
  - Date of publication; and
  - Recommendations from other schools and any available studies or data regarding student outcomes in other schools.
3. Annually, the District Administrator shall present a list of any recommended textbooks for approval by the Board pursuant to Wis. Stat. 118.03. Upon adoption by the Board, the approved textbook(s) shall be added to the list of adopted textbooks that shall be maintained in the District Office.
  4. The administration shall determine the extent to which any staff training may be appropriate to support the proper implementation of the curriculum.
  5. Textbooks (or analogous core instructional material) will normally be reevaluated as part of the curriculum revision cycle.

**B. Selection and Use of Supplementary Instructional Materials and Resources in the Classroom**

1. It is generally the responsibility of the classroom teacher, in consultation with other instructional staff as appropriate, to review and select supplementary instructional materials and resources for use in the classroom. Supplementary materials and resources are primarily used by a teacher to enhance instruction, or by particular students to meet specific needs. All recommendations for the purchasing of supplementary instructional materials shall be submitted to the Curriculum Director with a supporting rationale and for approval under established District purchasing procedures. Even where no purchase is required, all teachers are strongly encouraged to review their selection of supplementary instructional materials with the Curriculum Director prior to actual use as each teacher will ultimately be accountable for his/her decisions.
2. When selecting supplementary instructional materials and resources for use in the classroom, the classroom teacher shall keep in mind the general selection criteria outlined in Board policy and shall abide by the following procedures:
  - a. Supplementary instructional materials and resources should only be selected to support, not supplant, textbooks and related core materials that have been adopted as a component of the District's standard curriculum.
  - b. All instructional materials and resources must be used in accordance with current copyright laws and licensing agreements.
  - c. The incorporation of relevant and brief media segments/clips within interactive learning activities that support particular academic standards, curricular goals, or learning objectives is encouraged, but the extended use of media resources for passive listening/viewing activities that occur during classroom instructional time is generally discouraged. Staff members are expected to (1) clearly identify any such passive listening/viewing activities (e.g., watching the entirety of a full-length film) within their lesson plans (by date(s) and total allocated time); (2) obtain the advance approval of the principal prior to using any audio books, documentaries, films, etc.

- that were not previously evaluated and purchased by the District; and (3) be prepared to justify the instructional value of their planned passive listening/viewing activities upon the request of the principal.
- d. Any member of the District's instructional staff must first consult with and obtain the prior approval of District's Technology Contractor prior to purchasing, using in the classroom, or directing students to access any computer media or other digital resource (including any Internet-based application) that (1) requires the District or any user to actively accept specific licensing terms, terms of service, or a subscription (including via a "click-through" agreement); (2) requires the installation of any software or plug-in application; (3) requires the creation/use of individual student accounts or logins; (4) tracks individual student progress for assessment or other purposes; or (5) requires the submission of identifying information about any individual student(s).
  - e. As with the selection of textbooks, the classroom teacher will consider the accessibility of the particular supplementary instructional material or resource for students with disabilities and other students who may require special formats (e.g., English language learners) and whether there are alternate materials or resources that can be used or accessed that will enable students with special needs to obtain the educational opportunities and benefits in a manner that is as timely, effective, and integrated as it is for other District students.

**C. Reconsideration of Textbooks and Other Classroom Instructional Materials or Resources**

1. Challenges regarding specific textbooks or other instructional materials or resources used in the classroom will be reviewed upon written request. Such requests will be referred to appropriate staff members who are using the materials. Assigned staff will review the item or resource in question and present a recommendation to the principal and Curriculum Director. The administrator(s) receiving the staff recommendation will make an initial determination on the challenge and inform the District Administrator and the person who challenged the material of the determination. The initial determination shall be made within a reasonable amount of time, considering all circumstances.
2. Should the complainant be dissatisfied with the administration's initial determination, the complaint will go to a Materials Review Committee consisting of at least three (3) licensed staff members selected by the principal and the Curriculum Director.
  - a. This committee will make a recommendation to the principal and the Curriculum Director who will review the Committee's recommendation with the District Administrator and reach a decision. The administrative decision following the Committee's review will be communicated to the complainant.
  - b. The meetings of the Materials Review Committee will be conducted in compliance with applicable requirements of the Open Meetings Law, including ensuring appropriate public notice of the committee's meetings.

3. Should the complainant be dissatisfied with the administrative decision made following the review that is conducted by the Materials Review Committee, the complaint will be referred to the School Board. Decisions of the School Board shall be final.

Unless and until the District representative who is charged under these procedures with reviewing and responding to challenges to textbooks or other instructional materials or resources used in the classroom determines that a challenge to an item or resource will be upheld in whole or in part, the material or resource in question generally will not be discontinued from being used in the classroom. However, the person challenging the use of the textbook or other instructional material or resource in the classroom may request the District to provide alternative instructional materials or resources for their child to use in the classroom in lieu of the challenged material. Such requests may be approved at the discretion of the building principal in consultation with the classroom teacher.

Duplicative or otherwise redundant requests to reconsider the same resource or to reconsider a different resource with substantially similar content for substantially similar reasons may be restricted. In the event that the District concludes that a reconsideration request is redundant to a previous request in which a relevant resource was thoroughly reviewed and evaluated, the District will inform the complainant that the District is choosing to rely on the previous evaluation and that the complainant may immediately seek a final review of the decision by the School Board.

**Cross Reference: SR1; 8/25/17**

**Adoption Date: June 27, 2019**

**Request for Reconsideration of Instructional Materials**

**361.1-Exhibit**

To prevent misunderstanding of your complaint, please fill in the following information.

Request initiated by:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

Representing:

STUDENT'S NAME \_\_\_\_\_

ORGANIZATION'S NAME \_\_\_\_\_

OTHER \_\_\_\_\_

Type of Instructional Material: \_\_\_\_\_

Title: \_\_\_\_\_

Author/Publisher/Producer: \_\_\_\_\_

Class Name \_\_\_\_\_ Other \_\_\_\_\_

What action would you like to see taken:

- Send back to originating department/school for re-evaluation
- Substitute alternate material or media
- Deny the use of the material or media by my child
- Deny use of the material or media by all students
- Other \_\_\_\_\_

Due to limited space, please feel free to extend comments on the reverse side of this form.

1. Have you either read, heard or seen the material or media in its entirety? If not, what part did you see, read or hear? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. To what in the instructional or library material or media do you object? (Please be specific. For example, cite page or section) \_\_\_\_\_

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3. What do you feel may result from the use of this material or media? \_\_\_\_\_

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4. What do you believe is the theme of this material or media? \_\_\_\_\_

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5. For what age group would you recommend this material or media? \_\_\_\_\_

6. What do you find good about this material or media? \_\_\_\_\_

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7. Are you aware of the judgments of this work by literary or other critics? \_\_\_\_\_

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8. In view of the action you would like taken, do you have any suggestions about material or media that could be substituted that would convey as valuable a picture and perspective of the subject treated and would meet the educational needs of your child and/or other students?

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Signed \_\_\_\_\_ Date \_\_\_\_\_

Thank you for your time and concern. Please return this completed form to the principal who will review its contents and will notify you of the next step in the complaint process.

**Cross-References: SE1; 8/26/14**

**Adoption Date: June 27, 2019**

## Safe and Responsible Use of the Internet & Other Technology Resources

### Policy 363.2

Consistent with applicable federal laws, the School Board believes that the best approach to student safety as it relates to use of the Internet and other electronic resources involves a combination of technology protection measures, monitoring and instruction. The District's comprehensive approach to student Internet/technology safety shall take into account the differing ages and instructional levels of the students in the District.

It shall be the responsibility of the District Administrator, working in conjunction with the Information Technology Contractor to:

1. **Content Filtering:** Ensure that the District's systems and equipment that provide access to the Internet make active use of technology protection measures designed to block or filter Internet access to visual depictions that are:
  - a. obscene;
  - b. pornographic; or
  - c. as to computers and other devices that may be accessed by students or other minors, otherwise harmful to minors.

Filtering, blocking or other protective technologies will also be used to decrease the likelihood that student users of the District systems and equipment might access other materials or communications, other than visual depictions, that are inappropriate for students. Recognizing that there will always be room for possible improvement in connection with the District's efforts at prevention, all employees, parents and guardians, and students are encouraged to report to the Informational Technology Contractor any complaints or concerns regarding student access or exposure to any content, activities or communications that may be harmful, deceptive, or otherwise inappropriate or objectionable.

2. **Monitoring Controls:** Develop and implement procedures that provide for the monitoring of students' and other authorized users' activities when using District-provided equipment or District-provided network access or Internet access. Such monitoring may sometimes take the form of direct supervision of students' and minors' online activity by school personnel, but the Board recognizes that constant, direct supervision is not a practical expectation.
3. **Education:** Develop and implement an instructional program that is designed to educate students about acceptable and responsible use of technology and safe and appropriate online behavior, including (a) safety and security issues that arise in connection with various forms of electronic communication (such as e-mail, instant messaging, and similar technologies); (b) interacting with other individuals on social networking sites and in chat rooms; and (c) cyberbullying awareness and response. Such educational activities shall include (but shall not consist exclusively of) reinforcement of the provisions of the District's rules regarding students' acceptable and responsible use of technology while at school.



