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| Book    | Policy Manual          |
| Section | 0000 Bylaws            |
| Title   | Copy of COMPENSATION   |
| Number  | po0144.1 * 10/23/18 CP |
| Status  |                        |
| Adopted | December 8, 2015       |

#### 0144.1 - **COMPENSATION**

~~Board members shall receive compensation as approved by the electors at the Annual Meeting.~~

As approved by the electors at the annual meeting, Board members shall receive an annual salary or an amount for each School Board meeting the member actually attended as approved by the electors at an Annual Meeting, unless the member has provided timely annual notice of refusal to accept the salary. Notice must be provided prior to taking the oath of office and performing any service for the initial year of election or appointment, and may be renewed for subsequent years by notice at least thirty (30) days prior to the member's taxable year, unless statutory exceptions apply. Board members not included in the preceding sentence may refuse to accept the salary by providing notice to the Board Clerk and Treasurer at least thirty (30) days before the start of the Board member's next taxable year. Although the notification applies only to that taxable year, Board members may renew the refusal to accept the salary by sending timely annual notification.

Expenses of a Board member when authorized by the Annual Meeting shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

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Last Modified by Chris Patritto on October 23, 2018

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| Book    | Policy Manual       |
| Section | 0000 Bylaws         |
| Title   | Copy of OFFICERS    |
| Number  | po0152 * 2/22/18 CP |
| Status  |                     |
| Adopted | December 8, 2015    |

**0152 - OFFICERS**

The Board shall elect, from among its members, a President, Vice-President, Treasurer, and a Clerk. Such election shall occur at the Annual Reorganization Meeting on or within thirty (30) days after the fourth (4th) Monday in April.

19.88(1), Wis. Stats.

Election of officers shall be by a majority of the full Board. Secret ballots may be utilized only for election of officers. ~~Where no~~ such majority exists on the first ballot vote, a second vote shall be cast for the two (2) candidates who received the greatest number of ballot votes.

Except for those appointed to fill a vacancy, officers shall serve for one (1) year and until their respective successors are elected and shall qualify.

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| Legal | 120.05, Wis. Stats. |
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Last Modified by Marilyn Powers on November 5, 2018

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| Book    | Policy Manual                   |
| Section | 0000 Bylaws                     |
| Title   | Copy of PARLIAMENTARY AUTHORITY |
| Number  | po0161 * 10/23/18 CP            |
| Status  |                                 |
| Adopted | December 8, 2015                |

#### 0161 - PARLIAMENTARY AUTHORITY

The parliamentary authority governing the Board of Education shall be Robert's Rules of Order, Newly Revised as defined in Chapter XVI, "Boards and Committees" (including such procedural flexibility allowed in Section 49 of Robert's: "Procedure in Small Boards"). ~~Robert's Rules of Order, Newly Revised, as defined in Chapter XVI, "Boards and Committees"~~ in all cases in which it is not inconsistent with statute, administrative code, or these bylaws, or the rules of order of this Board.

Any failure to comply with the above procedural protocols will not affect the validity of any substantive action taken by the Board within its legal authority.

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Last Modified by Chris Patritto on October 23, 2018

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| Book    | Policy Manual          |
| Section | 0000 Bylaws            |
| Title   | SPECIAL MEETINGS       |
| Number  | po0164.2 * 10/23/18 CP |
| Status  |                        |
| Adopted | December 8, 2015       |

#### 0164.2 - **SPECIAL MEETINGS**

Special meetings of the Board may be called by the President or by the written request of any member of the Board provided there is compliance with the following notice provision ~~of these Bylaws~~.


Said notice shall state the date, time, place, and subject matter of such special meeting, as well as the name and address of the District. A notice of any special meeting shall be posted at least twenty-four (24) hours before said special meeting at the Board office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board by personal delivery to the member or his/her residence or by first-class mail, at least twenty-four (24) hours prior to the meeting. A special meeting may be held without prior notice if all Board members are present and consent or if each member consents in writing even if s/he does not attend.

The District Administrator and those administrators directed by the District Administrator shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

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| Book    | Policy Manual  |
| Section | 0000 Bylaws  |
| Title   |  SPECIAL MEETINGS |
| Number  | po0165.3 * 10/23/18 CP (Delete)  |
| Status  |  |
| Adopted | December 8, 2015   |

~~0165.3—SPECIAL MEETINGS~~

~~Said notice shall state the date, time, place, and subject matter of such special meeting, as well as the name and address of the District. A notice of any special meeting shall be posted at least twenty four (24) hours before said special meeting at the Board office and such other places as the Board may determine. A copy of said notice shall be served upon each member of the Board by personal delivery to the member or his/her residence or by first class mail, at least twenty four (24) hours prior to the meeting. A special meeting may be held without prior notice if all Board members are present and consent or each member consents in writing even if s/he does not attend.~~

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Legal 120.11(2), Wis. Stats.

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|---------|---------------------------------|
| Book    | Policy Manual                   |
| Section | 1000 Administration             |
| Title   | STUDENT SUPERVISION AND WELFARE |
| Number  | po1213 * 10/23/18 CP            |
| Status  |                                 |
| Adopted | December 8, 2015                |

## 1213 - STUDENT SUPERVISION AND WELFARE

Administrators because of their proximity to students are frequently confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the administrator. It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

An administrator, ~~or a person who works or volunteers with children,~~ who is found to have had sexual contact with a student, including a student age sixteen (16) or older, shall be referred to the proper authorities and be subject to discipline up to and including discharge.

This section should not be construed as affecting any obligations on the part of staff to report suspected child abuse under Wis. Stats. 48.981 and Policy 8462.

