



# SCHOOL POLICIES & PROCEDURES

## 2021-2022

### *Table of Contents*

STUDENT ACHIEVEMENT	1
ATTENDANCE POLICY	1
COMPLAINT POLICY	2
CRISIS PLAN	2
DISCRIMINATION POLICIES	2
ENROLLMENT POLICY	3
FULL TIME OPEN ENROLLMENT	3
ALTERNATIVE APPLICATION PROCEDURES	5
ANNUAL REVIEW	5
FIELD TRIP POLICY	5
HARASSMENT AND VIOLENCE POLICY	6
HAZING PROHIBITION POLICY	6
BULLYING AND INTIMIDATION PROHIBITION	7
INCLUSIVE EDUCATION	11
TECHNOLOGY USE POLICY	12
STUDENT EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY	12
PROTECTION AND PRIVACY OF RECORDS	16
STUDENT RECORDS	16
DIRECTORY INFORMATION	20
INSPECTION OF INFORMATION COLLECTION INSTRUMENT	21
UNAUTHORIZED ACQUISITION OF STUDENT PERSONAL INFORMATION	22
SEARCHES OF PERSONAL POSSESSIONS    Search and Seizure	23
TRANSPORTATION POLICY    Transportation for field and other district-sponsored trips	24
WEAPONS POLICY    Weapons	24
SECTION 504 OF REHABILITATION ACT OF 1973	
Section 504/ADA prohibition against discrimination based on disability	26
ADMINISTRATION OF MEDICATION/EMERGENCY CARE	31
EMERGENCY NURSING SERVICES	33
STUDENT ACCIDENTS/ILLNESS/CONCUSSION	33
EMERGENCY MEDICAL AUTHORIZATION	34
USE OF RESTRAINT AND SECLUSION WITH STUDENTS	35



## **School Policies & Procedures 2020-2021**

### **STUDENT ACHIEVEMENT**

At eSucceed, we strive to ensure all students are successful. If a student is at risk of not succeeding, parents/guardians will be notified. The following procedures will be implemented if a student is in danger of not succeeding:

1. Parents/guardians will be notified that their child is in danger of not mastering the standards or achieving the course credits. In addition, there will be scheduled meetings between student and teacher/advisor to show evidence of progress and to set goals and criteria for success.
2. If adequate progress is not made within two weeks, parents/guardians will be notified and a meeting will be set up between the parent/guardian, student, and educational team to develop a plan. This plan will determine the responsibilities of each member of the team, and will include additional meeting times to check the status of the plan and to determine the length of the plan.
3. If adequate progress is still not made, the educational team may recommend to the student and parent/guardian that another educational setting may be more appropriate for the student. The student and parent/guardian may appeal to the school board.

### **ATTENDANCE POLICY**

Student attendance is measured by a daily log of their work, submission of assignments and activities, communication with the teacher and/or advisor, discussion threads, and any other teacher-directed activities and interaction with online lessons.

Students accumulating more than three cumulative unexcused absences and/or lack of credible work will receive school notification through phone, email, or mail and parents/guardians will need to contact the school in regard to absences and school work.

WI state statute requires compulsory school attendance and defines habitual truancy as “a pupil who is absent without an acceptable excuse for all or part of five or more days on which school is held during a school semester”

In accordance to state law, students will be dropped from enrollment following fifteen consecutive days of absences (excused or unexcused)

Absences will be excused if they are caused by the following reasons: illness, serious illness in immediate family, death in the immediate family, medical or dental appointments, counseling appointments, court appearances, family vacations, planned educational experiences, physical emergencies (flood, storm, etc), official school sponsored outings, or suspension.

Absences considered unexcused are: truancy, absences resulting from accumulated unexcused tardies (three tardies equal one unexcused absence), or any other absence not included in the excused section of this policy.

## **COMPLAINT POLICY**

Students, parents/guardians, staff, or other persons may report concerns or complaints to the school. While written reports are encouraged, a complaint may be made orally. Any staff member receiving a complaint shall inform the director of the receipt and the complaint. The director shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the governance Board. A person may file a complaint at any level of the school; i.e., staff, staff team, or the school board.

## **CRISIS PLAN**

The eSucceed Virtual School Board adopted a crisis plan that features education of students regarding various potential issues. If a crisis should occur while gathered together, the teacher/advisors as soon as feasibly possible will contact parents. All students will be expected to stay with the group for safety and security purposes.

## **DISCRIMINATION POLICIES**

eSucceed complies with applicable federal and state laws prohibiting discrimination to the end that no person protected by such law shall, on the grounds of race, color, national origin, creed, religion, gender identity, sexual orientation, marital status, status with regard to public assistance, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any educational program; or in employment or recruitment, consideration, or selection; thereof, whether full time or part-time, under any education program or activity operated by the district for which it received federal financial assistance. Any student of eSucceed who feels he/she has been discriminated against in violation of the district’s non-discrimination policy may avail himself/herself of filing the grievance with a staff member. (Forms may be received from staff members.)