4. **Rules and Procedures:** Maintain, revise and enforce rules and procedures concerning the acceptable, safe, and responsible use of the District's Internet access infrastructure and other technology-related District resources by any person who is authorized to use the District's systems and equipment, including any student, District employee, District official, or other authorized user. These rules and procedures shall complement structural and systemic supports that are implemented to further encourage and facilitate the acceptable, safe, and responsible use of the District's technology-related resources. To the extent appropriate to various groups of users, and with all such additions as the administration deems necessary or appropriate, those rules and procedures shall:
- a. Provide notice regarding the District's retention of ownership, control, and oversight of the District's technology and network equipment and resources.
  - b. Provide notice to users that their use of District technology resources is solely at their own risk regarding possible damage to, or any other potential loss of, data, content, software, or equipment. The District makes no promises or warranties to users regarding potential damage or other loss.
  - c. Prohibit the use of the District's technology-related resources by any person who has not been authorized as a user by school officials.
  - d. Establish rules and expectations related to maintaining a safe, appropriate and effective learning environment.
  - e. Address and prohibit the unauthorized collection, disclosure, use and dissemination of personal and personally-identifiable information regarding students and minors, as particularly applicable to technology-based resources;
  - f. Address employees' obligations regarding the proper retention of District records, maintaining the confidentiality of student records, and avoiding inappropriate disclosures of District records;
  - g. Prohibit unauthorized user access to systems, networks and data;
  - h. Prohibit the use of District resources to access and/or transmit inappropriate material via the Internet, electronic mail, or other forms of electronic communications;
  - i. Provide notice to users that there is no District-created expectation of privacy in their use of District technology resources. Accordingly, except where prohibited by state or federal law: (1) the District reserves the ability to track, monitor, and access all data, files, communications, or other material that users create, store, send, delete, receive, or display on or over the District's Internet connection, network resources, file servers, computers or other equipment; and (2) all aspects of any individual's use of the District's technology-related equipment and resources, including any online activities that make use of District-provided Internet access, may be monitored and tracked by District officials; and

- j. Provide notice to users regarding possible consequences for violations of the policies, rules and procedures that govern the acceptable, safe, and responsible use of the District's technology-related resources.

The District Administrator shall have responsibility for overseeing the day-to-day implementation of the District's policies, rules and guidelines regarding the acceptable, safe, and responsible use of technology resources. The District Administrator, in consultation with the Information Technology Contractor as needed, may approve modified levels of Internet filtering/blocking for an individual user account provided that there is a legitimate educational purpose and any changes in access will not compromise the overall adequacy of protections that are in place for student users.

### **Legal References:**

#### **Wisconsin Statutes**

- Section 120.12(1) [school board duty; care, control and management of school property and affairs of district]  
Section 120.13(1) [school board power to adopt conduct rules and discipline students]  
Section 120.18(1)(i) [report on technology used in the district]  
Section 943.70 [computer crimes]  
Section 947.0125 [unlawful use of computerized communication systems]  
Section 995.55 [access to personal Internet accounts]

#### **Wisconsin Administrative Code**

- PI 8.01(2)(k) [integration of technology literacy and skills in curriculum]

#### **Federal Laws and Regulations**

- Children's Internet Protection Act (CIPA) and Neighborhood Children's Internet Protection Act (NCIPA) [policy and other requirements related to Internet safety]  
Protecting Children in the 21st Century Act [Internet safety policy requirement; education of students regarding appropriate online behavior]  
Children's Online Privacy Protection Act (COPPA) [parent control over personal information collected by websites from their children]  
E-rate funding requirements [technology plan and other requirements]

**Cross References: SP1; 3/23/15**

**Adoption Date: June 27, 2019**

## **Technology for Students with Special Needs (Assistive Technology)**

### **Policy 363.3**

The District recognizes that students with disabilities and other students with special needs may require assistive technology devices and/or services to help them access and benefit from their educational program and achieve related standards and goals.

The District shall provide students with disabilities under the Individuals with Disabilities Education Act (IDEA) with special education and related services, based on their individualized education programs (IEP), as required by law. A student's need for assistive technology shall be determined on a case-by-case basis. If the student's IEP team determines that a particular assistive technology device and/or service is needed in order for the student to benefit from his/her education program, it will be included in the student's IEP.

For purposes of this policy and its implementation with respect to students with disabilities under the IDEA, an "assistive technology device" means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain or improve functional capabilities of students with disabilities. "Assistive technology service" means any service that directly assists a student with a disability in the selection, acquisition or use of an assistive technology device.

Those students with disabilities or other special needs but not requiring a formal IEP under the IDEA (for example, students with disabilities under Section 504 or under the Americans with Disabilities Act, migrant students, homeless students, students living with poverty and English language learners), will also be considered for assistive technology devices and/or services on a case-by-case basis. In situations where the potential use of such a device or the provision of such a service is unrelated to a disability, the District will consider the device and/or service in relation to the student's identified special need(s).

#### **Legal References:**

##### **Wisconsin Statutes**

Section 115.787(3)(b)5 [IEP development; required to consider assistive technology needs]

##### **Federal Laws**

Individuals with Disabilities Education Act [programs and services for students with disabilities]

Enhancing Education Through Technology Act of 2001 (Title II, Part D) [educational technology

plans, including state-required policies addressing technology concerns for students with special needs]

Section 504 of the Rehabilitation Act of 1973 [disability discrimination; reasonable accommodations]

Americans with Disabilities Act [disability discrimination; reasonable accommodations]

**Cross References: SP1; 1/2/15**

**Adoption Date: June 27, 2019**

## **Student Nondiscrimination (Equal Educational Opportunities)**

### **Policy 411**

The right of the student to be admitted to school and to participate fully in curricular, co-curricular, student services, recreational or other programs or activities shall not be unlawfully abridged or impaired because of a student's sex, sexual orientation, race, color, national origin, ancestry, religion, creed, age, pregnancy, marital or parental status, any physical, mental, emotional or learning disability, or any other legally-protected status or classification.

Accordingly, the School Board prohibits all forms of unlawful discrimination against students, regardless of the legally-protected status or classification that serves as the basis for any prohibited discriminatory conduct, policy, or practice. When based upon a legally-protected status or classification, examples of unlawful and discriminatory acts can include:

1. The denial of admission to any public school;
2. The denial of participation in, equal access to, or the benefits of any curricular, extracurricular, student services, recreational, or other program/activity, including the District's career and technical education opportunities;
3. The discriminatory and inequitable provision of resources among comparable curricular or extracurricular programs;
4. Any action, policy, or practice, including segregation, bias, stereotyping, or student harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on a legally-protected classification or characteristic.

Children of homeless individuals and unaccompanied youth (youth not in the custody of a parent or guardian) as identified under federal law shall have equal access to the same free, appropriate public education, including comparable services, as those provided to other children and youth who reside in the District. Homeless children and youth shall not be required to attend a separate school or program for homeless children and shall not be stigmatized by school personnel.

The District shall provide all appropriate and legally-required accommodations, educational services, and/or programs for students who have been identified as having a qualifying disability, regardless of the nature or severity of the disability and regardless of whether the student qualifies for the District's special education program. Facilities modifications necessary to provide for appropriate access and participation for persons with disabilities shall be made to the extent required by law.

The District shall also provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for such accommodations shall be made in writing and shall be submitted to and acted upon by the building principal. Accommodations may include, but are not necessarily limited to, being

excused from participation in an activity, alternative assignments, release time from school to participate in religious activities, and opportunities to make up work missed due to religious observances. Any such accommodations granted under this policy shall be provided to students without prejudicial effect.

This policy shall not be interpreted to prohibit the District from (1) providing special programs or services based on student need, including gifted and talented, special education, school-age parents, bilingual bicultural, at risk, and other special programs; or (2) placing a student in a school, program, class, or activity based on objective standards of individual need or performance.

Complaints alleging a violation of any aspect of this policy may be filed and shall be processed in accordance with the District's student discrimination complaint procedures, as adopted in connection with this policy.

By following required procedures and timelines, complaints of unlawful student discrimination may also be filed externally with the Wisconsin Department of Public Instruction, the Chicago office of the U.S. Department of Education's Office for Civil Rights, or, in appropriate circumstances, with any state or federal court or other agency of competent jurisdiction.

Designation of Compliance Officer. The administrator holding the following position is designated as the District's equal educational opportunities compliance officer ("Compliance Officer"):

*District Administrator  
Cochrane-Fountain City School District  
S2770 State Road 35  
Fountain City, WI 54629  
(608) 687-7771*

The Compliance Officer is authorized to receive complaints brought under this policy and its related complaint procedures. The Compliance Officer also serves as the District's Title IX Coordinator (sex discrimination and sexual harassment issues and complaints), federal Age Discrimination Act Coordinator (age-based discrimination issues), and Section 504 and Americans with Disabilities Act Coordinator (disability rights and disability-based discrimination issues) for all student and all non-employment-related matters. The principal shall perform the duties of the Compliance Officer if the Compliance Officer is temporarily unavailable. In the event that a complaint to be filed under these procedures concerns the actions of or decisions made directly by the District Administrator, the complainant may file the complaint in writing at the District's main administrative office, directed to the attention of the Board President, who shall work with District legal counsel in order to process the complaint.

Confidentiality of Reports and Complaints. Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of discrimination reports and complaints to the extent required by any applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately

process and respond to the report or complaint. Nonetheless, investigating a matter often involves disclosing (directly or indirectly) the identity of persons involved in the particular events/issues. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with the District as early as possible in the process.

Retaliation Prohibited. No employee, officer, agent or representative of the District shall unlawfully retaliate against, harass, intimidate or otherwise impose any improper consequence against any person who (1) pursues any complaint under this policy and its related complaint procedure; or (2) otherwise participates in the resolution of any report, complaint, or investigation involving an alleged violation of this policy. Further, any act of retaliation, harassment, or intimidation performed by a student against any such persons who are involved in the complaint process would itself constitute a violation of school rules and District policy, and subject the student to appropriate disciplinary action.

Abuse of Process Prohibited. Failure to act in good faith while participating in the resolution of any report, complaint, or investigation under this policy or its related complaint procedure constitutes an abuse of process and subjects an employee or student to potential discipline. Abuse of process includes the pursuit of a complaint that the complaining party knows to be false or wholly frivolous, the intentional provision of false or misleading information during the processing of a complaint or other investigation, and other actions that constitute a violation of any District policy or rules.

