

# 2021-2022 STUDENT HANDBOOK



**Support Your Schools, and Together, We Can Accomplish Anything!**

**Tomahawk Middle School  
1048 East King Road  
Tomahawk, Wisconsin 54487**

To learn more about Tomahawk Middle School, or to contact staff, please explore our website.

**[www.tomahawk.k12.wi.us](http://www.tomahawk.k12.wi.us)**

#### **OFFICE STAFF**

**Wendell Quesinberry, Principal . . . . . (715) 453-5371 ext. 305**

**Dawn Huseby, Guidance Counselor . . . . . (715) 453-5371 ext. 316**

**Sarah Pfarr, Administrative Assistant . . . . . (715) 453-5371 ext. 300**

#### **OFFICE HOURS**

The Tomahawk Middle School Office will be open from 7:15 am-3:45 pm each weekday.  
Summer office hours may vary.

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Class Schedule for 2021-22

**6<sup>th</sup> Grade**

<u>Period</u>	<u>Start</u>	<u>End</u>
1	8:00	8:45
2 & 3	8:49	10:34
4	10:38	11:26
Lunch	11:26	11:56
5	12:00	12:48
6 & 7	12:52	2:37
TEAM	2:41	3:15

**7<sup>th</sup> Grade**

<u>Period</u>	<u>Start</u>	<u>End</u>
1	8:00	8:45
2 & 3	8:49	10:34
4	10:38	11:26
5	11:30	12:18
Lunch	12:18	12:48
6 & 7	12:52	2:37
TEAM	2:41	3:15

**8<sup>th</sup> Grade**

<u>Period</u>	<u>Start</u>	<u>End</u>
1	8:00	8:50
2	8:54	9:42
3	9:46	10:34
Lunch	10:34	11:04
4	11:08	11:56
5	12:00	12:48
6	12:52	1:40
7	1:44	2:32
TEAM	2:41	3:15

## **WELCOME TO TOMAHAWK MIDDLE SCHOOL!**

This handbook has been prepared to help you better understand the guidelines and procedures here at TMS. Our goal is to provide you with all the information you need to have a successful school year. As you read this please keep in mind we understand the importance of the middle school years in successfully transitioning to the rigors of high school, and we look forward to working with all students and families in this process. Together we can successfully navigate any and all challenges!

We take pride in fostering a welcoming environment where all students can learn in a friendly and safe environment. We encourage parents and students to familiarize themselves with the information contained in this handbook and ask questions on areas that remain unclear.

Together, let's do our part to continue the fine tradition of excellence at Tomahawk Middle School!

Wendell Quesinberry, Principal

## **SCHOOL BOARD**

Kay Kissinger-Wolf, President

Ron Zimmerman, Vice President

Jeffrey Johnson, Treasurer

Deb Velleux, Clerk

Cherie Hafeman

Dick Huseby

David Long

Bonnie Rudie

Shar Kirsch

## **ADMINISTRATION**

Terry Reynolds            District Administrator

Wendell Quesinberry    Principal

Scott Parsons            Athletic Director

Julie Oehmichen        Director of Teaching & Learning

Wendy Simonis          Director of Pupil Services

## **SCHOOL DISTRICT OF TOMAHAWK**

### **MIDDLE SCHOOL PHILOSOPHY**

The School District of Tomahawk believes that students in grades 6, 7, and 8 are at a time when they experience a great amount of change, not only physically, but socially, emotionally and intellectually. It is the desire of the District to form a middle school, comprised of grades 6, 7 and 8 to help students through this unique time period in their lives.

This middle school should be a unique place, a special place just for them. A place where learning is important, but so are the students. It should be a positive school climate, where it feels like a good place to be, where relationships are harmonious, and respect, warmth and caring is evident.

The District further believes that a middle school is not a place where children come to play and not to learn. It is just the opposite. The Middle School is a place that includes high expectations for students where they are expected to develop skills, demonstrate continual progress, and practice appropriate behavior.

It is important to understand that the needs of the students do come first; however, those needs are balanced with instruction in such a way that every child can experience growth and success while developing positive self-esteem. Therefore, the District believes a middle school is not:

- an absence of basics
- permissive discipline
- high tract knowledge offered to an elite few

- skill development through drill and worksheets
- the absence of academic departments
- a place where programs exclude students
- comparing students with each other for grading purposes
- a watered-down high school
- where students become a number
- where failure is accepted

Adopted by the Board of Education

### **ABUSE AND NEGLECT - EDUCATOR’S PERSPECTIVE**

All school staff are required by Wisconsin State Statute to report child abuse and neglect.

A person who is required to report shall immediately inform the Department of Social Services, the City Police Department or County Sheriff’s Department of the facts and circumstances contributing to a suspicion of child abuse or neglect or a belief that abuse or neglect will occur.

Reporting your suspicions of child abuse or neglect to a school administrator or other staff member does not absolve the individual from the responsibility of reporting to the local Department of Social Services or to law enforcement.

Lincoln County Department of Social Services

1-800-666-3119 or 715-536-6200

Oneida County Department of Social Services

715-362-5695

Tomahawk Police Department 715-453-2121

Lincoln County Sheriff 715-536-6272

Oneida County Sheriff 715-369-6212

Abuse can be broken down into four different areas:

#### **Physical Abuse**

“Abuse” means any physical injury inflicted on a child by other than accidental means. Physical injury includes, but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising, or great bodily harm.

#### **Sexual Abuse**

Sexual Abuse includes sexual contact or intercourse, sexual exploitation of a child, permitting, allowing, or encouraging a child to commit prostitution, forced viewing or listening of sexual activity, exposing genitals or pubic area, or the sexual assault of a student by staff.

#### **Emotional Abuse**

Emotional damage (i.e., harm to a child’s psychological or intellectual functioning) for which the child’s parent, guardian, or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary steps to relieve the symptoms.

#### **Neglect**

Failure, refusal or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, for reasons other than poverty to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of a child.

### **School District of Tomahawk**

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

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

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

- use of objective bases for admission to any school, class, program, or activity;
- prohibition of harassment towards students and procedures for the investigation of claims (see Policy 5517);

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

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

(Board Policies: 2260,2260.01, 5517,1422, 3122, 4122, 1623, 3123, 4123, 1662, 3362, 4362)

### **EQUAL EDUCATION OPPORTUNITY/ANTI-HARASSMENT**

It is the policy (Policy 2260) of the District to provide an equal education opportunity for all students. The right of a student to be admitted to school and to participate fully in curricular, extra-curricular, student services, recreational or other programs or activities shall not be abridged or impaired based on the traits of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or state civil rights laws (hereinafter referred to as "Protected Characteristics") or other protected characteristics as well as place of residence within District boundaries, or social or economic background.

Students who have been identified as having an impairment or disability under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act shall be provided with appropriate educational services. Parents who have questions should contact Wendy Simonis at 715-453-2126.

It is also the policy (Policy 5517) of the District to maintain an educational environment that is free from all forms of harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of harassment. This policy applies to conduct occurring in any manner or setting over which the Board can exercise control, including on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

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

Any person who believes that the Tomahawk Middle School or any staff person has discriminated against them in violation of these policies may file a complaint. A formal complaint can be made in writing to a District Compliance Officer listed below:

**Wendy Simonis**  
**Special Education & Pupil Services Director**  
**715-453-2126**  
**1048 E. King Road**  
**Tomahawk, WI 54487**  
[simonisw@tomahawk.k12.wi.us](mailto:simonisw@tomahawk.k12.wi.us)

**Ryan Huseby**  
**High School Principal**  
**715-453-2106**  
**1048 E. King Road**  
**Tomahawk, WI 54487**  
[husebyr@tomhawk.k12.wi.us](mailto:husebyr@tomhawk.k12.wi.us)

The complaint procedure is described in Board Policies 2260 and 5517. The policies are available in the School office and on the District's web page.

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

If at any time during the investigation process the investigator determines that the complaint is properly defined as Bullying, under Policy 5517.01 - Bullying, and not harassment under Policy 5517, because the conduct at issue is not based on a student's Protected Characteristics, the investigator shall transfer the investigation to the appropriate building principal.

Under no circumstances will the District threaten or retaliate against anyone who raises or files a complaint.

Our school is committed to an educational environment that is free of harassment of any form. Our school will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it, including suspension or expulsion of students and disciplinary action against any other individual in the School District community. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our students.

Harassment means behavior toward a student or group of students based, in whole or in part on the traits of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or state civil rights laws (hereinafter referred to as "Protected Characteristics which substantially interferes with the student's school or academic performance or creates an intimidating, hostile or offensive school environment. Harassment may occur student-to-student, student-to-staff, staff-to-student, male-to-female, female-to-male, male-to-male, or female-to-female. Examples of conduct that may constitute harassment include:

- A. graffiti containing offensive language;
- B. name calling, jokes or rumors;
- C. threatening or intimidating conduct directed at another because of the other's protected characteristic (e.g., sex, race, learning disability);
- D. Notes or cartoons;
- E. Slurs, negative stereotypes, and hostile acts which are based upon another's protected characteristic;
- F. Written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- G. A physical act of aggression or assault upon another because of, or in a manner reasonably related to, the individual's protected characteristic; or
- H. Other kinds of aggressive conduct such as theft or damage to property, which is motivated by a protected characteristic.

#### **NONDISCRIMINATION ON THE BASIS OF SEX**

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

**Wendy Simonis**

**Special Education & Pupil Services Director**

**715-453-2126**

**School District of Tomahawk**

**1048 E. King Road**

**Tomahawk, WI 54487**

**simonisw@tomahawk.k12.wi.us**

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

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

It is a violation of this policy for anyone to knowingly making false statements or knowingly submitting false information during the sex discrimination complaint process, including intentionally making a false report of sexual harassment, or submitting a false formal complaint. The District will not tolerate such conduct, which is a violation of the Student Code of Conduct.

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or Policy 2266, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, is a serious violation of Board Policy 2266 that can result in the imposition of disciplinary sanctions, consequences, and/or other appropriate remedies.

All students, parents, and their representatives are advised to review Board Policy 2266 for more information and detail regarding the District's commitment to nondiscrimination on the basis of sex.