## **ENROLLMENT POLICY**

eSucceed Virtual School will participate in the Wisconsin Public School Open Enrollment Program in accordance with applicable law and the relevant policies and rules of the school, all as amended from time to time.

### **FULL TIME OPEN ENROLLMENT**

#### **A. Procedures for Processing of Open Enrollment Applications**

If there are more applications than spaces, the board will fill the available spaces by random selection, provided that first priority will be given to students residing in the consortium district schools.

#### **B. Decisional Criteria for Non-Resident Applications**

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

1. The availability of space in the schools, programs, classes, or grades within the school. The school board shall determine during a regular meeting each January the number of regular education and special education spaces available. In determining the amount of space available, the district will count resident students, students attending the district for whom tuition is paid under 121.78(1)(a), Wis. Stats., and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) or (3m)(a) and are already attending public school in the district.

Other factors the director may consider in determining the availability of space include:

- a. District practices, policies, procedures, or other factors regarding class size ranges for particular programs or classes.
  - b. District practices, policies, procedures, or other factors regarding faculty-student ratio ranges for particular programs, classes, or buildings.
2. Whether the non-resident student has been expelled from any school district within the current school year or the two (2) preceding school years, or is pending any disciplinary proceeding, based on any of the following activities:
  - a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by means of explosives.
  - b. Engaging in conduct while at school or under school supervision that endangered the health, safety, or property of others.

- c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety, or property of others at school or under the supervision of a school authority or of any school employee or board member.
- d. Possessing a dangerous weapon (as defined in Section 939.22(10), Wis. Stats.) while on school property or under school supervision.

Notwithstanding the board's acceptance of a non-resident student's application, the board may withdraw acceptance if, prior to the beginning of the first school year in which the non-resident student will attend a school in the district, s/he is determined to fall under paragraph B. 3.

The board may request a copy of a non-resident student's disciplinary records from the resident school board. The resident board shall provide to the nonresident board a copy of any expulsion order or findings, a copy of any pending disciplinary proceedings, a written explanation of said proceeding, the length of the expulsion or possible outcomes of a pending proceeding, and/or such records as permitted by law.

- 3. Whether the special education program or related services described in the non-resident student's Individualized Education Program ("IEP") are available in the district. Funding for the education of students with disabilities will be made to the non- resident school district by the Department of Public Instruction in accordance with state law.
- 4. Whether there is space available in the district to provide the special education or related services identified in the non-resident student's IEP, after consideration of class size limits, student- teacher ratios, and enrollment projections.
- 5. Whether the non-resident student has been referred to his/her resident board under Wis. Stat. 115.777(1) or identified by his/her resident school board under Wis. Stat. 115.77(1m)(a), but not yet evaluated by an individualized education program team.
- 6. If the board has made a determination that a non-resident student attending the district under the Open Enrollment Program is habitually truant from the district during either semester of the current school year, the board may prohibit the student from attending in the succeeding semester or school year.

#### C. Procedure for Evaluating Applications by District Residents to Transfer to Another District

The board will consider only whether the resident student is a special education student and the implementation of his/her IEP in the other district would impose an undue

financial burden on the district for denying resident applications.

#### D. Reapplication Procedures

The board will not require accepted non-resident students to reapply under the open enrollment policy when the non-resident student enters middle school or high school. A non-resident student may be required to reapply only once.

#### E. Transportation

The parents or guardians of a student attending a non-resident school district will be solely responsible for providing transportation to and from the school site, if space is available or to a scheduled in-district bus stop, unless the non-resident student is a special education student and transportation is required by his/her IEP.

### **ALTERNATIVE APPLICATION PROCEDURES**

The parent/guardian of a non-resident student who wishes to attend a school in the district may apply at any time throughout the year by submitting an application under the alternative application procedure if the student satisfies at least one (1) of the statutory criteria and has not applied to more than three (3) non-resident school districts. Applications for open enrollment under the alternative application procedures will be evaluated based on the district's policy and administrative guidelines, which may be accessed here. (See AG 5113 and AG 5113B – Open Enrollment for Students with Disabilities.)

### **ANNUAL REVIEW**

The Board shall review its Open Enrollment Program annually.

Legal

118.51, Wis. Stats.

Wis. Adm. Code Ch. P.I. 36

### **FIELD TRIP POLICY**

School trips through eSucceed that occur during one day require enough chaperones to maintain the ratio of one (1) adult to twenty (20) students. Chaperones are staff members or other adults approved by the staff as chaperones. eSucceed school trips occurring overnight will need to be approved by the director ahead of time. Enough chaperones will be provided to maintain a ratio of one (1) adult to ten (10) students. If there is more than one (1) gender, the school will provide appropriate chaperones. Chaperones are staff members or other adults approved by the staff as chaperones. With all overnight field experiences, parents and guardians of participating students will be notified a minimum of one week ahead of time.

## **HARASSMENT AND VIOLENCE POLICY**

It is the policy of eSucceed to maintain a learning and working environment that is free from harassment or violence including but not limited to: religious, racial, sexual, or chronic/continual. It shall be a violation for any student or staff member to harass or inflict violence upon a student or staff member through conduct or communication as defined by this policy. Harassment constitutes any action that makes another person uncomfortable, including interactions that happen online. A student will be warned to discontinue behaviors that cause another discomfort; if they should choose to continue they may face suspension. Flagrant harassment may result in immediate suspension.