#### NONDISCRIMINATION STATEMENTS AND DISSEMINATION OF POLICY AND DISCRIMINATION COMPLAINT PROCEDURES

In addition to including express nondiscrimination statements in other Board policies where required by law:

1. A legal notice of this policy shall be published at the beginning of each school year in the District's newsletter.
2. A student nondiscrimination statement shall be included in student and staff handbooks, course selection handbooks, and other similar published materials distributed to the public describing school activities and opportunities.
3. Information about the student discrimination complaint procedures shall be disseminated to students, parents and guardians, employees at their request from the District office and made available on the District website.

#### MAINTENANCE OF COMPLAINT RECORDS; REPORTS AND EVALUATIONS

The District's equal educational opportunities compliance officer shall be responsible for ensuring that the District maintains adequate records of complaints filed under the District's student discrimination complaint procedures and for directing the timely preparation of the annual or other reports and evaluations regarding nondiscrimination initiatives and compliance that the District is required to conduct and/or provide to the Department of Public Instruction. In

addition, the District is required to formally evaluate the status of nondiscrimination and equality of educational opportunity in the District at least once every five years.

### **Legal References:**

#### **Wisconsin Statutes**

Section 118.13 [student nondiscrimination; policy/procedures required]

Section 118.134 [race-based nicknames, logos, mascots]

#### **Wisconsin Administrative Code**

PI 9 [student nondiscrimination; policy/procedure/notice required]

PI 41 [accommodating student religious beliefs; policy required]

#### **Federal Laws**

Title IX, Education Amendments of 1972 [sex discrimination]

Title VI, Civil Rights Act of 1964 [race, color and national origin discrimination]

Section 504 of the Rehabilitation Act [disability discrimination; free and appropriate public education (FAPE) and reasonable accommodations]

Title II of the Americans with Disabilities Act [disability discrimination; reasonable accommodations]

Individuals with Disabilities Education Act [programs and services for students with disabilities]

McKinney-Vento Homeless Assistance Act [equal access for homeless students; required policies to remove barriers]

Age Discrimination Act of 1975 [age discrimination in programs or activities receiving federal financial assistance]

Elementary and Secondary Education Act [§6312(e)(3)(D)] – nondiscrimination in admission to federally-assisted education programs on the basis of surname or language-minority status]

**Cross References: SP3; 8/16/18**

**Adoption Date: June 27, 2019**

## Student Discrimination Complaint Procedures

### 411-Rule

A person may submit a complaint and attempt to resolve his/her complaint by using (1) the District's informal complaint resolution option; and/or (2) the District's formal complaint procedure, as further defined in this rule, whenever the person believes that:

1. The District has inadequately complied with section 118.13 of the state statutes and the statute's implementing regulations, or with the current federal laws and/or regulations under Titles IV and VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act (including Title II of the ADA, nondiscrimination on the basis of disability in state and local government services);
2. A student has in some other way been unlawfully discriminated against on the basis of sex, sexual orientation, race, color, national origin, ancestry, religion, creed, age, pregnancy, parental or marital status, any physical, learning, mental, or emotional disability, or any other legally-protected status or classification;
3. That there has been a violation (including violations by other students) of any of the Board's student nondiscrimination, anti-harassment/anti-bullying, or other equal educational opportunities policies; or
4. Another Board policy or rule directs or allows the use of these complaint procedures (*NOTE: Appeals to DPI in such situations apply to the extent permitted by DPI.*)

In special circumstances, such as certain complaints involving the District's application of the Individuals with Disabilities Education Act, the District may re-route the complaint to a more legally-appropriate venue or procedure.

The administrator holding the following position serves as the District's Equal Educational Opportunities Compliance Officer ("Compliance Officer") in connection with these complaint procedures:

District Administrator  
Cochrane-Fountain City School District  
S2770 State Road 35  
Fountain City, WI 54629  
(608) 687-7771

The principal shall perform the duties of the Compliance Officer if the Compliance Officer is temporarily unavailable.

Any person presenting a report or complaint under these procedures who has concerns about safety, confidentiality, or retaliation should discuss those concerns with the Compliance Officer



as early as possible in the process — preferably at or even prior to the time that the detailed report or complaint is made.

In conjunction with the District's receipt of notice of any report or complaint of alleged discrimination, harassment, bullying, or retaliation under these procedures, the District shall consider (and the complainant may affirmatively request consideration of) any interim measures that should be taken before the final outcome of an investigation (e.g., safety planning or other steps needed to protect the complainant and ensure equal access to the District's education programs and activities).

### INFORMAL RESOLUTION OF A COMPLAINT OR CONCERN

The District strongly encourages, but does not require, the informal resolution of complaints and concerns regarding the implementation and monitoring of the laws, regulations, and local policies that facilitate the provision of equal educational opportunities and that prohibit discrimination.

To pursue the informal resolution of a complaint or concern, a person may contact either the principal or the District's Equal Opportunities Compliance Officer at the office location identified above. The person should expressly indicate that they would like to explore informal means of resolving a complaint or concern involving the District's equal educational opportunities policy or another District nondiscrimination policy.

Informal methods for attempting to resolve a complaint or concern may include the scheduling of meetings among relevant parties; meetings or communications mediated by an administrator or other individual selected by the District who was not directly involved in the issue; or, following a presentation and initial assessment of the issue(s), the offering of one or more options for changes to be made in the relevant circumstances. If, at any time, the person seeking an informal resolution becomes dissatisfied with the process or outcome, he/she may initiate a formal complaint according to the steps listed below.

In the event the principal addresses or resolves an informal complaint that the principal determines involves an alleged violation of the state or federal student nondiscrimination law, the principal shall provide the Compliance Officer with a written version of the nature of the complaint and a summary of any responsive action taken on the informal complaint.

### FORMAL COMPLAINT PROCEDURES

**Step 1: Complaint to Compliance Officer:** A written statement of the complaint shall be prepared by the complainant, signed and presented to the Compliance Officer, who shall acknowledge receipt of the complaint within 10 calendar days. The Compliance Officer or a designee shall further investigate the complaint and, in a manner consistent with applicable student records laws, issue a written determination to the complainant and any other appropriate parties indicating the extent to which the complaint was or was not substantiated and including such other information as may be appropriate under the

circumstances. The District will attempt to provide the administrative determination of the complaint within 30 calendar days of the date that the complaint was filed.

**Step 2: Optional Appeal to the School Board:** Any actual party in interest to the complaint (including any alleged victim/target or any alleged responsible party) who disagrees with the administration's decision in the matter may either treat the decision as a final decision or submit an appeal to the School Board. Any appeal to the Board shall be filed in care of the School Board Clerk at the Office of the District Administrator within 10 calendar days of receipt of the District Administrator's decision, and the request shall state the reasons the decision is being appealed. The Board will provide a written response to the appeal, which may or may not involve a meeting with any of the relevant parties and/or any further investigation. The decision of the Board shall include a notice to the complainant of his/her right to appeal the determination to the State Superintendent of Public Instruction.

**Step 3: Appeal of District Final Decision** The complaining party may appeal any negative final decision of the District (the decision either at Step 2 or Step 3) to the State Superintendent of Public Instruction. Using the procedures identified in [Chapter PI 1](#) of the Wisconsin Administrative Code, such appeals must be filed in writing within 30 calendar days of the District's final decision and sent to the Department of Public Instruction, Equal Educational Opportunity Office – Pupil Nondiscrimination, P.O. Box 7841, Madison, WI 53707.

In addition, a complainant may appeal directly to the DPI if the District has not provided written acknowledgement within 45 days of receipt of the complaint or has not made a final determination within 90 days of receipt of the written complaint.

#### COMPLAINTS AND APPEALS TO THE U.S. DEPARTMENT OF EDUCATION'S OFFICE FOR CIVIL RIGHTS AND OTHER EXTERNAL AGENCIES OR THE COURTS

Where otherwise permitted by law, nothing within these locally-established complaint resolution procedures shall preclude individuals from filing, on a timely and procedurally appropriate basis, (1) a discrimination complaint or request for enforcement directly with the U.S. Department of Education's Office of Civil Rights (OCR) in Chicago, as authorized by various federal laws; or (2) a complaint or suit with another external governmental agency or court. Such agencies and courts independently determine the extent to which any given complaint falls within their realm of authority. Such actions may be taken in lieu of or in addition to filing a complaint under the District's local procedures.

#### DEADLINE FOR FILING AN INITIAL COMPLAINT

There is no absolute deadline for the initial filing of a complaint under these procedures. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, bullying or retaliation. However, a person with a complaint or concern involving such a matter is encouraged to notify the District of the issue or to pursue the complaint as soon as reasonably possible after the occurrence of the relevant events. Any gap in

pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of possible remedies and resolutions that are reasonably available. Notwithstanding the lack of a single, fixed deadline, the District, acting through the District Administrator or a designee, may determine that any complaint filed more than 300 days after the alleged act(s) occurred, or more than 300 days after the last occurrence of an ongoing condition, will not be processed through these procedures for lack of timeliness (although the District may follow-up on the issues presented through other means if appropriate). A decision to dismiss a complaint because it is untimely may be appealed to the Board under Step 2, and the Board may either affirm the dismissal of the complaint for lack of a timely filing or remand the complaint for further processing.

#### SPECIAL PROCEDURE FOR COMPLAINTS INVOLVING THE DISTRICT ADMINISTRATOR

In the event that a complaint to be filed under these procedures concerns the actions of or decisions made directly by the District Administrator, the complainant may file the complaint in writing at the District's main administrative office, directed to the attention of the Board President, who shall work with District legal counsel in order to process the complaint.

