

REQUIRED  
ANNUAL  
NOTICES  
ERIN  
SCHOOL

<b>Series</b>	<b>100</b>	<b>Board Operations</b>
<b>Section</b>	<b>110</b>	<b>Educational Philosophy</b>
<b>Policy</b>	<b>112</b>	<b>General Nondiscrimination</b>

The Erin School District prohibits all forms of unlawful discrimination against students, employees, and other persons in all aspects of the District’s programs, activities, and operations. The term “unlawful discrimination” encompasses any unlawful policy, practice, conduct, or other unlawful denial of rights, benefits, or privileges that is based on any legally-protected status or classification (e.g., race, national origin, sex, disability, religion, etc.). Various state and federal laws establish the actions that do (and do not) constitute unlawful discrimination with respect to each protected status or classification. Where applicable, unlawful harassment that is based on a legally-protected status is one form of unlawful discrimination.

The District requires and will enforce nondiscrimination in a manner that is consistent with applicable constitutional provisions and with the rights and obligations that are established under all applicable state and federal civil rights laws, including but not limited to the current provisions of the following federal laws, which jointly serve to identify and protect the rights of students, employees, and other persons:

- Title IX of the Education Amendments of 1972 (sex discrimination);
- Section 504 of the Rehabilitation Act (disability discrimination);
- The Americans with Disabilities Act (including both the employment-related provisions of the ADA as well as Title II of the ADA, which broadly prohibits discrimination on the basis of disability in state and local government services);
- Titles IV and VI of the Civil Rights Act of 1964 (addressing discrimination based on race, color, national origin, sex, or religion);
- The Age Discrimination Act of 1975 (age discrimination);
- The nondiscrimination provisions of the Elementary and Secondary Education Act;
- The civil rights provisions associated with the District’s participation in federal nutrition programs.

There are a significant number of additional state and federal nondiscrimination laws that are not listed above that further establish the rights of students and/or employees. In recognition of such laws, the District maintains additional nondiscrimination policies and rules that specifically and uniquely cover students and all aspects of employment and personnel administration within the District.

In order to achieve the aforesaid goal, the Board directs the Administration to:

#### **A. Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon race; age; pregnancy; marital or parental status; gender or gender orientation; religion; national origin; ancestry; culture; creed; or physical, mental, emotional, or learning disability, ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society; provide that necessary programs are available for students with limited use of the English language;

**B. Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of racial; religion; age; pregnancy; marital or parental status; gender or gender orientation; physical, mental, emotional, or learning disability; national origin; ancestry; creed; cultural; or other bias in all aspects of the program;

**C. Student Access**

review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of race; religion; age; creed; pregnancy; marital or parental status; gender or gender orientation; physical, mental, emotional, or learning disability; national origin; or ancestry, in any duty, work, play, classroom, or school practice, except as may be permitted under State rules;

**D. District Support**

ensure that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

**E. Student Evaluation**

ensure that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of race; religion; age; creed; pregnancy; marital or parental status; gender or gender orientation; physical, mental, emotional, or learning disability; or national origin.

The Administration shall attempt annually to identify children with disabilities, ages 3-21, who reside in the District but do not receive public education. In addition, s/he shall establish procedures to identify students with limited English proficiency and to assess their ability to participate in District programs.

**Special Statement Regarding Sex Discrimination under Title IX**

As mandated by the federal Title IX statutes and under the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations (“the federal Title IX regulations”), the District does not unlawfully discriminate on the basis of sex in any education program or activity that the District operates.

Title IX’s mandate not to discriminate on the basis of sex extends to cover, but is not limited to, District employment and any student admissions process. Inquiries regarding how Title IX and the federal Title IX regulations apply to the District may be referred to a District Title IX Coordinator (as designated below), to the Assistant Secretary at the U.S. Department of Education, or to both.

**Designation and Authorization of Nondiscrimination Coordinator(s)**

Any questions concerning the District’s nondiscrimination and equal educational opportunities policies, policy compliance, the application of a nondiscrimination law, or the District’s complaint procedures may be directed to either of the District’s nondiscrimination and equal opportunity coordinators, each of whom also serves as a District Title IX Coordinator:

<p>The staff member holding the following position serves as the District's designated Nondiscrimination Coordinator, with a primary focus on student matters and other non-employment-related matters:</p> <p>Nick Frank Principal 6901 Hwy O, Hartford, 53027 262-673-3720 frank@erinschool.org</p>	<p>The staff member holding the following position serves as the District's designated Equal Employment Opportunities Coordinator, with a primary focus on employment-related matters:</p> <p>Joannie Kalina District Administrator 6901 Hwy O, Hartford WI 53027 262-673-3720 kalina@erinschool.org</p>
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1. Although each of the nondiscrimination and equal opportunity coordinators identified above has their primary area(s) of focus, each is recognized as a deputy of the other in the event that the normal, primary coordinator for a given matter is affected by a conflict of interest or temporarily absent or otherwise unavailable.
2. In their designated capacity as District Title IX Coordinators, the above-identified individuals are authorized to coordinate the District's efforts to comply with the District's responsibilities under Title IX and under the federal Title IX regulations.
3. Retaining their primary area of focus in either employment or non-employment matters, the Equal Employment Opportunities Coordinator and the Nondiscrimination Coordinator, as identified above, also serve as Section 504 and Americans with Disabilities Act Coordinators (i.e., for disability rights and disability-based discrimination issues) and federal Age Discrimination Act Coordinators.
4. The Nondiscrimination Coordinator for student matters is also designated to receive any student discrimination complaints arising under section 118.13 of the state statutes and Chapter PI 9 of the Wisconsin Administrative Code.

**Any Person May Submit a Complaint or Report of Discrimination to the District**

The District is committed to the appropriate resolution of complaints and reports that allege (1) unlawful discrimination or a violation of a District nondiscrimination policy, including any form of prohibited harassment that is based on a legally-protected status; or (2) any type of retaliation that is prohibited by a nondiscrimination law or a District nondiscrimination policy. Accordingly, unless otherwise specified by a state or federal law, any person may report a concern or allegation of prohibited discrimination or prohibited retaliation (regardless of whether the person making the report is alleged to be a victim of the applicable policy or conduct) as follows:

1. To either of the District's designated nondiscrimination and equal opportunity coordinators, using the contact information designated above, by any of the following methods.
  - a. In person;
  - b. By U.S. mail;
  - c. By telephone; or
  - d. By electronic mail.

2. By any other means that the person submitting the report or complaint directly confirms will result in one of the nondiscrimination/equal opportunity coordinators receiving the person's verbal or written report.

Except as provided below regarding formal complaints of Title IX sexual harassment or as otherwise required by any law, any report or complaint received under this policy will be processed according to the discrimination complaint procedures that the District has established under its student nondiscrimination policies or under its equal employment opportunities policies, as applicable to the facts and circumstances. For reports or complaints of alleged discrimination that are neither student matters nor employment matters, the District will normally process the matter under the student nondiscrimination complaint procedures.

### **Filing a Formal Complaint of Title IX Sexual Harassment**

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX "complainant"), or a parent or guardian who is acting on behalf of such an individual who is not an adult, may file a "formal complaint" of "sexual harassment," as those terms are defined in 34 C.F.R. §106.30. A complainant may file a formal complaint of Title IX sexual harassment either in addition to or in lieu of any other report(s) that the District receives of the same alleged conduct.

All of the following apply to a formal complaint of Title IX sexual harassment:

1. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the education program or activity of the District (including through employment).
2. The formal complaint must be in the form of a document or an electronic submission (e.g. an electronic mail message or a file attached to an email) that:
  - a. Alleges sexual harassment against a respondent (if the identity of the respondent is not known, it is not necessary to identify the respondent by name);
  - b. Requests that the District investigate the allegation of sexual harassment; **and**
  - c. Contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
3. The formal complaint must be filed with a District Title IX Coordinator by submitting the document or electronic submission in person, by mail, or by electronic mail, using the contact information for the Coordinator that is listed in this policy. Filing a formal complaint of sexual harassment under Title IX is one way to report such harassment. However, if a Title IX complainant or other person is not eligible to file a formal complaint of sexual harassment under Title IX, or if they choose not to do so, the person may still submit a report of sexual harassment or sex discrimination to the District as further described above within this policy (i.e., a report that is **not** a formal complaint for purposes of Title IX).

Any report of conduct that could constitute sexual harassment under Title IX that causes the District to have actual knowledge of sexual harassment or allegations of sexual harassment requires an appropriate response by the District, even if the reporting procedures defined in this policy were not followed and even if no formal complaint has been or ever is filed. However, if a formal complaint is filed by a Title

IX complainant, or if a Title IX Coordinator signs a formal complaint on behalf of the District, then:

1. The formal complaint of Title IX sexual harassment must be resolved according to the federal regulations and District processes that specifically apply to such formal complaints; and
2. Unless otherwise directed by the School Board and except with respect to any formal complaint in which the District Administrator is a respondent, the District Administrator, or his/her administrative-level designee, is expected to designate and assign qualified individuals to perform the roles that are defined for District agents within the District's grievance process for formal complaints of Title IX sexual harassment. The administration shall further ensure that the individuals assigned to perform such roles have completed any training required by the federal Title IX regulations. The District Administrator may assign one or more of the roles to a qualified individual who is not an employee, including an outside attorney or other contracted service provider, with notice to the Board.

### **Deadline for Filing an Initial Report or Complaint**

There is no absolute deadline for the initial filing of a report or complaint of discrimination under this policy. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, or retaliation. However, any person who has 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 material 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 remedies and resolutions that are reasonably available.

Except to the extent that any more specific procedures apply by law or District policy to a particular report or complaint filed that has been filed under this policy:

1. At least one of the following administrators, acting in consultation as needed with District legal counsel, must authorize the dismissal or other alternative disposition of a report or complaint due to a lack of timeliness: District Administrator.
2. Any actual party in interest to the allegations raised by the report or complaint (i.e., any alleged victim or any person alleged to be responsible for the discrimination) may appeal a decision authorized under the previous paragraph to the District Administrator. Or, if the District Administrator authorized the initial decision, the party may request reconsideration.

### **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.

All District employees and all persons acting as agents of the District must keep confidential the identity of (1) any individual who has made a report or complaint of sex discrimination that would be prohibited

by Title IX, including any individual who has made a report or filed a formal complaint alleging Title IX sexual harassment; (2) any complainant (i.e., any individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment); (3) any individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination under Title IX; (4) any respondent (i.e., any individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment); and (5) any witness, except as may be permitted by the Family Educational Rights and Privacy Act and its implementing regulations, or as required by law, or to carry out the purposes of the federal Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under the federal Title IX regulations.

### **Retaliation Prohibited**

No official, employee, or agent of the District or any other person may intimidate, threaten, coerce, or unlawfully discriminate against any individual (1) for the purpose of interfering with any right or privilege secured by any nondiscrimination statute or related regulation, or (2) because the individual has made a report or complaint, or testified, assisted, participated, or exercised a legal right to refuse to participate in any manner in an investigation or proceeding conducted under the this policy or any other District nondiscrimination policy.

### **Prohibition on Bad Faith Conduct/Abuse of Process**

To the extent permitted by law, the District prohibits and reserves authority to appropriately address and impose consequences for bad-faith conduct by individuals who make a report or complaint, testify, assist, or participate in any manner in an investigation or proceeding conducted under this policy or any other District nondiscrimination policy. For example, the District may impose lawful consequences for making a materially false statement in bad faith in the course of any proceeding that is conducted under this policy or any other District nondiscrimination policy. Abuse of process includes, but is not limited to, the pursuit of allegations that the complaining party knows to be wholly frivolous or the use of dilatory tactics that have the purpose or reasonably foreseeable result of unreasonably interfering with a prompt and equitable resolution of alleged discrimination or retaliation.

### **Consequences for Violations**

Any person who is determined to be responsible for any form of unlawful discrimination, any act of prohibited retaliation, or other violation of this policy is subject to appropriate disciplinary action and/or other appropriate consequences that are within the District's lawful authority. In addition, any District employee who, considering the duties, responsibilities, and expectations established for their position, fails to reasonably respond to complaints or reports of alleged discrimination or retaliation or who otherwise fails to reasonably act on their knowledge of a possible violation of a nondiscrimination law or a District nondiscrimination policy is also subject to possible disciplinary action.

### **Nondiscrimination Notices; Dissemination of Policy and Complaint/Reporting Procedures**

The District Administrator and the District's designated nondiscrimination and equal opportunity coordinators share joint responsibility for ensuring that the District prepares and issues, on a timely basis, all legally-required general notices of (1) the rights of students, employees, and other persons under the

state and federal nondiscrimination laws; (2) the District’s nondiscrimination policies; and (3) applicable reporting and complaint procedures. Beyond meeting legal requirements, the administration is encouraged to further disseminate such information using such methods as the administration deems appropriate.

### **Maintenance of Complaint Records; Report Preparation**

The District Administrator and the District’s designated nondiscrimination and equal opportunity coordinators share joint responsibility for ensuring that the District maintains adequate records of reports and complaints of discrimination and retaliation, including records of the District’s response and disposition. Such records shall meet applicable legal requirements for documentation and records retention. The District Administrator and the coordinators shall also direct and oversee the timely preparation of all annual or other reports and evaluations regarding nondiscrimination initiatives and compliance that the District is required to provide to the Department of Public Instruction or to any other oversight entity.

**Legal References:** Subch. II of Ch. 111 (111.31 to 111.395), 118.13, 118.134, 118.195, 118.20 Wisc SS, Wisconsin Administrative Code PI 9 PI 41

**Cross Reference:** Federal Laws 20 U.S.C. §1681 et seq. [Title IX of the Education Amendments of 1972, as amended, prohibiting sex discrimination in federally-supported educational programs; implementing regulations at 34 C.F.R. Part 106], 42 U.S.C. §2000e et seq. [Title VII of the Civil Rights Act of 1964, as amended, prohibiting employment discrimination based race, color, national origin, sex, pregnancy, and religion; implementing regulations at 29 C.F.R. Ch. XIV], 42 U.S.C. §2000d et seq. [Title VI of the Civil Rights Act of 1964, as amended, prohibiting discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds; implementing regulations at 28 C.F.R. Part 42, Subpart C], 42 U.S.C. §12111 et seq.[The Americans with Disabilities Act, Title I, as amended, prohibiting employment discrimination based on a qualifying disability; implementing regulations at 29 C.F.R. Part 1602 and Part 1630], 42 U.S.C. §12131 et seq.[The Americans with Disabilities Act, Title II, as amended, nondiscrimination based on disability by state and local governments; implementing regulations at 28 C.F.R. Part 35] 29 U.S.C. §794 et seq.[Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination based on a qualifying disability by recipients of federal funds; implementing regulations at 34 C.F.R. Part 104, 28 C.F.R. Part 42, Subpart G, and 29 C.F.R. Part 1640] 29 U.S.C. §621 et seq.[Age Discrimination in Employment Act, as amended; implementing regulations at 29 C.F.R. Parts 1625 to 1627] 8 U.S.C. §1324b(a)[prohibiting employment discrimination based on national origin and citizenship status; implementing regulations at 28 C.F.R. Part 44] Individuals with Disabilities Education Act [programs and services for students with disabilities] 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] 112 General Nondiscrimination, 112(R) General Nondiscrimination Rule, 342.5, 342.7, 342.8, 346, 362, 377, 411, 420, 511, 512, 760, 840, 852

**Approved: August 2020**

**Reviewed:**



<b>Series</b>	<b>100</b>	<b>Board Operations</b>
<b>Section</b>	<b>110</b>	<b>Educational Philosophy</b>
<b>Policy</b>	<b>112(R)</b>	<b>General Nondiscrimination Rule</b>

This rule has been established to facilitate the District’s compliance with requirements of the federal regulations issued under Title IX of the Education Amendments of 1972 (“Title IX”). Specifically, this rule establishes expectations and procedures for the prompt and equitable resolution of reports and complaints that allege unlawful sexual harassment, as defined by the Title IX regulations, within the District’s education program and activities. The existence of this rule, as a reflection of federal regulatory mandates, is not intended to suggest that sexual harassment is any more or any less serious, or any more or any less of a concern to the District, than harassment that is based on any other legally-protected status (e.g., race, national origin, disability, religion, etc.).

All District officials, District employees, and other persons acting as agents of the District must keep confidential the identity of (1) any individual who has made a report or complaint of sex discrimination that would be prohibited by Title IX, including any individual who has made a report or filed a formal complaint alleging Title IX sexual harassment; (2) any complainant (i.e., any individual who is alleged to be the victim of conduct that could constitute Title IX sexual harassment); (3) any individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination under Title IX; (4) any respondent (i.e., any individual who has been reported to be the perpetrator of conduct that could constitute Title IX sexual harassment); and (5) any witness, except as may be required by law, permitted by the Family Educational Rights and Privacy Act and its implementing regulations, or reasonably necessary to carry out the purposes of the federal Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under the federal Title IX regulations.

**Responding to reports or other notice to the District of Title IX sexual harassment  
when no formal complaint has been filed**

The following procedures apply any time that a District Title IX Coordinator determines that the District has notice of Title IX sexual harassment or allegations of Title IX sexual harassment, but no formal complaint of Title IX sexual harassment has been filed by a complainant or signed by a Title IX Coordinator:

1. A District Title IX Coordinator must promptly contact the complainant (i.e., the individual who is alleged to be the victim of conduct that could constitute sexual harassment) regarding supportive measures (see below) and regarding the process for filing a formal complaint.
2. In consultation with other District officials as needed, a Title IX Coordinator will coordinate the identification, offering, and implementation of appropriate supportive measures for the complainant (see below).
3. A Title IX Coordinator or any administrator with knowledge of the relevant circumstances relating to the allegations of sexual harassment may, at any time, contact the District Administrator or his/her administrative-level designee for the purpose of evaluating whether the District will initiate the removal of the respondent from the District’s education program or activity on an emergency basis, under the limited circumstances, procedures, and standards identified in the federal Title IX regulations. Procedures and standards established under other laws or District policies may also need to be satisfied in connection with any such emergency removal.
4. If an eligible complainant elects to file a formal complaint of Title IX sexual harassment at any point, the formal complaint shall be processed as provided, below, within this rule.