It is the responsibility of the District Administrator to prepare administrative guidelines to ensure the maintenance of the following standards:

- A. Each administrator ~~administrative staff member~~ shall maintain a standard of care for supervision, control, and protection of students commensurate with assigned duties and responsibilities.
- B. An administrator ~~administrative staff member~~ should not volunteer to assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- C. ~~An administrative staff member shall provide proper instruction in the safety matters presented in assigned course guides.~~
- D. Each administrator ~~administrative staff member~~ shall immediately report to the principal any accident or safety hazard s/he detects.
- E. Each administrator ~~administrative staff member~~ shall immediately report to the principal any knowledge of threats of violence by students.
- F. An administrator ~~administrative staff member~~ shall not send students on any personal errands.
- G. An administrator ~~administrative staff member~~ shall not associate with students, particularly those of the opposite gender, at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs.

This provision should not be construed as precluding a administrator ~~administrative staff member~~ from associating with students in private for legitimate or proper reasons.

- H. If a student comes to an administrator ~~administrative staff member~~ to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the administrator ~~staff member~~ may help the student make contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should an administrator ~~staff member~~ attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior.

- I. An administrator~~administrative staff member~~ shall not transport students in a private vehicle without the approval of the principal.
- J. A student shall not be required to perform work or services that may be detrimental to his/her health.
- K. Administrators~~Administrative staff members~~ are discouraged from engaging students in social media and online networking media, such as Facebook, Twitter, etc unless directly associated with instructional practices.
- L. Administrators~~Administrative staff members~~ are expressly prohibited from posting any video or comment pertaining to any student on social networking media or similar forums, such as YouTube unless approved by the District Administrator.

Most information concerning a child in school is a confidential student record under Federal and State laws. Any administrator~~administrative staff member~~ who shares confidential information with another person not authorized to receive the information may be subject to discipline or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse (see Policy 8330).

Pursuant to the laws of the State and Board Policy 8462, each administrator~~administrative staff member~~ shall report to the proper legal authorities immediately, any sign of suspected child abuse or neglect.

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Legal 48.981, 948, 948.095 Wis. Stats.

Last Modified by Chris Patritto on October 23, 2018

|              |  |
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| Book         | Policy Manual                              |
| Section      | 1000 Administration                        |
| Title        | FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA") |
| Number       | po1630.01 * 10/23/18 CP                    |
| Status       |  |
| Adopted      | December 8, 2015                           |
| Last Revised | March 13, 2018                             |

## 1630.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

### Introduction

In accordance with Federal and State law, the Board of Education will provide family and medical leave to administrative staff. The Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, staff members should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the Board's other policies will run concurrently (at the same time).

### Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven(7) years and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. All full-time instructional staff members are deemed to meet the 1,250 hour requirement.

To be eligible for leave under the WFMLA, a staff member must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to the staff member under this policy, as well as the staff member's rights during leave, depend upon whether the staff member satisfies the above requirements.

### Qualifying Reasons for Leave

The Board provides family and medical leave for eligible staff members under the following circumstances:

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

The term "child" generally includes a legal ward or a biological, adopted foster or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the staff member has assumed the day-to-day obligations of a parent. A child must be either under eighteen (18) years of age or unable to care for himself/herself due to a physical or mental disability or, for leave under State law only, unable to care for himself/herself due to a serious health condition.

"Parent" includes a staff member's spouse's legal guardian only if the staff member is requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or



marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expense.

- D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of his/her position
- E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

Qualifying exigencies, as defined by Federal regulations, include: 1) short- notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post- deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

- F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

The District Administrator will determine whether an employee's request for leave qualifies under one (1) of the above categories.

#### Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, s/he is entitled to a total of twelve (12) work weeks of leave in a calendar year from the date of any employee's first FMLA usage for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, s/he is entitled to ten (10) work weeks of leave in a calendar year as follows:

- A. a total of six (6) weeks of leave for the birth of his/her natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

#### Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

##### A. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

##### B. Absence Plus Treatment

A period of incapacity of more than three (3) consecutive calendar days\* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

\*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.

##### C. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

##### D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

##### E. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The staff member or his/her ~~You or your~~ family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

##### F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).



### Required Staff Member Notice

The staff member must provide the District Administrator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's ~~your~~ own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

Staff members must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

The staff member must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the District Administrator (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the staff member's healthcare provider. The staff member is ordinarily expected to consult with his/her supervisor in order to work out a treatment schedule which best suits his/her needs, as well as the District's.

If a staff member must take more leave than originally anticipated, s/he must notify the District Administrator within two (2) business days of learning of the circumstances necessitating the extension.

### Certification By Healthcare Provider

If a staff member requests leave due to his/her own serious health condition or the serious health condition of his/her spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

The staff member must provide the fully completed certification to the District Administrator within fifteen (15) calendar days of the date that the certification is provided to the staff member, unless it is not practicable to do so despite the staff member's diligent, good faith efforts. If it is not practicable to return the certification within fifteen (15) calendar days, it must be returned to the District Administrator as soon as practicable.

If the staff member fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the date the certification is furnished may be considered unauthorized. A staff member who is absent without authorization may be disciplined, up to and including termination.

The District Administrator will give a staff member a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the staff member or family member with a serious health condition to use a healthcare provider who will complete and furnish an accurate certification in a timely manner.

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare provider to clarify illegible answers and to authenticate the certification. If the certification is incomplete or otherwise unclear, the administrator must request that the employee obtain updated or completed information from the healthcare provider and return it directly to the administrator.

If the District Administrator doubts the validity of a certification, the District Administrator may require, at the Board's expense, that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The District Administrator may request re-certifications on a periodic basis as permitted by law.

### Designation of Leave

In all circumstances, it is the responsibility of the District Administrator to designate leave, whether paid or unpaid, as FMLA leave and to give the staff member notice of the designation and his/her rights and responsibilities under this policy.