#### SPECIAL COMPLAINT PROCEDURE — SPECIAL EDUCATION

Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability shall be processed in accordance with established appeal procedures outlined in the District's Special Education Procedures.

**Cross-References: SR5; 8/6/18**

**Adoption Date: June 27, 2019**

## **Public Notification of Student Nondiscrimination Policy**

### **411-Exhibit 1**

The Cochrane-Fountain City School District prohibits all forms of unlawful discrimination against students in all aspects of the District's programs and operations. Accordingly, consistent with section 118.13 of the state statutes, no student shall unlawfully be discriminated against in any curricular, extracurricular, pupil service, recreational, or other program or activity because of the person's sex, sexual orientation, race, color, national origin, ancestry, religion, creed, age, pregnancy, marital or parental status, or physical, mental, emotional or learning disability. The District likewise requires and enforces nondiscrimination in a manner consistent with the rights and obligations established under all applicable federal civil rights laws, including the current provisions of Titles IV and VI of the Civil Rights Act of 1964 (race, color, religion, sex, or national origin), Title IX of the Education Amendments of 1972 (sex), Section 504 of the Rehabilitation Act (disability), the Americans with Disabilities Act (including Title II of the ADA, which prohibits discrimination on the basis of disability in state and local government services), the Age Discrimination Act of 1975 (age), and the civil rights provisions associated with the Elementary and Secondary Education Act and the District's participation in federal meal programs.

All District career and technical education opportunities are offered to students on a nondiscriminatory basis. Additional information regarding such program offerings and the applicable admission/participation criteria can be obtained on the District's website or by contacting the school's guidance office.

Children of homeless individuals and unaccompanied homeless youth (youth not in the physical custody of a parent or guardian) as identified under federal law shall have equal access to the same free, appropriate public education, including comparable services, as provided to other children and youth who reside in the District. Homeless children and youth shall not be required to attend a separate school or program for homeless children and shall not be stigmatized by school personnel.

The District provides legally-required accommodations and appropriate educational services or programs for students who have a qualifying disability, regardless of the nature or severity of the disability. The District also provides for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for religious accommodations shall be made in writing and approved by the building principal.

When acceptable to the complaining party, the District encourages informal resolution of discrimination complaints and related concerns. However, a formal complaint resolution procedure is available to address allegations of unlawful discrimination and/or any alleged violation of the District's equal educational opportunities policies.

Any questions concerning this notice, the District's nondiscrimination and equal educational opportunities policies, policy compliance, or the District's complaint procedures may be directed to the District's equal educational opportunities compliance officer:

District Administrator  
Cochrane-Fountain City School District  
S2770 State Road 35  
Fountain City, WI 54629  
(608) 687-7771

Discrimination-related complaints may be filed with the Compliance Officer. The Compliance Officer also serves as the District's Title IX Coordinator (sex discrimination and sexual harassment issues and complaints), Age Discrimination Act Coordinator (age-based discrimination issues), and Section 504 and Americans with Disabilities Act Coordinator (disability rights and disability-based discrimination issues).

By following all required procedures and timelines, complaints of unlawful student discrimination may also be filed externally with the Wisconsin Department of Public Instruction, the Chicago office of the U.S. Department of Education's Office for Civil Rights, or, in appropriate circumstances, with any state or federal court or other agency of competent jurisdiction.

**Cross-Reference: SE1; 8/6/18**

**Adoption Date: June 27, 2019**

## Discrimination Complaint Form (Student/Non-Employee Matter)

### 411-Exhibit 2

<b>DISCRIMINATION COMPLAINT FORM (for student and other non-employment matters)</b> (Any person with knowledge or concerns related to possible/alleged unlawful discrimination occurring in school district services, programs, or operations may submit a complaint using this form. A separate form exists for employment discrimination complaints.)	
1. Print the name of the person who is submitting this form:  _____	2. Today's Date:  _____
3. For <b>non-students</b> : I can be contacted by phone and/or email at: _____	
4. The person submitting this form is a: <input type="checkbox"/> Student in grade _____ <input type="checkbox"/> Parent/Guardian of _____ <input type="checkbox"/> School District Employee <input type="checkbox"/> Other: _____	5. The person submitting this form is (check all that apply): <input type="checkbox"/> A victim/target of discrimination or harassment <input type="checkbox"/> Someone who saw what happened to someone else <input type="checkbox"/> Someone who has heard what happened to someone else <input type="checkbox"/> Other: _____
6. <b>WHO</b> is being adversely affected by this issue? (Please provide the names(s) of any specific individuals, or, if a particular group of people are being affected, please describe the class/group.)  _____	
7. <b>WHO</b> or <b>WHAT</b> is causing the possible discrimination? (Check all that apply and identify individuals to the extent possible.) <input type="checkbox"/> Student(s): _____ <input type="checkbox"/> School employee(s): _____ <input type="checkbox"/> Someone else: _____ <input type="checkbox"/> A district policy or procedure: _____	
8. Describe <b>WHAT</b> happened (or what is currently happening), <b>WHERE</b> it occurred (e.g., which school), and <b>WHEN</b> it occurred:  _____ _____ _____ _____ _____ _____	
9. Does this complaint allege a violation of a law or a school district policy that is based upon, or that has occurred because of, any individual's legally-protected status (e.g., race, color, national origin, ancestry, sex, sexual orientation, religion, creed, age, pregnancy, marital or parental status, or any physical, mental, emotional or learning disability)? <input type="checkbox"/> <b>No.</b> It doesn't seem connected to any particular status or category. <input type="checkbox"/> <b>Yes.</b> Please list <b>each</b> protected status/category that you feel is relevant to the issues identified in this complaint:  _____	
10. Please <b>SIGN</b> and <b>DATE</b> this form (for complaints submitted by multiple people, please attach an additional signature page or add a signature in the space provided for additional details).  Your signature is your assurance that the information provided in this complaint form is provided in good faith and that it is accurate to the best of your knowledge.	

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Use the space below (or additional sheets) to provide any additional detail that you wish to provide:

Please submit this form DIRECTLY to the District's Equal Educational Opportunities Compliance Officer at [insert contact info] or, if you are more comfortable doing so, to any school principal.

The lines below are for School District OFFICE USE ONLY

1. Identify the **name and title** of the person who received this form on behalf of the School District, and identify the **date of receipt**:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date of Receipt by the District

2. Identify the method of receipt:

Hand delivery

Inter-office mail

U.S. mail

Other: \_\_\_\_\_

Email

3. By number, identify the items on this form (if any) which were blank or clearly incomplete at the time the form was initially filed with the District:

4. Identify the **supervisor(s) or administrator(s)** who have been notified of the District's receipt of this report as of the date of receipt:

5. Identify the **supervisor or administrator** who is assigned primary responsibility for ensuring this report is processed appropriately:

6. Other information the District wishes to document related to the receipt of this complaint:

**Cross-Reference: SE3; 8/3/18**

**Adoption Date: June 27, 2019**

## **Anti-Bullying and Anti-Harassment (Students)**

### **Policy 411.1**

As used in this policy:

1. “Bullying” refers to severe, systematic, or repeated actions that involve the threatened, attempted, or actual infliction of physical harm or psychological/emotional distress on one or more students, staff, or other persons. Bullying usually (but not always) involves an actual or a reasonable perception of an imbalance of power between the bully and the victim/target. Bullying occurs when someone purposefully engages in written, spoken, nonverbal, or physical behaviors or communications (including but not limited to actions that threaten, intimidate, insult, degrade, or ostracize) that have the effect of doing any of the following:
  - a. Substantially interfering with any student’s education;
  - b. Substantially interfering with a person’s ability to participate in or benefit from any school activity or program;
  - c. Endangering the health, safety, or property of the target(s) of the behavior; or
  - d. Creating a threatening, intimidating, hostile, or offensive environment within any District school, activity, or program.
2. “Cyber-bullying” is defined as bullying that involves the use of digital technologies, including but not limited to, e-mail, cell phones, text messages, instant messages, chat rooms, and social media. Cyber-bullying is prohibited and treated the same as all other types of bullying.

Younger students might better understand the meaning of “bullying” when the term is defined to include conduct that one person uses on purpose and usually more than just one time to hurt, put down, embarrass, or scare another person, where the person who is being bullied would have difficulty protecting or defending him/herself.

Bullying can involve direct interaction between the aggressor-bully and the target(s), or it can be indirect (such as orchestrating others to engage in acts of bullying, facilitating bullying conduct by others, taking secretive or covert actions, etc.).

While bullying involves deliberate/purposeful conduct, intent/purpose may properly be inferred from the totality of the circumstances (e.g., where the behavior is persistent/repeated or where the responsible party reasonably should have been able to foresee the consequences of his/her actions and the manner in which his/her conduct would be likely to be perceived by the target(s) of the conduct).

Not all behaviors that (1) hurt another person’s feelings; (2) are a manifestation of an interpersonal conflict; or (3) are in some way unkind amount to acts of bullying (or harassment) as defined in this policy. However, such negative behaviors are still a legitimate subject of concern and regulation within the school environment.



## **Defining Harassment**

As used in this policy, the term “harassment” means behavior directed towards another person:

1. which either: (a) is based, in whole or in part, on any legally-protected characteristic or classification, including (with respect to a student victim/target) a student’s race, color, national origin, ancestry, sex, sexual orientation, religion, creed, pregnancy, marital or parental status, or any physical, mental, emotional or learning disability; (b) is based on some other actual or perceived, but irrelevant, distinguishing characteristic, such as (with respect to a student victim/target) a student’s physical appearance, economic status, or social status; or (c) does not serve a legitimate purpose;

### **AND**

2. which either: (a) substantially interferes with a student's school performance, an employee’s ability to do his/her work, or any person’s ability to perform or participate in a District-related function; (b) substantially interferes with a student’s ability to participate in or benefit from any school activity or program; (c) creates an intimidating, hostile or offensive environment within any District school, activity, or program; (d) substantially interferes with or endangers the education, health, safety, or property of the victim/target; (e) causes a substantial disruption to any school-related activity or program; or (f) compromises the District’s ability to operate efficiently and effectively.