The school will act to investigate all complaints, formal or informal, verbal or written, of harassment and to discipline any student or staff member who harasses a student or staff member of eSucceed. Complaints should be addressed in written form to eSucceed Director.

## **HAZING PROHIBITION POLICY**

The Board of Education believes that hazing activities of any type are inconsistent with the educational process and may in some circumstances be a violation of state law. It prohibits all such activities at any time in school facilities, on school property, and at any district-sponsored activity or event.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the school shall be alert to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to eSucceed Director. The individual informed of the situation shall immediately do the following:

- A. Write all information concerning the reported activity or planned activity received from the person reporting the incident to create a complete record of the initial contact with administration.
- B. Determine if any potential criminal activity has occurred, and if so contact law enforcement immediately.
- C. Determine whether the information received illustrates hazing behavior that is based on the student's or any group of students' sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability, or any other characteristic protected by federal or state civil rights laws ("Protected

Classes"). If the conduct reported appears to be based on one (1) or more Protected Class, the director shall inform the District Compliance Officer and refer to Policy – Student Anti-Harassment and proceed accordingly.

- D. If the hazing or planned hazing does not appear to be based on any Protected Classes, then the director shall proceed to conduct an investigation consistent with the procedures found in Policy - Bullying. If at any point, information surfaces indicating that hazing activity was based on one (1) or more Protected Class(es), the director or designee conducting the investigation shall contact the Compliance Officer and consult Policy – Student Anti-Harassment.

Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties. Disciplinary action for students may include, but is not limited to, suspension and/or expulsion. Disciplinary action for staff members may be issued up to and including termination from employment. (See Policy 3139 – Staff Discipline or Policy 4139 – Staff Discipline).

The director shall distribute this policy to all students and district employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

© Neola 2014

#### Legal

118.13 Wis. Stats.

120.13 Wis. Stats

948.51 Wis. Stats

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

Fourteenth Amendment, U.S. Constitution

20 U.S.C. 1415

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

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

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

42 U.S.C. 1983

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

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

42 U.S.C. 2000d et seq.

34 C.F.R. Sec. 300.600-300.662

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

## **BULLYING AND INTIMIDATION PROHIBITION**

Bullying is deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or



emotional well being. The behavior may be motivated by an actual or perceived distinguishing characteristic such as, but not limited to: age, national origin, race, ethnicity, religion, gender, gender identity, sexual orientation, physical attributes, physical or mental ability or disability, and social, economic, or family status; however, this type of prohibited bullying behavior need not be based on any of those particular or other particular characteristics. It includes, but is not necessarily limited to such behaviors as stalking, cyberbullying, intimidating, menacing, coercing, name-calling, taunting, making threats, and hazing.

Some examples of Bullying are:

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

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

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

Cyberbullying includes, but is not limited to the following:

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

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

"Staff" includes all school employees and board members.

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

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

### **Complaint Procedures**

Any student that believes s/he has been or is the victim of bullying should immediately report the situation to a teacher or advisor. The teacher will be responsible for notifying the appropriate administrator. Complaints against the teacher or advisor should be filed with the director. Complaints against the director should be filed with the board president.

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

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

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

All complaints about behavior that may violate this policy shall be investigated promptly by the building principal. The staff member who is investigating the report of bullying shall interview

the victim(s) of the alleged bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report. If, during an investigation of a reported act of bullying in accordance with this policy, the principal determines that the reported misconduct may have created a hostile learning environment and may have constituted harassment based on sex (transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by federal or state civil rights laws, the principal will report the act of bullying to one of the compliance officers who shall assume responsibility to investigate the allegation in accordance with Policy 5517 – Student Anti-Harassment.

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

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

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

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

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally making a false report may result in disciplinary action as indicated above.

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

### **Privacy/Confidentiality**

The school will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the board's legal

obligations to investigate, to inform parents, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

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

### **Notification**

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

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

### **Records and Reports**

Records will be maintained on the number and types of reports made, and sanctions imposed for incidents found to be in violation of the bullying policy.

An annual summary report shall be prepared and presented to the school board, which includes trends in bullying behavior and recommendations on how to further reduce bullying behavior. The annual report will be available to the public.

### **Education and Training**

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

© Neola 2014

Legal

Wis. Stat. 118.46

## **INCLUSIVE EDUCATION**

A student will be encouraged to objectively study the areas they choose, with encouragement in researching multiple viewpoints, especially encouraging those from minority or oppressed groups of individuals.

Advisors will be trained as necessary, to assist students in their development of their appreciation of people of diverse backgrounds. Advisors will assist students in finding experts from a variety of backgrounds to assist in the development of awareness of all groups' contributions to society.