5. If a complainant is not eligible to file a formal complaint of sexual harassment under Title IX, or chooses not to do so, a Title IX Coordinator is authorized to sign a formal complaint regarding the alleged conduct. The following apply to the discretionary decision to sign a formal complaint on behalf of the District:
  - a. The Title IX Coordinator may not delegate the determination in full to another agent or employee of the District. However, prior to making the determination, the Title IX Coordinator may consult, as needed, with appropriate persons, such as the District Administrator, or District legal counsel.
  - b. The primary reasons that a Title IX Coordinator would sign a Title IX complaint and initiate an investigation would be a determination, on behalf of the District, that the District's interests in safety and/or in potential sanctions for any respondent(s) make an investigation and determination of responsibility pursuant to a formal complaint reasonably necessary under the circumstances.
  - c. A Title IX Coordinator shall not sign a formal complaint against the wishes of a complainant if involving an unwilling complainant in the grievance process would be clearly unreasonable in light of the known circumstances.
  - d. If a Title IX Coordinator signs a formal complaint alleging Title IX sexual harassment, the complaint shall be processed as provided, below, within this rule.
  - e. Upon signing a formal complaint, the Title IX Coordinator does not become a complainant or a party to the complaint, and any complainant who is identified in relation to the allegations retains his/her status as a complainant in connection with the grievance process.
6. Nothing in this rule diminishes the District's obligations to respond to Title IX sexual harassment or allegations of Title IX sexual harassment in a prompt manner that is not deliberately indifferent in all circumstances in which the federal Title IX regulations deem the District to have actual knowledge of such harassment.

**Supportive measures in connection with any report, formal complaint, or other notice to the District of Title IX sexual harassment**

1. "Supportive measures" are expressly defined and further described in the definitions section of this rule (see below).
2. The District will provide supportive measures to complainants to the extent required by the Title IX regulations. The District may provide supportive measures to a respondent, but it is not required to do so in all cases.
3. Any time a Title IX Coordinator becomes aware that the District has actual knowledge of Title IX sexual harassment or allegations of Title IX sexual harassment, the Title IX Coordinator shall:
  - a. Promptly contact the complainant, if known, to:
    - i. Discuss the availability of supportive measures;
    - ii. Consider the complainant's wishes with respect to supportive measures;
    - iii. Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and

- iv. Explain to the complainant the process for filing a formal complaint (if the complainant has not already filed a formal complaint about the conduct).
  - b. Coordinate the identification, offering, and implementation of supportive measures that the District provides to a complainant or respondent, including appropriate monitoring of the implementation process, coordinating potential modifications to the measures, and, as applicable, determining the appropriate time to end specific supportive measures.
4. All District officials, employees, and other persons acting as agents of the District must maintain as confidential any supportive measures provided to a complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.
  5. The District is required to document any supportive measures that the District provides in response to a report or formal complaint of Title IX sexual harassment. Conversely, if the District does not provide a complainant with supportive measures for any reason, then the District is required to document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

#### **Grievance process for handling formal complaints of sexual harassment under Title IX**

This grievance process applies to formal complaints of Title IX sexual harassment. Except to the extent a formal complaint is dismissed (in whole or in part), the District is obligated to investigate a formal complaint of Title IX sexual harassment pursuant to this process. The District is further obligated to treat complainants and respondents equitably by:

1. Offering supportive measures to a complainant (see above).
2. Following this grievance process before imposing disciplinary sanctions or other punitive actions against a respondent for any alleged Title IX sexual harassment, subject to the allowances made in the federal Title IX regulations for implementing supportive measures, implementing an emergency removal, and placing an employee, while a formal complaint is pending, on administrative leave.
3. Providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent.
4. Requiring its agents to adhere to the additional requirements and standards set forth below.

#### **Standards Applicable to District Agents Involved in the Grievance Process**

At the point that the Title IX Coordinator determines that a formal complaint involving allegations Title IX sexual harassment is pending, the Title IX Coordinator shall ensure that the District assigns the roles of complaint investigator, responsibility decision-maker, and appeal decision-maker on a timely basis, whether at the outset the process or during the process. All such individuals, whether or not District employees, must be appropriately trained to perform their role. The assigned roles shall be performed by different persons to the extent required by the federal Title IX regulations. The District may re-assign the roles or assign multiple qualified individuals to perform specific roles if deemed appropriate in a particular case.

All persons who are authorized to act as agents of the District in connection with the grievance process, including but not limited to any Title IX Coordinator, complaint investigator, decision-maker, or facilitator of an informal resolution process, are required to:

1. Engage in an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence.
2. Avoid making any credibility determinations based on a person's status as a complainant, respondent, or witness.
3. Be free from any conflict of interest that impermissibly inhibits the person's objectivity, impartiality, or independent and good-faith judgment.
4. Avoid exhibiting or applying any bias for or against complainants or respondents generally, or for or against an individual complainant or respondent.
5. Self-report any known pre-existing relationships (familial, social, etc.) to parties or material witnesses and any other known circumstances that relate to a formal complaint and that may reasonably cause the District to disqualify the person from performing a particular role as an agent of the District in the grievance process due to concerns with a conflict of interest or bias. Such a report may be made to a Title IX Coordinator or to the District Administrator. Previous interactions with a complainant, respondent, or material witness in a professional capacity, standing alone and in the absence of other specific circumstances, would normally be insufficient to raise a material concern about a conflict of interest or bias.
6. Apply a presumption, throughout the course of performing their designated role(s), that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
7. Refrain from requiring, allowing, relying upon, or otherwise using questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client privilege), unless the person holding such privilege has waived the privilege.
8. Refrain from accessing, considering, disclosing, or otherwise using a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for purposes of the grievance process (if a party is under 18 years old, then the District must obtain the voluntary, written consent of a parent or guardian).
9. Maintain confidentiality with respect to the identities of persons involved in the grievance process to the extent required by 34 C.F.R. §106.71(a).
10. Avoid restricting the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence, except to the extent permitted or required by applicable law. This provision does not restrict the District or its agents from requiring the parties to a formal complaint (including their advisors) to refrain from disseminating certain evidence or other records to others, provided that any such requirement(s) must be lawful and must not unreasonably interfere with the purposes of this grievance process. In some situations, established law may independently prohibit any such dissemination of particular evidence/records.

## **The Main Procedural Steps of the Grievance Process**

Subject to the provisions, below, regarding (1) voluntary informal resolution processes, and (2) the dismissal of complaints or any individual allegations within a complaint, the following steps outline the main procedures of the grievance process.

### **I. Notice of the allegations, the grievance process, and certain rights.**

Normally within [15] business days of receiving a formal complaint, and always at least [5] calendar days before a party will be required to appear for an initial investigative interview, a Title IX Coordinator or his/her designee shall provide all known parties (i.e., complainant(s) and respondent(s)) with written notice of the following:

1. The District's grievance process for formal complaints of Title IX sexual harassment, including a description of any informal resolution process.
2. Notice of the allegations potentially constituting sexual harassment as defined under the Title IX regulations, including sufficient details known at the time. Sufficient details include:
  - a. The identities of the parties involved in the incident(s), if known;
  - b. The conduct allegedly constituting sexual harassment under Title IX; and
  - c. The date and location of the alleged incident(s), if known.
3. The written notice must also:
  - a. Include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
  - b. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, who may accompany the party when the party attends any District meeting or proceeding that is part of the grievance process (including investigative interviews).
  - c. Inform the parties that they will have the right to inspect and review the evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as further provided under the Title IX regulations.
  - d. Inform the parties that, by policy, the District prohibits a person from knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that were not included in the initial notice of allegations, the Title IX Coordinator or the complaint investigator, or a designee acting on their behalf, must provide written notice of the additional allegations to all parties whose identities are known.

### **II. Investigation of the allegations**

An investigator assigned by the District conduct an investigation of the allegations of which the parties have been notified (as provided in the previous step). The purpose of the investigation is to gather evidence.

The District has the burden of gathering evidence, both inculpatory and exculpatory, sufficient to reach a determination regarding responsibility. In addition, because the District has the burden of proof, the District bears the burden of conducting a balanced and sufficiently comprehensive investigation such that

the burden of proof is not shifted to either of the parties to affirmatively put forth the evidence that would be necessary to either prove or defeat the allegations.

When conducting the investigation, an investigator will:

1. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of any investigative interview or other meeting held as part of the investigation, with sufficient time for the party to prepare to participate.
2. Allow any party to be accompanied to any investigative interview or other meeting held as part of the investigation by one advisor of their choice. Under any circumstances where a parent or guardian has a legal right to act on behalf of a party (e.g., because the party is a minor), the party's parent or guardian may also accompany the party to any such meeting.
3. Conduct one or more investigative interviews of the complainant(s), the respondent(s), and such witnesses as the investigator determines may provide relevant evidence that is able to be considered and that is not unduly duplicative.
4. Offer each party an opportunity to identify fact and expert witnesses who the party believes should be interviewed as part of the investigation, along with the nature of the evidence that the party believes the witness may be able to provide. If the investigator declines to interview a witness identified by a party or is unable to interview a witness (e.g., because the witness is not willing to participate or is not reasonably available), the investigator shall document the reason for such decision or unavailability and, unless prohibited by law from doing so, provide the parties with such explanation upon request.
5. Consider such documentary and other evidence as a party may wish to proffer, except that no party or his/her advisor will be permitted to conduct direct, in-person questioning of another party or of any third-party witness at any interview or investigative meeting called by the District. If the investigator rules that any proffered evidence will not be accepted into the record of the investigation, the investigator shall document the reason for such ruling; return the evidence to the party that offered it (in the case of physical evidence); and, unless prohibited by law from doing so, provide the parties with the reason the evidence was rejected upon request.
6. Accept such other evidence into the record as the investigator deems to be relevant and directly related to the pending allegations, recognizing that nothing prohibits an investigator from initially accepting evidence that may not be relevant.

After the investigator completes the process of gathering evidence:

1. An investigator, or a designee acting on his/her behalf, must send to each party and the party's advisor, if any, the evidence obtained from the investigation that is subject to inspection and review. Such evidence may be provided in an electronic format or as a hard copy, and consists of the evidence obtained as part of the investigation that is directly related to the pending allegations, including:
  - a. Both inculpatory or exculpatory evidence, whether obtained from a party or other source; and
  - b. Any such evidence upon which the District does not intend to rely in reaching a determination regarding responsibility.
2. Beginning from the date that the evidence is delivered to the parties, the investigator(s) must give the parties at least 10 calendar days to submit a written response to the evidence. Providing such a response is optional.

3. After receiving and giving due consideration to any timely written responses received from the parties, the investigator(s) shall complete an investigative report that fairly summarizes the relevant evidence.
  - a. In the report, the investigator may convey facts, observations, or impressions that address the credibility of particular persons or other evidence, but any such credibility assessments conveyed in the report are not binding on the decision-maker(s).
  - b. The report shall not advocate for a specific determination or outcome.
4. An investigator or his/her designee shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy.
5. Beginning from the date that the investigative report is delivered to the parties, the parties will be given at least 10 calendar days to provide a written response to the report, which response (if any) will become part of the record to be reviewed by the decision-maker. Providing such a response is optional.
6. After the District receives the parties' responses to the evidence (if any), and/or after the District receives the parties' responses to the investigative report, if the investigator provides any additional opportunities to submit additional evidence, or to further respond to any statements, questions, or additional evidence, such additional opportunities (as allowable but not mandatory practices) must apply equally to both parties. At the discretion of the investigator, the investigative report may be amended or supplemented.
7. The investigator will forward the final investigative report and the complete investigative record to the District-designated decision-maker for a determination of responsibility.

### ***III. Determinations of responsibility***

A decision-maker assigned by the District will make a determination of responsibility with the respect to the allegations of which the parties have been notified and that have been subject to investigation (as provided in the previous steps), based on an analysis of the relevant evidence. During this stage of the proceedings:

1. As early as the point at which the District provides the final investigative report to the parties, or shortly thereafter, an investigator, decision-maker, or designee acting on their behalf shall inform each party that they have the opportunity to submit written, relevant questions that the party wants asked of any party or witness prior to the determination of responsibility, subject to the following:
  - a. The notice of the opportunity to submit such questions shall identify a submission deadline and the allowable method(s) of submission. Beginning from the date that the notice is delivered, the District shall allow the parties at least [5] calendar days to submit any questions.
  - b. If any questions are submitted by the parties, the decision-maker shall either:
    - i. Pose the submitted questions to the relevant person(s) and provide each party with the answers; or
    - ii. Explain to the party proposing the questions any decision to exclude a question as not relevant or as otherwise impermissible in the context of this grievance process.

- c. If any questions were submitted, posed, and answered as provided immediately above, then the decision-maker shall permit a limited opportunity for the parties submit follow-up questions. Any such follow-up questions must be reasonably related to the initial question and answers and must not be unduly duplicative of other evidence that is already in the record.
    - i. The decision-maker shall identify a submission deadline for such follow-up questions, which shall be a minimum of [3] calendar days from the date that the parties are provided with the answers to the initial questions.
    - ii. The decision-maker shall either pose the follow-up questions and provide each party with the answers or explain any decision to exclude a question, in the same manner that applied to the initial questions.
2. Neither a decision-maker nor any person acting as the decision-maker's designee may hold a live, adversarial hearing involving the parties as part of this Title IX grievance process.
3. In making determinations of responsibility with respect to the allegations addressed in the relevant investigative report, the decision-maker shall, in all cases, evaluate the available evidence and apply the "preponderance of the evidence" standard to determine whether any allegation has been substantiated and whether a party has committed any misconduct with respect to such allegation(s).
4. The decision-maker must issue a written determination regarding responsibility that includes all of the following:
  - a. Identification of the allegations potentially constituting sexual harassment under Title IX;
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and any other methods used to gather evidence;
  - c. Findings of fact supporting the determination;
  - d. Conclusions regarding the application of the relevant legal standards and the District's code of conduct (i.e., any District policies or rules that apply to the party in question);
  - e. A statement of, and rationale for, the result as to each allegation, including all of the following:
    - i. A determination regarding responsibility;
    - ii. Any disciplinary sanctions the District imposes on the respondent or, in cases where a particular disciplinary sanction is beyond the direct authority of the decision-maker, a statement of the disciplinary sanction(s) that the decision-maker is recommending as an appropriate consequence;
    - iii. Whether the District will provide the complainant with any remedies designed to restore or preserve the complainant's equal access to the District's education program or activity; and
    - iv. The District's procedures and permissible bases for the complainant and respondent to file an appeal under this grievance process. If a formal complaint of Title IX sexual harassment also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, the District may also use this notice to inform the complainant of their right to



appeal any adverse final determination of their complaint under state law to the State Superintendent of Public Instruction, as well as the procedures for making such an appeal to DPI.

5. The decision-maker or a designee acting on his/her behalf must provide the written determination to the parties simultaneously.
6. To the extent required by the Title IX regulations, disciplinary sanctions for Title IX sexual harassment and any remedies that could not be offered as supportive measure shall not be enforced until the determination of the complaint becomes final. The determination regarding responsibility becomes final, for District purposes, either:
  - a. If no appeal is filed, on the date on which an appeal would no longer be considered timely; or
  - b. If an appeal is filed, on the date that the District provides the parties with the written determination of the result of the appeal (see below).

#### **IV. Appeals following a determination of responsibility**

1. A complainant or respondent may file an appeal following:
  - a. Receipt of the written determination regarding responsibility; and
  - b. Receipt of notice of dismissal of a formal complaint or of any allegations within a complaint.
2. Any appeal filed by a party is strictly limited to one or more the following bases:
  - a. A procedural irregularity that affected the outcome of the matter.
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
  - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest in the case or a bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
3. An appeal must be filed in writing and submitted either in person, via U.S. mail, or via email to the Title IX Coordinator with a copy provided to the initial decision-maker. An appeal must be delivered to the District within [5] business days from the date the written determination or notice of dismissal is delivered to the party. The notice of appeal submitted by a party must do all of the following:
  - a. Clearly identify the specific bases, from those listed above, on which the party is appealing; and
  - b. With reasonable specificity, state the factual basis for the appeal and the reasoning as to why the decision or dismissal being appealed from should be reversed or modified.
4. In connection with an appeal, a party may not introduce new evidence that is outside of the existing record of the complaint proceedings except as an offer of proof to support or refute a claimed conflict of interest or bias, or except in support of or in direct response to an appeal that is premised on a claim that the certain new evidence was not reasonably available at an earlier time.

5. Upon receiving a notice of appeal from a party, the Title IX Coordinator, appeal decision-maker, or a designee acting on their behalf shall promptly notify the other party (or parties), if known, that an appeal has been filed and provide a copy of the appeal to such other party (or parties).
6. The appeal decision maker will establish and inform all parties of a deadline for submitting any additional written statement the party may wish to submit in support of, or challenging, the original outcome on the grounds raised by any pending appeal. The deadline for such submissions shall be at least [5] calendar days following the date such notice is delivered to the parties.
7. An appeal decision maker shall deny an appeal that merely asserts that the District's decision is wrong (i.e., without identifying the applicable grounds for the assertion) or that fails to present a reasonably-developed argument in support of the appeal.
8. If the appeal decision-maker determines that there is a need to open the record to obtain and consider any additional evidence in order to resolve an appeal, the appeal decision-maker may offer additional equal opportunities for the parties to address and respond to any such new evidence if doing so is necessary to preserve the fairness of the proceedings.
9. The District may continue an ongoing investigation into a formal complaint during an appeal with respect to the dismissal of a complaint in part (i.e., dismissal of specific allegations). However, the investigation shall not be concluded until the appeal over the dismissed allegation(s) is decided.
10. The appeal decision-maker shall:
  - a. Issue a written decision describing the result of the appeal and the rationale for the result; and
  - b. Provide the written decision simultaneously to both parties.
11. The appeal decision-maker shall render the written decision within [15] business days of the deadline that he/she established for the receipt of the parties' written statements on appeal unless he/she communicates an extension of such timeframe, as further described below.

### **Other Elements, Requirements, and Limitations of the Grievance Process**

***Supportive Measures During the Grievance Process.*** The range of supportive measures available to complainants and respondents during and in connection with this grievance process does not materially change based on the fact that a formal complaint of sexual harassment under Title IX is pending. Supportive measures, as described and defined elsewhere in this rule, are available based on the District's actual knowledge of Title IX sexual harassment or allegations of Title IX sexual harassment, and the receipt of a formal complaint is one source of such knowledge. At the same time, supportive measures are intended to be individualized and context-sensitive. If the proceedings related to this grievance process create any changed circumstances or any special needs for a party, the party may contact a District Title IX Coordinator for the purpose of discussing potential modifications to supportive measures.

***Dismissals of Formal Complaints.*** Upon receipt of a formal complaint that alleges or purports to allege Title IX sexual harassment and at other points in the grievance process while a formal complaint is pending, the District is responsible for evaluating whether, pursuant to the federal Title IX regulations, the complaint (1) must be dismissed (whether in whole or in part); or (2) may be dismissed (whether in whole or in part) as an exercise of District discretion. The District expects its Title IX Coordinator(s), complaint investigators, and decision-makers to promptly raise the issue of dismissal as needed.