## **Bullying and Harassment by Students is Prohibited**

The District prohibits students from bullying or harassing any person when either the aggressor and/or the target (victim) of the behavior is (1) at school or on school grounds; (2) at any school-sponsored activity; (3) using District-provided transportation; (4) under the supervision of a school district authority; or (5) otherwise within the scope of the District’s disciplinary jurisdiction (such as conduct that occurs away from school that endangers the health, safety or property of a person who is at school).

Student violations of this policy will normally be addressed through remedial interventions and/or consequences. The exact response applied to a particular incident shall take into consideration the totality of the relevant circumstances, including but not limited to the nature and severity of the conduct, the age and developmental level of the student, and the student’s behavioral history. Possible consequences for students who engage in bullying or harassment (or prohibited retaliation) include, but are not limited to, revocation of school-related privileges, temporary removal from class or school activities, suspension, expulsion, and/or referral to law enforcement officials for possible legal action.

The District is not able to investigate and impose the same school-related consequences on a student for all out-of-school conduct that, if the conduct had taken place under other circumstances, would have constituted a violation of this policy and been within the school’s jurisdiction for suspension or expulsion. However, where a District employee determines, based on communications with students or parents or guardians, that an out-of-school incident (or alleged incident) is having, or is likely to have, a negative effect within the school environment, the Board authorizes District staff to respond to non-school incidents that are brought to the

District's attention through activities that may include a parent meeting, safety planning, counseling, or other appropriate interventions.

### **Application of this Policy to School Officials, District Employees, and Others**

The District also prohibits bullying and harassment by District officials, District employees, District volunteers, contracted service providers, and others who are present at a school, on school grounds, or at any school-sponsored activity. While the primary focus of this policy concerns victims/targets who are students, such conduct is prohibited regardless of whether the target of the behavior is a student, school official, District employee, parent or guardian, or other person.

When an employee is alleged to have engaged in bullying, harassment or prohibited retaliation, the incident (including the possible imposition of consequences) will be addressed in a manner consistent with the District's procedures for handling personnel matters. When a person who is neither a student nor an employee violates this policy, the District likewise reserves the right to take appropriate remedial action, including the imposition of possible consequences (such as limiting the individual's access to District property or activities, referral to law enforcement, etc.).

### **Reports/Complaints; Confidentiality**

The District shall establish and implement procedures under which incidents and concerns involving bullying, harassment, or any related allegations of retaliation can be reported and addressed in an appropriate manner.

In addition to any other reporting procedures that are established:

1. When the victim/target of the alleged behavior is a student, a person may report the behavior as a complaint under the District's student discrimination complaint procedures; or
2. When the victim/target of the alleged behavior is an employee, a person may report the behavior as a complaint under the District's employment discrimination complaint procedures; or
3. When the victim/target of the alleged behavior is neither an employee nor a student, a person may report the behavior to the appropriate activity supervisor, principal, or to the District Administrator. A written complaint is preferred, but, no matter how the report is presented, the person making the report should clearly and expressly identify that he/she is reporting a concern with bullying, harassment, or retaliation.

Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of reports and complaints to the extent required by any applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint.

Nonetheless, investigating a matter often involves disclosing (directly or indirectly) the identity of persons involved in the particular events/issues. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with the District as early as possible in the process.

## **Retaliation and Abuse of Process are Prohibited**

Retaliation is prohibited against any person who has reported in good faith (or who is believed to have reported) a possible violation of this policy, or against any person who otherwise participates in any investigation, inquiry, or other proceeding related to an incident, report, or complaint of bullying or harassment. Retaliation includes, but is not limited to, any form of intimidation, harassment, or inappropriate disparate treatment. Such retaliation shall be considered a serious violation of Board policy independent of whether the report, complaint, or allegation in question is substantiated. Allegations or concerns regarding retaliation may be reported to the District using the procedures that are established for reporting harassment and/or bullying.

Knowingly providing false information regarding alleged bullying or harassment, fabricating incidents/allegations, and similar bad-faith conduct shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

### **Legal References:**

#### **Wisconsin Statutes**

<u>Section 118.01(2)(d)</u>	[personal development curriculum]
<u>Section 118.13</u>	[student nondiscrimination requirements]
<u>Section 118.164</u>	[removal of students from class]
<u>Section 118.46(2)</u>	[student bullying policy required]
<u>Section 120.13(1)</u>	[school board power to set conduct rules and discipline students]
<u>Section 947.0125</u>	[unlawful use of electronic communications]
<u>Section 947.013</u>	[unlawful harassment]
<u>Section 948.51(2)</u>	[hazing prohibited]
<u>Section 995.55</u>	[restricted access to personal Internet account]

#### **Wisconsin Administrative Code**

PI 9 [student nondiscrimination]

#### **Federal Laws and Regulations**

Children's Internet Protection Act (CIPA) and Neighborhood Children's Internet Protection Act (NCIPA) [policy and other requirements related to Internet safety]

Title IX, Education Amendments of 1972 [sex discrimination in educational programs, includes sexual harassment]

Title VI, Civil Rights Act of 1964 [race, color and national origin discrimination]

Section 504 of the Rehabilitation Act [disability discrimination; free and appropriate public education (FAPE) and reasonable accommodations]

Title II of the Americans with Disabilities Act of 1990 [disability discrimination; reasonable accommodations]

**Cross References: SP4; 8/4/15**

**Adoption Date: June 27, 2019**

## **Reporting Bullying/Harassment (Students, Parents and Non-Employees)**

### **411.1-Rule 1**

Any student who (1) is the target of any bullying or harassment; (2) who observes/witnesses any incident involving bullying or harassment; or (3) obtains knowledge of possible bullying or harassment that the student finds credible or upsetting, is strongly encouraged to report the incident(s) to District staff using any of the procedures identified in this rule. Parents and guardians and others with relevant knowledge/information/concerns related to incidents involving students are similarly encouraged to report such concerns/incidents to the District.

There are several different ways that students, parents and guardians, and others can report concerns related to bullying and/or harassment:

1. At the **School** (i.e. Elementary, High School) Level:
  - a. Making an informal verbal or written report (e.g., via a parent email) to a teacher, activity supervisor (e.g. a head coach, a bus driver, etc.), student services staff member or principal; or
  - b. Completing a “Report of Bullying or Harassment” form and delivering the form to a teacher, student services staff member (e.g., a school counselor) or to the principal.
2. At the **District** Level:
  - a. Completing a “Report of Bullying or Harassment” form and delivering the form to the office of the District Administrator; or
  - b. Pursuing a District-level complaint using the District’s student discrimination complaint procedures. When using these procedures, the complaint may be initially filed with the District’s designated Equal Educational Opportunities Compliance Officer.

A student or parent or guardian can choose the specific reporting method with which they are most comfortable. That is, any report/concern/incident(s) can be brought forward at the school level and/or at the District level. The specificity and clarity of the information (e.g., expressly identifying in connection with a verbal report that the issue concerns “bullying” and/or “harassment”) is likely to be more important than the particular method that is used to make the initial point of contact. To help avoid misunderstandings, the District strongly encourages students and parents and guardians to submit a written report using the District’s “Report of Bullying or Harassment” form any time they want to be sure that they are triggering the investigation and intervention steps outlined in related District procedures.

Regardless of the reporting method that is used, the District’s primary concern in any situation that involves the bullying or harassment of a student is for the safety and well-being of the victim/target, and it is the District’s goal to provide an adequate and appropriate response. Employees are directed to use their professional judgment to appropriately scale the nature of the District’s response to the nature of the specific incident(s)/concern(s).

**Cross References: SR1-1; 1/2/15**

**Adoption Date: June 27, 2019**

**Reporting Bullying/Harassment  
Expectations and Procedures for District Employees**

**411.1-Rule 2**

**Expectations for District Employees to Report Bullying or Harassment Involving Students**

Any District employee who, in connection with his/her duties, witnesses or obtains credible knowledge of any incident of bullying or harassment of a student is expected to make a timely (usually same day) written report of the incident to the District Administrator in any of the following circumstances:

1. The employee knows or suspects that a student has been, or is being, subjected to any severe or repeated act(s) of bullying or harassment and believes that the incident(s) have caused, or are likely to cause, physical, emotional, or mental harm to the target/victim;
2. Any time the incident involves conduct by a District official, District employee, or other adult toward a student victim/target;
3. The conduct in question would clearly constitute prohibited harassment based on a student's legally-protected status;
4. Any time a person who is verbally reporting an incident or concern involving potential bullying or harassment expressly states that he/she wants the incident/concern to be documented;
5. If the employee knows that the incident reflects a continuation or escalation of prior bullying or harassment that has already been reported and that the bully-aggressor has already been expressly directed to cease; and
6. Any time an employee with knowledge of possible bullying or harassment concludes that he/she has (a) reasonable cause to suspect that a student has been (or is currently) subject to abuse or neglect, or (b) reason to believe that a student has been threatened with abuse or neglect and that abuse or neglect will occur (**IMPORTANT: Such an incident also triggers a duty to report the information to appropriate external legal authorities under state law**).