(Board Policy 2266)

### **SEXUAL HARASSMENT**

Sexual harassment is prohibited in our school and at school-sponsored activities in accordance with Board Policy 5517.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

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

**Sexual harassment may include, but is not limited to:**

- A. unwelcome verbal harassment or abuse;
- B. unwelcome pressure for sexual activity;
- C. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of students by teachers, administrators or other school personnel to avoid physical harm to persons or property;
- D. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status;
- E. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status; or
- F. unwelcome behavior or words directed at an individual because of their sex or sexual orientation;

**Sexual harassment examples include, but are not limited to:**

- A. Repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
- B. Rating a person's sexuality or attractiveness;
- C. Staring or leering at various parts of another person's body;
- D. Spreading rumors about a person's sexuality;
- E. Letters, notes, telephone calls or materials of a sexual nature;
- F. Displaying pictures, calendars, cartoons or other materials with sexual content;



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

It is also the policy of the School that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the school, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student. An inappropriate boundary invasion by a District employee or other adult member of the School District community into a student's personal space and personal life is sexual harassment.

If you wish to report harassment, please contact either of the District's Title IX Coordinator listed below:

**Wendy Simonis**  
**Special Education & Pupil Services Director**  
**715-453-2126**  
**1048 E. King Road**  
**Tomahawk, WI 54487**  
[simonisw@tomahawk.k12.wi.us](mailto:simonisw@tomahawk.k12.wi.us)

**Ryan Huseby**  
**High School Principal**  
**715-453-2106**  
**1048 E. King Road**  
**Tomahawk, WI 54487**  
[husebyr@tomhawk.k12.wi.us](mailto:husebyr@tomhawk.k12.wi.us)

Any person may report sexual discrimination, including sexual harassment, to the District's Title IX Coordinator listed above, regardless of whether the person is the alleged victim of the reported conduct. The report may be made in person, by mail, by telephone, or by email. The report may be made at any time, including during nonbusiness hours.

A copy of Board Policy 2266 - Nondiscrimination of the Basis of Sex in Education Programs or Activities, including the reporting, investigation, and resolution procedures, is available in the school office and on the District's website. Board Policy 5517 – Student Anti-Harassment, as well as the Board Policy 2266, both contain the complaint procedures and steps for investigating complaints under these policies.

Any person who is unsure about how to submit a complaint of discrimination, harassment, or sexual harassment is encouraged to immediately contact one of the listed Compliance Officers, a Title IX Coordinator, an administrator, or any trusted member of the staff for assistance in filing a complaint.

Retaliation against a person who files a complaint is prohibited by Board policy and Federal law. Any allegation of retaliation should be filed immediately with assurance that it will be taken seriously and fully investigated by the District.

### **TITLE IX REGULATIONS**

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

The School District of Tomahawk's Title IX policy can be read in its entirety on the school website or in Appendix A of this handbook.

The District encourages informal resolution of complaints under this policy. A formal complaint resolution procedure is available; however, to address allegations of violations of the policy in the Tomahawk School District.

Any questions concerning this policy should be directed to the Title IX Coordinator:

**Wendy Simonis**  
**Special Education & Pupil Services Director**  
**715-453-2126**  
**1048 E. King Road**  
**Tomahawk, WI 54487**

## **BULLYING**

Bullying is defined as a person willfully and repeatedly exercising power or control over another with hostile or malicious intent. Bullying can be physical, verbal, electronically transmitted, psychological (e.g., emotional abuse), through attacks on the property of another, or a combination of any of these. Examples of bullying include:

- 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 web sites, and defamatory online personal polling web sites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others.

All complaints about aggressive behavior that may violate this policy shall be promptly investigated. If the investigation finds that aggressive behavior has occurred, it will result in prompt and appropriate discipline, co-curricular sanctions and/or disciplinary action up to and including suspension or expulsion. Individuals may also be referred to law enforcement officials.

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.

(Board Policy 5517.01)

## **STUDENT HAZING**

Hazing activities of any type are inconsistent with the educational process and may in some circumstances be a violation of State law. The Board prohibits all such activities at any time in school facilities, on school property, and at any District-sponsored activity or event.

Hazing is defined 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.

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 the Principal or to the District Administrator.

Students 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.

(Board Policy 5516)

### **SECTION 504/ADA COMPLAINT**

Any person who believes that the Tomahawk Middle School or any staff person has discriminated against them in violation of the District's Section 504/ADA Policy 2260.01 may file a complaint. A formal complaint can be made in writing to a District Compliance Officer listed below:

**Wendy Simonis**  
**Special Education & Pupil Services Director**  
**715-453-2126**  
**1048 E. King Road**  
**Tomahawk, WI 54487**  
[simonisw@tomahawk.k12.wi.us](mailto:simonisw@tomahawk.k12.wi.us)

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**Tomahawk, WI 54487**  
[husebyr@tomhawk.k12.wi.us](mailto:husebyr@tomhawk.k12.wi.us)

The complaint procedure is described in AG 2260.01A and AG 2260.01B and are available in the School office and on the District's website.

### **INJURY AND ILLNESS**

All injuries must be reported to a teacher or to the office staff. If minor, the student will be treated and may return to class. If medical attention is required, the office will follow the School's emergency procedures.

A student who becomes injured or ill during the school day should request permission from the teacher to go to the office. The office staff will determine whether the student should remain in school or go home. No student will be released from school without proper parental permission. (Board Policy 5340)

### **SCHEDULING AND ASSIGNMENT**

Schedules are provided to each student at the beginning of the school year or upon enrolling. The schedule is based upon the student's needs and available class space. **Tomahawk Middle School cannot accept or consider requests regarding a specific teacher or teaching team. It is not possible for us to honor every parental request and thus would create an equity issue. Parents are encouraged to provide the school with input and information, but class placement will remain solely a school decision.** Any changes in a student's schedule should be handled through the Guidance Department. Students are expected to follow their schedules. Any variation should be approved with a pass or schedule change.

Foreign students and foreign-exchange students (from recognized and approved student programs) are eligible for admission on the same basis as other non-resident students.

### **EARLY DISMISSAL**

No student will be allowed to leave school prior to dismissal time without a written request signed by the parent or a person whose signature is on file in the school office, or the parent/guardian coming to the school office to request the release. No student will be released to a person other than a custodial parent(s) or guardian without a permission note signed by the custodial parent(s) or guardian.

(Board Policies 5200 and 5230)

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

The School District 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, and the filing of accident reports.

(Board Policy 5340)

### **USE OF PRESCRIBED MEDICATIONS**

In those circumstances where a student must take prescribed medication during the School day, the following guidelines of Board Policy 5330 are to be observed.

- A. Parents should, with their physician's advice, determine whether the medication schedule can be adjusted to avoid administering medication during school hours.
- B. The Medication Request and Authorization Form must be filed with the Principal before the student will be allowed to begin taking any medication during school hours. The forms are available in the School office.
- C. All medications to be administered during school hours must be registered with the Tomahawk Middle School Office.
- D. Medication that is brought to the Tomahawk Middle School Office will be properly secured.
- E. Medication may be conveyed to school directly by the parent.
- F. For each prescribed medication, the container shall have a pharmacist's label with the following information:
  1. student's name;
  2. practitioner's name;
  3. date;
  4. pharmacy name and telephone;
  5. name of medication;
  6. prescribed dosage and frequency; and
  7. special handling and storage directions.
- G. Medication MAY NOT be sent to school in a student's lunch box, pocket, or other means on or about his/her person, except for emergency medications for allergies and/or reactions.
- H. Any unused medication unclaimed by the parent will be destroyed by School personnel when a prescription is no longer to be administered or at the end of a school year.

A log for each prescribed medication shall be maintained which will note the personnel giving the medication, the date, and the time of day. This log will be maintained along with the physician's written request and the parent's written release.

### **USE OF NONPRESCRIBED DRUG PRODUCTS**

Possession, administration, and use of nonprescription drug products shall be in accordance with Board Policy 5330.

Staff and volunteers will not be permitted to dispense nonprescribed drug products to any student without written parental consent.

The Nonprescription Drug Product Request and Authorization Form must be filed with the school nurse or Principal or designee of Principal before the student will be allowed to begin taking any medication during school hours.

For each nonprescription drug product, the container shall be the original manufacturer's package and the package must list in a legible format the ingredients and recommended therapeutic dose.

The parents request to administer a nonprescription drug product shall contain the following information:

- A. student's name;
- B. date;
- C. name of medication;
- D. dosage and frequency; and
- E. special handling and storage directions.

Parents may authorize the school to administer a nonprescribed drug product using a form which is available at the school office. A physician does not have to authorize such medication.

If a student is found using or possessing a nonprescribed drug product without parent authorization, s/he will be brought to the school office and the parents will be contacted for authorization. The medication will be confiscated until written authorization is received.

Any student who distributes a medication of any kind to another student or is found to possess a medication other than the one previously authorized is in violation of the school's Code of Conduct and may be disciplined in accordance with the drug-use provision of the Code.

### **CBD PRODUCTS**

**In accordance with Board Policy 5330, students and parents are reminded of the following regulation regarding CBD product use, possession, and distribution on District property or at school activities:**

Lawful, Hemp-derived CBD products may be stored at school in a specific location, in its original packaging and allowed for self-administered use under the supervision of school staff and subject to appropriate physician's certificate and parent/guardian documentation.

**DIRECT CONTACT COMMUNICABLE DISEASES**

In the case of non-casual-contact communicable diseases, the school still has the obligation to protect the safety of the staff and students. In these cases, the person in question will have his/her status reviewed by a panel of resource people to ensure that the rights of the person affected and those in contact with that person are respected. The school will seek to keep students and staff in school unless there is definitive evidence to warrant exclusion. (Board Policy 8453) Non-casual-contact communicable diseases include sexually transmitted diseases, AIDS (Acquired Immune Deficiency Syndrome), ARC-AIDS Related Complex, HIV (Human Immunodeficiency Virus), Hepatitis B, and other diseases that may be specified by the Wisconsin Department of Health Services.