1. **Mandatory dismissal:** The District must dismiss a formal complaint (or specific allegations within the complaint), for purposes of Title IX and the District's Title IX grievance process, to the extent the conduct alleged in the complaint:
  - a. Even if proved, would not constitute sexual harassment as defined in the federal Title IX regulations; or
  - b. Did not occur within the scope of the District's education program or activity; or
  - c. Did not occur against a person in the United States.
2. **Discretionary dismissal:** At any time during the investigation of a formal complaint and prior to the determination of responsibility, the District may dismiss a formal complaint, or any allegations therein, if:
  - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. The respondent is no longer enrolled in the District or employed by the District; or
  - c. The District determines that specific circumstances prevent the District from gathering evidence that is sufficient to reach a determination as to the formal complaint or any allegations therein.
3. **Dismissal procedures:**
  - a. The District Administrator, acting in consultation as needed with District legal counsel, must authorize the dismissal of a formal complaint of Title IX sexual harassment or any individual allegations within such a complaint.
  - b. The Title IX Coordinator or a designee must promptly send written notice of the dismissal and the reason(s) for the dismissal simultaneously to all parties (to the extent known).
  - c. A dismissal is an appealable decision to the extent identified elsewhere in this grievance process.

If a formal complaint or any allegation within a complaint is dismissed for purposes of Title IX, the District retains discretion to take action with the respect to the dismissed allegations under other District policies and procedures (e.g., if the alleged conduct could constitute discrimination other than Title IX sexual harassment or if the conduct could constitute a violation of any District policy or rule of conduct).

***Voluntary Informal Resolution of Formal Complaints.*** To the extent permitted by the Title IX regulations, the District may offer and facilitate a strictly voluntary informal resolution process which attempts to resolve the allegations of a formal complaint of Title IX sexual harassment, in whole or in part, without a full investigation and adjudication. An informal resolution process may not be used in connection with allegations that a District employee sexually harassed a student.

In order to offer and attempt an informal resolution process, a formal complaint must have been filed. In addition, before conducting any informal resolution process, the District must:

1. Provide both parties with a written disclosure notice regarding the informal process, as further outlined in the federal Title IX regulations (see 34 C.F.R. §106.45(b)(9)(i)); and
2. Obtain each party's voluntary, written consent to participate in the informal resolution process.

As examples of informal processes that may be appropriate in some circumstances, the District's agents may (1) offer to mediate a resolution between the parties identified in a formal complaint; or (2) explore the parties' willingness to voluntarily proceed without a full investigation and/or adjudication when the facts may be undisputed or where there may be an opportunity to reach stipulated facts.

If a voluntary informal resolution has not reached a conclusion within [15] business days of the date that the District received the consent of the parties, the District and the parties may mutually and voluntarily agree to extend the timeframe for attempting an informal resolution. In the absence of a mutual agreement to extend the timeframe, the District will provide reasonably prompt written notice to the parties that the informal process is being abandoned and that the District will resume the formal process.

***Disciplinary Sanctions.*** After a determination that a party is responsible for Title IX sexual harassment as a result of this grievance process, the disciplinary sanctions that the District may impose will depend on the nature of the misconduct and the individual's then-current status as a student, employee, or other person connected to the District's education program or activity. Disciplinary sanctions that are issued or recommended as a result of a determination of responsibility for Title IX sexual harassment are intended as consequences for past misconduct and/or as a deterrent against any future sexual harassment. To the extent the District reaches a determination using this grievance process that a party engaged in conduct that was not Title IX sexual harassment but that did violate some other law or District policy or rule, this grievance process does not directly address the disciplinary consequences for such conduct, even though the District may impose disciplinary consequences for such conduct.

1. **Students:** The range of possible disciplinary sanctions or recommended sanctions for students includes but is not limited to suspension from school, expulsion from school, and disciplinary suspension of eligibility to participate in District-sponsored extracurricular activities. The District may also prohibit the student from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures. This provision does not modify any student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.
2. **Employees:** The range of possible disciplinary sanctions or recommended sanctions for employees includes but is not limited to a formal reprimand, an indefinite demotion or salary reduction, a disciplinary reassignment exceeding what may be allowed as a supportive measure, an unpaid suspension, contract nonrenewal, and termination of employment. At the District's discretion, such sanctions may be structured with or without special conditions, such as notice of a zero-tolerance policy for any prospective related violations, or a directive prohibiting the employee from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures.
3. **Other persons:** The range of possible disciplinary sanctions or recommended sanctions for other persons includes but is not limited to suspension from or the termination of a District-authorized role (e.g., volunteer), termination or nonrenewal of contracts, and a directive prohibiting the individual from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures.

**Remedies to Benefit Complainants.** After a determination that a party to the grievance process was responsible for Title IX sexual harassment, the District may provide the complainant with remedies designed to restore or preserve equal access to the District's education program or activity, including providing for a safe educational or working environment. Such remedies may include the continuation or addition of individualized accommodations, services, and interventions that could have been provided as "supportive measures" prior to the determination of responsibility. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

**Timeframes and Extensions.** The District normally intends to conclude the grievance process within 90 calendar days of the date that a formal complaint is filed or signed by a Title IX Coordinator, recognizing that in certain circumstances it may be practical to complete the process in less time, and in other circumstances the process may reasonably require more time.

Any party or witness may, for good cause, request (1) a temporary delay in the grievance process; (2) the rescheduling of an investigative interview or other meeting; or (3) a limited extension of a deadline that applies to the party. Any such request shall be submitted in writing to the investigator, decision-maker, or appeal decision-maker, given the applicable stage of the proceedings.

The investigator, decision-maker, or appeal decision-maker (as applicable) may grant such a request, and may also self-initiate such a delay, rescheduling, or extension, upon determining that there is good cause and that approving the request would not be unduly prejudicial to any of the parties or unreasonably extend the conclusion of the grievance process.

Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the complexity of the allegations; or the need for language assistance or accommodation of disabilities. In evaluating whether good cause exists with respect to a party's request, the District may take into account the party's history of requesting delays or extensions and the reasons for any such prior requests.

Although the agents of the District are expected to make reasonable efforts to accommodate the schedules of parties and witnesses, the District also may not, without good cause, deviate from its own designated timeframe for the grievance process. Accordingly, the District retains discretion to grant a shorter delay or extension than was requested. Further, in some cases, the District may deny a scheduling request and, if necessary, proceed with the grievance process in the absence of a party, a party's advisor, a party's filing/response, or a witness.

If a formal complaint of Title IX sexual harassment also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, and if a requested or contemplated delay/extension would prevent the District from reaching a determination of the complaint within 90 calendar days, the District's agents shall evaluate whether it is necessary or appropriate to request the parties' consent to the delay/extension.

The appropriate agent of the District or a designee shall provide the complainant and respondent with prompt written notice of any decision to delay the grievance process or grant an extension of a deadline. Such notice shall include the reason(s) for the action. To the extent a given deadline applies to multiple parties, any extension of the deadline automatically applies to all such parties.

**Voluntary Waivers of Timeframes.** In instances where this grievance process gives the parties a minimum period of time to prepare and submit a response or prepare for an interview or meeting, a party may voluntarily waive all or part of such period of time if the party communicates their voluntary waiver to the investigator or decision-maker (as applicable) in writing.

**Consolidation of Formal Complaints.** The District may consolidate formal complaints of Title IX sexual harassment where the allegations of sexual harassment in the different complaints arise out of the same facts or circumstances.

**Concurrent Investigation and Consideration of Multiple Potential Grounds for a Determination of Responsibility/Misconduct.** If the allegations set forth in a formal complaint of Title IX sexual harassment also constitute or fairly encompass allegations of conduct that could constitute (1) discrimination under a different law, or (2) a violation of a District policy or rule (including any District code of conduct that may be applicable to the respondent), or (3) any other established grounds for the imposition of possible disciplinary sanctions, then the District may, at its discretion, investigate the facts and circumstances related to such other legal or policy standards using this grievance process and apply the facts, as found through the investigation, to all potential grounds for a finding of responsibility/misconduct and possible discipline. Unless otherwise required by law, the investigation and determinations reached through this grievance process shall constitute sufficient processing of any such related, overlapping, or intertwined complaint(s), allegations, or charges that may arise out of the same facts or circumstances as the allegation(s) of Title IX sexual harassment.

In all cases involving such concurrent investigation and concurrent consideration of such additional complaint(s), allegations, or charges, the District's agents in the grievance process are responsible for giving the parties adequate notice of the scope of the allegations to be investigated and of the different grounds for a potential finding of liability/responsibility (e.g., federal law, state law, or a local policy or rule). The District's agents are also responsible for adequately identifying the specific basis for any determination of responsibility or finding of misconduct. For example, a decision-maker might conclude in a given case that the facts as found do not rise to the level of Title IX sexual harassment, but that the complaint is substantiated with respect to prohibited harassment as defined under Chapter PI 9 of the Wisconsin Administrative Code and under District policy.

**Restrictions on the Participation of Parties' Advisors.** An advisor of the party's choosing shall be permitted to accompany the party to any investigative interview or other meeting held in connection with this grievance process. However, no person who accompanies a party to a meeting or otherwise serves as an advisor to the party may unreasonably interfere with or unreasonably delay the District's investigation. Unreasonable interference by an advisor includes, for example:

1. Answering the District's questions on behalf of the party during an investigative interview, such that the District is denied the party's own, direct response.
2. Interrupting District questioning with the goal of prompting or suggesting responses for the party.
3. Interrupting District questioning in an attempt to conduct his/her own questioning of the party.

The District's agents in the grievance process may place further reasonable restrictions on the extent to which an advisor may participate in the proceedings, provided that such restrictions apply equally to both parties.

**Prohibition on Retaliation.** No official, employee, or agent of the District or any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or any proceeding conducted under the auspices of the District's Title IX obligations. Complaints alleging retaliation in violation of this provision may be filed according to the reporting and

grievance procedures that the District has established for general complaints of unlawful discrimination based on sex and other legally-protected classifications.

**Prohibition on Bad Faith Conduct.** To the extent permitted by law, the District reserves authority to appropriately address and impose consequences for bad-faith conduct by individuals who make a report or complaint, testify, assist, or participate in any manner in a Title IX investigation or other Title IX proceeding. For example, the District may impose lawful consequences for making a materially false statement in bad faith in the course of any proceeding that is conducted under the auspices of the District's Title IX obligations. However, a determination that a report or complaint of any form of discrimination based on sex was not substantiated, standing alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### Definitions

Within the Title IX grievance process set forth in this rule:

- ***Business days*** means days that the main administrative office of the District is staffed, in person or virtually, for responding to regular business and public contacts. Business days never include Saturday or Sunday.
- The terms "***written***" or "***in writing***" include a notice or communication provided in hard copy format via hand delivery or via U.S. Mail to the address of record or in an electronic format via an email sent to an email address that has been issued by the District or that has been provided by the intended recipient.
- With respect to a communication sent by electronic mail, an email is deemed to be ***delivered*** when it was first electronically available to be accessed by the recipient, and delivery presumptively occurs on the same day as the email was sent. With respect to a communication sent by U.S. Mail, the communication is deemed ***delivered*** on (1) the date reflected on any confirmation of delivery or delivery receipt; or (2) three business days after the communication was sent by First Class Mail if no delivery confirmation was requested.

The following terms within this rule have the definitions specified in the federal Title IX regulations, including all applicable exclusions, exceptions, and clarifications of scope found in the federal regulations. Paraphrasing the applicable regulatory provisions:

- ***Complainant*** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, regardless of how the District gained actual knowledge of the alleged sexual harassment. Therefore, not every person who reports an allegation of Title IX sexual harassment is a complainant.
- ***Respondent*** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- ***Actual knowledge*** means notice of sexual harassment or allegations of sexual harassment to (1) the District's Title IX Coordinator; (2) any District official who has authority to institute corrective measures on behalf of the District; or (3) any employee of the District other than a respondent (i.e., in circumstances where the respondent is a District employee). "***Notice***" as used in this definition includes, but is not limited to, a report of sexual harassment to the District's Title IX Coordinator.

- **Education program or activity** includes any locations, events, or circumstances over which the District exercised substantial control over both (1) the respondent, and (2) the context in which the sexual harassment or alleged sexual harassment occurred.
- **Formal complaint** means a document filed by an eligible complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment under Title IX. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District. As used in this definition, the phrase “**document filed by an eligible complainant**” means a document or electronic submission (such as by electronic mail) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- “**Supportive measures**” or “**supportive measures under Title IX**” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint of sexual harassment under Title IX or where no such formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to (1) protect the safety of all parties or the District’s educational environment, or (2) deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, additional supervision or planned accompaniment, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security, supervision, or monitoring of certain areas of school grounds, and other similar measures.
- “**Sexual harassment under Title IX**” and “**Title IX sexual harassment**” mean conduct on the basis of sex in any District education program or activity, occurring in the United States, that satisfies one or more of the following:
  1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
  2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
  3. Any of the following, as defined under the Title IX regulations by reference to other federal statutes:
    - a. “sexual assault,” as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), to mean an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including but not limited to rape, sexual assault with an object, and groping.
    - b. “stalking,” as defined in [34 U.S.C. 12291\(a\)\(30\)](#).
    - c. “dating violence,” as defined in [34 U.S.C. 12291\(a\)\(10\)](#).
    - d. “domestic violence,” as defined in [34 U.S.C. 12291\(a\)\(8\)](#).
- **Stalking**, as defined in [34 U.S.C. 12291\(a\)\(30\)](#), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  1. fear for his or her safety or the safety of others; or
  2. suffer substantial emotional distress



- **Dating violence** as defined in [34 U.S.C. 12291\(a\)\(10\)](#), means violence committed by a person-
  1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - a. The length of the relationship;
    - b. The type of relationship; and
    - c. The frequency of interaction between the persons involved in the relationship.
- **Domestic violence**, as defined in [34 U.S.C. 12291\(a\)\(8\)](#), includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the state's domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the state's domestic or family violence laws

**Legal References:**

**Cross Reference:** 112 General Nondiscrimination, 112(R) General Nondiscrimination Rule, 342.5, 342.7, 342.8, 346, 362, 377, 411, 420, 511, 512, 760, 840, 852

**Approved:** August 2020

**Reviewed:**

**Series**            **100**                    **Board Operations**  
**Section**        **110**                    **Educational Philosophy**  
**Policy**          **112(E)**                **General Nondiscrimination-Exhibit**

**NOTICE OF SCHOOL DISTRICT POLICIES ON SEX DISCRIMINATION, THE DISTRICT'S  
TITLE IX COORDINATOR(S), AND PROCEDURES FOR REPORTING OR FILING A  
COMPLAINT  
OF SEX DISCRIMINATION**

***Title IX Nondiscrimination Policy Statement*** – As mandated by the current provisions of Title IX of the Education Amendments of 1972 and under the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations (“the federal Title IX regulations”), the District does not unlawfully discriminate on the basis of sex in any education program or activity that the District operates. Title IX’s requirement not to discriminate in any education program or activity extends to cover, but is not limited to, District students, certain admissions processes, and District employment. Inquiries regarding how Title IX and the federal Title IX regulations apply to the District may be referred to a District Title IX Coordinator (as designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or to both.

The District’s commitment to nondiscrimination under Title IX and under other state and federal laws is further defined in the policies noted in footer.

***District Title IX Coordinators*** – The District employees who hold each of the positions identified below serve as Title IX Coordinators for the District:

Nick Frank Principal 6901 Hwy O Hartford, WI 53027 262-673-3720 frank@erinschool.org	Joannie Kalina District Administrator 6901 Hwy O Hartford, WI 53027 262-673-3720 kalina@erinschool.org
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***Reporting Sex Discrimination*** – Any person (including a person who is not claiming to have been personally harmed/victimized by the alleged discrimination) may report a concern or allegation regarding prohibited sex discrimination (including sexual harassment) to the District. Such reports may be submitted as follows:

1. To a District Title IX Coordinator, either in person, by U.S. mail, by telephone, or by electronic mail, using the contact information listed above. In person reports should be made when the Title IX Coordinator is reasonably available during regular working hours. Reports submitted by telephone, mail, or electronic mail may be made at any time.
2. By any other means that results in a Title IX Coordinator actually receiving the person's verbal or written report.

***Filing Formal Complaints of Title IX Sexual Harassment*** – As required by the federal Title IX regulations, the District has established a formal grievance process for investigating and resolving “formal complaints” of “sexual harassment,” as those terms are defined in the regulations.

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX “complainant”), or a parent or guardian who has a legal right to act on behalf of such an individual, may file a formal complaint of sexual harassment. No Title IX complainant is obligated to file a formal complaint, but a qualifying formal complaint is necessary for the District to start an investigation using the District’s formal Title IX grievance process.

Complainants are expected to file formal complaints of sexual harassment with a District Title IX Coordinator by submitting a document or electronic submission in person, by U.S. mail, or by electronic mail, using the contact information specified above.

Additional requirements for formal complaints of Title IX sexual harassment, including a description of the required content for a formal complaint, are set forth in Policy 112 within the School Board’s policies.

***District Response to Reports and Complaints of Sex Discrimination and to Formal Complaints of Sexual Harassment under Title IX*** – The District has established grievance procedures through which the District structures its response to reports that allege unlawful discrimination on the basis of sex in any education program or activity of the District. Those procedures are set forth in Board Rule 112. The purpose of such procedures is to provide for the prompt and equitable resolution of any report or complaint of alleged sex discrimination, excluding formal complaints of sexual harassment under Title IX (which are subject to a different process).

Any time that the District has actual knowledge of sexual harassment or allegations of sexual harassment that could constitute a violation of Title IX, the District has obligations to respond to such knowledge in a manner that is not deliberately indifferent and in a manner that treats the alleged victim(s) of sexual harassment and the alleged perpetrator(s) of sexual harassment equitably. Such a response includes, but is not limited to, offering supportive measures to a complainant and investigating and resolving any formal complaint that presents allegations of Title IX sexual harassment using the formal grievance process that the District has adopted for such formal complaints. District procedures for responding to alleged sexual harassment under Title IX, including the formal grievance process, are set forth in 112 - Rule, as published on the District’s website.