## **TECHNOLOGY USE POLICY**

Computers and other electronic media (e.g., eSucceed server, Zoom, HeadRush, Genius, Buzz and school email) are to be used solely for educational purposes. The use of electronic media for private purposes may subject the student to disciplinary action. All electronic communications are not private but subject to review and monitoring by the staff. All personal passwords can be overridden and communication reviewed. Internet use is monitored at home by the guardians of students.

Personal computers can be searched and programs deleted if they are not supporting educational learning. Students will allow remote desktop access to staff when requested to do so. Routine maintenance and monitoring of the school district system may lead to a discovery that a user has violated this policy, another school district policy, or the law. An individual investigation or search will be conducted if school authorities have a reasonable suspicion that the search will uncover a violation of law or school district policy. eSucceed will cooperate fully with local, state, and federal authorities in any investigation concerning or related to any illegal activities or activities not in compliance with school district policies conducted through the school district system.

All students will sign a parent student teacher advisor contract which includes a provision for using the internet responsibly. This will be signed annually and filed in the students' permanent record.

## **STUDENT EDUCATION TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the way they approach student learning to incorporate the vast, diverse, and unique resources available through the internet. The Board of Education provides students with access to the internet for limited educational purposes only and utilizes online educational services to enhance the instruction delivered to its students. The district's internet system does not serve as a public access service or a public forum, and the board imposes reasonable restrictions on its use consistent with its limited educational purpose. This policy and its related administrative guidelines and the Student Code of Conduct govern students' use of the district's computers, laptops, tablets, personal communication devices (as defined by Policy 7530.02), network, and internet connection and online educational services ("Education Technology" or "Ed-Tech"). The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Education Technology. Users have no right or expectation to privacy when using the Ed-Tech (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity while on the network and internet).

The board encourages students to utilize Education Technology to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The instructional use of the internet and online education services is guided by the board's policy on instructional materials.

The internet is a global information and communication network that provides a valuable opportunity to education and information resources to our students. The internet connects computers and users in the district with computers and users worldwide. Through the internet, students and staff can access relevant information that will enhance their learning and the education process. Further, the Education Technology provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such a vast quantity of information and resources brings with it, however, certain unique challenges. The board may not be able to technologically limit access to services through its Education Technology to only those that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to federal law, the board has implemented technology protection measures, that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the board or the district administrator, the technology protection measures may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measures may not be disabled at any time that students may be using the Education Technology if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. Any student who attempts to disable the technology protection measures will be subject to discipline.

The board utilizes software and/or hardware to monitor online activity of students and to block/filter access to child pornography and other material that is obscene, objectionable, inappropriate and/or harmful to minors. "Harmful to minors" is a term defined by the Communications Act of 1934 (47 U.S.C. 254(h)(7)) as any picture, image, graphic image file, or other visual depiction that:

- A. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- B. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or

simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;

C. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

At the discretion of the board or the director, the technology protection measure may be configured to protect against access to other material considered inappropriate for students to access. The technology protection measure may not be disabled at any time that students may be using the network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act.

The district administrator may temporarily or permanently unblock access to websites or online education containing appropriate material if access to such sites has been inappropriately blocked by the technology protection measure. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measure.

Parents/guardians are advised that a determined user may be able to gain access to services on the internet that the board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the internet to information and communications that they and/or their parents/guardians may find inappropriate, offensive, objectionable, or controversial. Parents/guardians of minors are responsible for setting and conveying the standards that their children should follow when using the internet.

The district administrator shall prepare guidelines which address students' safety and security while using e-mail, chat rooms, instant messaging and other forms of direct electronic communications, and prohibit disclosure of personal identification information of minors and unauthorized access (e.g., "hacking") and other unlawful activities by minors online.

Education Technology is provided as a tool for education. The school district reserves the right to monitor, inspect, copy, review and store at any time and without prior notice any and all usage of the computer network and internet access and any and all information transmitted or received in connection with such usage. All such information files shall be and remain the property of the school district and no user shall have any expectation of privacy regarding such materials.

Pursuant to federal law, students shall receive education about the following:

- A. safety and security while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the dangers inherent with the online disclosure of personally identifiable information;
- C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying, and other unlawful or inappropriate activities by students online;
- D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above. Furthermore, staff members will monitor the online activities of students while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

The board expects that staff members will provide guidance and instruction to students in the appropriate use of the Education Technology. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response. All internet users (and their parents/guardians if they are minors) are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying guidelines.

Students and staff members are responsible for good behavior on the board's Education Technology just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the internet are often public in nature. General school rules for behavior and communication apply. The board does not sanction any use of the Education Technology that is not authorized by or conducted strictly in compliance with this policy and its accompanying guidelines.

Users who disregard this policy and its accompanying guidelines may have their use privileges suspended or revoked, and disciplinary action taken against them. Users of the board's Education Technology are personally responsible and liable, both civilly and criminally, for uses of the Ed-Tech not authorized by this board policy and its accompanying guidelines.

The board designates the District Administrator and eSucceed Director as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying guidelines as they apply to students' use of the district's Education Technology.