As required by Federal and State law, parents may be required to have their child's blood checked for HIV and HBV, and other blood-borne pathogens when the child has bled at school and students or staff members have been exposed to the blood. Any testing is subject to laws protecting confidentiality.

**STUDENTS WITH DISABILITIES**

The American's with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act provide that no individual will be discriminated against on the basis of a disability (Board Policy 2260.01). This protection applies not just to the student, but to all individuals who have access to the District's programs and facilities.

A student can access Special Education services through the proper evaluation and placement procedure. Parent involvement in this procedure is generally required. More important, the school encourages parents to be active participants. To inquire about Special Education programs and services, a parent should contact the Special Education/Pupil Services Director at 715-453-2126. (Board Policy 2460)

The District 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.

**SERVICE ANIMALS AND OTHER ANIMALS ON DISTRICT PROPERTY**

Students, parents, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and Board Policy 8390.

Other animals permitted in schools and elsewhere on District property shall be limited to those necessary to support specific curriculum-related projects and activities as approved by the principal.

An emotional support animal is not granted the same access to school buildings and classrooms, as service animals. The District is not required to grant students' requests that they be permitted to bring an emotional support animal to classes or on school grounds for any purpose. Therapy dogs which meet the certification and documentation requirements in Policy 8390 may be allowed limited access to the schools to perform their educational purpose as determined by the principal.

**STUDENTS WITH LIMITED ENGLISH LANGUAGE PROFICIENCY**

The District recognizes that there may be students enrolled whose primary language is not English. The District provides appropriate identification and transition services for students who possess limited English language proficiency. The purpose of these is to inquire about programs and services is to develop English language skills that will enable the students to function successfully in an all English classroom and complete the District's required curriculum. (Board Policy 2260.02)

**STUDENT RECORDS**

The origination and maintenance of appropriate student records are essential to the effective operation of the District and meeting the educational interests of students. The rights and responsibilities of students, parents and the District

with respect to student records are governed by State and Federal law (Board Policy 8330). Many student records are kept by teachers, counselors, and administrative staff. There are two (2) basic kinds of student records - directory information and confidential records.

Directory information can be given to any person or organization when requested, unless the parents of the student object in writing to the disclosure as required under school policy and State and Federal law. Directory information is specified in Policy 8330 and includes

- A. student's name,
- B. address,
- C. telephone number,
- D. date and place of birth,
- E. photograph,
- F. major field of study,
- G. participation in officially recognized activities and sports,
- H. weight and height of members of athletic teams,
- I. dates of attendance,
- J. date of graduation,
- K. photographs,
- L. name of school most recently previously attended,
- M. degrees and awards received.

Directory information also includes a student ID number, user ID, or other unique personal identifier used by the student when accessing or communicating in a District's electronic systems, if, standing alone, it cannot be used to access student education records, (i.e. a pin number, password, or other factor is also needed).

If parents and eligible students do not submit such written notification to the District, directory information may be utilized by the District Administrator in District-wide publications, on the cable television educational access channel, or on the District's website. The directory information used will be properly verified and approved by the District Administrator.

Student records are generally considered confidential under State and Federal law and may not be released to third parties unless the student's parents' consent in writing. However, there are exceptions to confidentiality, and requests for records within these exceptions may be granted without a parent's written consent. If you have questions about the confidentiality of student records and/or the release of student records to third-parties, please contact the TMS Principal or consult the Board's Policy 8330 - Student Records and associated Administrative Guidelines.

Parents and students are reminded of: 1) their rights to inspect, review and obtain copies of students records; 2) their rights to request the amendment of the student's school records if they believe the records are inaccurate or misleading; 3) their rights to consent to the disclosure of the student's school records, except to the extent State and Federal law authorizes disclosure without consent; 4) the categories of student record information which have been designated as directory information and their right to deny the release of such information; and 5) their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

Consistent with the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

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

Consistent with the PPRA and Board policy, parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation. Please contact the TMS Principal to inspect such materials.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

The District Administrator will provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the District Administrator is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:

- A. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information for otherwise providing that information to others for that purpose); and
- B. the administration of any survey by a third party that contains one or more of the items described in A through H above.

The Family Policy Compliance Office in the U.S. Department of Education administers both Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights Amendment (PPRA). Parents and/or eligible students who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW 20202-4605  
Washington, D.C.  
[www.ed.gov/offices/OM/fpco](http://www.ed.gov/offices/OM/fpco)

Informal inquiries may be sent to the Family Policy Compliance Office via the following email addresses:

FERPA@ED.Gov; and  
[PPRA@ED.Gov](mailto:PPRA@ED.Gov).

### **EMERGENCY CLOSINGS AND DELAYS**

If the school must be closed or the opening delayed because of inclement weather or other conditions, the school will use the following notification process:

- A. notice of such closing will be given over the radio station WJJQ (92.5 FM) and TV stations WSAW – 7, WAOW – 9 and WJFW – 12.
- B. A Skylert phone message will call the student’s primary phone number.
- C. All co-curricular activities scheduled on that day would also be canceled.

Parents and students are responsible for knowing about emergency closings and delays. (Board Policy 8220)

### **PREPAREDNESS FOR TOXIC AND ASBESTOS HAZARDS**

The School is concerned for the safety of students and attempts to comply with all Federal and State Laws and Regulations to protect students from hazards that may result from industrial accidents beyond the control of school officials or from the presence of asbestos materials used in previous construction. A copy of the School District’s Toxic Hazard Policy and asbestos management plan will be made available for inspection at the District office upon request. (Board Policies 8431 and 8431.01)

### **VISITORS**

Visitors, particularly parents, are welcome at the School. In order to properly monitor the safety of students and staff, each visitor must report to the office upon entering the school to register and obtain a pass. Any visitor found in the building without a pass shall be reported to the Principal and/or law enforcement.

If a person wishes to confer with a member of the staff, s/he should call for an appointment prior to coming to the school, in order to prevent any loss of instructional time. Visitors access to classrooms and instructional activities are subject to reasonable restrictions and limits. Please consult with the Principal regarding these restrictions. Students may not bring visitors to school without first obtaining written permission from the Principal. (Board Policies 7440 and 9150) In accordance with 120.13(35), Wis. Stats., the District Administrator has the authority to establish conditions for entering or remaining in a District building, prohibit the entry of any person to a school of this District, or to require a visitor to leave when there is reason to believe the presence of such person would be or is detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, administrators are authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

### **USE OF CELL PHONES OR PERSONAL COMMUNICATION DEVICES**

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

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

For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.)), and/or other web-enabled devices of any type. Students may not use PCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school. Students may use PCDs while riding to and from school on a school bus or other Board-provided vehicles or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher, and/or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

Under certain circumstances, a student may keep his/her PCD "On" with prior approval from the building principal.

Except as authorized by a teacher, administrator or IEP team, students are prohibited from using PCDs during the school day, including while off-campus on a field trip, to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a PCD to violate the privacy rights of another person may have their PCD confiscated and held until the end of the school day. If the violation involves potentially illegal activity, the confiscated-PCD may be turned-over to law enforcement.

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

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property. Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other



materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law. Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

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

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

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

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

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

TMS students are required to keep all non-school issued electronic devices in their lockers at all times during the school day.

(Board Policy 5136)

### **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.

(Board Policy 3217, 4217, 5772, 7217)

### **VIDEO SURVEILLANCE**

The Board of Education has authorized the use of video surveillance and electronic monitoring equipment at various school sites throughout the school. Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action. (Board Policy 7440.01)

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

Students are encouraged to use the school's technology resources for educational purposes. Use of such resources is a privilege, not a right. Students must conduct themselves in a responsible, efficient, ethical, and legal manner. Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Unauthorized or inappropriate use, including any violation of the District's policies and administrative guidelines, may result in cancellation of the privilege, disciplinary action consistent with the School's rules, and civil or criminal liability. Smooth operation of the School's network relies upon users adhering to the District's policies and

administrative guidelines. Prior to accessing the Internet at School, students must sign the Student Technology Acceptable Use and Safety Agreement each year.

Violation of the Student Technology Acceptable Use and Safety Agreement may result in disciplinary consequences up to and including expulsion from the District, civil liability and/or referral to law enforcement.

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.

Use of District technology resources to engage in "cyberbullying" is prohibited. "Cyberbullying" involves the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, which is intended to harm others."

Cyberbullying includes, but is not limited to the following:

1. posting slurs or rumors or other disparaging remarks about a student or school staff member 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 and/or sexually explicit photographs/recordings of students or school staff;
4. posting misleading or fake photographs of students or school staff members on web sites.

To the extent permitted by the First Amendment, instances of cyberbullying off school grounds that disrupt the school environment or interfere with the learning process will be considered violations of the Student Code of Conduct. (Board Policy 7440.03)

Students shall not access social media for personal use from the District's network but shall be permitted to access social media for educational use in accordance with their teacher's approved plan for such use.

### **STUDENT ASSESSMENT**

To measure student progress, students will be tested in accordance with State standards and District policy. (Board Policy 2623)

Additional group tests are given to students to monitor progress and determine educational mastery levels. These tests are used to help the staff determine instructional needs.

Classroom tests will be used to assess student progress and assign course grades. These are selected or prepared by teachers to assess how well the students have achieved specific objectives.

Vocational and interest surveys may be given to identify particular areas of student interest or talent. These are often given by the school counseling staff.

If necessary, intelligence tests, speech and language evaluations, individually administered achievement tests, and other special testing services are available to students needing these services.

Depending on the type of testing, specific information and/or parent consent may need to be obtained. The assessment program will not violate the rights of consent and privacy of a student participating in any form of evaluation.

### **SCHOOL SPONSORED PUBLICATIONS AND PRODUCTIONS**

The Board of Education sponsors student publications and productions as a means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society. (Board Policy 5722)

Regardless of their status as non-public or limited-purpose public *forums*, the Board prohibits publications, productions and advertisements that:

- A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;
- B. fail to identify the student or organization responsible for the publication/performance;
- C. solicit funds for nonschool organizations or institutions when such solicitations have not been approved by the Board.