**Legal References:**

**Cross Reference: 112 General Nondiscrimination, 112(R) General Nondiscrimination Rule, 342.5, 342.7, 342.8, 346, 362, 377, 411, 420, 511, 512, 760, 840, 852**

**Approved: August 2020**

**Reviewed:**

**Series**           **300**                   **Instruction**  
**Section**       **310**                   **Instructional Goals**  
**Policy**         **313**                   **Annual Notice of Academic Standards**

State law requires the District to provide the parents and guardians of all enrolled students with notice of the academic standards in mathematics, science, reading and writing, geography, and history that have been adopted by the School Board and that will be in effect during each school year. Accordingly, the District academic standards that will be in effect in these specific content areas for this school year are listed below. Electronic links to the detailed version of the applicable standards are provided when available. To the extent a parent or guardian would like to review a copy of any of the standards in an alternative format, please contact the Administration.

<b>Content Area/Subject</b>	<b>The District's Student Academic Standards</b>
English Language Arts (includes reading and writing)	The District has adopted the Common Core State Standards for English Language Arts, as formerly adapted to Wisconsin by the Wisconsin Department of Public Instruction. A complete copy of these standards can be located and reviewed at this Internet address: <a href="http://dpi.wi.gov/sites/default/files/imce/standards/pdf/ela-stds-app-a-revision.pdf">http://dpi.wi.gov/sites/default/files/imce/standards/pdf/ela-stds-app-a-revision.pdf</a>
Mathematics	The District has adopted the Common Core State Standards for Mathematics, as formerly adapted to Wisconsin by the Wisconsin Department of Public Instruction. A complete copy of these standards can be located and reviewed at this Internet address: <a href="http://dpi.wi.gov/sites/default/files/imce/standards/pdf/common-core-math-standards.pdf">http://dpi.wi.gov/sites/default/files/imce/standards/pdf/common-core-math-standards.pdf</a>
Science	The District has adopted the Wisconsin Model Academic Standards for Science. A complete copy of these standards can be located and reviewed at this Internet address: <a href="http://dpi.wi.gov/science/standards">http://dpi.wi.gov/science/standards</a>
Social Studies (includes geography and history)	The District has adopted the Wisconsin Model Academic Standards for Social Studies. A complete copy of these standards can be located and reviewed at this Internet address: <a href="http://dpi.wi.gov/social-studies/standards">http://dpi.wi.gov/social-studies/standards</a>

If you have any questions about this notice, please contact the Administration. This notice is issued pursuant to section 120.12(13) of the state statutes.

**Legal References: Wisc SS 120.12(13)**

**Cross Reference:**

**Approved: November 2016**

**Reviewed: April 2018**

<b>Series</b>	<b>300</b>	<b>Instruction</b>
<b>Section</b>	<b>330</b>	<b>Curriculum Development and Adoption</b>
<b>Policy</b>	<b>333(R)</b>	<b>Parent/Guardian Rights, District Programs/Activities and Survey Rule</b>

**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 parent/guardian consent 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 parents/guardians were given express notice that the survey would not be anonymous; and
2. Students shall be informed that their participation in the survey is voluntary (i.e., the student's choice, even though the student's parent/guardian did not preemptively opt the student out of participation in the survey).

**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 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.
2. 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/guardian names, addresses, telephone numbers, or email addresses unless such information is directory data and the parent/guardian has agreed to such release.
3. The District shall not collect, disclose or use a student's or parent/guardian's social security number for any marketing purpose, or for the purpose of selling such numbers.
4. The District shall not use a student's or parent/guardian's name, portrait or picture for advertising purposes, including for advertisements that imply endorsement of the District or its programs, without having first obtained the written consent of the person, or if the person is a minor, his/her parent/guardian.
5. The District shall honor any parent/guardian 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.

**Legal Reference:** Wisc SS Section 118.01(2)(d)2.c, Section 118.019, Section 118.30(2)(b)3, Wisconsin Administrative Code PI 9, PI 41, Federal Laws Protection of Pupil Rights Provision of General Education Provisions Act, Safe and Drug-Free Schools and Communities Act, 34 C.F.R. Sections 98.3 and 98.4  
**Cross Reference:** 333 Parent/Guardian Rights, District Programs/Activities and Survey

**Approved:** November 2008

**Last Reviewed:** November 2015

**Last Revised:** November 2018

<b>Series</b>	<b>300</b>	<b>Instruction</b>
<b>Section</b>	<b>330</b>	<b>Curriculum Development and Adoption</b>
<b>Policy</b>	<b>333</b>	<b>Parent/Guardian Rights, District Programs/Activities, and Surveys</b>

Parents/guardians may inspect, upon request, any instructional material used as part of the educational curriculum for students. In addition, parents/guardians may deny their child's participation in certain District educational programs or activities in accordance with state and federal laws and rules. Specifically, parents/guardians may:

- A. Request that their child not participate in 4<sup>th</sup> & 8<sup>th</sup> grade state assessments and in any other grade assessments authorized by the School Board and allowed by the Wisconsin Department of Public Instruction.
- B. Request that their child not participate in instruction in human growth and development or 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 School Board respects the privacy rights of parents and guardians and their children. At a minimum, a parent or guardian shall have the right to opt his/her child out of participating in any survey which is associated with a school program or the District's curriculum, or which is administered by a third party in the schools, if the survey contains or would reveal one or more of the following items:
  - political affiliations or beliefs of the student or the student's parent or guardian;
  - mental and 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.

Within this policy, such surveys are referred to as "protected-information surveys." For purposes of this policy, the term "survey" includes an evaluation.

The building principal shall notify parents and guardians at the beginning of each school year (or, if the survey activity arises only after the start of the school year, within a reasonable period of time prior to administration) of the specific or approximate dates during the school year when such survey activities are scheduled involving their children.

If the District intends to require students to participate in any protected-information survey (as opposed to giving the students express direction that their participation in the survey is purely voluntary), and if the survey is funded in whole or in part by a program administered by the U.S. Department of Education, then the District shall obtain the advance, written consent of the student's parent or guardian (or from an adult student, if applicable). Such active consent shall also be obtained for any protected-information survey where the students' responses are not submitted anonymously.

For all other protected-information surveys, parents and guardians may request that their child not participate in the survey activity. That is, a parent or guardian (or an adult student, if applicable) can choose to “opt-out” of having the student participate in the survey. At its discretion, the administration may seek active consent for any protected-information survey which, by policy, requires only an opt-out procedure.

Parents and guardians may, upon request, inspect any protected-information survey, as well as any survey created by a third party before (as well as after) the survey is administered or distributed by a school to a student. Parents and guardians may also request to inspect any instructional materials used in connection with such surveys. Requests to inspect such surveys or any related instructional materials should be made in writing to the building principal or his/her designee. To ensure that there is an opportunity to arrange for an inspection of a survey prior to the administration or distribution of the survey to students, inspection requests should be made prior to the date on which the survey is scheduled to be administered. The principal or designee shall respond to such requests without delay.

The following additional arrangements apply to further protect student privacy in the event the District administers or distributes to students any protected-information survey: District staff using a group of students to conduct action research for a project in which the data collected by the teacher will be used in a summary paper for the research class. All data in said project must follow the college’s Internal Review Board (IRB) guidelines and have all projects approved by the District Administrator. Parents will be notified and teacher shall obtain a signed permission slip for students to participate in the action research study.

This policy shall be published annually in student and staff handbooks, which are distributed to students, parents and guardians and employees in the District. Any changes to this policy shall be made in consultation with parents or guardians of students.

**Legal Reference:** Wisc SS Section 118.01(2)(d)2.c, Section 118.019, Section 118.30(2)(b)3, Wisconsin Administrative Code PI 9, PI 41, Federal Laws Protection of Pupil Rights Provision of General Education Provisions Act, Safe and Drug-Free Schools and Communities Act, 34 C.F.R. Sections 98.3 and 98.4  
**Cross Reference:** 333(R) Parent/Guardian Rights, District Programs/Activities, and Surveys Rule  
**Approved:** November 2008  
**Last Reviewed:** November 2015  
**Last Revised:** November 2018

<b>Series</b>	<b>300</b>	<b>Instruction</b>
<b>Section</b>	<b>340</b>	<b>Educational Program</b>
<b>Policy</b>	<b>341.23</b>	<b>Academic and Career Planning</b>

Academic and Career Planning (ACP) services, including individualized support and access to software tools and staff assistance, shall be provided to students in grades 6 to 8. The mission of academic and career planning is to provide a comprehensive plan, which will be developed and maintained by a student, that includes the student's academic career, personal, and social goals and the means by which the student will achieve those goals both before and after high school graduation.

The District's academic and career planning services will provide each student with:

1. Individualized support to assist the student with completing and annually updating his/her academic and career plan;
2. Access to an academic and career planning software tool; and
3. A means for connecting each student to school staff for assistance with the development and implementation of the student's personal plan. If the student is a student with a disability, the school must ensure that the student's personal academic and career plan is made available to the student's individual education program team (e.g., to assist with planning transition services).

**Legal References:** PI 26.03(1)(b)1, 115.28(59), 121.02

**Cross Reference:**

**Approved:** August 2017

**Reviewed:** March 2022



<b>Series</b>	<b>300</b>	<b>Instruction</b>
<b>Section</b>	<b>340</b>	<b>Educational Programs</b>
<b>Policy</b>	<b>342.1</b>	<b>Students with Disabilities</b>

The District will provide a free and appropriate public education to each child with a disability within its jurisdiction, regardless of the nature or severity of the disability. Educational and related services will be provided either locally or through agreements with other school districts or agencies and will be provided in accordance with state and federal law.

Procedures for screening, referring, identifying and serving children with disabilities will be consistent with the Wisconsin Department of Public Instruction *Model Local Educational Agency Special Education Policies and Procedures*, which has been adopted as part of the District's special education handbook. The District special education handbook will be considered Board policy.

**Legal Reference: Wisc SS Chapter 115, Subchapter V, PI 11-Wisconsin Administrative Code, Section 504 of the Rehabilitation Act of 1973, Individuals with Disabilities Education Act, Americans with Disabilities Act of 2004**

**Cross Reference: Special Education Handbook**

**Approved: February 2009**

**Last Reviewed: September 2019**

<b>Series</b>	<b>300</b>	<b>Instruction</b>
<b>Section</b>	<b>340</b>	<b>Educational Programs</b>
<b>Policy</b>	<b>342.7(R)</b>	<b>Guidelines for Identifying and Reporting English Language Learners</b>

A. Identifying limited English language learners (ELL)

1. All new students enrolling in the District will be asked to complete a home language survey. The survey will be used to identify the following students for further evaluation and possible eligibility for the District's services or programs for English language learners (ELLs):
  - a. Students who communicate in a language other than English; or
  - b. Students whose families use a primary language other than English in the home; or
  - c. Students who use a language other than English in daily non-school surroundings.
2. If it is determined that the student speaks a foreign language, or that one is spoken in the home, the student will be evaluated to determine his/her language proficiency. The following guidelines shall be used in making the determination regarding the student's English language proficiency:
  - a. Does not understand or speak English;
  - b. Understands simple sentences in English, but uses only isolated words or expressions in English;
  - c. Speaks English with difficulty, converses in English with help, understands at least parts of lessons and follows simple directions given in English;
  - d. Understands, speaks, reads, and writes English with some degree of hesitancy which may be due to language interference because of a foreign language or non-proficient English spoken at home;
  - e. Understands and speaks English well, but needs assistance in reading and writing in English to achieve at a level appropriate for his/her age or grade.
3. If the student is determined to be a limited English learner, he/she will be provided program assistance and/or modifications as necessary to help the student develop English language skills that will enable him/her to function successfully in an all English classroom and complete the required curriculum.

Decisions regarding ELL student participation in District and state testing programs shall be made on an individual basis in accordance with state law and established District procedures.

4. If the student is not determined to be an English language learner, he/she will be placed in the regular mainstream.

B. Reporting ELL Students

1. Annually, on or before August 1, a count of ELL students in the District shall be conducted. The students will be classified by language group, grade level, age, and English level proficiency.
2. The District shall file a report of ELL students to the Department of Public Instruction as required by state law.

### C. Assessing English Proficiency

1. On or before March 1 each year, District staff shall conduct a count of all English language learners (ELL) enrolled in District schools, assess the language proficiency of such students and classify such students by language group, grade level, age and English language proficiency.
2. ELL students shall be assessed to determine their English language proficiency using the Department of Public Instruction (DPI)-approved English proficiency assessment instrument – ACCESS for ELLs<sup>®</sup>. The assessment shall be administered by a trained educator or CESA 6. The District may also use information such as the following when assessing a student’s English proficiency: prior academic records from within or outside the United States, information on everyday classroom performance, and course grades which, in relation to the student’s grade level, indicate that lack of progress is due to limited English language skills.
3. ELL students assessed shall be classified and reclassified as appropriate, according to their English proficiency level as outlined in state rules, generally Level 1 (“Beginning Preproduction”) through Level 6 (“Formerly Limited-English Proficient Now Fully-English Proficient”), but using designation Level 7 (Native English Speaker) as appropriate.
4. Student English proficiency assessment records shall be maintained by the District in accordance with state and federal laws and District student records policies and procedures. Reports regarding ELL students shall be made to the DPI as legally required.

### D. Assessing Academic Performance

Decisions regarding academic performance and assessment shall be made on an individual basis for each ELL student, and information on both academic and English proficiency data shall be documented and considered. Decisions regarding the appropriate approach to assessment, including the planned approach for the student’s state-mandated academic assessments, shall be made by Student Intervention Team (SIT) consisting of Administration and teaching staff and communicated to the student’s parent/ guardian.

### E. ELL Students and State Academic Assessments

1. The results of both state-required tests and alternative assessments shall be used in a manner that is consistent with District policies in making instructional, promotion and graduation decisions. Test results may not be used as the sole criterion in re-classifying an ELL student from a bilingual-bicultural education program or in determining grade promotion, eligibility for courses or programs, eligibility for graduation or eligibility for participation in post-secondary education opportunities. Similarly, exemption of an ELL student from taking a state-required test may also not be used as the sole criterion for making such determinations.
2. The District shall administer a state-required test to an ELL student unless a determination has been made that the results of the test, with allowable accommodations made for the student as needed, will not be a valid and reliable indicator of the student’s academic knowledge and skills. Such determinations are to be made on an individualized, case-by-case basis. If an ELL student is exempted from taking a state-required test, he/she shall be administered a DPI-approved alternative assessment.
  - a. Before making decisions regarding state-required academic assessments for any ELL student, the District will first determine if the student has recently arrived in the United States. “Recently arrived” refers to a student that has attended a U.S. school for less than 12 months.
    - (1) A recently arrived ELL student may be exempted from one required administration of the state’s reading assessment.
    - (2) Recently arrived students must participate in all other content areas (with or without accommodations).

- (3) If the District does not assess a recently arrived ELL student on the state's reading/language arts assessment, the District must count the year in which the assessment would have been administered as the first of the three years in which the student may take the state's reading/language arts assessment in an alternative format (see paragraph b in this section, immediately below).
- b. Except as specified below in b(1) and b(2), students at English proficiency Level 1 or Level 2 as defined by the state English proficiency level standards shall participate in an alternative assessment even if they participate in a state-required test.
  - (1) Students at English proficiency levels 1 or 2 who have attended school in the first grade or any higher grade in the United States, not including Puerto Rico, for three or more full consecutive school years shall participate in academic assessment of reading or English language arts using tests written in English.
  - (2) The District may continue, for no more than two additional consecutive school years, to assess a student described in (1), immediately above, with an alternate assessment, rather than the state-required tests, if the District determines that the student has not reached a level of English language proficiency sufficient for the tests written in English to yield valid and reliable information about what the student knows and can do. This determination shall be made on a case-by-case basis.
- c. Students at English proficiency levels 3 through 5 as defined by the state English proficiency level standards shall participate in a state-required test but may also participate in an alternative assessment, based upon the District's assessment of the student's overall academic performance and its determination as to whether the alternative assessment and the results obtained from the assessment are likely to be beneficial to the student.
- d. If an ELL student participates in a state-required test, the District shall provide testing accommodations for the student if they are needed. Any accommodations made shall maintain the validity of the test. Testing accommodations may include, but are not limited to, one or more of the following:
  - (1) providing the assistance of a qualified translator to translate instructions or read items from tests that do not assess English language competency;
  - (2) providing small group or individual testing opportunities;
  - (3) providing more practice tests or examples before the actual test is administered;
  - (4) allowing ELL students to use dictionaries or other educational aids while taking the test unless this use would invalidate the test;
  - (5) allowing ELL students as much time as necessary to complete the test; and
  - (6) any other accommodation approved by the DPI.
3. School personnel shall make reasonable efforts to consult with a student's parent/guardian regarding the planned approach to the student's state-required academic assessments.
4. Student test/alternative assessment results shall be communicated to the student's parent/guardian and to the DPI as required by law.

**E. Educational Program Assistance**

1. An ELL student will be provided educational program assistance and/or services as appropriate and necessary to help the student improve his/her English language skills and academic performance. The degree of curricular and instructional modification, type of support or other program services and their duration shall be determined individually, based on student need.

**F. Students Exiting the ELL Program Based on Proficiency**

1. An ELL student will be exited from the ELL program or services when the student earns a 5.0 composite score on the ACCESS for ELLs®.
2. An ELL student may also be eligible for exiting from the ELL program or services if all of the following conditions are met:
  - a. The student has completed fourth grade.
  - b. The student has attained an English level proficiency of level 5.
  - c. Two or more additional pieces of evidence demonstrate that the student has become fully English language proficient. Examples of such evidence are: District/school writing samples meet or exceed grade level expectations; the student's scores are in the proficient or advanced categories on the Wisconsin Forward Exam without ELL accommodations in reading and math; the student scores at 5.5 or better on the reading portion of the ACCESS for ELLs® without the use of adapted or modified materials.
  - d. The student's parent/ guardian and teachers agree that the student has reached full English proficiency.
3. Once students have been exited from the ELL program, they shall no longer be tested on their English proficiency or receive state testing accommodations for ELL students. However, the District will continue to monitor the exiting student for two additional years through teacher observation and by documenting adequate progress/classroom performance. If it is determined that the student was exited from the ELL program prematurely, he/she will be placed back in the ELL program and provided appropriate services.

**G. Notices and Other Communications with Parent/Guardian(s)**

District personnel are expected to make reasonable efforts to present formal notices and other information to parent/guardian(s) in an understandable format and in a language parent/guardian(s) can understand. Notices and communications may be provided in the parent/guardian's primary language (preferred when practical, and required by law in some instances), in English with additional explanation, or via other means that sufficiently convey the required information (e.g., using direct translation assistance if available and if necessary).