District employees may, in connection with their duties, witness or obtain credible knowledge of other incidents involving inappropriate conduct by or that is directed toward one or more students that may, or may not, also constitute bullying or harassment. For example, not all incidents of interpersonal conflict, teasing, name-calling, etc. amount to bullying or harassment. Provided that the employee is not required to report the matter pursuant to the paragraph immediately above, the District expects the employee to exercise reasonable judgment to determine (1) how to intervene to stop and address the inappropriate behavior; and (2) whether the incident should be further reported/documented.

In making such discretionary reporting decisions, an employee is expected to consider factors such as: (1) the extent to which the inappropriate behavior has stopped; (2) whether the incident appears to have been a relatively minor and isolated incident versus a severe or repeated behavior; and (3) the extent to which the victim/target, even if initially upset in the moment, does not appear to be substantially affected by the incident going forward.

Employees are expected to:

1. Make efforts to be reasonably consistent in making such reporting decisions;
2. Follow any supervisory guidance that they may receive; and
3. Seek assistance from the appropriate building principal or from student services personnel whenever they encounter a concern with bullying or harassment where (a) the employee is unsure how to fully assess or otherwise handle the situation; or (b) the employee believes that his/her standard behavior management techniques and practices are inadequate to appropriately respond to the situation/concern.

**SPECIAL PROVISION APPLICABLE TO HOURLY EMPLOYEES:** Hourly employees who are not assigned responsibility for regularly managing student conduct or for determining how the District will respond to incidents of bullying or harassment should, as a default, contact their supervisor or the relevant building principal any time they have significant concerns about the bullying or harassment of any student(s). This paragraph does not mean that hourly staff should refrain from attempting to stop harmful behavior in any incident that is presently taking place.

**Reporting Procedures:**

A District employee that is making a written report of bullying or harassment under this rule is expected to submit the report to the District Administrator. The employee may use the District's building-level "Report of Bullying or Harassment" form. The employee should make an effort to confirm that the administrator received the report.

**Cross-References: SR1-2; 1/2/15**

**Adoption Date: June 27, 2019**

## **Responding to and Investigating Reports of Possible Bullying or Harassment Involving Students**

### **Policy 411.1-Rule 3**

#### **A. General Expectations and Priority Actions**

Whenever the District receives any report or complaint regarding alleged bullying or harassment of a student (whether written or verbal), or where any employee is otherwise addressing an incident, concern, or allegation that the employee understands to be related to possible bullying or harassment of a student, the highest-priority response measures are the following:

1. Intervening to attempt to stop harmful or inappropriate behavior in any incident that is presently taking place;
2. Taking steps to address concerns regarding any imminent threats or imminent harm; and
3. Identifying a teacher, administrator, or other licensed staff member who will make a personal contact with the student who has been clearly identified as a possible victim/target of bullying or harassment.

The District's further expectation is that employees will process written reports and formal complaints according to established procedures, and, more generally, appropriately scale the District's response to any report or complaint in a manner that reflects the known nature and severity of the specific incident(s)/concern(s). The District's response to any situation involving bullying or harassment should be adjusted any time the District determines that an initial response or attempted resolution has been ineffective.

#### **B. Investigating a Written Report of Bullying or Harassment**

The following procedures shall be used to process any clearly identified written report of possible bullying or harassment of a student that is received by the District, including most reports submitted using the District's "Report of Bullying or Harassment" form, but not including any report or complaint that is being separately processed under the District's formal student discrimination complaint procedure. Where any written report of bullying or harassment specifies that the alleged conduct is based, in whole or in part, on a student's legally-protected status or classification (race, sex, sexual orientation, disability, etc.), the District reserves the right to divert the report for separate processing as a complaint under the District's student discrimination complaint procedures.

1. **Initial Screening.** Under the direction of a school administrator, each written "Report of Bullying or Harassment" will initially be screened by a licensed staff member to determine whether the report involves conduct that, if substantiated, could be a violation of the District's anti-bullying and anti-harassment policy. This step will

- normally involve making an initial contact with the individual who submitted the report, as well as with each student who is an alleged target/victim.
- a. If the District, with the approval of a school administrator, determines that the report involves conduct that would not be a violation of the District's anti-bullying and anti-harassment policy, the issue may be diverted from these procedures for some other appropriate resolution. The individual filing the report and each known target/victim and his/her parent or guardian will be notified of such a decision, and they may, within 10 days of being notified, request reconsideration of the decision.
  - b. If the initial screening suggests that bullying or harassment may have occurred (or may be occurring), an administrator or designee will continue to process the report under these procedures.
    - (1) From this point forward, and regardless of who initially submitted the report, the District's primary point of contact regarding the report will be with each student who is an alleged target/victim and the student's parent or guardian.
    - (2) Nothing in the remainder of these procedures prevents an administrator, a target/victim, and the student's parent or guardian from mutually agreeing, at any time, to a resolution of a report of bullying or harassment that is satisfactory to all parties, even though it departs from these procedures. Such an alternative resolution shall be documented in the District's records. However, no administrator shall approve a resolution that he/she determines (a) does not adequately address the matter, or (b) may jeopardize any person's safety.
2. **Post-Screening Investigation.** When any report of bullying or harassment is investigated beyond the initial screening stage, the investigation shall be conducted by an administrator or by a licensed staff member acting under the direction of an administrator, unless the District Administrator engages an independent outside party to conduct the investigation.
- a. The investigation shall be conducted by a person who the District determines is not identified as a person who is allegedly responsible for, or who was directly involved in, the underlying issue or incident.
  - b. The investigator shall ensure that the person who filed the report and any student who has been identified as an alleged victim/target has had an opportunity to present relevant information or other evidence.
  - c. Prior to making and issuing any determination that a report of bullying or harassment has been substantiated, the investigator shall (unless the student is unavailable to the District) provide any accused bully/aggressor who has been identified with an opportunity to respond to the allegations and to present relevant information or other evidence.



- d. Nothing in these procedures prevents the District from implementing interim responsive measures (e.g., pending completion of an investigation) that are intended to address any person's safety and well-being, prevent continuation or escalation of a conflict, or prevent disruption to a student's education or within any school environment.
3. **Administrative Determination.** Following the completion of the investigation described in Step 2, the person who conducted the investigation (if someone other than the principal or District Administrator) shall consult with the principal or the District Administrator, and the administration will determine whether any bullying, harassment, or other violation of District policies or school rules has been substantiated.
  - a. The District will notify each student (and his/her parent or guardian) who was identified as an alleged target/victim of the extent to which the District determined that the student has (or has not) been subjected to bullying or harassment in violation of Board policy.
  - b. The District will notify each student (and his/her parent or guardian) who was identified as an alleged bully/aggressor of the extent to which the District determined (if at all) that the student engaged in bullying, harassment, or other conduct prohibited by Board policy or school rules. The appropriate entries documenting any violation(s) will be made in the student's behavioral records.
4. **Request for Reconsideration of the Administrative Determination.** Any student, or any parent or guardian of the student, who is an alleged target/victim or an alleged bully/aggressor and who disagrees with the administration's decision in the matter may, within 10 calendar days of being notified of the administration's decision, file a written request for reconsideration with the office of the District Administrator. Unless additional time is needed to conduct further investigation or to evaluate new information, the District Administrator shall normally respond to the request for reconsideration within 10 calendar days.
5. **Optional Appeal to the School Board.** Any student, or any parent or guardian of the student, who is an alleged target/victim or an alleged bully/aggressor and who disagrees with the District Administrator's resolution upon reconsideration may treat the District Administrator's decision as the District's final decision or submit an appeal to the School Board. Any appeal to the Board shall be filed in care of the School Board Clerk at the Office of the District Administrator within 10 calendar days of receipt of the District Administrator's decision, and the request shall state the reasons the decision is being appealed. The Board will provide a response to the appeal, which may or may not involve a meeting with the relevant parties and/or further investigation.
6. **Appeal to DPI in Limited Cases.** Where any written "Report of Bullying or Harassment" investigated under these procedures specifies that the alleged conduct is based, in whole or in part, on a student's legally-protected classification (e.g., race,

sex, sexual orientation, disability, etc.), the complaining party may appeal any negative final decision of the District to the State Superintendent of Public Instruction. Accordingly, in such cases, notice of a negative determination issued to the complainant by the District Administrator upon reconsideration or (if applicable) by the Board shall include notice to the complainant that the District's determination may be appealed to the State Superintendent in writing within 30 days using the procedures identified in Chapter PI 1 of the Wisconsin Administrative Code.

## **II. DISTRICT INTERVENTIONS FOLLOWING REPORTS AND SUBSTANTIATED INCIDENTS OF BULLYING OR HARASSMENT INVOLVING STUDENTS**

### **A. Supporting a Student Who Expresses Concerns or Fears Related to Bullying or Harassment**

In some situations, an investigation may be unable to substantiate a particular incident, unable to identify any or all students who may have been involved in a particular incident, or result in a finding that away-from-school conduct cannot be investigated as a District matter. However, a substantiated incident is not a pre-requisite to providing supportive interventions on behalf of a student who expresses concerns or fears related to bullying or harassment. Any time the District is working with a student and/or his/her parent or guardian surrounding concerns with bullying or harassment, staff may explore the extent to which on-going monitoring, counseling, or other supportive measures may be useful and appropriate.

### **B. Supporting a Student Victim Following a Substantiated Incident of Bullying or Harassment**

Following any substantiated incident of bullying or harassment involving a student victim, the District Administrator or his/her designee shall specify in writing for the student and his/her parent or guardian the victim-focused interventions that the District intends to implement. Examples of possible interventions and responses include:

- Establishing clear points of contact if the student, or the student's parent or guardian, has ongoing or new concerns, if any issues concerning retaliation arise, etc.;
- Establishing date(s) by which a designated staff member will initiate follow-up contact with the student and/or the parent or guardian;
- Involving/notifying additional school staff;
- Monitoring particular situations/settings;
- Providing student services (e.g., counseling);
- Establishing and implementing specific safety plans.