## **ATTENDANCE**

The District requires all students to attend school regularly in accordance with the laws of Wisconsin and Board Policy 5200. The school's educational program is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and their participation in a well-planned instructional activity under the guidance of a competent teacher are vital to this purpose.

### **Compulsory Student Attendance**

All children between six (6) and eighteen (18) years of age shall attend school regularly during the full period and hours, religious holidays excepted, that the school is in session. All students must attend until the end of the term, quarter or semester of the school year in which the child becomes eighteen (18) years of age unless they fall under an exception outlined in the Policy 5200. A child who is enrolled in five (5) year-old kindergarten shall attend school regularly, religious holidays excepted, during the full period and hours that kindergarten is in session until the end of the school term. Attendance is also defined as participation in the various forms of distance learning including videoconference, satellite, Internet or other electronic information and telecommunications technologies.

### **Excuse for Absence**

A parent of a student who is absent shall provide **either** a written or oral notification stating the reason for and the time period of the absence. This statement must be submitted prior to the absence if the absence is foreseeable. If the absence is not foreseeable, the statement must be provided prior to the student's readmission to school. The statement shall be submitted to the school office, School Attendance Officer and filed in the student's school record. The District reserves the right to verify statements and investigate absences from school.

### **Release of Students to Authorized Persons**

If only one(1) parent is permitted to make educational decisions or to approve absences of the student by Court order, the responsible parent shall provide the school with a copy of the Court order. Absent such notice, the school will presume that the student may be released into the care of either parent.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized by a parent with authority to do so.

### **Excused Absences**

A student shall be excused from school for the following reasons:

#### **Physical or Mental Condition**

The student is temporarily not in proper physical or mental condition to attend a school program. If the absence exceeds 3 days, the inability of the student to attend school due to a physical or mental condition must be certified in writing by a licensed physician, dentist, chiropractor, optometrist or psychologist or Christian Science practitioner living and residing in Wisconsin, who is listed in the Christian Science Journal. The time period for which the certification is valid may not exceed thirty [30] days.

#### **Obtaining Religious Instruction**

Students may wish to obtain religious instruction outside the school during the required school period. The time period or periods of absence shall be determined by building principal. Such absences must be at least 60 minutes but not more than 180 minutes per week. Requests for absence under this paragraph shall be denied if the student fails to attend religious instruction after requesting to be absent from his or her regular school. The supervisor of such religious instruction shall report monthly, to the principal of the school regularly attended, the names of the students who attended such weekly religious instruction. See Policy 5223 - Religious Instruction for further details.

#### **Permission of Parent or Guardian**

The student may be excused by his or her parent or guardian before the absence for any or no reason. A student may not be excused for more than ten (10) days under this paragraph and must complete any course work missed during the absence. Examples of reasons for being absent that should be counted under this paragraph include, but are not limited to, the following:

- professional and other necessary appointments (e.g., medical, dental, and legal) that cannot be scheduled outside the school day

- to attend the funeral
- legal proceedings that require the student's presence
- college visits
- job fairs
- vacations

Parents are encouraged not to take their child out of school for vacations. When a family vacation must be scheduled during the school year, the parents should discuss the matter with the Principal and the student's teacher(s) to make necessary arrangements.

#### Religious Holiday

The student wishes to observe a religious holiday consistent with the student's creed or belief.

#### **Suspension or Expulsion**

The student has been suspended or expelled.

#### **Truancy**

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

When a student is truant, the School Attendance Officer shall ensure that all applicable provisions of the District's Truancy Plan are carried out.

#### **Unexcused Absences**

Unexcused absences demonstrate a deliberate disregard for the educational program and are considered a serious matter. The Principal will determine on a case-by-case basis the appropriate methods to deal with unexcused absences. The following methods may be considered:

- Counseling the student;
- Requiring the student to make-up course work and/or examinations, as permitted under this Guideline;
- Conferring with the student's parents;
- Suspending the student from school;
- Referring the student to an appropriate agency for assistance.

Administrative action to address unexcused absences shall be in accord with due process as defined in Policy 5611, the Student Code of Conduct, and other applicable Board Policies.

#### **Late Arrival and Early Dismissal**

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

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

- As an agent for the education of the children of this District, the Board shall require that the school be notified in advance of such absences by
- written (including email)
- personal (phone or face-to-face)

request of the student's parent, who shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the Principal.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her.

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

#### **Habitual Truancy**

A student is considered a habitual truant if he or she is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester. When a student initially becomes a habitual truant, the School Attendance Officer shall ensure that all applicable provisions of the District's Truancy Plan are carried out.

#### Parent/Guardian Responsibilities

It is the responsibility of the student's parent or guardian to ensure that their child attends school regularly. Parents are expected to provide an excuse for all absences.

### Student Responsibilities.

Students are required to attend all classes and other school activities on their daily schedule, unless they have been excused from school.

#### **Students Leaving School During the School Day**

No staff member shall permit or cause any student to leave school prior to the regular hour of dismissal except with the knowledge and approval of the Principal and with the knowledge and approval of the student's parents.

No student will be released to any government agency without proper warrant or written parental permission except in the event of an emergency as determined by Principal.

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

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

#### **Unexcused Absences**

- Credit in a course or subject shall not be denied solely because of a student's unexcused absence from school.
- A student whose absence from school was unexcused shall be permitted to make-up course work and quarterly, semester or grading period examinations missed during the absence if the student is at risk of receiving no credit in a course or subject if the work is not made up.
- Subject to the immediately preceding two paragraphs, credit may, but is not required to be given for the completion of make-up work. Further, credit for make-up work may be given only after the student has satisfied consequences imposed for unexcused absences. The extent to which make-up credit is given shall be determined on a case-by-case basis by the Principal and the respective teachers.

If make-up work is allowed, it is the student's responsibility to contact his or her teachers to determine what course work and examinations must be made-up. Teachers shall have the discretion to assign substitute course work and examinations. Teachers shall also have the discretion to specify where and when examinations and course work shall be completed, including outside regular school hours. The time for completing the work shall be commensurate with the length of the absence, unless extended by the Principal based upon extenuating circumstances.

#### **Tardiness**

- Students who are not in their homeroom or in class when the late bell rings are considered tardy.
- Students who attend any part of the class shall be recorded as present.
- High School/Middle School All students who are tardy to school must report to the principal's office to sign in.
- When a teacher detains a student after class, s/he shall issue a late pass for the student's next class.
- Teachers are requested to refer cases of chronic tardiness to the principal.

### **STUDENT BEHAVIOR**

A major component of the educational program is to prepare students to become responsible workers and citizens by learning how to conduct themselves properly and in accordance with established standards.

#### **Expected Behaviors**

Each student shall be expected to:

- abide by national, State, and local laws as well as the rules of the school;
- respect the civil rights of others;
- act courteously to adults and fellow students;
- be prompt to school and attentive in class;
- work cooperatively with others when involved in accomplishing a common goal regardless of the other's ability, sex, sexual orientation, race, or ethnic background;
- complete assigned tasks on time and as directed;
- help maintain a school environment that is safe, friendly, and productive;
- act at all times in a manner that reflects pride in self, family and in the school.

## **DRUG ABUSE PREVENTION**

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

- As the educational institution of this community, our school strives to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

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

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

The use, possession, concealment, or distribution of any drug, drug look-alike and any drug-paraphernalia at any time on school property or at any school-related event is prohibited. Disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school's drug abuse guidelines. (Board Policy 5530)

## **USE OF TOBACCO/NICOTINE IS PROHIBITED**

The Board of Education is committed to providing students, staff, and visitors with a tobacco and smoke-free environment. The negative health effects of tobacco and nicotine use for both users and non-users, particularly in connection with second hand smoke, are well-established. In addition, students less than eighteen (18) years of age are generally prohibited by law from purchasing or possessing cigarettes and other tobacco products.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, "vapor," or other substitute or simulated forms of cigarettes, clove cigarettes and any other lighted smoking devices for burning tobacco or any other substance. The use of other products containing nicotine, such as nicotine patches and nicotine gum is also prohibited except when a student provides documentation from a licensed medical practitioner that the student's use of non-tobacco nicotine products is being medically supervised for the cessation of a nicotine addiction and the student complies with Policy 5330 - Administration of Medication. Accordingly, the Board prohibits students from using or possessing tobacco or nicotine in any form on District premises, in District vehicles, within any indoor or outdoor facility owned or while leased or contracted for by the District and used to provide education or library services to children, and at all District-sponsored events. (Board Policy 5512)

## **STUDENT CODE OF CLASSROOM CONDUCT**

The school is committed to maintaining an orderly and safe academic atmosphere. Teachers are expected to create a positive learning environment and to maintain proper order in the classroom. Students are expected to behave in the classroom in a manner that allows teachers to effectively carry out their lessons and allows students to participate in classroom learning activities. Students are also expected to abide by all rules of behavior established by the school and their classroom teachers.

Such rules of behavior include a prohibition on knowingly making false statements or knowingly submitting false information during a sex discrimination complaint process, including intentionally making a false report of sexual harassment or submitting a false formal complaint. Providing false information is a violation of the Student Code of Conduct.

To ensure adherence to these expectations and principles, the Board of Education has adopted this Code of Classroom Conduct, which applies to all students. (Board Policy 5500)

### **Grounds for Removal of a Student from Class**

Disturbances that interrupt the learning process cannot be permitted by any teacher. A teacher may temporarily remove a student from the teacher's class if the student violates the Code of Classroom Conduct. Additionally, the student may be removed from the class for a longer period of time within the discretion of the Principal. A student removed from class may also be placed in an alternative education setting.

Removal of a student from class for violating the Code of Classroom Conduct or placement of the student in an alternative educational setting does not prohibit the school from further disciplining the student for the conduct that caused removal or placement including, but not limited to, suspending or expelling the student.