© Neola 2014

#### Legal

H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000

47 U.S.C. 254(h), (1), Communications Act of 1934, as amended

20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965, as amended

18 U.S.C. 2256

18 U.S.C. 1460

18 U.S.C. 2246

47 C.F.R. 54.500 – 54.523



## **PROTECTION AND PRIVACY OF RECORDS**

eSucceed has adopted a school board policy in order to comply with state and federal laws regarding education records. The policy does the following: classifies records as public, private or confidential; establishes procedures and regulations to permit parents/guardians or students to inspect and review a student's education records; establishes procedures and regulations to allow parents/guardians or students to request the amendment of a student's education records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.; establishes procedures and regulations for access to and disclosure of education records; establishes procedures and regulations for safeguarding the privacy of education records and for obtaining prior written consent of the parent/guardian or student when required prior to disclosure.

"Directory information" will be included in a student directory and will include the following information relating to a student: the student's name; address; telephone number; email address; Skype username; date and place of birth; major field of study; participation in officially recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees and awards received; the most recent educational agency or institution attended by the student; and other similar information. "Directory information" does not include identifying information on a student's religion, race, color, social position or nationality. Should the parent of a student or the student so desire, any or all of the listed information will not be disclosed without the parent's or eligible student's prior written consent, except to school officials as provided under federal law. In order to make any or all of the directory information listed above "private," the parent or eligible student must make a written request to the student's teacher advisor within thirty (30) days of receiving this information.

## **STUDENT RECORDS**

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

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

The board is responsible for the records of all students who attend or have attended schools in this district. Only records mandated by the state or federal government and/or necessary and

relevant to the function of the school district or specifically permitted by this board will be compiled by board employees.

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

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

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

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of eligible students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

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

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

The board authorizes the administration to:

- A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school district in which a student of this district is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:

1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the board's annual notification - Form 8330 F9 - includes a notice that the board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  2. the parent/guardian or eligible student, upon request, receives a copy of the record; and
  3. the parent/guardian or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- C. report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- D. release de-identified records and information in accordance with Federal regulations;
- E. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the school for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

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

This written agreement must include: 1) specification of the purpose, scope, duration of the study, and the information to be disclosed; 2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; 3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and 4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

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

- F. disclose personally identifiable information from education records without consent, to authorized representatives of the federal government, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

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

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

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

The board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the

record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

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

## **DIRECTORY INFORMATION**

Each year, the director shall provide public notice to students and their parents of the school's intent to make available, upon request, certain information known as "directory information." The board designates as student "directory information": a student's name; address; telephone number; date and place of birth; photograph; major field of study; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; or awards received.

Directory information shall not be provided to any organization for profit-making purposes.

Parents/guardians and eligible students may refuse to allow the board to disclose any or all of such "directory information" upon written notification to the board. Any parent/guardian or eligible student who refuses to allow disclosure of directory data who participates in extra-curricular activity must complete the appropriate form – Parent Acknowledgement of Risk and Release, which includes a limitation on the refusal to disclose directory information obtained during the course of the student's participation in extracurricular activities.

In accordance with federal and state law, the board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent/guardian of the student may request in writing that the student's name, address, and telephone listing not be released without prior consent of the parent(s)/guardian(s)/eligible student. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces." The district administrator is authorized to charge mailing fees for providing this information to a recruiting officer.

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

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

The board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

## **INSPECTION OF INFORMATION COLLECTION INSTRUMENT**

The parent/guardian of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number.

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

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

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

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be disclosed without prior authorization from the board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance

activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the board.

© Neola 2015

Legal

34 C.F.R. Part 99

20 U.S.C., Section 1232f through 1232i (FERPA)

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act

20 U.S.C. 7165(b)

20 U.S.C. 7908

## **UNAUTHORIZED ACQUISITION OF STUDENT PERSONAL INFORMATION**

The Board of Education is responsible for maintaining records of all students attending this school.

If the district becomes aware of the unauthorized acquisition of "Personal Information" the district shall make reasonable efforts to notify each affected student, and if a minor, the parents/guardians, that their personal information has been accessed. "Personal Information" includes the individual's social security number, driver's license number, state identification number, the number of financial accounts or access codes, the individual's deoxyribonucleic acid profile, or the individual's unique biometric data including fingerprint, voice print, retina or iris image, or any other unique physical representation.

The notice shall be issued within a reasonable time, not to exceed forty-five (45) days after the school learns of the acquisition of the personal information. The notice shall indicate that the school knows of the unauthorized acquisition of personal information pertaining to the student. The notice shall be by mail or by a method the school has previously employed to communicate with the students.

If, as the result of a single incident, the school is required to notify 1,000 or more students, the school shall without unreasonable delay notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis of the timing, distribution, and content of the notices sent to the students.

Upon written request from the student who has received a notice, the school shall identify the personal information that was acquired.

A law enforcement agency may, in order to protect an investigation or homeland security, ask the school not to provide a notice for any period of time and the school's notification process shall begin at the end of that time period.

© Neola 2009

Legal  
134.98 Wis. Stats.