The District Administrator will give the staff member the notice on each occasion that s/he notifies his/her supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one (1) notice will be provided unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the District Administrator will provide to the employee a "Designation Notice" stating whether a request for leave has been approved or denied within five (5) business days. At a minimum, the staff member will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the staff member provides information to the District Administrator sufficient to enable him/her to determine that the leave is being taken for an FMLA-qualifying reason.

The District Administrator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

#### Manner In Which Leave Can Be Taken

Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day or week. The staff member must consult with his/her supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

When leave is governed only by the FMLA, intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition.

Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

When leave is governed only by the FMLA, the District Administrator may offer a staff member a temporary transfer to another position for which s/he is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spent by the staff member in an alternative position will not count against the employee's FMLA leave entitlement.

Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule governed only by the FMLA, which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave, must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the District Administrator for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

#### Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member **must** use the following leaves provided by the Board, if available:

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

A staff member may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which s/he have earned and accrued, for leave taken under this policy, if available. The Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the staff member's FMLA and/or WFMLA leave entitlement.

#### Continuation of Benefits

A staff member will remain eligible for group health insurance benefits under the Board's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if the staff member had been actively employed during the entire leave. However, the staff member has the option of choosing not to retain such coverage during family or medical leave.

During leave taken under this policy, the Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The staff member will be responsible for paying his/her portion of health insurance premiums regardless of whether his/her family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the District Administrator for making premium payments for group health insurance during leaves.

To the extent permitted by law, the Board reserves the right to require the staff member to place up to eight (8) weeks of health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty (30) days late.

The staff member's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the Board's policy regarding provision of such benefits when a staff member is on other types of leave.

If a staff member fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical benefit coverage during the leave, unless the reason for the staff member's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.

#### Accrual of Benefits

The use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave. A staff member will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit shall accrue if the staff member elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

#### Employment Restoration

A staff member will generally be reinstated to the same position s/he held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if s/he had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, s/he is not entitled to be reinstated.

A staff member who exceeds his/her FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the staff member may be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

A staff member who is able to return to work prior to the expiration of leave must notify his/her supervisor immediately. Upon such notice, the District Administrator will promptly reinstate the staff member to active employment, provided s/he has the present skill and ability to perform the essential functions of his/her job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the staff member's notification of his/her ability to return to work.

#### Fitness For Duty Certification

If leave is due to the staff member's serious health condition, s/he must present certification to return to work to his/her supervisor upon returning to work. The staff member's Principal attending physician must complete the certification. The certification must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member's ability to perform regular or other duties and the duration of the limitations. No certification will be required when the staff member returns from intermittent leave, except as otherwise permitted or required by the Americans With Disabilities Act of 1990.

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job related and consistent with business necessity.

Reinstatement may be delayed until the staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, s/he may be disciplined, up to and including termination.

With the staff member's permission, the Board's healthcare provider may contact the staff member's healthcare provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

#### Confidentiality

All medical information relating to leave, whether written or verbal, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

#### No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or under attendance policies.

#### Miscellaneous

The District Administrator may designate another administrator to perform his/her duties under this policy.

A staff member who fraudulently obtains leave under this policy is not protected by this policy's job restoration or maintenance of health benefits provisions.

The District Administrator shall see that the policy is posted properly.

The District Administrator shall provide a copy of the policy upon the request of a staff member.

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|-------|---|
| Legal | 29 U.S.C. 2601 et. seq.                                   |
|       | 29 C.F.R. Part 825  |
|       | 103.10, Wis. Stats.                                       |
|       | Wis. Admin. Department of Workforce Development (DWD) 225 |
|       | National Defense Authorization Act of 2010                |

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|         |  |
|---------|--|
| Book    | Policy Manual                              |
| Section | 2000 Program                               |
| Title   | EDUCATIONAL OUTCOME GOALS AND EXPECTATIONS |
| Number  | po2131 * 10/23/18 CP                       |
| Status  |  |
| Adopted | December 8, 2015                           |

## 2131 - EDUCATIONAL OUTCOME GOALS AND EXPECTATIONS

In fulfillment of the District's ~~Since the mission of the District is~~ to provide a quality education for all of the students, the Board ~~of Education~~ believes the mission is being accomplished when students confirm that they have achieved the following educational goals.

### ***Academic Skills and Knowledge***

- A. Basic skills including the ability to read, write, spell, perform basic arithmetical calculations, learn by reading and listening, and communicate by speaking and writing.
- B. Analytical skills including the ability to think rationally, solve problems, use various learning methods, gather and analyze information, make critical and independent judgements and argue persuasively.
- C. A basic body of knowledge that includes information and concepts in literature, fine arts, mathematics, natural sciences, including knowledge of the elements of agriculture and the conservation of natural resources, and social sciences, including knowledge of the right and responsibilities of the family as a consumer, cooperative marketing and consumers' cooperatives.
- D. The skill and attitudes that will further lifelong intellectual activity and learning.
- E. Knowledge in computer science, including problem-solving, computer applications, and the social impact of computers.

### **Vocational Skills**

- A. An understanding of the range and nature of available occupations and the required skills and abilities.
- B. Preparation to compete for entry-level jobs not requiring postsecondary school education.
- C. Preparation to enter job-specific vocational training programs.
- D. Positive work attitudes and habits.

### **Citizenship**

- A. An understanding of the basic workings of all levels of government, including the duties and responsibilities of citizenship.
- B. A commitment to the basic values of our government, including by appropriate instruction and ceremony the proper reverence and respect for and the history and meaning of the American flag, the Declaration of Independence, the U.S. Constitution, and the constitution and laws of the State.
- C. The skills to participate in political life.
- D. An understanding of the functions of organizations in society.

- E. Knowledge of the role and importance of biological and physical resources.
- F. Knowledge of State, National, and world history.
- G. An appreciation and understanding of different value systems and cultures.
- H. An understanding, at all grade levels, of human relations, particularly with regard to American Indians, Black Americans, and Hispanics.