It is neither possible nor necessary to specify every type of improper or inappropriate behavior for which a teacher may remove a student from class. Provided below, however, are examples of reasons a student may be removed from class. A teacher may remove a student from class for conduct or behavior that:

- A. would result in suspension or expulsion under the Board's policies and procedures;
- B. violates the behavioral rules and expectations of the school;
- C. is dangerous, disruptive or unruly. Such behavior includes, but is not limited to, the following:
  - 1. possession or use of a weapon or look-alike or other item that might cause bodily harm to persons in the classroom;
  - 2. being under the influence of alcohol or controlled substances or otherwise violating the District alcohol and drug policy;
  - 3. behavior that interferes with a person's work or school performance or creates an intimidating, hostile, harassing, or offensive classroom environment;
  - 4. arguing, taunting, baiting, inciting or encouraging an argument or disruption or group posturing to provoke altercations or confrontations;
  - 5. disruption or intimidation caused by gang or group symbols or gestures, or gang or group posturing to provoke altercations or confrontations;
  - 6. pushing, striking, or other inappropriate physical contact with a student or staff member;
  - 7. interfering with the orderly operation of the classroom by using, threatening to use or counseling others to use violence, force, coercion, threats, intimidation, fear, or disruptive means;
  - 8. dressing or grooming in a manner that presents a danger to health or safety, causes interference with work, or creates classroom disorder;
  - 9. restricting another person's freedom to properly utilize classroom facilities or equipment;
  - 10. repeated classroom interruptions, confronting staff argumentatively, making loud noises, or refusing to follow directions;
  - 11. throwing objects in the classroom;
  - 12. repeated disruptions or violations of classroom rules, or excessive or disruptive talking;
  - 13. behavior that causes the teacher or other students fear of physical or psychological harm;
  - 14. willful damage to or theft of school property or the property of others; or
  - 15. repeated use of profanity.
- D. interferes with the ability of the teacher to teach effectively. Such conduct includes, but is not limited to, the following:
  - 1. repeated reporting to class without bringing necessary materials to participate in class activities; or
  - 2. possession of personal property by school rules or otherwise disruptive to the teaching and learning of others.
- E. shows disrespect or defiance of the teacher, exhibited in words, gestures or other behavior; or
- F. is inconsistent with class decorum and the ability of others to learn. Such behavior includes, but is not limited to, sleeping in class, blatant inattention, or other overt or passive refusal or inability to engage in class activities.

#### **Procedure for Student Removal From Class**

When a student is removed from class, the teacher shall send or escort the student to the Principal and inform the Principal of the reason for the student's removal from class. The teacher shall provide the Principal with a written

explanation of the reasons for the removal of the student within twenty-four (24) hours of the student's removal from class.

The Principal will generally give the student an opportunity to briefly explain the situation. The Principal shall then determine the appropriate educational placement for the student.

### **Student Placement**

The Principal shall place the student, who has been removed from a class by a teacher, in one of the following alternative educational settings:

- A. an alternative education program approved by the Board under State law;
- B. another instructional setting, time-out, in-school suspension or out-of-school suspension; or
- C. the class from which the student was removed if, after weighing the interests of the student, the other students in the class, and the teacher, the Principal determines that readmission to the class is the best or only alternative.

### **Parent/Guardian Notification Procedures**

The Principal shall provide the parent or guardian of a student removed from class-with written notice of the removal and the reason(s) for the removal. The notification shall be made as soon as practicable, but no later than two (2) school days after the student's removal from class. The notice shall also include the reasons for the student's removal and the placement made by the Principal. If the removal from class and change of educational placement involves a student with a disability, the parent notification shall be made consistent with State and Federal laws and regulations applicable to disabled students.

If the student removed from a class is subject to disciplinary action up to and including suspension or expulsion for the particular classroom conduct and/or other disciplinary incidents the parent shall also be notified of the disciplinary action in accordance with legal and policy requirements.

### **Students with Disabilities**

A student with a disability under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and Section 115.758, Wis. Stat. may be removed from class and placed in an alternative educational setting only to the extent authorized under the laws.

### **Definitions**

"Student" means any student enrolled in the District, an exchange student, or a student visitor to the District's schools.

"Teacher" means a person holding a license or permit issued by the State Superintendent whose employment by a school district requires that he or she hold that license or permit.

"Class" or "classroom" means any class, meeting or activity which students attend, or in which they participate while in school under the control or direction of the District. This definition of "class" includes, without limitation, regular classes, special classes, resource room sessions, labs, library time, counseling groups, assemblies, study halls, lunch, or recess. "Class" also includes regularly scheduled District-sponsored extracurricular activities, either during or outside of school hours. Such activities include, by example and without limitation, District sponsored field trips, after-school clubs, and sporting activities.

### **OTHER FORMS OF DISCIPLINE**

It is important to remember that the school's rules apply at school, on school property, at school-sponsored events, and on school transportation. In some cases, a student can be suspended from school transportation for infractions of school bus rules.

Ultimately, it is the Principal's responsibility to keep things orderly. In all cases, the school shall attempt to make discipline prompt and equitable and to have the punishment match the severity of the incident.

### **Informal Discipline**

Informal discipline takes place within the school. It includes:

- writing assignments;
- change of seating or location;
- lunch-time
- in-school restriction

### **In-School Discipline**



A student missing any portion of his/her assigned time in In-School Restriction may be given an additional time. Failure to timely serve In-School Restriction may lead to a suspension from school for a period not to exceed 5 days. Any such suspension shall be in accordance with District guidelines on suspension and expulsion.

The following rules shall apply to In-School Restriction.

- Students are required to have class assignments with them.
- Students are not to communicate with each other unless given special permission to do so.
- Students are to remain in their designated seats at all times unless permission is granted to do otherwise.
- Students shall not be allowed to put their heads down or sleep.
- No radios, cards, magazines, or other recreational articles shall be allowed in the room.
- No food or beverages shall be consumed.

## **SUSPENSION AND EXPULSION**

Board Policy 5610 authorizes the use of suspension and/or expulsion as follows:

### **A. Suspension**

#### **1. Duration and Grounds for Suspension**

The Principal or a person designated by the Principal may suspend a student for up to five (5) school days or, if a notice of expulsion hearing has been sent, for up to fifteen (15) consecutive school days or ten (10) consecutive school days if the student is eligible for special education services under Chapter 115, Wis. Stats., if the suspension is reasonably justified and based upon any of the following misconduct:

- a. Noncompliance with school or School Board rules;
- b. Knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
- c. Conduct by the student while at school or while under the supervision of a school authority that endangers the property, health or safety of others;
- d. Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority;
- e. Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of any employee or School Board member of the School District in which the student is enrolled.
- f. Under paragraphs c, d, and e above, conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

The District Administrator, or any Principal or teacher designated by the District Administrator shall suspend a student if the student possessed a firearm while at school or while under the supervision of a school authority.

The suspension period applies to "school days." Thus, a suspension period does not include weekend days or vacation days.

#### **2. Suspension Procedure**

Prior to being suspended, on the day of the alleged infraction or as soon thereafter as is practicable, the student will be advised orally or in writing of the reason for the proposed suspension and given an opportunity to explain his or her conduct.

The Principal, within his or her discretion, may also inform the student's parents or guardian of the reason for the proposed suspension prior to suspending the student.

#### **3. Notice of Suspension**

The parent or guardian of a suspended minor student shall be given prompt written notice of the suspension and the reason for the suspension by mail and by sending a copy of the notice home with the student. Oral notice may also be given to the student's parent or guardian; however, it will be confirmed in writing.

#### 4. **Sending a Student Home on the day of the Suspension**

Generally, the student should remain in school on the day of the suspension until school is dismissed for the day. Except as provided below, if the situation requires that the student be removed from the premises before school is dismissed, the Principal shall attempt to contact the student's parent or guardian to request that s/he pick up the student. If the parent/guardian is unable to pick up the student, the student should remain under the school's supervision until school is dismissed, or in the event law enforcement is involved, under law enforcement supervision.

#### 5. **Opportunity to Complete School Work**

A suspended student shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete course work missed during the suspension period. Such work shall be completed pursuant to the procedures established by the School Board.

#### 6. **Reference to the Suspension in the Student's Record**

The student's suspension from school shall be entered in the student's record as required by the rules adopted by the School Board concerning the content of student records.

The suspended student or the student's parent or guardian may, within five (5) school days following the commencement of the suspension, have a conference with the District Administrator or his or her designee, who shall be someone other than a Principal, administrator or teacher in the suspended student's school, to discuss removing reference to the suspension from the student's records.

Reference to the suspension in the student's school record shall be removed if the District Administrator finds that:

- The student was suspended unfairly or unjustly;
- The suspension was inappropriate, given the nature of the alleged offense; or
- The student suffered undue consequences or penalties as a result of the suspension.

The District Administrator, or the administrator's designee, shall make his or her finding within fifteen (15) days of the conference.

#### 7. **Co-Curricular or Extra-Curricular Participation**

A student's participation in co-curricular or extra-curricular activities during a suspension shall be determined on a case-by-case basis.

### **B. Expulsion**

#### 1. **Grounds for Expulsion**

The School Board may expel a student only when it is satisfied that the interest of the school demands the student's expulsion and it finds that the student:

- Repeatedly refused or neglected to obey the rules established by the School District;
- Knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
- Engaged in conduct while at school or while under the supervision of a school authority that endangered the property, health or safety of others;
- Engaged in conduct while not at school or while not under the supervision of a school authority that endangered the property, health or safety of others at school or under the supervision of a school authority or endangered the property, health or safety of any employee or School Board member of the School District in which the student is enrolled; or
- Was at least sixteen (16) years old and had repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities

to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct did not otherwise constitute grounds for expulsion.

Under this section, conduct that endangers a person or property includes threatening the health or safety of a person or threatening to damage property.

## **2. Expulsion for Bringing a Firearm to School**

The School Board shall expel a student from school for not less than one (1) year whenever it finds that the student brought a firearm to school or, while at school or while under the supervision of a school authority, possessed a firearm, unless the Board finds that the punishment should be reduced based upon the circumstances of the incident. Any such finding by the Board shall be in writing.

## **3. Expulsion Hearing**

Prior to expelling a student, the School Board shall provide the student with a hearing. Prior written notice of the expulsion hearing must be sent separately both to the student and his/her parent(s) or guardian(s) if the student is a minor; otherwise just to the student. The notice will comply with the requirements of State law.