## **SEARCHES OF PERSONAL POSSESSIONS**

### **Search and Seizure**

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

### **School Property**

The board acknowledges the need for technology for educational access and learning. All technology provided are public property and school authorities may make reasonable regulations regarding their use. The district retains ownership and possessory control of computers, hotspots and any other provided technology and may be searched at random by school personnel at any time. A showing of reasonable cause or suspicion is not a necessary precondition to search under this paragraph. Students shall not have any expectation of privacy on their computers or any other supplies that are school property. The board directs the school principals to provide students with written notice of this policy at least annually and that routine inspections be done at least annually of all such storage places.

The board directs that the searches may be conducted by the district administrator, director, police liaison officer, law enforcement, or any other authorized by administration.

### **Student Person and Possessions**

The board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion that the search will turn up evidence that the student has violated or is violating either a particular law or a particular rule of the school. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted. The extent of the search will be governed by the seriousness of the suspected infraction, the student's age and gender, the student's disciplinary history, and any other relevant circumstances or information.

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

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

© Neola 2013

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



## **TRANSPORTATION POLICY**

### **Transportation for field and other School-sponsored trips**

It shall be the policy of the Board of Education to use regular or special-purpose school vehicles for transportation on field and other district-sponsored trips.

The transportation for all field and other district-sponsored trips is to be by vehicles owned or approved by the district and driven by approved drivers. Exceptions must have the approval of the district administrator.

Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.

All field trips shall be supervised by members of the staff. All other district-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, at least one (1) sponsor, chaperone, or staff member is expected to ride in the vehicle as well as to supervise students upon return to the district and while they are waiting for rides home.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

The district administrator shall prepare administrative guidelines to ensure that all transportation is in compliance with board policy on use of district vehicles and/or use of private vehicles.

Legal  
121.54(7), Wis. Stats.

## **WEAPONS POLICY**

### **Weapons**

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

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

to the exceptions below) razors, with unguarded blades, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

The district administrator is authorized to establish instructional programs on weapons and reporting and dealing with violations of this policy.

The district administrator will refer any student who violates this policy to the student's parents or guardians and may also make a referral to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

Policy exceptions include:

- A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off duty law enforcement officers, or out-of-state law enforcement officers;
- B. items pre-approved by a principal as part of a class or individual presentation under adult supervision, including, but not limited to hunters' education courses, if used for the purpose and in the manner approved (working firearms, except those protected at all times by a cable or trigger lock, and live ammunition will never be approved); and
- C. theatrical props used in appropriate settings.

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

No student is to confront the person possessing the weapon, but a staff member has the option of confronting the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

This policy will be published annually in all student and staff handbooks. Publication is not a precondition to enforcement of this policy.

© Neola 2015

Legal

120.13(1), Wis. Stats.

943.13, Wis. Stats.

948.605, Wis. Stats.

18 U.S.C. 921(a)(3)

18 U.S.C. 922

20 U.S.C. 7151

## **SECTION 504 OF REHABILITATION ACT OF 1973**

### **Section 504/ADA prohibition against discrimination based on disability**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation in, or treatment in its programs or activities. As such, the board's policies and practices will not discriminate against students with disabilities and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the district.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

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

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Wisconsin law to provide educational services to disabled persons; or

- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

### **District Compliance Officer**

The following persons are designated as the District Section 504 Compliance Officers/ADA Coordinators ("hereinafter referred to as the COs").

Michele Andorfer  
eSucceed Virtual School  
325 N Fifth Ave  
Gilman, WI 54433  
Phone: 715-447-8211

Walter Leipart  
Gilman School District  
325 N. Fifth Ave.  
Gilman, WI 54433  
Phone: 715 447-8211

The names, titles, and contact information of these individuals will be published annually in the staff handbooks and on the school district's website.

The CO is responsible for coordinating the district's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the CO.

The CO will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

### **Training**

The CO will also oversee the training of employees of the board so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

### **Facilities**

No qualified person with a disability will, because the district's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the district will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the district is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

### **Education**

The board is committed to identifying, evaluating, and providing a free appropriate public education ("FAPE") to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the board will provide the student with a free appropriate public education ("FAPE"). An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under the Individuals with Disabilities Education Improvement Act ("IDEIA"), the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan.

The board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the district with persons who are not disabled to the maximum extent appropriate. Generally, the district will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the district places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

The board will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include

counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the district, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the district will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

### **Investigation and Complaint Procedure**

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

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

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

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

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

Within five (5) business days of receiving the complaint, the CO will initiate an investigation.

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

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

- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the district administrator which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definitions in this policy, as well as in state and federal law as to whether the complainant has been denied access to educational opportunities on the basis of one of the protected classifications, based on a preponderance of evidence standard. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The CO may consult with the board attorney before finalizing the report to the district administrator.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the CO, the district administrator must either issue a final decision regarding or request further investigation. A copy of the district administrator's final decision will be delivered to the complainant.

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

If the complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction.

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

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

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

#### **Confidentiality**

The district will make reasonable efforts to protect the privacy of any individuals involved in the investigation process. Confidentiality cannot be guaranteed however. All complainants proceeding through the investigation process should be advised that as a result of the

investigation, allegations against individuals may become known to those individuals, including the complainant's identity.