**Legal Reference: Wisc SS Section 115.96, Section 115.97, Section 118.13, Section 118.30(2)(b)2, Section 121.02(1)(r), Section 121.02(1)(s), Wisconsin Administrative Code PI 8.01(2)(r), PI 13, Federal Laws Elementary and Secondary Education Act [Part A - Subpart 1], and Federal Regulations 34 C.F.R. §200.6(b).**

**Cross Reference: 342.7 English Language Learners**

**Approved: February 2009**

**Last Reviewed: November 2019**

**Last Revised: May 2013**

<b>Series</b>	<b>300</b>	<b>Instruction</b>
<b>Section</b>	<b>340</b>	<b>Educational Programs</b>
<b>Policy</b>	<b>342.7</b>	<b>English Language Learners</b>

The Board recognizes that within the District there may be students whose primary language is not English. With that in mind, the Board shall provide appropriate educational and support transition services for District students who have limited or no command of the English language. The purpose of these services will be to develop English language skills that will enable students to function successfully in an all English classroom and complete the required curriculum.

These services shall include the following elements: identification of English language learners (including conducting the initial and subsequent annual assessment of English proficiency), identifying appropriate placements, support services and accommodations for ELLs and obtaining parent/guardian consent for said placement, curricular and instructional modification, and assessment of progress. Specialized instructional materials and techniques designed to teach English to speakers of other languages shall be used in the District. An English language learner student or a small group of students may work with a tutor to develop their English language skills. The degree of modification, the duration and type of services shall be determined individually and be based on student need.

If a sufficient number of the students identified with limited English skills are of the same language group to meet statutory requirements, the Board shall establish and implement a bilingual-bicultural education program as required by law.

Additional procedures may be developed by the Administration provided they are consistent with applicable law, this policy and related Board-approved procedures.

The Administration is responsible for (1) implementing a pedagogically sound instructional plan designed to assist ELL students to make progress on established achievement objectives; and (2) providing for the periodic evaluation of the effectiveness of that plan, reporting on such evaluations to the Board.

The District's student nondiscrimination policy applies in full force to all services or programs offered for English Language Learners. The District shall not engage in any unlawful discrimination in regard to such services or programs.

**Legal Reference: Wisc SS Section 115.96, Section 115.97, Section 118.13, Section 118.30(2)(b)2, Section 121.02(1)(r), Section 121.02(1)(s), Wisconsin Administrative Code PI 8.01(2)(r), PI 13, Federal Laws Elementary and Secondary Education Act [Part A - Subpart 1], and Federal Regulations 34 C.F.R. §200.6(b).**

**Cross Reference: 342.7(R) Guidelines for Identifying and Reporting English Language Learners**

**Approved: February 2009**

**Last Reviewed: September 2019**

**Last Revised: May 2013**

<b>Series</b>	<b>300</b>	<b>Instruction</b>
<b>Section</b>	<b>340</b>	<b>Educational Programs</b>
<b>Policy</b>	<b>347</b>	<b>Student Records</b>

Student records shall be maintained in the interest of the student and to assist school personnel in providing appropriate educational experiences for each student in the District.

The Board recognizes the need for and importance of confidentiality of student records. Therefore, the District shall maintain the confidentiality of student records at collection, storage, disclosure and destruction. Student records shall be available for inspection or release only with prior approval of the student's parent/guardian or the adult student, except in situations where applicable laws require or permit the release of records without such prior approval.

For purposes of this policy and its related procedures, "records" include materials maintained by the District that contain information regardless of physical form (e.g., paper records, electronic records, video-graphic records, etc.). The confidentiality of record information required by applicable law, this policy, and related District procedures shall extend to both the actual record(s) and to verbal exchanges regarding the content of student records or any other confidential records that contain personally-identifiable information related to a student.

The Administration 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).

The Administration shall be jointly responsible for coordinating and implementing reasonable procedures intended to ensure that school district employees and other authorized school officials obtain access to only those education records in which they have a legitimate educational interest. 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.

Student record notices shall be published annually in accordance with state and federal law.

**Legal Reference: Wisc SS Section 19.65, Section 48.396, Section 118.125, Section 118.126, Section 118.127, Section 118.51, Section 118.52(10), Section 146.82, Section 146.83, Section 252.15, Section 767.41(7), Section 938.396, Section 950.08(2w), Federal Laws Family Educational Rights and Privacy Act, 34 C.F.R. part 99, 34 C.F.R. parts 300 and 301, Elementary and Secondary Education Act (20 U.S.C. § 7908), National School Lunch Program**

**Cross Reference: 347(F) Student Records Form, 347(R) Student Records Rule**

**Approved: March 1997**

**Last Reviewed: November 2019**

**Revised: May 2013**

Series	300	Instruction
Section	340	Educational Programs
Policy	347(R)	Student Records Rule

**A. CONTENT OF RECORDS** – Student records include

- all records relating to an individual student that are maintained by the District other than notes or records maintained for personal use by teachers or other licensed personnel which are not available to others,
  - records necessary for and available only to persons involved in the psychological treatment of a student,
  - 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,
  - law enforcement unit records (if any).
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. **Examples of Behavioral Records (School)**  
Discipline records, achievement test results, ELL Plans of Service, ELL parent/guardian permission or refusal of service, Home Language Survey, records of conversations or notes, if shared, Literacy Information (7-8), Building Intervention Plans, Original Releases of Information, statements relating specifically to an individual student's behavior, any other records that are not progress records.
    - b. **Examples of Behavioral Records (Pupil Services)**  
Original IEP's, 504 Plans, psychological tests by school psychologists, personality evaluations, individual achievement tests, evaluation reports, records of conversations, other special education records, 504 evaluation records, homeless records.
    - c. **"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 Administration 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.
    - d. **"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.



- e. **"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.
  - f. **"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** as designated by the District, includes a student's name, address, telephone listing, date and place of birth, major field of study (grade level), participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance (not including daily attendance records), pictures, degrees and awards received, and the name of the school most recently attended by the student. Directory data, although subject to special rules and procedures regarding disclosure, will be otherwise treated as a "progress record" for purposes of records maintenance within the District.
  4. **Law enforcement unit records** include those records maintained by a law enforcement unit of the District that were created for the purpose of law enforcement. A "law enforcement unit of the District" is an individual, office, department, division or other component of the District that is authorized by the Board to do any of the following: (1) enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement of any law or ordinance against any person other than the school district, and/or (2) maintain the physical security and safety of a public school. Law enforcement unit records relating to juveniles must be treated according to the same limitations on use and disclosure that apply to a law enforcement agency's treatment of any juvenile's records.

## B. DEFINITIONS

The following definitions apply under these procedures:

1. **Parent** means a parent, a legal guardian or an individual who has been given the authority of a parent via a properly-executed and unexpired power of attorney. An adult student (18 years old or older) has the rights of a parent under these procedures. A guardian *ad litem* appointed to advocate for a minor does not automatically qualify as a "parent" or as a person with a parent's full rights connected to student records. The rights and authority of a guardian *ad litem* will be assessed on a case-by-case basis.
2. **Legitimate educational interests** are defined as a school official's need to review or know the contents of an educational record in order to fulfill his or her professional or District-authorized responsibilities related to the performance of institutional services or functions. For example, a school official may need to access or review an education record in order to:
  - a. Perform an administrative or clerical task required in a school employee's position;
  - b. Perform a supervisory or instructional task directly related to the student's education;
  - c. Perform a service or benefit for the student or the student's family, such as health care, counseling, student job placement, transportation, and other support services; or
  - d. Ensure the safety of students.
3. **School official** - A "school official" for purposes of this rule is:

- a. A person employed by the School District as an administrator, supervisor, instructor, student services personnel, or support staff member (including health or medical staff);
- b. A member of the Board acting in an authorized capacity; or
- c. A person or entity with whom the School District has contracted to perform institutional services or functions (such as an attorney, independent hearing officer, bus contractor, auditor, consultant, therapist, clinician, nurse, data hosting entity, etc.); a law enforcement officer who is individually designated by the Board and assigned to the School District; or a volunteer, fieldwork student, student teacher, unpaid intern, or official committee member who has been expressly authorized by the District to assist another school official in performing institutional services or functions that require access to education records, provided that:
  - 1) The individual or entity performs an institutional service or function for which the District would otherwise use employees;
  - 2) The individual's or entity's use of any disclosed information from education records remains under the direct control of the District; and
  - 3) The individual or entity and its agents, employees, and officers shall use the information from education records solely for the purpose for which the information was disclosed and shall not disclose the information/records to any other party without prior written consent of the parent/guardian or adult student.

**C. CONFIDENTIALITY** - All student records are confidential, with the following exceptions and subject to any other disclosures of student records that may be mandated by state or federal law:

1. **Release of Student Records to Students and Parent/Guardian(s)**

- a. A student or the parent/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/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/guardian shall, upon request, be provided with a copy of the behavioral records.
- c. To the extent authorized by state and federal law (see, e.g., the restrictions identified below regarding disclosure of National School Lunch Program data), a parent/guardian shall have access to a student's school records regardless of whether the parent/guardian has legal custody of the child, unless the parent/guardian 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/guardian(s), without the adult student's written consent, if the adult student is a dependent of his/her parent/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.
- b. Law enforcement unit records may be made available to school officials under the same conditions as outlined below regarding access to law enforcement agency record information.
- c. 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.
- d. 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. The information contained in court records 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.
  - e. Notwithstanding their confidential status, student records may be used in disciplinary matters, including 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. Upon the written permission of an adult student, or the parent/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/guardian of a minor student in the written request.
  - b. 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.
  - c. 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.
  - d. 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 certain disciplinary records and copies of any Individualized Education Program that has been developed for a student with a disability.
  - e. 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/guardian consent has been obtained for the disclosure or whether some other basis exists under the state and federal student records laws.
- f. Student records shall be disclosed to appropriate officials pursuant to any order that has been issued by a state or federal court. However, unless the court order itself or any applicable law prohibits advance disclosure of the order to the parent/guardian, the District shall make a reasonable effort to notify the parent/guardian of a judicial order prior to complying with the order.
- 1) A subpoena that has been issued by a state or federal judicial officer shall be treated as a court order under these procedures (see below for subpoenas issued by the parties to an action).
  - 2) 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.
- g. If the District receives a subpoena for student records that was issued by any of the parties to an action, the District shall respond to the subpoena by providing responsive records directly to the court (i.e., directly to the judicial officer and not directly to the parties). Pursuant to state law, such records are to be used only for purposes of impeachment of any witness who has testified in the action. The District shall make a reasonable effort to notify the parent/guardian(s) or adult student of the subpoena in advance of compliance therewith, unless such notification is prohibited by law.
- h. 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/guardian shall be notified of that disclosure as soon as practicable after the disclosure.
- i. 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.
- j. 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; and
  - 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 section 48.067 or 938.067, court of record, municipal court, private school, or another 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.
- k. 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.

- l. The District may disclose student records to school officials (including representatives of contracted outside organizations) who have been authorized by the Board to conduct studies for, or on behalf of, the District to: (1) develop, validate, or administer predictive assessments; or (2) improve instruction. Such studies must be conducted pursuant to all applicable rules identified within the federal rules issued under the Family Educational Rights and Privacy Act, including the requirement that the District execute a specific written agreement in connection with the study.
  - m. Information from a student's immunization records and lead screening records (if any) shall be made available to state and local health officials as required under state law. Written consent for the disclosure will be obtained in circumstances required by federal law.
  - n. Upon request and after obtaining written consent to the extent required by federal law, the Board Clerk shall provide the names of students who, under section 118.15(1)(c) and with a plan to participate in a program modification leading to the child's high school graduation or an equivalency diploma, have withdrawn from school prior to graduation 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 and Family Services, the Department of Industry, Labor and Job Development or a county department under sections 46.215, 46.22 or 46.23 of the state statutes.
  - o. Only after obtaining appropriate written consent from the parent/guardian and/or student (as applicable), on or before August 15 of each year, 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 sections 51.42 or 51.437 (community mental health, development disabilities, alcoholism and drug abuse).
4. **Release of Patient Health Care Records**  
Student patient health care records 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.

According to state law, "informed consent" to disclose patient health care records must be in writing and meet specific requirements established under the law that exceed the standard requirements that apply to consent for disclosure of other student records.

5. **Privileged communications relating to student use of alcohol or drugs**

A school psychologist, counselor, social worker and nurse, and any teacher or administrator designated by the Board who engages in alcohol or drug abuse program activities, shall keep confidential information received from a student that the student or another student is using or is experiencing problems resulting from the use of alcohol or other drugs unless:

- a. The student using or experiencing problems resulting from the use of alcohol or other drugs consents in writing to disclosure of the information;
- b. The professional who possesses the information has reason to believe that there is serious and imminent danger to the health, safety or life of any person and that disclosure of the information to another person will alleviate the serious and imminent danger. No more information than is required to alleviate the serious and imminent danger may be disclosed; or
- c. The information is required to be reported as an issue related to child abuse or neglect.

6. **Records of Reports Concerning Child Abuse and Neglect.**

To the extent provided by state law, the District is prohibited from disclosing reports and records pertaining to reports to county child protective services (or to law enforcement) for suspected abuse or neglect of a child.

7. **Release of Directory Data**

Except as otherwise provided, directory data may be disclosed to any person after the school has: (a) notified the adult student or parent/guardian, legal guardian or guardian ad litem of a minor student of the categories of information which it has designated as directory data with respect to each student, (b) informed such persons that they have 14 days to inform the school that all or any part of the directory data may not be released without their prior consent, and (c) allowed 14 days for such persons to inform the school, in writing, of all the directory data items they refuse to permit the District to designate as directory data about that student. The District will not release directory data earlier than 14 days after the initial written notice to the adult student or parent/guardian, or after the District has been restricted from doing so by any of those parties.

- a. After the date that the student graduates or otherwise ceases to attend school in the District, the last decision of record regarding disclosure of the student's directory data (i.e., the most recent decision of the parent/guardian or adult student to opt-out of any or all disclosures) will be applied when responding to any future requests for directory data that would include the student's data.
- b. Any administrator responding to a request for student directory data may decline the request if the circumstances surrounding the request give rise to a concern regarding student safety. For this reason, a student's date of birth, phone number, and mailing address will generally be released only in connection with school-sponsored or school-affiliated activities, or in connection with other requests that, in the judgment of the Administrator have an identifiable educational or similarly legitimate purpose.
- c. If the District has followed the notification procedure outlined above, and the parent/guardian or adult student does not object to the directory data being released, the District shall, upon request, provide the name and address of each student expected to graduate from high school in the current school year to the technical college district board.
- d. If the District has followed the notification procedure outlined above, and the parent/guardian or adult student does not object to the directory data being released, 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.

8. **Confidentiality of Student Eligibility and Application Data under the National School Lunch Program (i.e., Free and Reduced-Price Meals)**

As a special exception to the other rules and expectations defined in these procedures, the District is required to adhere to special confidentiality requirements in regard to a student's application data and eligibility status under the National School Lunch Program ("NSLP"). Within the District, only persons directly connected with the administration or enforcement of the NSLP who have a verified "need to know" shall be permitted have access to any student's NSLP information. Thus, not all teachers, counselors, and administrators will be permitted to access a student's NSLP information.

Unless the District receives written parent/guardian consent in a format that complies with applicable federal rules, the District is prohibited by law from disclosing personally-identifiable NSLP data and eligibility information in connection with local education programs, including disclosures for purposes of any local fee waiver or fee reduction policies. These heightened restrictions on intra-District disclosures apply even though the disclosure might otherwise satisfy the "legitimate educational interests" test applicable to most other student records. A parent/guardian's decision not to consent to disclosure of NSLP information shall not affect any student's eligibility for any local education program, any fee waiver/reduction, etc.

Potential disclosures of any student's NSLP information in connection with a state or federal agency/program will be evaluated on a case-by-case basis, and the District shall respond in a manner that is consistent with applicable law and with any related notices that have been provided to parent/guardian(s).

School-level or District-level staff may receive a request to release NSLP information to a non-custodial parent or to a parent who has split custody. Even if such a parent generally has the right to request, review, and receive copies of other student records, a release of NSLP information in response to such a request is not permitted without written permission from the person who signed the NSLP application.

Aggregated data related to the NSLP may be disclosed provided that the data does not allow for individual student identification.

9. **Transfer of Records**

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

- a. from an adult student or the parent/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 within five working days of receiving the request.

**D. OVERSIGHT, MAINTENANCE, AND DESTRUCTION OF STUDENT RECORDS**

1. While students are attending school, their records will be maintained in the school of attendance. Upon transfer of the student to another school operated by the District, the records shall be transferred to that school. Patient health care records, law enforcement agency and law enforcement unit records (if any) shall

be maintained separately from a student's other records.

2. The Administration shall provide procedural and other technical assistance for the purpose of ensuring the confidentiality of all student records. Except as otherwise provided, all third-party requests for access to or other disclosure of student records, or for the transfer of records to another school or school district should be directed to the administration who will determine whether disclosure or transfer is permitted under state and federal law and these procedures.

The Administration 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 Administration 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 as required by applicable law. Exceptions to this recordkeeping requirement that are identified in the law include any disclosures to the following person/party:
  - a. the parent/guardian or adult student;
  - b. a school official;
  - c. a party with written consent from the parent/guardian or adult student;
  - d. a party seeking directory data; or
  - e. 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. Subject to the additional provisions below that are specific to student records that are created or maintained in connection with the District's special education program, when a student ceases to be enrolled in a school operated by the District, his/her records will be transferred to the central administrative office. Records that are transferred to the central administrative office shall be maintained as follows:
  - a. Behavioral records will be maintained for no longer than one year after the student graduated from or last attended school in the District unless the student or his/her parent/guardian, if the student is a minor, gives written permission for the District to maintain the behavioral records for a longer period of time.
  - b. Student progress records shall be retained by the District for no less than 5 years after the student graduates or ceases to be enrolled in the District. The District retains a permanent record of high school transcripts.
5. Maintenance of personally-identifiable student information pertaining to the District's special education program:
  - a. The Administration has primary responsibility for ensuring the proper management and confidentiality of personally-identifiable student records pertaining to the District's special education program and to students with disabilities, including:
    - 1) Ensuring that the District provides appropriate training and instruction regarding records policies and procedures to the employees and other school officials who may collect or use such information; and



- 2) Ensuring that the District maintains a current listing of the names and positions of employees and school district officials who may have access to such information.
- b. At the time that the District determines that personally-identifiable information within the District's special education records is no longer needed in order to provide educational services to a student, the Administration shall ensure that parent/guardian(s) and adult students are informed of the District's determination, their right to require the information to be destroyed, and (unless otherwise prohibited by law, such as a copyright protection) their right to request a copy of such information before it is destroyed. The notice may indicate a date after which the District intends to destroy the records if the parent/guardian does not expressly direct their destruction.
- 1) The District may elect to maintain as standard progress records a record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed.
  - 2) In order to meet federal requirements for maintenance of records for program audit purposes, the District may request written consent from a parent/guardian or adult student for the District to retain certain records related to the special education program beyond the period of time that the records are needed to provide services, and beyond the time period that behavioral records are normally retained after a student graduates or ceases to be enrolled. If the parent/guardian or adult student does not grant such consent, then the District may need to remove personal identifiers from the records during the federal retention period.