## Personal Development

- A. The skills needed to cope with social change.
- B. Knowledge of the human body and the means to maintain lifelong health, including:
  1. knowledge of the theory and practice of physical education, including the development and maintenance of physical fitness;
  2. knowledge of the nutritive value of foods, as outlined in the Dietary Guidelines of Americans, and knowledge of the role of a nutritious diet in promoting health, preventing chronic disease, and maintaining a healthy weight. ~~true and comparative vitamin content of food and healthy values of dairy products and their importance for the human diet;~~
  3. knowledge of physiology and hygiene, sanitation, the effects of controlled substances consistent with ch. 161 and alcohol upon the human system, symptoms of disease and the proper care of the body. No student may be required to take instruction in human growth and development, self-esteem, responsible decision-making, interpersonal relationships, sexual activity, human sexuality, reproduction, contraception, family life, parenting, sex stereotypes and protective behavior if his/her parent files with the teacher or principal a written request that the student be exempted. Instruction in physiology and hygiene shall include instruction on sexually transmitted diseases and shall be offered in every high school.
  4. awareness about drug abuse, including prescription drug abuse, and prevention.
- C. An appreciation of artistic and creative expression and the capacity for self-expression.
- D. The ability to construct personal ethics and goals.
- E. Knowledge of morality and the individual's responsibility as a social being, including the responsibility and morality of family living and the value of frugality and other basic qualities and principles referred to in article I, section 22, of the constitution insofar as such qualities and principles affect family and consumer education.
- F. Knowledge of the prevention of accidents and promotion of safety on the public highways, including instruction on the relationship between highway safety and the use of alcohol and controlled substances under ch. 161.
- G. The skills needed to make sound decisions, knowledge of the conditions which may cause and the signs of suicidal tendencies, knowledge of the relationship between youth suicide and the use of alcohol and controlled substances consistent with chapter 161 and knowledge of the available community youth suicide prevention and intervention services. Instruction shall be designed to help prevent suicides by students by promoting the positive emotional development of students.
- H. Knowledge of effective means by which students may recognize, avoid, prevent and halt physically or psychologically intrusive or abusive situations which may be harmful to students, including child abuse, sexual abuse, and child enticement. Instruction shall be designed to help students develop positive psychological, emotional, and problem-solving responses to such situations and avoid relying on negative, fearful, or solely reactive methods of dealing with such situations. Instruction shall include information on available school and community prevention and intervention assistance or services and shall be provided to students in elementary schools.

The Board believes that all students in this District will be able to demonstrate these learnings at a level that is commensurate with their age and capabilities.

The District Administrator is charged with the responsibility for providing, through the District's curriculum and appropriate administrative guidelines, opportunities for each student to accomplish these goals as well as a valid means for assessing the extent to which each is accomplished.



Student achievement of these educational goals represents the Board's highest priority. It should be the highest priority, as well, for the administration and for all members of the staff.

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Legal                      118.019(2)(3)(4), Wis. Stats.  
                                 118.01, Wis. Stats.

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|         |                            |
|---------|----------------------------|
| Book    | Policy Manual              |
| Section | 2000 Program               |
| Title   | RELIGION IN THE CURRICULUM |
| Number  | po2270 * 10/23/18 CP       |
| Status  |                            |
| Adopted | December 8, 2015           |

## 2270 - RELIGION IN THE CURRICULUM

As a public entity, the District must comply with the U.S. Constitution's First Amendment requirement that the District neither establish 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 of Education 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. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally. Teachers shall forward requests for religious accommodation in instruction to the Principal.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may 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 a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District schools frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use by the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

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

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

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

~~No classroom teacher shall be prohibited from providing reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No student shall be required to participate in such activities if they are contrary to the religious convictions of the student or his/her parents or guardians.~~

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 affect.

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

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Legal U.S. Constitutional Amendment 1

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<https://www.boarddocs.com/wi/thawk/Board.nsf/Private?open&login&policynewsid=APGNH95D5179#>

|         |                              |
|---------|------------------------------|
| Book    | Policy Manual                |
| Section | 2000 Program                 |
| Title   | Early College Credit Program |
| Number  | po2271 * 10/23/18 CP         |
| Status  |                              |
| Adopted | December 8, 2015             |

## 2271 - EARLY COLLEGE CREDIT PROGRAM~~YOUTH OPTIONS PROGRAM~~

The Board ~~of Education~~ recognizes the value to students and to the District of students participating in programs offered by University of Wisconsin system institutions, ~~Technical Colleges~~, tribally controlled colleges and private, non-profit higher education institutions in Wisconsin.

The Board will allow any high school student ~~juniors and seniors~~ who satisfies the eligibility requirements to participate in the Early College Credit Program (ECCP) ~~under the Youth Options Program statute and the administrative rules of the Department of Public Instruction~~ to enroll in an approved course at an ECCP approved institution of higher education while attending in the District. Students will be eligible to receive college and high school credit for completing course(s) at authorized institutions of higher education provided they complete the course(s) and receive a passing grade.

The School District's responsibility to pay for tuition, fees, books and other necessary materials shall be limited to eighteen (18) postsecondary credits per student.