### **C. Accountability for Students Who Have Engaged in Bullying or Harassment**

If the District issues a determination under these procedures that a student has engaged in conduct that constitutes bullying or harassment in violation of Board policy, the District Administrator or his/her designee shall specify in writing for the student and his/her parent or guardian (1) any school-related consequences that the District is imposing on

the student; and/or (2) any other interventions that the District intends to implement to promote positive changes in the student's interpersonal skills, communication skills, socio-emotional development (e.g. his/her capacity to demonstrate empathy for others) and/or general behavior moving forward.

Examples of possible school-related consequences include: loss or suspension of privileges, detention, in-school suspension, out-of-school suspension, and expulsion from school.

Examples of other possible interventions include:

- Holding meetings involving the student and his/her parent or guardian which cover issues such as ensuring that the student understands (a) the consequences and impact of his/her past behavior; (b) how the District defines bullying and harassment; (c) the possible consequences for future violations of the District's behavioral expectations; and (d) that any type of retaliation related to the incident is prohibited and would be a serious offense;
- Establishing date(s) by which a designated staff member will initiate follow-up contact with the student and/or the parent or guardian;
- Providing student services (e.g., counseling);
- Interventions intended to identify/address potential underlying causes of the behavior and teach new skills;
- Referring the student's parent or guardian to available community services, non-District counseling, etc.

Nothing in these procedures prevents District staff from involving or referring a matter to law enforcement where a student's conduct may have violated one or more laws or where safety interests indicate that such involvement is appropriate.

#### **D. Enhancing School Climate and Building All Students' Awareness and Skills**

The District's goals include creating a culture in which bullying and harassment are not tolerated, in which students are supported and encouraged to report concerns with possible harassment or bullying, and in which students build skills that enable them to assist peers who are harassed or bullied. Accordingly, anti-bullying and anti-harassment efforts have an on-going instructional component for all students, which will not necessarily be associated with any particular incident. However, it is also possible that certain incidents or observed patterns of conduct may cause the District to implement a group-based, class-wide, or school-wide intervention measure that is intended to enhance student awareness, communicate particular concerns, identify and promote desired behaviors, and/or to improve the class or school climate. However, the District will give due consideration to the privacy interests of, and potential negative consequences for, any individual students whenever such interventions are considered.

**Cross References: SR1-3; 1/2/15**

**Adoption Date: June 27, 2019**

## **Board Guidelines for Bullying and Harassment Procedures**

### **Policy 411.1-Rule 4**

The Board believes that bullying and harassment are complex school and community issues that have harmful consequences, first and foremost, for those individuals who are the victims of the behavior; but bullying and harassment also have negative consequences for those who engage in the behavior, for the overall school environment, and for the broader community. Accordingly, the Board directs the administration to ensure that the District's schools are taking active steps, directed toward both students and staff, surrounding bullying and harassment awareness, prevention, and intervention/response.

While there are often challenges associated with appropriately identifying, assessing, and responding to incidents of bullying and harassment, the District's procedures, services, and communications related to bullying and harassment shall take the following positions of the Board into consideration:

1. The Board expects the District's response to any incident or course of conduct that involves bullying or harassment to exhibit a degree of proportionality to the totality of the known circumstances. No single, pre-defined response is appropriate for all circumstances. Similarly, if District employees conclude that an initial response to an incident or pattern of bullying or harassment has been ineffective, and they know that the behaviors have continued or that the behaviors have escalated, then a proportional response would include changing the District's approach to intervention.
2. Because these behaviors and their effects differ substantially from one situation to the next, the District can be more effective in its efforts when the students and parents and guardians affected by a serious situation (a) clearly identify the severity and totality of the circumstances of the situation to a teacher or administrator; and (b) participate in an ongoing partnership with District employees to monitor, communicate about, and make adjustments to the response(s) that have been implemented to date.
3. Bullying and harassment involve many overlapping behaviors, and conduct that may be properly labeled as bullying and/or harassment may also violate a state law, another District policy, school rules, or other established behavioral expectations for students or employees. Assigning a particular label to a negative behavior is generally less important than identifying the behavior as inappropriate and taking action to address the behavior. However, where any written complaint or written report of bullying or harassment specifies that the alleged conduct is based, in whole or in part, on a student's legally-protected classification, the District shall treat its final determination as appealable to the State Superintendent of Public Instruction.

### **Information/Notice**

1. Students and parents and guardians shall be informed annually of relevant portions of the District's anti-bullying and anti-harassment policy and the related complaint/reporting procedures through the Student Handbook.

2. The District will also provide a copy of the anti-bullying and anti-harassment policy and the related complaint/reporting procedures to any person who requests it.
3. A reference to the District's anti-bullying and anti-harassment policy and the related procedures shall also be included in the District's Employee Handbook.

### **Annual Report**

The District's Equal Educational Opportunities Compliance Officer shall keep data on the number and types of student-related incidents of bullying and harassment that are the subject of a written report/complaint. The Compliance Officer shall create an end-of-year annual summary report of such incidents (not including any personally-identifiable student information) to assist with the District's evaluation of its efforts to address bullying and harassment in the schools.

**Cross References: SR1-4; 1/2/15**

**Adoption Date: June 27, 2019**

## Report of Bullying or Harassment Form 411.1-Exhibit

<b>Report of Bullying or Harassment</b> (Any person with knowledge or concerns related to the possible bullying or harassment of a student may report the issue using this form.)										
1. Print the name of the person who is submitting this report:  _____	2. Today's Date:  _____									
3. The person submitting the report is a: <input type="checkbox"/> Student in grade _____ <input type="checkbox"/> Parent/Guardian of _____ <input type="checkbox"/> School District Employee <input type="checkbox"/> Other: _____	4. The person submitting the report is (check all that apply): <input type="checkbox"/> A victim/target of bullying or harassment <input type="checkbox"/> Someone who saw what happened to someone else <input type="checkbox"/> Someone who has heard what happened to someone else <input type="checkbox"/> Other: _____									
5. <b>WHO</b> is being bullied or harassed? (Please provide names(s) and grade(s) of each student you can identify as a possible victim/target.)  6. <b>WHO</b> is bullying or harassing the people listed above? <input type="checkbox"/> Other student(s): _____ <input type="checkbox"/> School employee(s): _____ <input type="checkbox"/> Someone else: _____										
7. Describe what happened (or what is happening if the concern involves ongoing behavior) <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><b>WHAT</b> happened (describe separate incidents separately)?</td> <td style="width: 33%; border: none;"><b>WHERE</b> did it happen?</td> <td style="width: 33%; border: none;"><b>WHEN</b> did it happen?</td> </tr> <tr> <td style="border: none;">1) _____</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">2) _____</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> </table> Please list additional incidents, or provide additional detail on the back (or by using attached sheets of paper) if needed.		<b>WHAT</b> happened (describe separate incidents separately)?	<b>WHERE</b> did it happen?	<b>WHEN</b> did it happen?	1) _____			2) _____		
<b>WHAT</b> happened (describe separate incidents separately)?	<b>WHERE</b> did it happen?	<b>WHEN</b> did it happen?								
1) _____										
2) _____										
8. Is the problem over now, or is it likely to continue? <input type="checkbox"/> It seems like it is over for now, but I'm still concerned. <input type="checkbox"/> It is continuing, or seems very likely to continue.  9. Does this complaint allege a violation of law or District policy that is based upon, or that has occurred because of, any individual's legally-protected status (e.g., race, color, national origin, ancestry, sex, sexual orientation, religion, creed, pregnancy, marital or parental status, or any physical, mental, emotional or learning disability)? <input type="checkbox"/> No. It doesn't seem connected to any of those categories. <input type="checkbox"/> Yes. List <u>each</u> protected status/category that you feel is relevant to the allegations made in this complaint:  _____ _____	10. To your knowledge and in relation to this complaint, <u>is anyone's health or safety in imminent danger</u> such that you believe <u>immediate</u> action is needed to alleviate that danger? <input type="checkbox"/> No. <input type="checkbox"/> Yes. Please identify <b>WHO</b> may be in danger and <b>WHY</b> :  _____ _____  Has anyone contacted law enforcement? <input type="checkbox"/> No. <input type="checkbox"/> Yes. Who?  _____									
11. Please <b>sign and date</b> this form (for reports submitted by multiple people, please submit separate forms or add an additional signature page).  Your signature is your assurance that the information provided in/with this report is complete and accurate to the best of your knowledge. Intentionally providing false information is a serious violation.  <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">_____</td> <td style="width: 50%; border: none;">_____</td> </tr> <tr> <td style="border: none;">Signature</td> <td style="border: none;">Date</td> </tr> </table>		_____	_____	Signature	Date					
_____	_____									
Signature	Date									

Please Submit this Report DIRECTLY to the  
Building Principal, to a Guidance Counselor, or to a Teacher

Use this Space to Provide Any Additional Detail that You Wish to Provide

Lines below are for School District OFFICE USE ONLY

1. Identify the <b>name and title</b> of the person who received this form on behalf of the School District, and identify the <b>date of receipt</b> :		
_____	_____	_____
Name	Title	Date of Receipt by the District
2. Identify the method of receipt: <input type="checkbox"/> Hand delivery <input type="checkbox"/> U.S. mail <input type="checkbox"/> Email <input type="checkbox"/> Inter-office mail <input type="checkbox"/> Other _____	3. By number, identify the items on this form (if any) which were <u>blank</u> or clearly incomplete at the time the form was initially filed with the District:	
4. Identify the <b>supervisor(s) or administrator(s)</b> who have been notified of the District's receipt of this report as of the date of receipt:	5. Identify the <b>supervisor or administrator</b> who is assigned primary responsibility for ensuring this report is processed appropriately:	
6. Other information the District wishes to document related to the receipt of this complaint:		