#### **E. REQUESTS FOR AMENDMENTS TO STUDENT RECORDS**

1. A parent/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/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/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 Administration or designee. The parent/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 Administration or designee, who must be someone who does not have a direct interest in the outcome of the hearing.
  - b. The parent/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/guardian(s) 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/guardian or adult student of the right

to place a statement commenting upon the contested information in the education records and/or describing reasons for disagreeing with the decision of the hearing officer.

- g. Any written explanation, response, or rebuttal that is provided by the parent/guardian or student shall be maintained by the District with the contested record for as long as the contested record is maintained. If the contested record is disclosed by the District to any party, the additional material provided by the parent/guardian/student shall also be disclosed to that party.

**F. COMPLAINTS REGARDING ALLEGED NONCOMPLIANCE WITH FEDERAL REQUIREMENTS**

Adult students or parent/guardian(s) 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).

**G. ANNUAL NOTICES**

1. Parent/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; (4) the categories of student record information which have been designated as directory data and their right to deny the release of such information; and, (5) their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

The notices shall be distributed to parent/guardian(s) 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/guardian(s) shall receive a copy of the notice at the time and place of enrollment. The District shall make efforts to effectively accommodate and effectively provide these notices to parents whose primary language is other than English.

**H. OTHER NOTICES**

The District shall publish its rules and procedures related to the content and maintenance of student records as a Class 1 legal notice any time the rules and procedures are substantively amended.

**Legal Reference: Wisc SS Section 19.65, Section 48.396, Section 118.125, Section 118.126, Section 118.127, Section 118.51, Section 118.52(10), Section 146.82, Section 146.83, Section 252.15, Section 767.41(7), Section 938.396, Section 950.08(2w), Federal Laws Family Educational Rights and Privacy Act, 34 C.F.R. part 99, 34 C.F.R. parts 300 and 301, Elementary and Secondary Education Act (20 U.S.C. § 7908), National School Lunch Program**

**Cross Reference: 347 Student Records, 347(F) Student Records Form**

**Approved: March 1997**

**Last Reviewed: November 2019**

**Revised: May 2013**

<b>Series</b>	<b>400</b>	<b>Students</b>
<b>Section</b>	<b>410</b>	<b>Student Policies Goals</b>
<b>Policy</b>	<b>411.1(R)</b>	<b>Student Harassment and/or Bullying-Rule</b>

The District expects and will encourage students and parents/guardians who observe or become aware of an act of harassment and/or bullying by students to report it to the Administration or designee for further investigation.

The District requires staff members who observe or become aware of an act of harassment and/or bullying to take immediate, appropriate steps to intervene. If a staff member believes their intervention has extinguished the bullying/harassment, they should note the intervention in written form to the Administration. If a staff member's safety is a concern, additional assistance should be sought immediately by contacting the Administration or designee. If a staff member believes that his/her intervention has not resolved the matter, or if the harassment and/or bullying persists, he/she shall note the failed intervention in written form and report the harassment and/or bullying to the Administration or designee for further investigation.

Upon learning about a harassment and/or bullying incident, the Administration or designee shall investigate. This investigation may include interviews with students, parents/guardians, and school staff; review of school records; and identification of parent/guardian and family issues. Police officers may assist in the investigation. Consequences for students who harass and/or bully others or retaliate against another student for reporting these behaviors shall depend on the results of the investigation and may include counseling; a parent/guardian conference; detention; suspension and/or expulsion. Students who are found to have retaliated will be subject to more serious consequences. Depending on the severity of the incident, the Administration or designee will also take appropriate steps to ensure student safety. These may include implementing a safety plan; separating and supervising the students involved; providing staff support for students as necessary; reporting incidents to law enforcement as appropriate; and developing a supervision plan with the parents/guardians.

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

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

19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
20. being alone with a student behind closed doors without a legitimate educational purpose;
21. telling a student "secrets" and having "secrets" with a student;

Inappropriate boundary invasions are prohibited and should be reported to the Building Principal and will be investigated by the District Administrator.

**Legal References:**

**Cross Reference: 411.1 Student Harassment/Bullying**

**Approved: November 2008**

**Last Reviewed: April 2023**

<b>Series</b>	<b>400</b>	<b>Students</b>
<b>Section</b>	<b>410</b>	<b>Student Policies Goals</b>
<b>Policy</b>	<b>411.1(R)</b>	<b>Student Harassment and/or Bullying-Rule</b>

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Upon learning about a harassment and/or bullying incident, the Administration or designee shall investigate. This investigation may include interviews with students, parents/guardians, and school staff; review of school records; and identification of parent/guardian and family issues. Police officers may assist in the investigation. Consequences for students who harass and/or bully others or retaliate against another student for reporting these behaviors shall depend on the results of the investigation and may include counseling; a parent/guardian conference; detention; suspension and/or expulsion. Students who are found to have retaliated will be subject to more serious consequences. Depending on the severity of the incident, the Administration or designee will also take appropriate steps to ensure student safety. These may include implementing a safety plan; separating and supervising the students involved; providing staff support for students as necessary; reporting incidents to law enforcement as appropriate; and developing a supervision plan with the parents/guardians.

**Legal References:**

**Cross Reference: 411.1 Student Harassment/Bullying**

**Approved: November 2008**

**Last Reviewed: December 2019**

<b>Series</b>	<b>400</b>	<b>Students</b>
<b>Section</b>	<b>420</b>	<b>School Admissions</b>
<b>Policy</b>	<b>422.2</b>	<b>Enrollment of Homeless Students</b>

Children of homeless individuals and unaccompanied homeless youth (youth not in the physical custody of a Parent/Guardian) residing in the Erin School District shall have equal access to the same free, appropriate public education as provided to other children and youths who reside in the District. They shall be provided services comparable to services offered other students attending Erin School, including transportation services, school nutrition programs or educational services for which students must meet eligibility criteria including (but not limited to) special education, Title I programs and gifted and talented programs. No homeless child or youth shall be required to attend a separate school or program for the homeless. Homeless students shall not be stigmatized by school personnel.

The Administration is designated as the District's liaison for homeless students and will ensure that:

1. Homeless children and youths residing in the Erin School District are identified by school personnel and through coordination activities with other entities and agencies.
2. Homeless students have a full and equal opportunity to succeed at Erin School.
3. Homeless students and their families receive educational services for which they are eligible and referrals to other appropriate services such as health care.
4. The Parent/Guardian of a homeless child or any unaccompanied homeless youth is informed of the educational and related opportunities available to them. Parents and guardians shall be provided with meaningful opportunities to participate in the education of the student.
5. Public notice of the educational rights of homeless children and youth is disseminated where such children and youths receive services such as school and family shelters.
6. Enrollment disputes are mediated in accordance with legal requirements.
7. The Parent/Guardian of a homeless child or any unaccompanied homeless youth is fully informed of transportation services that may be available to them under the law and assist them in accessing such transportation services.

Series	400	Students
Section	420	School Admissions
Policy	423(R)	Public School Open Enrollment-Rule

## **APPLICATIONS SUBMITTED DURING REGULAR OPEN ENROLLMENT APPLICATION PERIOD**

### **A. Nonresident Student Open Enrollment Applications**

#### **1. Determination of Space Availability**

- a. The Administration shall review the District's projected enrollment, including the projected number of occupied spaces in each grade, program and school for the subsequent school year during the month of December each year. Projections specific to individual classes may be made to the extent appropriate. Projected enrollment may include reserving spaces for expected growth in the number of students entitled to attend school in the District, to the extent appropriate, for a given class, grade, program or school.
- b. The number of openings in a particular class, grade, program or school for nonresident open enrollment students will be determined using existing class size guidelines (as applicable), including consideration to desired student teacher ratios, overall building capacity, and the effect of enrollment levels on District expenditures relative to revenue. Space availability determinations should include regular education and special education programs.
- c. Space availability information will be compiled and presented to the School Board for action at the regular Board business meeting in January.
- d. In formulating recommendations to the Board regarding space availability, the administration shall consider and incorporate, to the extent applicable, the following elements of the Department of Public Instruction's (DPI) administrative rules:
  - 1). If the Board establishes any annual space-availability limitations, then on or after the first Monday in February, the District is not permitted to reduce the number of spaces that the Board declared to be available for open enrollment.
  - 2). If the Board establishes any annual space-availability limitations, and except for any applications that are approved to accommodate applicants who are guaranteed approval under Board policy, the District may not approve more applications than were submitted during the regular application period than the number of spaces that the Board designated as available for open enrollment until after the statutory deadline for providing initial notice of acceptance or denial (i.e., the first Friday following the first Monday in June). After such deadline, additional applications may be approved as outlined in the DPI rule and in a manner consistent with Board policy.
- e. The effect of establishing annual space availability limitations on current-year alternative applications are as follows: If the Board has taken action in January to limit the number of spaces that will be available for applications that are submitted under the regular application procedure for the following school year, then the District shall not approve any alternative applications in the grades or programs with limited space for the current school year that are submitted after the date of the January school board meeting. Board policy identifies how any annual space availability limitations established by the Board in January affect alternative applications that are received in the subsequent school year.

## 2. Application Review and Approval Process

- a. The parent/guardian of a student who wishes to attend school in the District as a nonresident open enrollment student may apply online from the Wisconsin Department of Public Instruction (DPI) website (<https://dpi.wi.gov/open-enrollment>) or submit the required application to the District Administrator or his/her designee. The application may include a request to attend a specific school or program offered by the District. The application shall be submitted no earlier than the first Monday of February and not later than the last weekday in April of the school year immediately preceding the school year in which the student wishes to attend. Parent/guardians who complete the online application via DPI's website will receive a confirmation number. Paper applications shall be date stamped upon receipt. Although the District may make an effort to allow an applicant to revise an incomplete application, it is the applicant's sole responsibility to ensure that his/her application is complete and timely. Any applications received prior to or after the deadline dates, other than those submitted pursuant to the alternative application procedures specified in state law, are to be returned to the applicant with a notice of the proper application dates. The District shall send a copy of any paper application received to the student's resident school board and to the DPI by the end of the first weekday following the last weekday in April. For applications filed online, these notifications are made automatically.
- b. Upon receipt of the application, it will be forwarded to the District Administrator for review and recommendation. The District Administrator, along with other members of the administrative staff, shall review all the applications using the acceptance/denial criteria outlined in Board policy, and determine which school or program, if any, the nonresident student could attend the following year if accepted. The District Administrator shall submit recommendations regarding acceptance or denial of applications to the Board for action. No action shall be taken on any application before May 1.
  - 1). If there is sufficient space available to approve all of the open enrollment applications of those students who meet the remaining acceptance criteria, all such applications shall be approved. Following approval, the District Administrator or designee shall notify the applicants in writing of their acceptance and of the specific school or program that they may attend in the following school year. This notification will be made on or before the first Friday following the first Monday in June.
  - 2). If there are more applications than spaces available for a particular school, grade or program, siblings of students already attending Erin School District may, in the sole discretion of the Board, be accepted for enrollment in the District even if the District has determined that space is not otherwise available for open enrollment students.
  - 3). If there are still more applications than spaces available, the following selection procedure shall be used:
    - a). Preference to siblings of students who are already attending the District. If space remains after the preference to siblings of students who are already attending the District has been applied the following steps shall be implemented.
    - b). Identify the applications of students who do not meet one or more of the remaining criteria (other than space availability) for acceptance established in Board policy. This group of applications may be denied, but the applications should be assigned a number in the random process identified below in the event the District's determination with respect to the other criteria is overturned.



- c). Assign a number to each remaining application. Using a random selection process conducted in the presence of at least two staff members (such as placing the application numbers in a container and conducting a blind drawing), the application numbers shall be listed according to the results of the random selection process.
- d). Based on the results of the random selection, determine which applications are to be accepted, starting with the first application number listed. If, at any time in the random selection process one student application from a family is chosen and is eligible for acceptance under all remaining criteria, the District shall give immediate consideration to the applications of remaining siblings in the family who applied for open enrollment at the same time, and admit all such otherwise eligible siblings for whom there is a space available at that point in the process.
- e). The District shall notify the parent/guardians of all students who were accepted for open enrollment using the random selection process, in writing, of their acceptance and of the specific school or program that they may attend the following school year on or before the first Friday following the first Monday in June. The District shall also notify all parent/guardians of student applications that have been denied under any of the District's criteria. This notification must include the reasons for the denial and be completed by no later than the first Friday following the first Monday in June.
- f). A waiting list will be created for those students initially denied open enrollment due to space availability, maintaining the same application order as resulted from the random selection process initially used to order applications, as described above in these procedures. As any spaces become available, applications will be accepted from the waiting list. This shall be done until the third Thursday in September, provided the student accepted for enrollment from the waiting list will be in attendance in a school or program in the District on the third Friday in September. Parents/guardians will be notified in writing if a space becomes available, including notification of the school or program to which the student has been assigned. If the District notifies a parent/guardian of acceptance on or after 10 days prior to the last Friday in June, the parent/guardian shall have 10 calendar days to respond to the placement offer provided the student is also in attendance by the third Friday in September; otherwise, the parent/guardian must respond to the notice no later than the last Friday in June. If the parent/guardian does not respond in the allotted time, the student's application will be placed at the end of the waiting list and the space will be offered to the next student on the waiting list.

(4) The District's regular enrollment procedures are to be followed when enrolling a nonresident student.

- c. The nonresident student's parent/guardian shall notify the District Administrator or designee of the student's intent to attend school in the District in the following school year on or before the last Friday in June following receipt of the notice of acceptance, except as noted above for nonresident students accepted for enrollment from the waiting list.
- d. Annually by July 7, the resident district school boards shall be notified of the names of the students from the resident district who will be attending school in the District the following school year.

## **B. Resident Student Open Enrollment Applications**

- 1. Upon receipt of any paper copy of a resident student's application to attend a school or program in another public school district, school office staff shall forward it to the District Administrator for review and recommendation. To the extent applicable to the student, the District shall send the nonresident school

district to which the open enrollment application was made a copy of the resident student's IEP and/or any relevant disciplinary records by the first Friday following the first Monday in May.

2. All applications, those received online and paper applications, shall be reviewed by the District Administrator, along with other members of the administrative staff, using the acceptance/denial criteria outlined in Board policy. The District Administrator shall submit recommendations regarding acceptance or denial of applications to the Board for action. If the application is denied, the applicant and the nonresident school board shall be notified, in writing, that the application has been denied. This notification shall be made on or before the second Friday following the first Monday in June. The notice shall include the reason(s) for the denial.
3. **Special Procedure for Resident Students Not Enrolled in the District:** Students who reside in the District but who have been enrolled in a private school or home-based private educational program and students who did not reside in the District at the time of applying for fulltime open enrollment in another school district must formally enroll in the District prior to attending school in another public school district under the full-time open enrollment program.
4. The District shall ensure that the records of a resident student who transfers to a nonresident district are sent promptly to the other district.

#### **APPLICATIONS SUBMITTED UNDER ALTERNATIVE OPEN ENROLLMENT CRITERIA AND PROCEDURES**

A. **Eligibility Criteria** - A parent/guardian of a student who wishes to attend school in a nonresident school district may submit an open enrollment application outside of the regular open enrollment application period or in lieu of it if the application is for the current school year, the student meets one of the following criteria, and the parent/guardian describes the criteria that the student meets in the application:

1. The resident school board determines that the student has been the victim of a violent criminal offense in a school in the resident school district. The application must be made within 30 days of the resident school board's determination.
2. The student is or has been a homeless student in the current or immediately preceding school year.
3. The student has been the victim of repeated bullying and harassment and all of the following apply: (a) the student's parent/guardian must have reported the bullying or harassment to the school board or designee under a bullying/harassment complaint process and (b) in spite of action taken by the board or designee the repeated bullying and harassment continues.
4. The place of residence of the student's parent/guardian and of the student has changed as a result of military orders. The application must be made within 30 days of the date on which the military orders changing the place of residence were issued.
5. The student moved into Wisconsin. The application must be made within 30 days after moving into the state.
6. The student's residence has changed as a result of a court order or custody agreement or because the student was placed in or removed from a foster home or with a person other than the student's parent/guardian. The application must be made within 30 days after the student's change in residence.
7. The student's attendance in a school in the nonresident school district is considered to be in the best interests of the student. The application must explain the reasons for requesting this exception and why attendance at the nonresident school district is in the best interests of the student.

## B. Application Review and Approval Process

1. When the District receives an open enrollment application that has been submitted under the alternative open enrollment criteria outlined above, whether it is submitted by a nonresident student or a resident student, the application shall be forwarded to the District Administrator for review and recommendations.
  - a. If the application involves a nonresident student seeking to attend school in the District under open enrollment, the District will:
    - (1) Immediately send a copy of any paper application received by the District to the student's resident school district, or, if applicable, the student's anticipated resident school district;
    - (2) Work with the resident district (or the anticipated resident district) identified in the application to determine where the applicant is currently attending school, and to determine from which school the District will receive any relevant special education records (e.g., the student's current IEP) and/or disciplinary records (e.g., expulsion records). If the applicant is not currently attending school in the resident district, the District will request such records from the school or school district the student is attending or most recently attended; and
  - b. If the application involves a resident student who is attending, or who previously attended, school in the District, the District shall send the nonresident school district to which the open enrollment application was made a copy, if applicable, of the student's IEP and any expulsion or other relevant discipline-related records within 10 days of receiving the application.
2. The District Administrator, along with other members of the administrative staff, shall review the application using the acceptance/denial criteria outlined in Board policy. The District Administrator will make the decision to approve or deny the request based on the criteria outlined in this policy and rule. The Board will be made aware of said decision in the District Administrators report to the Board.
  - a. The District may deny an application of a resident student if it determines that the criteria relied on by the parent/guardian to submit the application do not apply to the student.
  - b. The District may deny an application of a nonresident student:
    - (1) for the same reasons it may deny an application submitted during the regular open enrollment application period; or
    - (2) if the application relies on the best interests of the student criteria and the District determines that open enrollment is not in the student's best interests.
3. If the application involves a nonresident student seeking to attend school in the District, the District will notify the applicant, in writing, whether the application has been approved or denied no later than 20 days after receiving the application.
  - a. If the application has been denied, the notification shall include the reasons for the denial. To the extent consistent with state law and District policy, acceptance of an application may be contingent or subject to revocation.
  - b. If the District has approved the open enrollment application of a nonresident student, the notification provided to the applicant shall identify the specific school or program that the student may attend. A nonresident student accepted for enrollment may immediately begin attending the assigned school or program in the District and shall begin attending the school or program no later than the 15th day following receipt of the notice of acceptance. If the nonresident student has not enrolled in or attended school in the District by that date, the District may notify the student's parent/guardian, in writing, that the student is no longer authorized to attend the school or program in the District.