The District Administrator shall establish administrative guidelines to ensure that the District's Early College Credit ~~Youth Options~~ Program comports with applicable State law and the administrative rules of the Department of Public Instruction. The District Administrator shall also ensure that all students enrolled in the District in the 8th, 9th, 10th, and 11th grades high school students and their parents are provided with information regarding the Program by October 1st of each year. ~~students in grades 9-11 and their parents are provided with information regarding the Program by October 1st each year.~~

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| Legal | 118.37, 118.55, Wis. Stats.<br>P.I. 40 |
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|         |                               |
|---------|-------------------------------|
| Book    | Policy Manual                 |
| Section | 2000 Program                  |
| Title   | START COLLEGE NOW PROGRAM     |
| Number  | po2271.01 * 10/23/18 CP (New) |
| Status  |                               |

**NEW POLICY - VOL. 27, NO. 2****2271.01 - START COLLEGE NOW PROGRAM**

The District will permit resident high school students who have completed the 10<sup>th</sup> grade and who meet eligibility criteria, to take courses at a technical college in the Wisconsin Technical College System for the purpose of earning both high school and postsecondary credit. Students who wish to attend a technical college under this policy must request attendance and, if the student is a minor, must provide written approval from the student's parent. Students must request such attendance from the student's resident School District, if attending the District as a non-resident.

**General Eligibility Criteria for Students that Have Completed the 10<sup>th</sup> Grade:**

To be eligible to attend courses at a technical college pursuant to this policy, a student:

- A. must be in good academic standing;
- B. must provide written notification to the Board of the School District in which the student resides of his/her intent to attend a technical college under this subsection by March 1st if the student intends to enroll in the fall semester, and by October 1st if the student intends to enroll in the spring semester;
- C. must not be identified as a child-at-risk, pursuant to Policy 5461;
- D. must not be ineligible for participation for having failed a previous class under either this program or the Early College Credit Program (Policy 2271) and failed to reimburse the Board for any required costs; and
- E. must be admitted to the technical college for attendance.

**Undue Financial Hardship**

The Board may prohibit a student's attendance if the student is a child with a disability and the Board determines that the cost to the School District of any required additional special services for participation in this program would impose an undue financial burden on the District.

**Tuition Payments for Technical College Attendance**

The District shall pay to the technical college the cost of a student's tuition for attendance, including any additional costs associated with a student's special services, if applicable, if attendance is permitted, except as follows:

- A. For any course that the Board determines does not meet high school graduation requirements or the Board determines the District provides a comparable course. The student may appeal an adverse decision to the Department of Public Instruction. The Board shall notify the student no less than thirty (30) days prior to the start date of the proposed course if it finds that the course either does not meet high school graduation requirements or is comparable to a course offered in the District.
- B. The student has already completed eighteen (18) postsecondary semester credits.

**Transportation Expenses**

The District is not responsible for transporting a student attending a technical college under this policy to or from the technical college that the student is attending.



|         |                               |
|---------|-------------------------------|
| Book    | Policy Manual                 |
| Section | 2000 Program                  |
| Title   | HOMEBOUND INSTRUCTION PROGRAM |
| Number  | po2412 * 10/23/18 CP          |
| Status  |                               |
| Adopted | December 8, 2015              |

## 2412 - HOMEBOUND INSTRUCTION PROGRAM

Subject to applicable State and Federal law, the Board of Education shall provide, pursuant to rules of the Department of Public Instruction or appropriate State agency and State/Federal law, individual instruction to students of legal school age who are unable to attend classes because they are temporarily not in proper physical or mental condition of a physical or emotional disability. In addition, subject to applicable State and Federal law, the District may provide a homebound study as part of a program or curriculum modification.

A request for homebound instruction should be placed in writing and include the following information. Applications for homebound instruction shall be made by a physician licensed to practice in this State and shall:

1. certify the nature of the medical condition/disability;
2. state the probable duration of the confinement;
3. request such instruction;
4. present evidence of the student's inability to participate in an educational program;
5. indicate whether the student currently has an Individualized Education Plan (IEP) and, if so, whether the student's parent is requesting that the IEP Team reconvene;
6. indicate whether the student currently has a Section 504 Plan;
7. indicate whether the student should be evaluated for an IEP and/or Section 504 Plan;
8. indicate whether the student is or will become a school-age parent;
9. indicate whether homebound study is requested as part of a program or curriculum modification.

Applications must be approved by the principal.

Requests for homebound instruction will be considered by the District Administrator. The District Administrator will issue a decision within ninety (90) calendar days of the written request. If the student has been evaluated for special education but was not found to be eligible for special education, then the District Administrator will provide a written decision within thirty (30) calendar days of the written request.

If the request for homebound instruction is granted, a licensed teacher must provide the homebound instruction, and the homebound instruction will commence as soon as practicable after the date of notification for non-special education students. In the case of special education students or students with a Section 504 Plan, homebound instruction will commence as provided in the applicable Plan.

~~The Board of Education shall provide, pursuant to rules of the Department of Public Instruction or appropriate State agency and State/Federal law, individual instruction to students of legal school age who are not able to attend classes because of a physical or emotional disability.~~

~~Applications for homebound instruction shall be made by a physician licensed to practice in this State and shall:~~

- ~~A. certify the nature of the medical disability;~~
- ~~B. state the probable duration of the confinement;~~
- ~~C. request such instruction.~~

~~Applications must be approved by the Director of Pupil Services/Director of Special Education.~~

~~The District shall begin the instruction as soon as practicable after the date of notification for nonspecial education students. In the case of EEN students under an IEP, the instruction is to begin as soon as practicable after the IEP Committee has met to develop an appropriate IEP. The program of homebound instruction given each student shall be in accordance with rules of the Department of Instruction or other appropriate agency.~~

~~Where permitted by law, the District reserves the right to withhold homebound instruction when:~~

- ~~A. the instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher;~~
- ~~B. a parent or other adult in authority is not at home with the student during the hours of instruction;~~
- ~~C. the condition of the student is such as to preclude his/her benefit from such instruction.~~

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Legal                      118.15(3)(a), Wis. Stats.  
                                 P.I. 11.31, Wis. Adm. Code

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|         |   |
|---------|---|
| Book    | Policy Manual   |
| Section | 2000 Program  |
| Title   | VOL. 26, NO. 1 New INDEPENDENT EDUCATIONAL EVALUATION (IEE) |
| Number  | po2460.03 . 9/7/17 Cp                                       |
| Status  | Proposed  |

#### 2460.03 - **INDEPENDENT EDUCATIONAL EVALUATION (IEE)**

An independent educational evaluation (IEE) is an evaluation conducted by a qualified examiner who is not an employee of this District. A parent has the right to an IEE at public expense if the parent disagrees with an evaluation that the District conducted. For purposes of this policy, "evaluation" means the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs. In the event the District receives a parent request for an IEE, the District must either provide the IEE at District expense pursuant to this policy or request a due process hearing to show that its evaluation is appropriate. The IEE must meet District criteria for IEEs, which is the same criteria that the District uses when it conducts its own evaluations. If the District requests a due process hearing and the hearing officer determines that the District's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense. Parents may only request one publicly funded IEE for each evaluation completed by the District.