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

All public records created as a part of an investigation will be maintained by the CO in accordance with the board's records retention policy. Any records which are considered student records in accordance with the state or federal law will be maintained in a manner consistent with the provisions of the law.

### **Notice**

Notice of the board's policy on nondiscrimination in education practices and the identity of the CO will be posted throughout the district, and published in the district's recruitment statements or general information publications.

© Neola 2014

### **Legal**

34 C.F.R. Part 104

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

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

## **ADMINISTRATION OF MEDICATION/EMERGENCY CARE**

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

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

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



Nonprescription drug products may be administered to any student during school hours only with the prior written consent of the parent/guardian. Substances, which are not FDA approved (i.e. natural products, food supplements), will require the written instruction of a practitioner and the written consent of the parent/guardian. Only those nonprescription drugs that are provided by the parent or guardian in the original manufacturer's package which lists the ingredients and dosage in a legible format may be administered.

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

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

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

Any bus driver, staff member or volunteer, authorized in writing by the district administrator or director, is immune from liability for his/her acts or omissions in administering medication including, but not limited to glucagon and epinephrine, unless the act or omission constitutes a high degree of negligence. Such immunity does not apply to healthcare professionals.

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

The board shall permit the administration by staff of any medication requiring a delivery method other than oral ingestion when both the medication and the procedure are prescribed by a practitioner and the delivery is under the supervision of a licensed nurse, provided that the staff member has completed any necessary training and that staff member voluntarily agrees to deliver the medication. No staff member, other than a healthcare professional, shall be required to administer medications that are administered by means other than oral ingestion.

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

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

© Neola 2014

Legal

118.29, 118.291, 121.02 Wis. Stats.

PI 8.01(2)(g)

Wis. Admin. Code N 6.03

## **EMERGENCY NURSING SERVICES**

To provide for the protection of the students, the district shall make available emergency nursing services during the regular school day and during all school sponsored activities of students.

The school shall provide for the management of illness (Policy 5310, Policy 5335, Policy 8450, and Policy 8453), accidental injury (Policy 5340 and Policy 5341), and the administration of medication and emergency care (Policy 5330).

The director shall identify a medical advisor.

The school shall make available emergency student information, first aid supplies, and appropriate and accessible space for the rendering of emergency nursing services.

© Neola 2012

Legal

Wis. Stat. 121.02(1)(g)

PI 8.01(2)(g)4

## **STUDENT ACCIDENTS/ILLNESS/CONCUSSION**

The Board of Education believes that school personnel have certain responsibilities in case of accidents, illness or concussions that occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administration personnel, notification of parents/guardians, and the filing of accident reports.

### **Accidents**

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident. However, any staff member or volunteer who, in good faith, renders emergency care to a student is immune from civil liability for his/her acts or omissions in rendering such emergency care.

The administrator in charge must submit an accident report to the district administrator on all accidents.

## **Illness**

School personnel shall not diagnose illness or administer medication of any kind.

## **Concussion**

A concussion is a type of traumatic brain injury. Concussions occur when there is a forceful blow to the head or body that results in rapid movement of the head and causes any change in behavior, thinking, or physical functioning. Concussions are not limited to situations involving loss of consciousness. Some symptoms of a concussion include headache, nausea, confusion, memory difficulties, dizziness, blurred vision, anxiety, difficulty concentrating, and difficulty sleeping.

Each school year students/parents/guardians shall be provided with an information sheet regarding concussion and head injury. If a student is going to participate in an activity where a concussive event may occur, the appropriate release must be signed at least once per school year.

Further, pursuant to AG 5340A – Student Accident/Illness/Concussion parents/guardians who inform coaches and teachers that their child is being treated by a healthcare professional for a concussion must provide written clearance from that healthcare professional for full or limited participation in class, practice, activity, or competition. Prior to receiving written clearance from a healthcare professional, students who have sustained a concussion may not participate in any school-related physical activities.

© Neola 2014

## **Legal**

118.29, 118.293, Wis. Stats.

## **EMERGENCY MEDICAL AUTHORIZATION**

The School will distribute annually to parents or guardians of all students the Emergency Medical Authorization Form. In the event emergency medical treatment for a student is necessary, the School will adhere to the instructions on the authorization form.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the School to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to follow the procedures described in the district administrator's administrative guidelines and are not to abide by any "Do Not Resuscitate" (DNR) agreement that may exist for a student, unless ordered to do so by a court of law.

Legal  
118.29(4), Wis. Stats.

To prevent the spread of contagious diseases, the teacher advisor needs to be informed of all students with a communicable disease prior to attending a face to face. If a student has chicken pox, pinkeye, lice, scabies, impetigo, or strep throat, the student needs to report to the teacher advisor for clearance to participate in face to face activities.

## **HEALTH SERVICES EMERGENCY INFORMATION**

Parents/guardians of each student will be required to complete an emergency information form and return it to the school during the first week of school. Please return this form as promptly as possible, since the information may be needed as early as the first week of school.