The student, or the student's parent if the student is a minor, has the right to request a closed hearing or the Board may choose to close the hearing. The student and, if the student is a minor, the student's parent or guardian may be represented at the hearing by counsel.

## **4. Expulsion Order**

The Board shall reduce its decision to writing in the form of a written order. If expulsion is ordered, the order must state the length of time that the student is to be expelled. The order should also state specific findings of fact and conclusions of law in support of the decision.

## **5. Student Records**

The student's expulsion from school shall be entered in the student's record as required by the rules adopted by the School Board concerning the content of student records.

## **Discipline of Disabled Students**

Students with disabilities will be entitled to the rights and procedures afforded by the Individuals with Disabilities Education Act (I.D.E.A.) and the Americans with Disabilities Act (A.D.A.).

## **SEARCH AND SEIZURE**

Search of a student and his/her possessions, including vehicles, may be conducted at any time the student is under the jurisdiction of the Board of Education, if there is a reasonable suspicion that the student is in violation of law or school rules. A search may also be conducted to protect the safety of others or as otherwise permitted by law.

Students are provided lockers, desks, and other equipment in which to store materials. It should be clearly understood that this equipment is the property of the school and may be searched at any time if there is reasonable suspicion that a student has violated the law or school rules. Locks are to prevent theft, not to prevent searches.

All computers located in classrooms, labs and offices of the District are the District's property and are to be used by students, where appropriate, for educational purposes. The District retains the right to access and review all electronic, computer files, databases, and any other electronic transmissions contained in or used in conjunction with the District's computer system, network, and electronic mail. Students should have no expectation that any information contained on such systems is confidential or private.

Review of such information may be done by the District with or without the student's knowledge or permission. The use of passwords does not guarantee confidentiality, and the District retains the right to access information in spite of a password. A student's refusal to permit such access may be grounds for disciplinary action.

No strip searches will be conducted by any employee of the District, but may be conducted by law enforcement officials, if deemed necessary.

The Principal may arrange for a breath test for blood-alcohol to be conducted on a student whenever s/he has individualized reasonable suspicion to believe the student has consumed or is under the influence of an alcoholic beverage while on school premises or while participating in a school-sponsored activity. If the student refuses to take the test, the Principal will inform the student that refusal to participate implies admission of guilt leading to disciplinary action consistent with this handbook.

Anything that is found in the course of a search that may be evidence of a violation of school rules or the law may be taken and held or turned over to the police. The school reserves the right not to return items which have been confiscated. (Board Policy 5771)

### **STUDENT'S RIGHTS OF EXPRESSION**

Our school recognizes the right of students to express themselves. With the right of expression comes the responsibility to do it appropriately. Students may distribute or display, at appropriate times, non-sponsored, noncommercial written material and petitions; buttons, badges, or other insignia; clothing, insignia, and banners; and audio and video materials. All items must meet the following school guidelines:

A. A material cannot be displayed if it:

1. is obscene to minors, libelous, indecent, or vulgar;
2. advertises any product or service not permitted to minors by law;
3. intends to be insulting or harassing;
4. intends to incite fighting or presents a likelihood of disrupting school or a school event; or
5. presents a clear and present likelihood that, either because of its content or manner of distribution or display, it causes or is likely to cause a material and substantial disruption of school or school activities, a violation of school regulations, or the commission of an unlawful act.

B. Materials may not be displayed or distributed during class periods, or during passing times between classes.

Permission may be granted for display or distribution during lunch periods and after school in designated locations, as long as exits are not blocked and there is proper access and egress to the building.

Students who are unsure whether or not materials they wish to display meet school guidelines may present them to the Principal, or designee, twenty-four (24) hours prior to display.

Distribution or display by any student of prohibited nonschool-sponsored material or in violation of the school's approval process will be halted, and the student(s) involved will be subject to disciplinary action.

### **DRESS CODE GUIDELINES**

While fashions change, the reason for being in school does not. Education is the business of youth, appropriate dress and grooming are important assets for the student in seeking their educational goals. Appropriate dress and grooming outside the school building or school activity does not necessarily meet the standards of appropriate Tomahawk High School dress code guidelines.

Factors such as health, hygiene, safety and habits of self-discipline are considered essential as guidelines. Special classes (shops, labs, physical education, etc.) may establish additional rules governing dress and hair. Safety of students requires guidelines for shop classes, labs, etc.

Any fashion (attire, accessory, or hairstyle) that disrupts the educational process or presents a safety risk will not be permitted. (i.e. clothing that fails to cover the torso, or exposes undergarments)

Personal expression is permitted within these general guidelines. If a student has selected a manner of appearance that is beyond mere freedom of expression and disrupts the educational process or presents risk to themselves or others, they may be removed from the educational setting.

Students who are representing our school at an official function or public event may be required to follow specific dress requirements. Usually, this applies to athletic teams, bands, and other such groups.

**The following examples will not be permitted:**

1. Wearing of hats, bandannas, hoods or similar headwear between the hours of 7:45 A.M. and 3:15 P.M. on normal school days.
2. Wallet chains or chains which hang from clothing.
3. Wearing of clothing with drug/alcohol slogans or advertising.
4. Wearing of coats or jackets unless approved due to uncomfortable temperature within the building.
5. Students without footwear.
6. Wearing unapproved face covering or paint that conceals identity.
7. Clothing articles that cause excessive wear or damage to school property.
8. Carrying backpacks, shoulder bags, gym bags or purses during the school day.

### **STUDENT DUE PROCESS RIGHTS**

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following guidelines in Policy 5611:

**A. Students subject to suspension:**

The suspended student, and if a minor, the parent of the suspended minor student shall be given prompt notice of the suspension and the reason for the suspension. The student or the student's parents may within five (5) school days following the beginning of the suspension, have a conference with the District Administrator. This conference will serve as the opportunity for the student to respond to the charges against him/her. If the District Administrator finds that the student was suspended unfairly or unjustly or that the student suffered undue consequences as the result of suspension, the student's record shall be expunged.

**B. Students subject to expulsion:**

Prior to expelling a student, the Board must hold a hearing. A student and his/her parent must be given written notice of the intention to expel and the reasons therefore, at least five (5) days prior to the date of the hearing. The hearing is the opportunity for the student and his/her parent to appear with a representative or legal counsel before the Board to answer the charges. The Board will keep written minutes of the hearing. The hearing will be closed. The student and/or his/her parent may appeal the expulsion consistent with Chapter 120.13, Wis. Stats.

### **BUS TRANSPORTATION TO SCHOOL**

Bus transportation is provided for all eligible students. The bus schedule and route is available by contacting the Tomahawk Bus Company at 715-453-3000.

Students will ride only assigned school buses and will board and depart from the bus at assigned bus stops. Students will not be permitted to ride unassigned buses for any reason other than an emergency, except as approved by the Principal. A change in a student's regular assigned bus stop may be granted for a special need, if a note from a parent is submitted to the Principal stating the reason for the request and the duration of the change and the Principal approves. (Board Policy 8600)

### **BUS CONDUCT**

Students who are riding to and from school on transportation provided by the school are required to follow some basic safety rules. This applies to school-owned buses as well as any contracted transportation that may be provided.

The driver is responsible for student safety and may assign seating or direct the student in any reasonable manner to maintain that safety.

The following behaviors are expected of all students:

**Previous to loading (on the road and at school)**

**Rules for School Bus Riders**

1. Safety for our children while riding buses involves the bus drivers, teachers, parents, and students. Please discuss the following points with your child if he or she is a bus rider. This will serve to reinforce the directions given by the teachers and drivers.
2. Be on time for the bus, five minutes before your pick-up time. Do your part to make sure that the bus stays on schedule. Behavior must be appropriate at the bus stop while waiting for the bus.
3. If you must cross the road to board the bus, be sure to obey any signals the driver may give you in crossing the road.
4. Sit down in your assigned seat immediately after boarding the bus and remain seated until you reach your destination.

5. While you are on the bus you are expected to obey the bus driver. Any directions he/she gives you are concerned with making sure your ride is a safe one. Any disturbing or unusual behavior is to be reported to the bus driver.
6. The use of profane language to the bus driver or others on the bus is prohibited, as is the throwing of objects.
7. Keep arms, hands and head inside the bus.
8. Keep the aisles clear.
9. Be absolutely quiet when approaching a railroad crossing.
10. Be alert to the instructions of the bus driver in the event of an emergency.
11. Always leave and board the bus in an orderly fashion. Please form a line when boarding the bus after school.
12. When getting off the bus at night, wait for the driver to give you the signal to cross the road if it is necessary, and then cross at least ten feet in front of the bus.
13. Students are expected to respect property. Any student caught vandalizing school buses will be referred to the building principals, and may also be referred to law enforcement authorities. Students will be responsible for reimbursing the district bus contractors for the cost of repairing the damage.
14. There will be no skateboards allowed on the bus. Bats that are entirely covered with foam are allowed. All balls brought onto the bus must be contained; i.e. kept in backpack, book bag.
15. Only authorized persons are allowed on the bus.

**PENALTIES FOR INFRACTIONS:**

1. Minor discipline cases will be handled by the driver, and may involve Bus Company personnel. The driver will make every effort to correct the problem, (talking to student, warning student, seat assignment change, etc.). All incidents reported by the driver will be documented and entered into the student's file.
2. If misbehavior continues, the bus company representative will become involved. The building principal and/or a Bus Company representative will meet with the student. A Bus Behavior Slip will be sent home for the parent to sign. Behavior slips must be signed by the parent and returned to the bus driver on the next school day.
3. Further misbehavior from the student will result in additional bus behavior slips issued; which may result in at least one day of suspension off of the bus. Parents will be notified prior to the bus suspension.
4. A third behavior slip may result in a 3-5 day bus suspension. A parent meeting may be requested before the student may continue to ride the bus.
5. Further and continued bus behavior slips may result in a referral to the School Board; and may result in a loss of transportation privileges.
6. Major infractions of bus rules (fighting, insubordination to the bus driver, etc.) may result in the above steps being eliminated and the student will automatically receive a written behavior slip and at least one day bus suspension.
7. This is merely a guide; each situation will be individually evaluated.