#### **Procedures to Obtain an IEE at Public Expense**

- A. The parent should submit to the District a written request for an IEE, and should include in such request an explanation of their reasons for objecting to the evaluation obtained by the District. However, the District will not deny parents a publicly funded IEE because they fail to provide the District with such a written request or fail to provide reasons for requesting an IEE.
- B. If a parent requests an IEE, the District will provide the following information:
  1. A list of the names and addresses of IEE examiners located in the area. The list will consist of IEE examiners who, in the District's judgment, are qualified to perform the evaluation requested by the parents. If a qualified examiner is not located in the area, the District will identify a qualified examiner elsewhere in the State of Wisconsin.
  2. A description of the District's criteria for selection of IEE examiners.
- C. Minimum qualifications for IEE examiners. The District will not pay for an IEE unless the IEE complies with the following criteria or the parents can show unique circumstances that justify a publicly funded IEE that does not meet the criteria.
  1. The prospective IEE examiner (the "examiner") must hold a valid license from the State of Wisconsin in the field related to the known or suspected disability. The examiner must have extensive training in the evaluation of the area(s) of concern and be able to interpret instructional implications of the evaluation results. In instances where no "applicable license" exists, the evaluator must provide documentation of extensive and recent training and experience related to the known or suspected disability.
  2. The examiner must be located within 100 miles of the District, and must conduct the evaluation within District boundaries.
  3. The examiner may only charge fees for educational evaluation services that, in the sole judgment of the District, are reasonable.
  4. The examiner must be permitted to directly communicate and share information with members of the IEP Team. The examiner must also agree to release the assessment and results, including parent and teacher surveys, prior to receipt of payment for services.
  5. If the District evaluation included an observation of the child in one (1) or more educational settings, the IEE shall include at least one (1) observation in that setting. Evaluators shall make at least one (1) contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. In

addition, evaluators are encouraged to make additional contacts with other involved general or special education teachers. If the purpose of the evaluation is to address a learning disability, an observation of the child is a required evaluation component.

6. The same criteria apply to both public and independent examiners.

- D. The maximum allowable cost for an examiner will be the average cost per day or per hour for a similarly qualified staff member employed by the District during the current school year, as determined by the Director of Student Services (not to exceed \$400.00). In the unusual event the examiner is one (1) not typically employed by the District, such as a medical doctor, psychiatrist, clinical psychologist, or other similar professional, reimbursement of costs will be limited to reasonable and customary charges as determined by the District and its insurance carrier. The District shall not be responsible for reimbursement of travel costs or other related costs incurred by the parents in connection with their arrangement of, or their attendance at the IEE, unless the parent can demonstrate that necessary services are not available in the community.
- E. The District will permit parents to show that unique circumstances justify an IEE that exceeds the maximum allowable cost. If the total cost of the IEE exceeds the maximum allowable costs and if, in the District's sole judgment, there is no justification for the excess cost, the cost of the IEE will be funded up to the District's maximum allowable cost and no further. The parents shall be responsible for any remaining cost.

For more information, parents may request a copy of Bulletin 99.02 "Independent Educational Evaluations (IEEs)" from the District or from the Department of Public Instruction, Division of Learning Support: Equity and Advocacy.

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| Book    | Policy Manual                          |
| Section | 2000 Program                           |
| Title   | Copy of RECORDING OF IEP TEAM MEETINGS |
| Number  | po2461 * 10/23/18 CP                   |
| Status  |  |
| Adopted | December 8, 2015                       |

#### 2461 - RECORDING OF IEP TEAM MEETINGS

In order to facilitate parents' ability to fully participate in the IEP process, parents of students with disabilities are ordinarily permitted to audio record IEP Team meetings in accordance with the procedures set forth.

- A. Parents wishing to audio record an IEP Team meeting must utilize their own recording device and tapes and provide notice to the District prior to the date of the scheduled IEP Team meeting.
- B. Parents must obtain the consent of any staff member or other participant in the IEP meeting prior to the meeting in order to tape record the meeting. If any member of the IEP team does not consent to an audio recording of the meeting, the parent will not be permitted to record the meeting, but other accommodation will be made if the tape recording is requested for the parent, due to his/her own disability, to access the IEP process.
- C. If parent(s) elects to audio record an IEP Team meeting, the District will also record the meeting
  - 1. and maintain as a student record, in accordance with State and Federal law.

Video recording an IEP Team meeting is prohibited, unless it is required to permit a parent to access the IEP process, ensure that the parent is able to understand the IEP or implement the IEP, it only video recording the IEP meeting will effectively remove a parent(s) barrier to access to the IEP process caused by a disability. Documentation of the parent's disability and need for accommodations is a health care provider's verification of this necessity will be required. ~~Video recording an IEP Team meeting is prohibited, unless only video recording the IEP meeting will effectively remove a parent(s) barrier to access to the IEP process caused by a disability. A health care provider's verification of this necessity will be required.~~

If the District records an IEP Team meeting, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with State and Federal law.