- c. To the extent that there is a delay in the District's receipt of any relevant disciplinary records from another school or school district, the District will review and act upon such records promptly, and, if necessary, inform the student that the District's ability to confirm or deny the application is contingent upon the District's receipt and review of such records. If the DPI allows the District to conditionally approve such an application subject to that contingency, the District may do so. Otherwise, such application may be held in abeyance until the relevant records are received, or, if necessary, the application may be denied.
4. If, for purposes of the application, the District is identified as the resident school district, the District shall notify the applicant whether the application has been approved or denied in accordance with any deadlines established by state law or DPI rule. Normally, the District will issue such notifications no later than 20 days after the District's receipt of the application. In addition:
  - a. If the application has been denied, the notification shall include the reasons for the denial. To the extent consistent with state law and District policy, approval of an application may be contingent or subject to revocation.
  - b. To the extent that there is a delay in the District's receipt of any relevant records or information such that the District is unable to determine whether the criteria upon which the application was based apply to the student, the District will act upon such records/information promptly upon receipt and notify the applicant of its decision to approve or deny the application within five days of making the determination.

#### **APPEALS OF OPEN ENROLLMENT DECISIONS**

The student's parent/guardian may appeal a District decision regarding full-time open enrollment to the DPI by following the deadlines and other procedures established by the DPI, except as otherwise specifically provided under state law or under DPI rules.

#### **TRANSPORTATION**

Low-income parent/guardians may apply to the DPI for reimbursement of costs of transportation at the time of application for the program.

**Legal References: Wisc SS Sections 115.385(4), 115.787, 115.7915, 118.16(1)(a), 118.50(6), 118.51, 118.57, 120.13(1)(f),(h), 121.54(3)(10), 121.545(1), 121.55, Wisc Admin Code PI 36**

**Cross Reference: 423 Public School Open Enrollment**

**Approved: January 1998**

**Last Reviewed: December 2019**

**Last Revised: December 2017**

<b>Series</b>	<b>400</b>	<b>Students</b>
<b>Section</b>	<b>430</b>	<b>Attendance</b>
<b>Policy</b>	<b>436(R)</b>	<b>Student Dismissal Precautions Rule</b>

Permission to Leave School

1. Parental permission and school authorization is needed before a student may leave school prior to school dismissal.
2. The permission is obtained by presenting a dated note from the parent/guardian indicating the time the student needs to leave school. A Parent/guardian may also contact the school by phone or come to school for their student.
3. Students or their parent/guardian must sign out in the office at the time they leave.

Accidents and Illness

1. Students who become ill while in school are to report to the school office with a pass or a note from their teacher.
2. Students who need to leave school because of an accident or illness will be dismissed to a parent/guardian or designee through the office after a parent/guardian has been contacted.

**Legal References: Wisc. SS 118.15, 118.16**

**Cross Reference: 431 Compulsory Student Attendance, 431(R) Compulsory Student Attendance Rule 436 Student Dismissal Precautions**

**Approved: March 2010**

**Last Reviewed: December 2019**

<b>Series</b>	<b>400</b>	<b>Students</b>
<b>Section</b>	<b>440</b>	<b>Student Rights and Responsibilities</b>
<b>Policy</b>	<b>443.5</b>	<b>Student Use of Electronic Devices</b>

Student use of electronic devices on school premises is prohibited, except as specifically authorized by school staff. Use may be permitted if school staff finds that such a device is required for medical, school, educational, vocational or other legitimate needs.

Any student found violating this policy shall surrender the communication device and be subject to disciplinary action. The Administration shall annually provide a copy of this policy via the parent/guardian.

**Legal References: Wisc SS 118.258**

**Cross Reference: 443.5(F) Student Use of Electronic Devices Form, 443.5(R) Student Use of Electronic Devices-Rule, 447 Student Discipline, 731.1 Locker-Restroom**

**Approved: April, 2005**

**Last Reviewed: January 2020**

<b>Series</b>	<b>400</b>	<b>Student</b>
<b>Section</b>	<b>430</b>	<b>Attendance</b>
<b>Policy</b>	<b>431</b>	<b>Compulsory Student Attendance</b>

In accordance with Wisconsin Statute 118.15 all children enrolled in 5 year old kindergarten or between six (6) and eighteen (18) years of age must attend school full-time until the end of the term, quarter or semester in which they become eighteen (18) years of age, unless they have a legal excuse, fall under one of the exceptions outlined in the state statutes 118.15, or have graduated from high school.

Procedures shall be developed by the Administration to enhance the full attendance requirement and to determine appropriate action to serve as a deterrent to truancy. These procedures shall be in accordance with Washington County ordinances and state law, and shall be approved by the Board.

Enforcement of student attendance policies and truancy procedures shall be a shared responsibility between the school, social service agencies, law enforcement officials, student, parents/guardians, and the community at large.

**Legal Reference: Wisc SS 118.15; 118.153; 118.16; 118.162; 118.164**

**Cross Reference: 431(R) Compulsory Student Attendance Rule, 431(F) Truancy Referral Form, 431(L1) Early Non-Habitual Truant Letter, 431(L2) Beginning a Truancy Pattern Letter, 431(L3) Notification of Habitual Truancy Letter**

**Adopted: December 2008**

**Last Reviewed: December 2019**

<b>Series</b>	<b>400</b>	<b>Students</b>
<b>Section</b>	<b>440</b>	<b>Student Rights and Responsibilities</b>
<b>Policy</b>	<b>446.1</b>	<b>Locker Searches</b>

The Erin Board recognizes a responsibility to provide a safe and healthful environment for students and staff. Because the presence of weapons, drugs and other potentially dangerous materials on school premises affects the safety of the school and disrupts the learning process, the Board establishes the following policy for student locker searches in an attempt to eliminate these dangerous materials from the Erin School environment.

The Erin Board retains ownership, possession and control of all student lockers at all times. Designated school officials, employees or agents may search a student's locker as determined necessary or appropriate without the consent of the student, without notifying the student and without obtaining a search warrant. Before a locker search is made, it must be determined that "reasonable grounds" for such a search exist. Reasonable grounds means that the searcher has a reasonable expectation that the search will reveal evidence of violation of either the law or school rules. The manner in which the search is conducted must be reasonably related to the objectives of the search and must not be overly intrusive in light of the age and sex of the student and nature of the infraction.

The Board designates the following persons as those authorized to conduct student locker searches:

- A. District Administrator
- B. Principal
- C. Any licensed instructional staff that has received proper instruction in the legal requirements for conducting searches.
- D. Any law enforcement official or fire department personnel called by school officials.

The District Administrator shall instruct all licensed staff annually in the legal requirements for conducting student locker searches. The District Administrator or his/her designee is authorized to request police assistance (including the use of trained dogs).

Searchers should make sure that the seizure of any item found in a student's locker is reasonable and justified. The U.S. and Wisconsin Constitutions protect persons from unreasonable seizure of their personal effects. However, any personal items in student lockers that constitute evidence of an illegal act or of a violation of school rules shall be subject to seizure. Searchers shall remove anything from a student's locker that is considered dangerous or otherwise detrimental to the safety of other students or staff. Lockers may be searched on a regular basis or whenever school officials feel a search is needed to recover school property or stolen goods. Seized items may be returned to their rightful owner, given to the parent/guardian of the student or delivered to law enforcement officials as circumstances may warrant.

The Parent/guardian of a student shall be promptly notified if a locker search reveals evidence that the student may be involved in activities that violate the law or school rules.

A copy of this policy shall be distributed annually to all students enrolled in the District. A copy shall also be provided as soon as possible to all students who transfer to Erin School during the school year.

**Legal References: Wisc SS 118.325**

**Cross Reference:**

**Approved: November 2000**

**Last Reviewed: January 2020**



<b>Series</b>	<b>400</b>	<b>Students</b>
<b>Section</b>	<b>450</b>	<b>Student Health and Welfare</b>
<b>Policy</b>	<b>458</b>	<b>School Wellness</b>

***School Meals***

The District is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk; moderate in sodium, low in saturated fat, and zero grams trans fat per serving (nutrition label or manufacturer’s specification); and to meet the nutrition needs of school children within their calorie requirements. Erin School District will participate in USDA child nutrition programs, including the National School Lunch Program (NSLP). Erin School District is committed to offering school meals through the NSLP.

- All school meals are accessible to all students.
- The District offers reimbursable school meals that meet USDA nutrition standards.
- Drinking water will be available to all students throughout the school day, including during mealtimes.
- Students will be allowed at least 20 minutes to eat lunch, counting from the time they have received their meal and are seated.
- All school nutrition program staff will meet or exceed hiring and annual continuing education requirements in the USDA professional standards for child nutrition professionals.

***Other food available at school***

- Being a K-8 District, the District does not have any other food available to students during the day.
- The District will promote healthy snacks and treats. Exemptions may be allowed at the discretion of the school principal, but shall not exceed more than one exemption per class.
  - The District will encourage healthy snacks to parents and teachers, including non-food celebration ideas.
- Only foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers in the school during the school day.

***Nutrition Promotion***

Students and staff will receive consistent nutrition messages throughout school, classrooms, and cafeteria. The District will promote healthy food and beverage choices for all students throughout the school, as well as encourage participation in school meal programs.

- Promote healthy food and beverage choices.
- Will implement at least one of the following four Farm to School activities:
  - Local and/or regional products are incorporated into the school meal program;
  - School hosts a school garden;
  - School hosts field trips to local farms; and
  - School utilizes promotions or special events, such as tastings, that highlight the local/regional products.
- Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards. Food advertising and marketing includes, but is not limited to the following:
  - Brand names, trademarks, logos or tags, except, when placed on a physically present food or beverage product or its container;
  - Displays, such as on vending machine exteriors;
  - Corporate brand, logo, name, or trademark on school equipment, such as marquees,

- message boards, scoreboards, or backboards; and
- Corporate brand, logo, name, or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans, and other food service equipment.

### ***Nutrition Education***

The District aims to teach, model, encourage, and support healthy eating by students. Nutrition education is designed to provide students with the knowledge and skills necessary to promote and protect their health.

- Nutrition education will include enjoyable, developmentally-appropriate, culturally-relevant, and participatory activities, such as cooking demonstrations or lessons, promotions, taste-testing, farm visits, and school gardens.
- Nutrition education will be included in the curriculum so instruction is sequential and follows the Wisconsin Model Academic Standards for Nutrition. Nutrition education will also be integrated into other classroom instruction through subjects such as math, science, language arts, social sciences, and elective subjects.
- The District teaches students nutrition education using scientifically-based, up-to-date nutrition information consistent with the Dietary Guidelines for Americans. The District will include in the health education curriculum the following essential topics on healthy eating:
  - Food guidance from MyPlate;
  - Reading and using USDA's food labels;
  - Balancing food intake and physical activity;
  - Food safety;
  - Social influences on healthy eating, including media, family, peers, and culture;
  - How to find valid information or services related to nutrition and dietary behavior;
  - Resisting peer pressure related to unhealthy dietary behavior; and
  - Influencing, supporting, or advocating for others' healthy dietary behavior.

### ***Physical Education***

The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts. All students will be provided equal opportunity to participate in physical education classes.

- All district students will participate in physical education that meets or exceeds state standards.
  - All District elementary students in each grade will receive physical education for at least 60 minutes per week throughout the school year.
  - All District middle school students are required to take physical education.
- Students will be moderately to vigorously active for at least 50% of class time during most or all physical education class sessions.
- All physical education classes in District are taught by a licensed teacher who is certified or endorsed to teach physical education.
- Waivers, exemptions, or substitutions for physical education classes are not granted.

### ***Physical Activity***

Children and adolescents should participate in 60 minutes of physical activity every day. Schools will offer students a variety of physical activity opportunities that are in addition to, and not as a substitute for, physical education.

- Physical activity during the school day (including but not limited to recess, physical activity breaks, or physical education) will not be required or withheld as punishment for any reason.

- All students will offer at least 20 minutes of recess on all or most days during the year.
  - Outdoor recess will be offered when weather is feasible for outdoor play.
  - Active recess programming will be utilized to create universal participation by offering multiple activities at recess, designate different areas of play throughout the playground, provide equipment to decrease congestion on play structures, and provide group game equipment.
  - In the event the school or district must conduct indoor recess, teachers and staff will promote physical activity for students to the extent practicable.
- The District recommends teachers provide short (3-5 minute) physical activity breaks to students during and between classroom time. Activity break ideas are available through Active Schools WI.
- The District offers opportunities (e.g., including activity clubs, open gym, intramurals and sports) for students to participate in physical activity before and/or after the school day.

#### ***Other Activities that Promote Student Wellness***

The District will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues, and physical activity facilities. The District will coordinate and integrate other initiatives related to physical activity, physical education, nutrition, and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development, and strong educational outcomes.

- The District will continue relationships with its community partners, including UW-Extension and our local hospital, in support of this wellness policy's implementation.
- The District will promote to parents/caregivers, families, and the community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be invited to participate in school-sponsored events and will receive information about health promotion.
- The District will promote staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management.
- When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school.

#### ***Policy Monitoring/Implementation***

- The District will establish goals for, and oversee, school health and safety policies and programs, including development, implementation, and periodic review and update of wellness.
- The District will update or modify the wellness policy, and/or as District priorities change. The wellness policy will be assessed and updated as indicated at least every three years.

**Legal References: Section 204 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296**

**Cross Reference:**

**Approved: March 2006**

**Last Reviewed: March 2016**

**Last Revised: February 2020**

<b>Series</b>	<b>700</b>	<b>Support Services</b>
<b>Section</b>	<b>760</b>	<b>Food Service Management</b>
<b>Policy</b>	<b>761</b>	<b>Free or Reduced Price Meals</b>

The District shall take part in the National School Lunch Program. In accordance with the guidelines for participation in this program, and in accordance with the wishes of the Board, no student whom a teacher believes is improperly nourished shall be denied a free lunch, or other food, simply because proper application has not been received from his/her parent(s) or guardian. District policy, in conformance with federal rules, shall include the following:

**Eligibility Criteria and Selection of Students** – In selecting students to receive free and reduced price meals, consideration will be given to students from families:

1. with income below that established yearly by the federal government (USDA);
2. eligible to receive any form of public assistance or certified to participate in the government-donated commodities or food stamp programs;
3. unable to pay the full price in the judgment of officials designated to determine eligibility. The District Administrator/designee is responsible for determining eligibility for free and reduced price meals; and/or
4. name appears on the State of Wisconsin's Direct Certification list.

In making individual determinations and in providing the free or reduced price meals, every effort shall be made to avoid overt identification to the peers of children receiving such meals. No student shall be required to work for a free or reduced price lunch.

Application forms for free or reduced price meals shall be available to all parents or guardians of children throughout the school year and as part of the registration packet presented to all families prior to school beginning. A file of applications and/or authorizations shall be maintained.

The Administration or designee shall maintain a system of collecting payments from paying students and accounting for free and reduced price meals in a manner which will protect the anonymity of students receiving free or reduced price meals.

**Appeal.** Any appeal of the decision of the Administration's designee shall be referred to the Administration.

**Legal References:** 120.10(16), 120.13(6), 120.13(10), 120.44  
**Cross Reference:** 760 Food Service Management  
**Approved:** November 2006  
**Last Reviewed:** February 2021

<b>Series</b>	<b>700</b>	<b>Support Services</b>
<b>Section</b>	<b>760</b>	<b>Food Service Management</b>
<b>Policy</b>	<b>763</b>	<b>Management of Student School Meal Accounts (including collection of lunch fees)</b>

The District utilizes a computer software program to keep track of family accounts. As the student purchases meals and/or milk, an offsetting charge for the meal will be made against their family account. Since this system depends on paying for meals in advance, families must keep a positive balance in their account. Accounts below \$5.00 will be notified weekly using the email system. Applications for Free and Reduced Priced Meals are available in the office throughout the school year and on the District website.

All students are issued a Student Identification Number. The number is entered through a key pad at the beginning of the lunch line. Since it is impossible to keep the number confidential, a food service representative will monitor the process to insure students are using the correct numbers.

Prepayment of at least one week per child is recommended. Payment may be sent in any amount, whether it is daily, weekly, monthly, quarterly, semi-annually, or annually. Checks should be made payable to the "Erin School Food Service". The canceled check is your receipt. If paying by cash, be sure to place the cash in a sealed envelope with the student's name and the amount enclosed. Money received after 9:00 a.m. will be applied to the next day's food service. If you are paying by cash and want a receipt, be sure to request one on or inside the envelope.

Checks returned to the District as non-sufficient funds (NSF) will be handled per Policy 661.3 and Policy 661.3(R).

At the end of the year, if a family no longer has children attending school or if a family moves out of the District, the District will refund any balance over \$2.00 to the family. Checks will be mailed to the address on file. For balances less than \$2.00, families will have the option to stop by the office during office hours to receive the balance from petty cash or unclaimed funds after June 15<sup>th</sup> unclaimed balances will be transferred to Fund 21. Funds for families with students continuing the following year will remain in the family account for the next school year.

Any questions regarding the Food Service Program should be directed to the Food Services Department at 262-673-3720 ext. 4140.

**Legal References:**

**Cross Reference: 661.3 Nonsufficient Funds Checks, 661.3(R) Nonsufficient Funds Checks Rule**

**Approved: June 2017**

**Last Reviewed: February 2021**

## **Meningococcal Disease: Protect Your Child**

Public health authorities recommend that teenagers and college-bound students be immunized against a potentially fatal bacterial infection called meningococcal disease, a type of meningitis.

Meningococcal disease is a rare but potentially fatal bacterial infection that can cause severe swelling of the brain and spinal cord (meningitis) or a serious blood infection (meningococemia). Meningococcal disease strikes up to 3,000 Americans each year; nearly 30 percent of these cases are among teenagers and college students.

Up to 83 percent of all cases among teens and college students may potentially be prevented through immunization, the most effective way to prevent this disease. A meningococcal vaccine is available that protects against four out of five strains of bacterium that cause meningococcal disease in the U.S.