**OTHER IMPORTANT BUS REMINDERS TO PARENTS:**

All students enrolled in the Tomahawk School District are eligible to receive school bus transportation. Students ride the bus to which they are assigned. The district bus policy states that students must have a bus pass to get off at a stop that is not assigned to them. Bus passes may be issued for a different route and/or bus stop, only if it is on a consistent basis or it is for a one-time emergency situation. All bus passes are issued by the Tomahawk Bus Company. You may call them at: 715-453-3000. Bus drivers are not allowed to accept a note from a child requesting a change.

**CODE OF CONDUCT - STUDENTS**

The School District of Tomahawk has a legal duty to make its school as free as possible of the dangers of violence, weapons, drugs, and other behavior harmful to the educational environment. This duty is enforced through the School District of Tomahawk's policy on suspension and expulsion, which provides procedures by which students may be removed from the school community either temporarily, or in the case of certain expulsions, permanently. But equally important, the School District of Tomahawk owes its students, as a group, the opportunity to attend school as free as reasonably possible from unnecessary and unwarranted distraction and disruption, particularly by those

relatively few students who, for whatever reasons, are unwilling, unready, or unable to avail themselves the opportunity for an education. Such behavior warrants, at a minimum, that the student be removed temporarily from the class or activity ("short term removal" or "temporary removal"). Such removal serves the multiple purposes of eliminating (or minimizing) the disruption, or reinforcing the School District of Tomahawk's strong commitment to an appropriate educational environment, and allowing a "cooling off" period for disciplinary or other reasons, short of suspension or expulsion.

In other circumstances, the student's conduct, or the best interest of the student and the other members of the class, may warrant longer-term removal from the class ("long term removal"). Long term removal may, but need not always, be for disciplinary purposes. Removal from class under this Code does not prohibit the School District of Tomahawk from pursuing or implementing other disciplinary measures, including but not limited to detentions, suspensions or expulsion, for the conduct for which the student was removed.

(Board Policy 5500, 5511, 5600)

### **CONFLICT DUE TO RELIGIOUS BELIEFS**

As a public entity, the District must comply with the U.S. Constitution's First Amendment requirement that the District neither establishes religion in the schools nor prohibit students' free exercise of religion according to pertinent interpretation and application of those Constitutional provisions by the Courts. Accordingly, no Board employee will promote religion in the classroom or in the District's curriculum, or compel or pressure any student to participate in devotional exercises. Displays of a religious character must conform with Policy 8800. Teachers shall forward requests for religious accommodation in instruction to the Principal.

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

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

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

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

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

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

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

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

(Board Policy 2240, 2270)

### **DANCES/SCHOOL SOCIALS**

The Middle School Principal will approve the scheduling of dances. Dances are a privilege for TMS students to attend. This privilege may be denied to TMS students for disciplinary reasons. **TMS Students who are suspended are not**

**allowed to attend the next scheduled middle school dance.** All TMS students are to be dropped off and picked up from the middle school student entrance (Door #4). TMS Students must be in attendance the day of the dance. Due to a variety of concerns, only registered students of Tomahawk Middle School are allowed to attend Tomahawk Middle School dances. School dances are not public events. For safety reasons, doors into Tomahawk Middle School will be locked shortly after the start of the dance. Please plan accordingly.

### **DETENTION - LUNCH**

1. Students are to report to the lunch detention room after class is dismissed.
2. Students on detention will do homework or read.
3. Disciplinary Detention Record will be mailed/emailed home.
4. Students may be assigned detentions by middle school staff during their assigned lunch period for misconduct or academic deficiency.
5. No more than two (2) detentions will be assigned at any one time for misconduct from a staff member. Parent/guardian should be contacted.

**No excuses will be accepted for not being present at detention. Detentions will take precedence over co-curricular activities or any other school activity. The only exception will be for medical appointments or a legitimate reason set up in advance with the principal. Failure to serve will result in disciplinary action which may include in-school suspension or out of school suspension.**

### **DROP OFF/PICK UP LOCATION**

All students will use door #4 to enter the building before school, and exit the building after school. (see appendix B). Students who leave the building during school hours for appointments or due to illness will use door #2 after they sign out in the office. Parents/guardians or any other adult who has business at the school may enter through door #2 and must sign in at the Middle School Office.

### **FOOD SERVICE**

The Board of Education shall provide cafeteria facilities in all school buildings where space permits and will provide food service for the purchase and consumption of lunch for all students.

The Board shall also provide a breakfast program in accordance with procedures established by the Department of Public Instruction.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages as well as to the fiscal management of the program as well as all Federal and State requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

Substitutions to the standard meal requirements shall be made, at no additional charge, for students who are certified by a licensed physician to have a disability which restricts his/her diet, in accordance with applicable State and Federal requirements. To qualify for such substitutions the medical certification must identify:

- A. the student's disability and the major life activity affected by the disability;
- B. an explanation of why the disability affects the student's diet; and
- C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

On a case by case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons", but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student's diet; and
- B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.



For non-disabled students who need a nutritional equivalent milk substitute, only a signed request by a parent is required.

Lunches sold by the school may be purchased by students and staff members and community residents in accordance with the rules of the District's school lunch program.

Students will not be permitted to purchase a meal from the Food Service Department, but will instead be provided an alternative meal until the school collects delinquent lunch accounts.

A periodic review of the food-service accounts shall be made by the District Bookkeeper. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

The food-service program may participate in the "Farm to School Program" using locally grown food in school meals and snacks.

No foods or beverages, other than those associated with the District's food-service program, are to be sold during food-service hours. The District's food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs. Any competitive food items and beverages that are available for sale to students a la carte in the dining area between midnight and thirty (30) minutes following the end of the last lunch period shall also comply with the current USDA Nutrition Standards for the National School Lunch and School Breakfast Programs and the USDA Smart Snacks in School nutrition guidelines. Foods and beverages unassociated with the food-service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540.

### **Nondiscrimination Statement**

The following statement applies to all programs administered by the District that are funded in whole or in part by the U.S. Department of Agriculture (USDA):

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;  
Fax: (202) 690-7442; or  
E-mail: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.  
(Board Policy 8500)

### **HELPLINE NUMBERS FOR RESOURCES IN SCHOOL AND THE COMMUNITY**

Counselor—Dawn Huseby  
Tomahawk Middle School                      715-                      453-5371 ext. 316

School District Psychologist Christine Peterson  
 Tomahawk Elementary School 715-453-2126 ext. 146  
 North Central Health Care - Tomahawk Branch  
 Tomahawk Annex 715-453-5381  
 Family Resource Center 715-453-9969  
 Sacred Heart – St. Mary’s Hospital Psychological Associates  
 1044 Kabel Ave. Rhinelander 715-369-7969  
 Runaway and Family Treatment (RAFT)  
 Office is in Wausau (Call collect) 715-848-7238  
 Lincoln County Social Services  
 Merrill 1-800-666-3119  
 Oneida County Social Services 715-362-5695  
 Tomahawk Police Department 715-453-2121  
 National Child Abuse Hotline 1-800-4-A-Child

**Indoor Environmental Quality Management Plan**

**SCHOOL YEAR NOTIFICATION**

In accordance with the 2009 Wisconsin Act 96, The School District of Tomahawk has adopted an Indoor Environmental Quality Management Plan. The School District maintains indoor environmental quality (IEQ) with measures that include quality heating, ventilation and air conditioning (HVAC) systems, moisture control, integrated pest management, cleaning and maintenance schedules, appropriate materials selection, routine building inspections and appropriate training of staff. School buildings will be kept in good repair, suitably equipped and in safe and sanitary conditions that promote a positive learning environment.

The School District adheres to all state, federal and municipal building code guidelines and other mandates/rules/regulations when doing construction and/or renovation projects.

School District staff members play an important role in maintaining and improving environmental quality. Since the actions of staff members can affect the quality of the indoor environment in school buildings, employees are provided with information and training about IEQ as appropriate.

The School District encourages the prompt reporting and resolution of any and all IEQ concerns to provide a healthy and comfortable environment for students, staff and visitors. You can report any IEQ concerns or receive a copy of the Indoor Environmental Quality Plan by contacting Arland Windgate at the School District of Tomahawk at (715) 453-2106 ext. 207.

**LOCKERS**

Lockers are assigned to all students. Lockers are expected to be locked at all times. **All lockers are considered part of school property and the administration of the school reserves the right to go through any student’s locker if the need arises.** Students are assigned lockers and are not to move unless reassigned by the principal. Locker inspection will be held periodically. A fee of \$5.00 will be assessed to any student who requires a locker combination change.

**ITEMS LEFT IN CLASSROOMS**

Classrooms, and all items located within, are considered part of school property and the administration of the school reserves the right to go through items left in classrooms at any time. These items or items located within, may be searched and/or confiscated at any time. Student assigned storage areas located within classrooms are also considered school property and also may be searched at any time by school administration.

**LOST AND FOUND**

All lost articles are put on the lost and found table outside the middle school cafeteria where items will be kept throughout the quarter. At the end of the quarter students will be notified to check the table for claiming items. All articles not claimed after a week will be given away to charity. If you lose something, check first in the lost and found. All valuable, smaller articles will be kept in the office.

## **NURSE**

We have a nurse who will be in the school complex. The nurse will be available every day from 7:00 AM until approximately 3:00 PM.

### **Illness**

Should your child become ill during the day, she/he must report to the middle school office with a signed pass from his/her teacher.

### **Emergency Care**

In case of injury the following procedure will be followed:

1. Initial first aid treatment will be given to the student. The school nurse and principal will be notified.
2. An attempt will be made to get in touch with the child's parents by phone. If a parent cannot be reached:
  - a. The person listed as the emergency contact on your student's registration form will be called. If that person cannot be reached,
  - b. Your child will be taken to the doctor that is listed on their registration form, or to the hospital, and
  - c. The parent will be notified at the earliest possible time.

## **PASSES**

### **Hall Pass System**

If a student wishes to visit a staff member who does not have a class, a pass prior to the desired visitation period should be secured from that staff member. In addition, students should have a written pass from their teacher to leave the classroom to go to their locker, bathroom or to the office. No student should be in the hallways during scheduled class time without a written pass.