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*New*

Book Policy Manual

Section 2000 Program

Title START COLLEGE NOW PROGRAM

Number po2271.01 \* 10/23/18 CP (New)

Status

## **NEW POLICY - VOL. 27, NO. 2**

### **2271.01 - START COLLEGE NOW PROGRAM**

The District will permit resident high school students who have completed the 10<sup>th</sup> grade and who meet eligibility criteria, to take courses at a technical college in the Wisconsin Technical College System for the purpose of earning both high school and postsecondary credit. Students who wish to attend a technical college under this policy must request attendance and, if the student is a minor, must provide written approval from the student's parent. Students must request such attendance from the student's resident School District, if attending the District as a non-resident.

#### General Eligibility Criteria for Students that Have Completed the 10<sup>th</sup> Grade:

To be eligible to attend courses at a technical college pursuant to this policy, a student:

- A. must be in good academic standing;
- B. must provide written notification to the Board of the School District in which the student resides of his/her intent to attend a technical college under this subsection by March 1st if the student intends to enroll in the fall semester, and by October 1st if the student intends to enroll in the spring semester;
- C. must not be identified as a child-at-risk, pursuant to Policy 5461;
- D. must not be ineligible for participation for having failed a previous class under either this program or the Early College Credit Program (Policy 2271) and failed to reimburse the Board for any required costs; and
- E. must be admitted to the technical college for attendance.

#### Undue Financial Hardship

The Board may prohibit a student's attendance if the student is a child with a disability and the Board determines that the cost to the School District of any required additional special services for participation in this program would impose an undue financial burden on the District.

#### Tuition Payments for Technical College Attendance

The District shall pay to the technical college the cost of a student's tuition for attendance, including any additional costs associated with a student's special services, if applicable, if attendance is permitted, except as follows:

- A. For any course that the Board determines does not meet high school graduation requirements or the Board determines the District provides a comparable course. The student may appeal an adverse decision to the Department of Public Instruction. The Board shall notify the student no less than thirty (30) days prior to the start date of the proposed course if it finds that the course either does not meet high school graduation requirements or is comparable to a course offered in the District.
- B. The student has already completed eighteen (18) postsecondary semester credits.

#### Transportation Expenses

The District is not responsible for transporting a student attending a technical college under this policy to or from the technical college that the student is attending.



|         |                               |
|---------|-------------------------------|
| Book    | Policy Manual                 |
| Section | 2000 Program                  |
| Title   | HOMEBOUND INSTRUCTION PROGRAM |
| Number  | po2412 * 10/23/18 CP          |
| Status  |                               |
| Adopted | December 8, 2015              |

## 2412 - HOMEBOUND INSTRUCTION PROGRAM

Subject to applicable State and Federal law, the Board of Education shall provide, pursuant to rules of the Department of Public Instruction or appropriate State agency and State/Federal law, individual instruction to students of legal school age who are unable to attend classes because they are temporarily not in proper physical or mental condition of a physical or emotional disability. In addition, subject to applicable State and Federal law, the District may provide a homebound study as part of a program or curriculum modification.

A request for homebound instruction should be placed in writing and include the following information. Applications for homebound instruction shall be made by a physician licensed to practice in this State and shall:

1. certify the nature of the medical condition/disability;
2. state the probable duration of the confinement;
3. request such instruction;
4. present evidence of the student's inability ability to participate in an educational program;
5. indicate whether the student currently has an Individualized Education Plan (IEP) and, if so, whether the student's parent is requesting that the IEP Team reconvene;
6. indicate whether the student currently has a Section 504 Plan;
7. indicate whether the student should be evaluated for an IEP and/or Section 504 Plan;
8. indicate whether the student is or will become a school-age parent;
9. indicate whether homebound study is requested as part of a program or curriculum modification.

Applications must be approved by the principal.

Requests for homebound instruction will be considered by the District Administrator. The District Administrator will issue a decision within ninety (90) calendar days of the written request. If the student has been evaluated for special education but was not found to be eligible for special education, then the District Administrator will provide a written decision within thirty (30) calendar days of the written request.

If the request for homebound instruction is granted, a licensed teacher must provide the homebound instruction, and the homebound instruction will commence as soon as practicable after the date of notification for non-special education students. In the case of special education students or students with a Section 504 Plan, homebound instruction will commence as provided in the applicable Plan.

~~The Board of Education shall provide, pursuant to rules of the Department of Public Instruction or appropriate State agency and State/Federal law, individual instruction to students of legal school age who are not able to attend classes because of a physical or emotional disability.~~

~~Applications for homebound instruction shall be made by a physician licensed to practice in this State and shall:~~

- ~~A. certify the nature of the medical disability;~~
- ~~B. state the probable duration of the confinement;~~
- ~~C. request such instruction.~~

~~Applications must be approved by the Director of Pupil Services/Director of Special Education.~~

~~The District shall begin the instruction as soon as practicable after the date of notification for nonspecial education students. In the case of EEN students under an IEP, the instruction is to begin as soon as practicable after the IEP Committee has met to develop an appropriate IEP. The program of homebound instruction given each student shall be in accordance with rules of the Department of Instruction or other appropriate agency.~~

~~Where permitted by law, the District reserves the right to withhold homebound instruction when:~~

- ~~A. the instructor's presence in the place of a student's confinement presents a hazard to the health of the teacher;~~
- ~~B. a parent or other adult in authority is not at home with the student during the hours of instruction;~~
- ~~C. the condition of the student is such as to preclude his/her benefit from such instruction.~~

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Legal

118.15(3)(a), Wis. Stats.