**Cross References: Exh 1; 9/4/13**

**Adoption Date: June 27, 2019**

## **Procedures for Enrollment and Placement of Homeless Children and Youths**

### **411.2-Rule**

#### **A. Admission and Placement of Homeless Child or Youth**

When a homeless child or youth seeks enrollment in the District, these procedures shall be followed:

1. The homeless child/youth shall be immediately enrolled in the assigned school. This must be done even if the child/youth is (a) unable to produce records normally required for enrollment, such as previous academic records, immunization or other health records, proof of residency or other documentation, or (b) has missed application or enrollment deadlines during periods of homelessness. The enrolling school shall immediately contact the school last attended by the child/youth to obtain relevant academic and other records. If the child/youth needs to obtain immunizations or screenings, or immunization or other health records, the enrolling school shall immediately refer the parent or guardian or the unaccompanied homeless youth to the District's liaison for homeless children and youths, who is expected to assist in obtaining the necessary records.
2. The homeless child/youth shall be placed in an appropriate grade level by the principal or designee, using the same procedures that are used for placing non-homeless children and youths attending that school. Educational programming and services shall be provided for the child/youth consistent with legal requirements and established District policies and procedures.
3. Upon a determination of school placement, the District shall evaluate the transportation arrangements for the homeless child/youth in light of applicable legal requirements.
4. Once enrolled, homeless children/youths shall have all the rights and privileges of non-homeless children attending school in the District and shall be subject to the same school rules and regulations.

#### **B. Eligibility or Enrollment Disputes**

1. If a dispute arises over eligibility or enrollment in a school, the District's liaison for homeless children and youths shall be contacted and he/she shall attempt to resolve the dispute as expeditiously as possible. The parent(s) or guardian or homeless youth shall be provided with a written explanation of the District's decision on the dispute and a notice of the right to appeal to the State Superintendent of Public Instruction. Appeals involving homeless issues shall be filed and processed in accordance with the complaint resolution process outlined in Chapter PI 1 of the Wisconsin Administrative Code.
2. The homeless child or youth shall be immediately enrolled in the school in which the enrollment is sought, pending final resolution of the dispute, including all available appeals.

**Cross Reference: SR1; 12/16/16**  
**Adoption Date: June 27, 2019**



## **Procedures for Providing Transportation for Children in Out-of-Home Care (Foster Care)**

### **411.3-Rule**

The District recognizes that in the absence of any separate state or federal transportation obligation that may apply in a specific situation, the federal law related to the educational stability of children in foster care establishes transportation-related obligations that are shared among the school district of residence, the school district of attendance (if different), and the applicable child welfare agencies.

When a child in foster care who resides in the District may require transportation to a school of origin that is located outside of the District, a representative of the relevant child welfare agency, a representative of the school of origin, or the child's agency-designated foster parent or adult caregiver should notify the District as soon as practicable if there is a need to involve the District in the transportation planning process. Notice may be given in writing or verbally directly to the District's designated point of contact for the education of children in foster care, or in writing to the applicable building principal. Upon receiving notice, the District's designated point of contact for the education of children in foster care, or his/her designee, will participate in the transportation planning process for the child. Subject to any written agreements with the other agencies that are involved in the transportation planning, the District shall seek the development of a written transportation plan that includes substantially the same provisions and approvals as the plans that the District pursues when the child's school of origin is located in the District (see below).

When a child in foster care is entitled to transportation to the child's school of origin and the school of origin is a District school, the District's procedures for arranging such transportation are as follows:

#### **A. Transportation Planning**

1. A representative of the relevant child welfare agency or the child's agency-designated foster parent or adult caregiver should give clear notice to the District, as soon as practicable, that a child in foster care needs, or may need, transportation to a District school that is the child's school of origin. Such notice may be given in writing or verbally directly to the District's designated point of contact for the education of children in foster care, or in writing to the applicable building principal.
2. After the District receives notice of a new or pending foster care placement for which a District school would be considered the child's school of origin and for which the child needs or may need transportation, the District will promptly begin the process of establishing an individualized transportation plan. The transportation plan for the child shall be established in consultation with appropriate District staff, appropriate representatives of the child welfare agency (such as the child's caseworker), representatives of any separate resident school district (if applicable), and may also include obtaining input from others who may be involved in education or other decision-making for the child, such as the foster parent or other designated caregiver.

3. The transportation plan for the child will normally be in writing and will normally include the following information:
  - a. A transportation strategy for providing transportation to and from the school of origin on school days, inclusive of identifying:
    - the mode(s) or method(s) of transportation,
    - the person or entity responsible for providing the transportation, and
    - if applicable, the person or entity who is responsible for making any specific arrangements that are necessary to the implementation of any method or mode of transportation.
  - b. To the extent applicable, a description of how the child's school-related transportation will be funded, particularly when the planned transportation involves additional costs as defined under applicable laws and regulations.
  - c. Identification of any further approvals that must be obtained or any contracts or intergovernmental agreements that must be executed in order to implement the transportation plan (e.g., for purposes of funding).
  - d. A communication protocol that the District, representatives of the applicable child welfare agency, and other relevant persons (such as the child's foster parent) will use in order to address questions, concerns or changes in placement.

**B. Transportation Strategies**

Applicable federal law requires procedures to ensure that children in foster care who need transportation to the school of origin promptly receive that transportation, and to ensure that such transportation is arranged and provided in a cost-effective manner that is reasonable under the specific circumstances.

Possible methods of transportation, the reliability, safety, distance, and overall commuting time associated with possible methods, and the effect that particular transportation arrangements may have on the child's education and well-being are factors that are relevant to consider for purposes of both the educational placement decision (i.e., whether the student should attend his/her school of origin) and in preparing a transportation plan for a child who is placed at his/her school of origin.

**C. Funding for Providing Transportation if Additional Costs Are Involved**

If the transportation plan for a child in foster care involves additional costs, as defined/allowed under applicable state and federal laws and regulations, the District will work with the child welfare agency to identify the means by which the child's transportation will be funded.

**Cross References: SR2; 5/26/17**

**Adoption Date: June 27, 2019**

## **Sales and Solicitations on School Property**

### **Policy 850**

Except as provided in this policy or by another Board policy, no person may sell or promote the sale of goods or services on school district property, including property to which the District controls access when such property is temporarily being used for District operations or for a District-sponsored purpose (i.e. a school-sponsored event occurring somewhere other than on school district property).

Further, pursuant to state law, it is unlawful at all times and without any exception for any District employee to receive for his/her personal benefit anything of value from any person other than the District to sell, promote the sale of or act as an agent or solicitor for the sale of any goods or services to any student while on District property or at a District-sponsored activity.

**All fundraising must be done in accordance with Policy 374, Policy 662.1 and, if applicable, the Cochrane-Fountain City School District Activity Accounts Manual.**

**AUTHORIZED EXCEPTIONS:** The following are authorized exceptions to the above-stated general prohibition against the sale of goods or services and against the promotion/solicitation of such sales:

1. When approved in advance by the school administration, sales (or promotions of sales) of goods or services by students, student groups, employees, or others for a school-related or educational purpose.
2. Other District-approved fundraising activities which do not involve the sale of goods or services.
3. Event concessions and the sale of food and beverages through the District's school meal program.
4. To the extent consistent with any applicable mandatory federal nutrition requirements, the District-approved sale of food and beverages outside of the school meal program, including District-approved vending arrangements.
5. Administratively-approved paid advertising for goods and services within any District-sponsored publication/media that regularly accepts and publishes paid advertisements as a means of financial support. All such advertising is subject to administratively-established standards intended to foster an educationally-appropriate, safe, and nondiscriminatory atmosphere.
6. A person who, in advance, has made an appointment to meet with one or more District employees for the purpose of discussing the sale, or possible sale, of goods or services to the District. All third-party entities and individuals seeking to sell goods or services to the District are expected to obtain advance authorization from an administrator or supervisory-level employee before contacting any non-administrative and non-supervisory employee with whom which the seller has no pre-existing business relationship.

7. Sales and the promotion of sales pursuant to a third-party's pre-approved facilities use agreement with the District, during the time that the third-party is using District facilities for the approved purpose.
8. When property that is neither owned nor leased by the District is temporarily being used for District operations or for a District-sponsored purpose, any sales or promotional authority that has been reserved by the owner or operator of such property.
9. In a manner authorized in advance by the District Administrator, an employee's incidental and occasional sale (or promotion of the sale of) of property, goods, or services to other District employees, provided that such activity does not interfere with District operations or with any employee's work-related responsibilities. As an example, district administration may permit employees to place notices of items of personal property that are for sale on a bulletin board that is located in a staff lounge.
10. Any other sales or promotion activity that the District Administrator or an administrative-level designee has approved in advance. However, the administration shall not approve any such activity directed toward sales to students or their parents or guardians that lacks a clear school-related or educational purpose.
11. Any other sales or promotion activity that has been approved in advance by the School Board. All commercial advertising of goods and services on school property that is not otherwise addressed in this policy and for which there is no clear school-related or educational purpose requires the advance approval of the Board.

**Legal References:**

**Wisconsin Statutes**

Section 118.12 [sale of goods and services at schools]

Section 175.10 [sales to employees prohibited]

**Federal Laws**

Healthy, Hunger-Free Kids Act of 2010 [school wellness policy requirements, including requirements related to food sold during the school day]

"Smart Snacks" Rule [minimum nutrition standards for all foods sold outside of the school meal program during the school day]

**Cross References: SP1; 7/16/14**

**-Policy 374 and 662.1C**

**-Cochrane-Fountain City School District Activity Accounts Manual**

**Adoption Date: June 27, 2019**