The Centers for Disease Control and Prevention (CDC) and other leading medical organizations recommends that all 11-12 years olds should be vaccinated with meningococcal conjugate vaccine (MCV4). A booster shot is recommended for teens at age 16 to continue providing protection when their risk for meningococcal disease is highest. Teens who received MCV4 for the first time at age 13 through 15 years will need a one-time booster dose at 16 through 18 years of age. If a teenager missed getting the vaccine altogether, they should ask the doctor about getting it now, especially if they are about to move into a college dorm or military barracks.

### **About Meningococcal Disease**

Meningococcal disease is often misdiagnosed as something less serious because early symptoms are similar to common viral illnesses. Symptoms of meningococcal disease may include high fever, severe headache, stiff neck, nausea, vomiting, sensitivity to light, confusion, exhaustion and/or a rash.

Teenagers and college students are at increased risk for meningococcal disease compared to the general population, accounting for nearly 30 percent of all U.S. cases every year. Meningococcal disease can be misdiagnosed as something less serious, because early symptoms like high fever, severe headache, nausea, vomiting and stiff neck, are similar to those of common viral illnesses. The disease can progress rapidly and can cause death or permanent disability within 48 hours of initial symptoms.

Meningococcal disease is spread through direct contact with respiratory and/or oral secretions from infected persons (for example, kissing or sharing drinking containers). It can develop and spread quickly throughout the body, so early diagnosis and treatment are very important. Even with immediate treatment, the disease can kill an otherwise healthy young person within hours of first symptoms. Of those who survive, up to 20 percent may endure permanent disabilities, including brain damage, deafness and limb amputations.

Lifestyle factors common among teenagers, college students and military personnel are believed to put them at increased risk of contracting meningococcal disease. These lifestyle factors

include crowded living situations (for example, dormitories, sleep-away camps), active or passive smoking and irregular sleeping habits. Teens should avoid sharing eating utensils and drinking out of the same container, since infections may spread through this type of close contact.

To learn more about meningococcal disease, vaccine information, and public health resources visit the following web sites.

Center for Disease Control and Prevention meningococcal meningitis information

- General information regarding [meningitis disease](#)
- [Meningitis Fact Sheet](#)
- [American Committee of Immunization Practice Recommendations for Prevention and Control of Meningitis](#)

National Association of School Nurses – [Voices of Meningitis](#)

A list of local [Wisconsin public health departments and contact information](#)

- [Meningitis Foundation of America](#)
- [National Meningitis Association](#)
- [American Academy of Family Physicians](#)
- [American Academy of Pediatrics](#)



## Annual Model Notice For Youth Suicide Prevention

Spring 2024

### Youth Suicide Prevention Resources are Available

To get updated information on suicide prevention, intervention, and postvention resources, visit [DPI's website](#). There are online training modules, a downloadable document on suicide prevention requirements in state law, a fact sheet on youth suicide, and an updated suicide prevention curriculum for students. Other resources include suggestions for school board policy, strategies on suicide interventions, memorial suggestions, and other topics.

#### Resources for emergency situations:

988

Dial for immediate assistance in a suicide or mental health crisis.

HOPELINE

Text "HOPELINE" to 741741 or visit

<https://www.centerforsuicideawareness.org/hopeline>.

TREVOR PROJECT

Text them at 678-678. Call them at 1-866-488-7396.

Visit [thetrevorproject.org](http://thetrevorproject.org).

#### Resources for non-emergency situations:

WI Safe and Healthy Schools Training Center

[www.wishschools.org](http://www.wishschools.org)

Prevent Suicide Wisconsin

[www.preventsuicidewi.org](http://www.preventsuicidewi.org)

Suicide Prevention Resource Center

[www.sprc.org](http://www.sprc.org)

American Foundation for Suicide Prevention

<https://afsp.org/>

#### IN THIS ISSUE

Resources

Know the Signs

Suicide is a Complex  
Problem

Common Concerns

Actions and Words to  
Avoid



*When youth are facing what they believe is a crisis and exhibit signs or symptoms of suicide, be sure they are not left alone or sent home without supervision!*



## Know the Signs

Suicide doesn't usually happen out of the blue— most often, there are signs or symptoms for others to see or hear. Get the **FACTs** and know the signs of suicidal thinking in your students, friends, and family members. (see *FACTs* chart on right.)

## Suicide is a Complex Problem

Multiple factors are involved when someone dies by suicide. Oversimplifying the reasons someone takes their own life is not helpful. For instance, saying bullying “caused” someone to end their life is not accurate. Not all bullying victims kill themselves. Research suggests many factors contribute to suicide. These include biological factors, social determinants of health, precipitating factors, and triggering events. Examples of biological factors and social determinants of health include mental illness, losing a family member to suicide, neighborhood violence, or food security. Precipitating factors include poor grades, attending an unsafe school, victimization, or family rejection. Crisis/triggering events include experiencing a major loss, humiliation or bullying, and having access to lethal means. Suicide is a complex problem that is often misunderstood when oversimplified. *From: American Association of Suicidology (AAS) webinar January 2011.*

### Identifying the factors of disproportionate risk for youth suicide is vital to prevention.

The most common mental illness leading to suicide is depression. It is also the most treatable!

Youth identifying as Lesbian, Gay, or Bisexual (LGB): for the past several years, Youth Risk Behavior Survey (YRBS) results have shown almost half of LGB youth seriously considered suicide and are 3.5 times more likely to attempt suicide than their non-LGB peers.

Female youth: YRBS trend data has also indicated an increasing number of female students ages 16-17 years old experienced being so sad or hopeless every day for 2 weeks in a row or more that they stopped doing usual activities.

### Lethal means safety can save lives.

(see [Means Matter](#) and [Be Smart for Kids](#))

Encouraging secure storage of all lethal means is a critical prevention strategy, and reducing access provides the most significant reduction in youth suicide rates. Most often, youth who attempt suicide use a gun or drugs kept in the home. Do not allow youth to have unsupervised access to firearms and dangerous medications. *(continued on page 3)*

## SUICIDE PREVENTION SIGNS or SYMPTOMS (FACTS)

### FEELINGS

- Hopelessness
- Rage, uncontrolled anger, seeking revenge
- Feeling trapped – like there's no way out
- Having no sense of purpose in life

### ACTIONS

- Acting reckless or engaging in risky activities
- Withdrawing from friends, family, society, and typical activities
- Increased use of alcohol or drugs
- Giving away prized possessions

### CHANGES

- Decline in quality of schoolwork
- Dramatic mood changes
- Anxiety, agitation, change of eating/sleeping habits

### THREATS

- Threatening/talking about hurting self

*From American Association of Suicidology*



## Suicide is a Complex Problem (cont'd)

### What can you do if you are concerned about a student?

Suicide is a permanent solution to a temporary problem; but for kids, their problems can seem endless. If we can get them through the crisis, there is a 90 percent chance that they will never attempt suicide. Teachers, other school staff, student peers, and family members are well-positioned to observe individual behaviors and respond using the IACTT model, if they suspect that a student may be considering self-harm. IACTT stands for **Identify, Ask, Communicate, Take action, and Take care.**

**Identify** the signs and symptoms of someone who is struggling with their mental health. Reaching out to others with an empathetic *"I'm sorry to hear about this. It sounds really hard."* can be the first step in helping them through their crisis.

**Ask** questions to learn more about what is going on and ask if the person is thinking about suicide. Use open questions (Like "Tell me what's going on.") to gather information and context. Don't be afraid to ask the hard question!

**Communicate** care and compassion for the student by taking the next step. Use words like: *"I'm worried about you. I don't want anything bad to happen to you or for you to be hurt."*

**Take action** and tell a member of your crisis team. *"Let's go talk with someone in the counseling office."*

**Take care** of yourself. You may need support, if you help someone in crisis.



Text HOPELINE  
to 741741



## Common Concerns

### What if I make a mistake? Can I be sued?

State law insulates all public and private school district employees and volunteers from civil liability for their acts and omissions when trying to intervene in a student's possible suicide. Lawmakers found it so important that adults take action when a student is suicidal that they protected those adults from any civil liability for their intervention efforts.

**Does asking about suicide cause a student to attempt it?** No. This issue has been thoroughly studied. By asking a student about suicidal intent, you are offering to help them. Please do your best to reach out to students. Don't be afraid to ask the question, "Are you thinking about hurting or killing yourself?"



# Seeing Urgent Signs or Symptoms? Here's What to Avoid

All children and adolescents can experience moodiness and will take time to ask life's big questions. Since they lack the perspective of time, they can become overwhelmed. The best roles for teachers are to support students, and if you see the signs or symptoms of suicide, use IACTT. Some of the statements below might make perfect sense for students who aren't suicidal; but when kids are in crisis, these things can make it worse.

Here are some actions and words to avoid when you see the urgent warning signs and positive, alternative options:

### **Don't Shame - Validate**

NOT: "You've got to get over this. It's not a big deal."

RATHER: "You seem to be struggling with something. How can I help?"

NOT: "You're too sensitive. Grow up!"

RATHER: "I can tell something's really bothering you. What's up?"

### **Don't Delay - IACTT**

When you see urgent signs or symptoms, *get help immediately*. Don't wait.

### **Don't Blame - Support**

NOT: "If you wanted a better grade, you would've worked harder."

RATHER: "You seem disappointed in yourself. How can we do better?"

NOT: "Maybe changing your attitude would get you more friends."

RATHER: "Tell me what you look for in a friend. How can that be you?"

### **Don't Give Up - Persevere**

*Suicide is NOT a destiny*—when people make it through the suicidal crisis, they usually go on to live healthy, productive lives!

### **Don't Do It Alone - It Takes a Village**

*Enlist* other pupil services staff, administration, or the student's family to help you!



This publication is available from:  
Division for Learning Support  
Student Services/Prevention and Wellness  
608-266-8960  
[dpi.wi.gov/sspw/mental-health/youth-suicide-prevention](http://dpi.wi.gov/sspw/mental-health/youth-suicide-prevention)

May 2024 Wisconsin Department of Public Instruction

The Wisconsin Department of Public Instruction does not discriminate on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital status or parental status, sexual orientation, or ability and provides equal access to the Boy Scouts of America and other designated youth groups.



## **Academic Standards**

The Erin School District has adopted the [Wisconsin Academic Standards](http://dpi.wi.gov/standards) for the 2023-2024 school year. The standards may be viewed at: <http://dpi.wi.gov/standards>.

**School Accountability Report Card:** The School District is required by law to provide you a copy of the school's accountability report card. The District's report card will be posted to the Erin School website once it is released in late September. \*Because of the COVID-19 pandemic and the student assessment requirement waivers for the 2019-20 school year, the DPI is prohibited by section 115.385(6) of the state statutes from publishing a school and school district accountability report in the 2020-21 school year.

## **Educational Options**

School districts are required to provide a list of the educational options available to children who reside in the pupil's resident school district, including public schools, private schools participating in a private school choice program, charter schools, virtual schools, full-time open enrollment, youth options, course options, and options for pupils enrolled in a home-based private educational program. There are no private school within our district boundaries. Please use the links below for more information.

[District Boundary Map](#)

[Open Enrollment](#)

[Virtual Schools](#)

[Area Schools](#)

[Course Options](#)

[Homeschooling](#)

**Special Needs Scholarship Program:** School Boards are required by section 115.7915(5) of the State Statutes to annually notify the parent/guardians of each child with a disability enrolled in the district of the new Special Needs Scholarship Program (Private School Voucher Program), which is available to students with an Individualized Education Program (IEP) who meet the programs specific requirements as outlined in law.

## **Other Notices:**

**School Performance Report:** Under section 115.38(2) of the State Statutes school boards are required to notify by January 1 each year, the parent/guardian of each student enrolled in the district to their right to request a school and district performance report. The report must be distributed to those parent/guardian who request it by May 1<sup>st</sup> of each year. The school and district performance report is also made available to the public on the district's webpage.

**Interscholastic Athletics and Extracurricular Activities:** Homeschooled students who reside within the Erin School District are able to participate in interscholastic athletics and extracurricular activities in the school district on the same basis and to the same extent that we allow students enrolled in the school district to participate. Homeschool parent/guardians must provide the district with a written statement that the students meet the board requirements for participation in interscholastic athletics and extracurricular activities based on age, academic and disciplinary records. State Law specifically prohibits persons from making a false statement and prohibits the school board from questioning the accuracy or validity of the statement or requesting additional information. School boards may charge participation fees for enrollment in the activity.

**NOTICE OF SCHOOL DISTRICT POLICIES ON SEX DISCRIMINATION, THE DISTRICT’S TITLE IX COORDINATOR(S), AND PROCEDURES FOR REPORTING OR FILING A COMPLAINT OF SEX DISCRIMINATION**

**Title IX Nondiscrimination Policy Statement** – As mandated by the current provisions of Title IX of the Education Amendments of 1972 and under the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations (“the federal Title IX regulations”), the District does not unlawfully discriminate on the basis of sex in any education program or activity that the District operates. Title IX’s requirement not to discriminate in any education program or activity extends to cover, but is not limited to, District students, certain admissions processes, and District employment. Inquiries regarding how Title IX and the federal Title IX regulations apply to the District may be referred to a District Title IX Coordinator (as designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or to both.

The District’s commitment to nondiscrimination under Title IX and under other state and federal laws is further defined in the policies noted in footer.

**District Title IX Coordinators** – The District employees who hold each of the positions identified below serve as Title IX Coordinators for the District:

Nick Frank Principal 6901 Hwy O Hartford, WI 53027 262-673-3720 frank@erinschool.org	Joannie Kalina District Administrator 6901 Hwy O Hartford, WI 53027 262-673-3720 kalina@erinschool.org
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**Reporting Sex Discrimination** – Any person (including a person who is not claiming to have been personally harmed/victimized by the alleged discrimination) may report a concern or allegation regarding prohibited sex discrimination (including sexual harassment) to the District. Such reports may be submitted as follows:

1. To a District Title IX Coordinator, either in person, by U.S. mail, by telephone, or by electronic mail, using the contact information listed above. In person reports should be made when the Title IX Coordinator is reasonably available during regular working hours. Reports submitted by telephone, mail, or electronic mail may be made at any time.
2. By any other means that results in a Title IX Coordinator actually receiving the person's verbal or written report.

**Filing Formal Complaints of Title IX Sexual Harassment** – As required by the federal Title IX regulations, the District has established a formal grievance process for investigating and resolving “formal complaints” of “sexual harassment,” as those terms are defined in the regulations.

An individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX “complainant”), or a parent or guardian who has a legal right to act on behalf of such an individual, may file a formal complaint of sexual harassment. No Title IX complainant is obligated to file a formal complaint, but a qualifying formal complaint is necessary for the District to start an investigation using the District’s formal Title IX grievance process.

Complainants are expected to file formal complaints of sexual harassment with a District Title IX Coordinator by submitting a document or electronic submission in person, by U.S. mail, or by electronic mail, using the contact information specified above.

Additional requirements for formal complaints of Title IX sexual harassment, including a description of the required content for a formal complaint, are set forth in Policy 112 within the School Board’s policies.

**District Response to Reports and Complaints of Sex Discrimination and to Formal Complaints of Sexual Harassment under Title IX** – The District has established grievance procedures through which the District structures its response to reports that allege unlawful discrimination on the basis of sex in any education program or activity of the District. Those procedures are set forth in Board Rule 112. The purpose of such procedures is to provide for the prompt and equitable

resolution of any report or complaint of alleged sex discrimination, excluding formal complaints of sexual harassment under Title IX (which are subject to a different process).

Any time that the District has actual knowledge of sexual harassment or allegations of sexual harassment that could constitute a violation of Title IX, the District has obligations to respond to such knowledge in a manner that is not deliberately indifferent and in a manner that treats the alleged victim(s) of sexual harassment and the alleged perpetrator(s) of sexual harassment equitably. Such a response includes, but is not limited to, offering supportive measures to a complainant and investigating and resolving any formal complaint that presents allegations of Title IX sexual harassment using the formal grievance process that the District has adopted for such formal complaints. District procedures for responding to alleged sexual harassment under Title IX, including the formal grievance process, are set forth in 112 - Rule, as published on the District's website.

# **Erin School District**

## **2024 - 2025 ASBESTOS NOTIFICATION**

As a result of federal legislation (Asbestos Hazard Emergency Response Act - AHERA), each primary and secondary school in the nation is required to complete a stringent inspection for asbestos and to develop a plan of management for all asbestos-containing building materials. The Erin School District has a goal to be in full compliance with this law and is following the spirit, as well as the letter of the law. As a matter of policy, the district shall continue to maintain a safe and healthful environment for our community's youth and employees.

In keeping with this legislation, all buildings (including portables and support buildings) owned or leased by the Erin School District were inspected by EPA accredited inspectors and samples were analyzed by an independent laboratory. Based on the inspection, the school prepared, and the state approved, a comprehensive management plan for handling the asbestos located within its buildings safely and responsibly.

Furthermore, the Erin School District has completed their 3-Year Re-inspection required by AHERA. Our district buildings, where asbestos-containing materials were found, are under repair, removal and Operations and Maintenance.

This past year the Erin School District conducted the following with respect to its asbestos containing building materials:

*\*Continued our Operations and Maintenance Program*

Federal law requires a periodic walk-through (called "surveillance") every six months of each area containing asbestos. In addition, the law requires all buildings to be re-inspected every three years after a management plan went into effect. MacNeil Environmental, Inc will accomplish this under contract.

Short-term workers (outside contractors - i.e., telephone repair workers, electricians and exterminators) must be provided information regarding the location of asbestos in which they may come into contact. All short-term workers shall contact the district's Designated Person before commencing work to be given this information.

The Erin School District has a list of the location(s) and type(s) of asbestos containing materials found in that school building and a description and time-table for their proper management. A copy of the Asbestos Management Plan is available for review in the school office. Copies are available at 25 cents per page. Questions related to the plan should be directed to the Erin School District at 262-673-3720.

## **Erin School District Indoor Air Quality Notification**

Erin School District is proud to be taking a leadership role in providing a safe, comfortable and productive environment for our students and staff so that we achieve our core mission—educating students. Our school will follow the EPA guidance to improve our indoor air quality by preventing as many IAQ problems as possible, and by quickly responding to any IAQ problems that may arise. Good air quality requires an ongoing commitment by everyone in our school, because each of us daily makes decisions and performs activities that affect the quality of the air we breathe.

School staff, students and parents can obtain checklists or self-help information so they can properly evaluate their child's home or other out of school situation by contacting the school. Staff and parents can also obtain information about school facility construction, maintenance and housekeeping practices, chemicals used, mold and HVAC related information, chemical producing academic subjects, and pesticide and herbicide applications to determine the extent to which school activities contribute to a child's symptoms by contacting the school.

The Erin School District Indoor Air Quality contact person is Brian Versh. If there are any questions regarding the school's IAQ Program, please feel free to call the school at 262-673-3720.