## **PHYSICAL EDUCATION POLICIES**

All Physical Education students will be **REQUIRED** to wear physical education clothing that is deemed appropriate for the safe participation in the PE activity as determined by the physical education staff. Acceptable clothing includes: athletic shorts, sweatpants, athletic t-shirt, sweatshirt, tennis shoes, and socks. Clothing that is **NOT** acceptable includes: tank tops, shirts that have more than the sleeves cut off, jeans, jean shorts, pajama bottoms, sandals/flip-flops, hiking boots, etc. Gym socks and gym shoes are to be worn for both inside and outside activities. Any other type of shoes **WILL NOT** be allowed and subsequently, the student will not receive full credit for that day. Physical Education clothing is the student's responsibility and should be taken home and washed at least once a week.

### **Locks & Lockers**

Students need to furnish their own locks. Locks need to be removed by the student after class is finished each day.

**Students should have valuables locked up at all times.** The school and teacher **will not** be responsible for anything lost or stolen, nor will the teacher hold or lock up any valuables. If any valuables are stolen, report the theft to the instructor **IMMEDIATELY**.

### **Medical Excuses and Absences**

A parent note will excuse a student from physical education for three consecutive days. After that, a medical excuse from a physician is required. One copy should be given to the school nurse, one copy to the student's physical education teacher, and the original should be filed in the student's cumulative folder in the office. Students excused for an extended medical leave should have a release form from a physician in order to return to all activities.

### **Swimming (Grade 6 only)**

- The swimming portion of this class will be gender specific.
- Each time a student does not swim, the student will be downgraded.

## **POSTED INFORMATION (Posters etc.)**

Anything posted in the middle school hallways, doorways, on bulletin boards or lockers must be approved by the principal before posting.

### **PROGRESS REPORTS**

We make every effort to inform the parents of student's academic, behavioral, and social progress at Tomahawk Middle School. Parents may view their child's most current grades and sign-up for email alerts regarding grades, at any time through the district's Family Access portal located in the parents/parent links section of the [www.tomahawk.k12.wi.us](http://www.tomahawk.k12.wi.us) web page. Additional reports may be sent by teachers at their discretion. We encourage parents to maintain contact with their child's/children's teachers by means of telephone, e-mail, or written correspondence in assignment notebooks. Contact the office for your user name and password for Family Access.

### **ACADEMIC STANDARDS**

The state of Wisconsin develops academic standards, and modifies these standards fairly regularly. We align our curriculum to these standards and identify the specific context in which the standards are taught. The standards provide the fundamental structure to our curriculum; the curriculum is further developed using district-determined goals and objectives. Teachers assess students' progress toward meeting the standards through classroom assessment. We are developing district assessments to further evaluate student learning.

Teachers are incorporating more writing by students to enable students to explain their thinking and for teachers to better assess student understanding. As part of their instruction and assessment, teachers use performance tasks requiring students to apply their knowledge and skills. Scoring guides are frequently used to provide students with information to guide their work.

Throughout the school year, the Tomahawk School District schedules early release days for students so teachers have the time to collaborate with their K-12 colleagues, time to discuss and write curriculum, and receive instruction to further enhance their teaching skills. The dates for these curriculum workshops will be found on the school calendar.

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

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

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

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

(Board Policy 2416, 9130)

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

If you believe your FERPA rights have been violated, you may file a complaint with the Student Privacy Policy Office (SPPO). Instructions for filing a complaint can be found on their website: [studentprivacy.ed.gov](http://studentprivacy.ed.gov)

(Board Policy 8330)

### **SUPERVISION - BEFORE AND AFTER SCHOOL**

**Students shall not** be in the school building before 7:45 AM or after 3:45 PM unless under the direct supervision of a coach or staff member.

### **TESTING PROGRAM**

The testing program in the middle school is designed to aid the sixth, seventh and eighth grade students by giving them a better understanding of their strengths and weaknesses in various academic areas. The result of these tests will also enable the students to compare their academic achievement with students their age throughout Wisconsin or the United States. Students in grades 6 and 7 are tested in reading, language, and math. Students in 8<sup>th</sup> grade are tested in the areas of reading, language, math, science, and social studies.

### **TRANSFERRING TO ANOTHER SCHOOL**

Students who leave our school system to transfer to another school in another city are requested to see the principal or guidance counselor on the last full day they attend school. They must have turned in all of their textbooks, library books, Chromebook, Chromebook charger, and paid any fees owed before leaving. A parent/guardian is required to sign the student's transfer form.

## **APPENDIX A**

### **NEW POLICY· SPECIAL UPDATE -TITLE IX REGULATIONS· JULY 2020**

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

##### **Introduction**

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

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

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

##### **Coverage**

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

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

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

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

##### **Definitions**

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

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

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined In 34 U.S.C. 12291(a)(8), or "stalking" as defined In 34 U.S.C. 12291(a)(30).

a. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault Includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

i. Rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. Attempted rape is included.

ii. Sodomy is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical Incapacity.

iii. Sexual Assault with an object is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical Incapacity. An "object" or "Instrument" Is anything used by the offender other than the offender's genitalia.

iv. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim Is Incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

v. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law.

vi. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent as defined by Wis. Stat. §§ 948.02 or 948.09, or whose status as a student prohibits such sexual contact per Wis. Stat. §948.095.

vii. (x ) Other Sexual Contact includes the intentional emission of bodily fluids on the complainant, or at the direction of the Respondent, for the purposes of sexual gratification as defined In Wis. Stat. § 940.225(5)(b).

viii. Consent refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.

ix. Incapacitated refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

. A current or former spouse or intimate partner of the victim;

a. A person with whom the victim shares a child in common;

b. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

c. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or

d. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved In the relationship.

F. "Stalking" means engaging In a course of conduct directed at a specific person that would cause a reasonable person to - (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

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

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

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

**Actual Knowledge:** "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report sexual harassment,

or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent. Imputation of knowledge-based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

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

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

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

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

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

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

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

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

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

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

Pupil Services and Special Education Director/Title IX Coordinator

(School District Title)

715-453-2106 ext. 405

(Telephone Number)

**1048 E King Road Tomahawk, WI 54487**

(Office Address)



simonisw@tomahawk.k12.wi.us  
(District-Issued Email Address)

The Title IX Coordinator shall report directly to the District Administrator. Questions about this policy should be directed to the Title IX Coordinator.

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

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

Wendra Simonis  
Pupil Services and Special Education Director/Title IX Coordinator  
1048 E King Road  
Tomahawk, WI 54487  
simonisw@tomahawk.k12.wi.us

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

The Board has adopted a grievance process and procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process and procedures are included in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at : <http://www.tomahawk.k12.wi.us/district/title-ix-information.cfm>  
The grievance process and procedures specifically address how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

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

### **Grievance Process**

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

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

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

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

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

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

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title X Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

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

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

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

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

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

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

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

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, the District Administrator may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety

and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related District policies, including Policy 5120 - Assignment within District; Policy 5605 - Suspension/Expulsion of Students with Disabilities, Policy 5610 - Suspension and Expulsion, and Policy 5611 - Due Process Rights.

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

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

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

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a formal complaint involves allegations of sexual harassment by or involving the Title IX Coordinator, the Complainant should submit the formal complaint to the District Administrator, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that formal complaint,

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

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

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

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

### **Timeline**

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

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

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

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

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

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

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

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

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

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

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

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

### **Consolidation of Formal Complaints**

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

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

### **Informal Resolution Process**

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

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

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

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

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

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

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

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

(x) The Informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent,

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

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

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

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

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

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

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

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

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

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

- (x) the decision-maker(s) Issuing a determination regarding responsibility.

### **Determination of Responsibility**

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

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

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

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

The written determination will include the following content:

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

Disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment) Including but not limited to:

- A. Informal Discipline
  - a. (x) writing assignments;
  - b. (x) changing of seating or location;
  - c. (x) pre-school, (x) lunchtime, ( x ) after-school detention;
  - d. (x) In-school discipline;

- B. Formal Discipline
  - . (x) suspension of bus riding/transportation privileges;
  - a. (x) removal from co-curricular and/or extra-curricular activity(les), including athletics;
  - b. (x) emergency removal;
  - c. (x) suspension for up to five (5) school days;
  - d. (x) suspension for up to fifteen (15) consecutive school days if a notice of expulsion hearing has been sent;
  - e. (x) suspension for up to ten (10) consecutive school days for each incident if the student is eligible for special education services under Chapter 115, Wis. Stats.;
  - f. (x) expulsion;
  - g. (x) permanent exclusion from co-curricular and/or extra-curricular activity(les), including athletics or current class enrollment; and
  - h. (x) any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging In Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences, The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5605 - Suspension/Expulsion of Students with Disabilities, Policy 5610 -Suspension and Expulsion, Policy 5610.01 - Alternative Expulsion Hearing Procedure, Policy 5610.02 - In-School Discipline, and Policy 5611 - Due Process Rights, The discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective Implementing regulations.

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

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

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

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

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

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

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

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

In ultimately, imposing a disciplinary sanction/consequence, the District Administrator will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

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

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

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

## **Appeal**

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

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

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

Nothing herein shall prevent the District Administrator from imposing any remedy, including disciplinary sanction, while the appeal is pending.

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

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

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

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

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

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

## **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of



conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, Its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

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

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

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

### **Confidentiality**

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

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

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

### **Training**

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

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

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

### **Recordkeeping**

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

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

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

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

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

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

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

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Legal 20 U.S.C, 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)  
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) 42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964  
42 U.S.C, 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 u.s.c. 1983  
34 C.F.R. Part 106  
19,21(6), Wis, Stats.  
118.25, Wis. Stats.  
120.13, Wis, Stats,  
948,02, Wis. Stats.  
OCR's Revised Sexual Harassment Guidance (2001) 20 U.S.C. 1092(F)(6)(A)(v)  
34 u.s.c. 12291(a)(10)  
34 u.s.c. 12291(a)(8)  
34 u.s.c. 12291(a)(30)

APPENDIX B