## **USE OF RESTRAINT AND SECLUSION WITH STUDENTS**

It is the policy of the Board of Education to permit reasonable measures to be used to restrain or seclude a student only when necessary to prevent the student from hurting himself/herself or any other person or property. All students, including students with disabilities, must be treated with dignity and respect. Behavior interventions and support practices must be implemented in such a way as to protect the health and safety of the students and others.

All employees and "covered individuals" shall comply with state and federal law regarding the use of seclusion and restraint.

Seclusion is defined in the law as the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving.

Individuals covered by the law include employees of a public or charter school and student teachers. The law specifically includes individuals contracted with the school to provide services, such as CESA employees and student teachers.

The "covered individuals" (school employees and contracted individuals who provide services for a public or charter school) may use seclusion with a student only if all of the following apply:

- A. The student's behavior presents a clear, present, and immediate risk to the physical safety of the student or others and it is the least restrictive intervention available.
- B. The seclusion lasts only as long as necessary to resolve the risk to physical safety.
- C. A covered individual maintains constant supervision of the student.
- D. The seclusion room or area is free of objects or fixtures that may injure the student.
- E. The student has adequate access to bathroom facilities, drinking water, necessary medication, and meals.

- F. No door connecting the seclusion room or area to other rooms or areas is capable of being locked.

Physical restraint is defined as a restriction that immobilizes or reduces the ability of a student to freely move his/her torso, arms, legs, or head. The "covered individuals" may only use physical restraint on or with a student only if all of the following apply:

- A. The student's behavior presents a clear, present, and immediate risk to the physical safety of the student or others and it is the least restrictive intervention available.
- B. The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the risk.
- C. There are no medical contraindications to the use of physical restraint.
- D. None of the following maneuvers or techniques are used:
  - 1. those that do not give adequate attention and care to protecting the student's head
  - 2. those that cause chest compression
  - 3. those that place pressure or weight on the student's neck or throat
  - 4. those that constitute corporal punishment
  - 5. those in which mechanical or chemical restraints are used

Actions that are specifically excluded from the definitions of seclusion and physical restraint above include: 1) if a student is not confined to an area from which s/he is physically prevented from leaving; 2) directing a disruptive student to temporarily separate himself/herself from the general activity in the classroom to allow the student to regain control or for the teacher to maintain or regain classroom order; 3) directing a student to temporarily remain in the classroom to complete tasks; or 4) briefly touching or holding a student's hand, arm, shoulder, or back to calm, comfort or redirect the student.

### **Parental Notice and Written Report Requirements**

Whenever seclusion or physical restraint is used with or on a student, the director or his/her designee shall notify the student's parent or guardian as soon as practicable but no later than one (1) business day after the incident. The notice shall advise the parent/guardian of the incident and of the availability of the written report.

The director shall prepare this written report, in consultation with the individuals involved, within two (2) business days of the incident. The written report shall include details of the student and staff involved in the incident, the description of the incident and the actions of the student before, during and after the incident. The written report shall be retained as a record by

the school district and within three (3) business days of the incident, the report shall be made available to the parent/guardian for review.

In addition, the school director will be required to prepare and present an annual report to the board of the number of incidents involving seclusion or physical restraint, the total number of students involved and the number of students with disabilities involved in such incidents.

### **Individual Education Program (IEP) Requirements**

The law requires that for students with identified disabilities under the Individuals with Disabilities in Education Act (IDEA), the first time that seclusion or physical restraint is used on a "child with a disability," the student's Individual Education Program (IEP) team must convene as soon as possible after the incident. The IEP team shall review the student's Individualized Education Plan to ensure that it contains appropriate positive behavioral interventions and supports to address behaviors that are of concern and to revise the IEP if necessary.

### **Mandatory Training For Staff**

Staff who engage in the lawful use of physical restraint shall obtain training as to the methods of preventing the need for physical restraint, identification of dangerous behaviors that may indicate the need for physical restraint and the methods of evaluating risk of harm such that physical restraint is warranted, experience in administering and receiving various types of restraint, instruction on the effects of restraint, monitoring signs of distress during restraint, obtaining medical assistance and demonstrating proficiency in administering physical restraint.

Pursuant to State law, the director shall create and maintain a record of the training received by the employees and school staff covered by the state law governing seclusion and restraint (Act 125).

### **Limited Training Requirement Exception**

Training for staff in the use of physical restraint is required unless the situation is an emergency and a trained individual is not immediately available due to the "unforeseen nature of the emergency." However, at a minimum the school in which physical restraint is used must ensure that at least one (1) employee has been trained in its use.

### **Disciplinary Action For A Violation of This Policy**

In addition to any penalty prescribed by law, the director is directed by this policy to see that a board employee who intentionally, knowingly or recklessly violates this policy is subject to disciplinary action up to and including dismissal. A board employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A board employee engages in conduct "recklessly" if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

### **Retaliation for Fully Implementing or Reporting Violations**

No board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

© Neola 2012

Legal

Individuals with Disabilities Education Act, as amended  
Wis. Stats. Chapter 115 and 118 (115.787 and 118.305)