P.I. 11.31, Wis. Adm. Code

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|              |  |
|--------------|--|
| Book         | Policy Manual                            |
| Section      | 3000 Professional Staff                  |
| Title        | Copy of EMPLOYMENT OF PROFESSIONAL STAFF |
| Number       | po3120 * 10/23/18 CP                     |
| Status       |  |
| Adopted      | December 8, 2015                         |
| Last Revised | February 13, 2018                        |

### 3120 - EMPLOYMENT OF PROFESSIONAL STAFF

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly-qualified and competent personnel.

The Board shall approve the employment, and also, fix the compensation, and establish the term of employment for each professional staff member employed by this District. Teachers may only be employed by contract and only following majority vote of the full membership of the Board or as required or permitted by law. The Board shall approve the employment of any employee required by law to be employed only following the majority vote of the full membership of the Board. ~~The Board shall approve the employment, and also, when not covered by any applicable terms of a collective bargaining agreement, fix the compensation, and establish the term of employment for each professional staff member employed by this District.~~

Such approval shall be given only to those candidates for employment recommended by the District Administrator.

[.] The District Administrator may shall approve the employment and establish the terms of employment and description of job duties for each professional staff member employed by this District, and shall recommend to the Board for approval contracts for any teachers employed by the District. The Board shall be solely responsible for the approval of the employment of any administrator or teacher as required by State law and shall be employed only by a majority vote of the full membership of the Board. Compensation shall be fixed by an established compensation structure or Board action.

Relatives of Board members may be employed by the Board, provided however, if the Board member will benefit financially either directly or indirectly, the Board member may not participate in any way in the discussion or vote on any matter relating to said employment.

There must also be verification that a satisfactory background check has been conducted by the Department of Public Instruction or appropriate State agency.

Any person who signs a contract to teach in the District must, within ten (10) days after signing the contract, file in the office of the District Administrator a statement showing the date of expiration and the grade and character of the certificate or license held.

The District Administrator shall prepare procedures for the recruitment and selection of all professional staff which includes reporting newly hired employees to the Wisconsin Department of Workforce Development.

### DISTRICT SUPPORTED ALTERNATIVE LICENSING PROGRAMS

As part of the Board's efforts to provide the highest quality education for all students in all subject areas, the Board authorizes the District Administrator, where appropriate, to support teacher licensure opportunities.

### EXPERIENCED-BASED LICENSURE FOR TECHNICAL AND VOCATIONAL EDUCATION

"Technical education" means technology education and any technology related occupation

"Vocational education" means agriculture, child services, clothing services, food services, housing and equipment services, family and consumer education, family and consumer services, home economic-related occupations, health care related occupations, trade specialist, business education, business and office, and marketing education.

The District Administrator may support the application for an experience-based license for a teacher to teach in a technical and/or vocational education field, provided that the individual can be credited with at least 100 points using the following system:

A. The following points for experience in a technical field (must comprise at least twenty-five (25) of the required 100 points):

1. For a bachelor's degree in any science, technology, engineering, or mathematics field and any teaching license or permit, or in a field related to the vocational subject, 100 points.
2. For a bachelor's degree in any science, technology, engineering, or mathematics field, or in a field related to the vocational subject seventy-five (75) points.
3. For a bachelor's degree in a field other than those described in numbers 1. and 2., above, any science, technology, engineering, mathematics, or technical or technology education field, sixty-five (65) points.
4. For industry or vocational certification, ninety (90) points.
5. For industry experience in a trade or technical field or vocation, five (5) points per forty (40) hours worked up to a maximum of ninety (90) points.
6. For an internship in a trade or technical field or in the vocation, twenty-five (25) points.
7. For being mentored in a trade or technical skill or in the vocation by a colleague or a Wisconsin Technology Education Association or a recognized vocational association approved mentor, twenty-five (25) points.
8. For an apprenticeship in a trade or technical field or in the vocation, five (5) points per forty (40) hours worked up to a maximum of ninety (90) points.

B. The following points for pedagogical experience (must be at least twenty-five (25) out of the 100 required points):

1. For a bachelor's degree in technical or technology education, 100 points.
2. For a bachelor's degree in a field other than any science, technology, engineering, mathematics, or technical or technology education field, or in a subject related to the vocation and any teaching license or permit, seventy-five (75) points.
3. For credit earned at an accredited institution of higher education or technical college, three (3) points per credit up to a maximum of seventy-five (75) points for technical or technology education courses and science, technology, engineering, or mathematics courses or any field related to the vocation and three (3) points per credit up to a maximum of seventy-five (75) points for education and pedagogical courses.
4. For completing at least 100 hours of training in pedagogy, five (5) points per fifty (50) hours up to a maximum of seventy-five (75) points.

Individuals that have sufficient points may be employed by the District under an experience-based license provided that the District Administrator implements a professional development curriculum for the teacher to follow during the three (3) year period of the initial license. The District Administrator shall monitor the teacher's progress in fulfilling the curriculum.

#### PROFESSIONAL TEACHING PERMIT

The District Administrator may support the teaching license application of an individual to teach a course in engineering, mathematics, science, computer science, art, music, or world languages that do not yet hold a professional teacher license provided that the following criteria are met:

- A. The District is experiencing a shortage in the availability of teachers with professional teaching certification in the subject area and is unable to fill a position with an acceptable licensed teacher.
- B. The individual holds at least a bachelor's degree in engineering, mathematics, science, computer science, art, music, or world languages.
- C. The individual possesses at least five (5) years of verifiable industry experience in the same field as the bachelor's degree.
- D. The individual has completed at least 100 hours of pedagogical training in an alternative teacher licensing program approved by DPI.

E. The District Administrator shall implement a plan to provide supervision of the teacher by a teacher that holds regular professional teaching licensure during the two (2) year period of the permit.

F. The hiring of the teacher under this alternative licensure program will not displace a regularly licensed teacher in the District.

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Legal                      118.19, 118.21, 118.21(2), 121.02, Wis. Stats.  
                                 20 U.S.C. 6319  
                                 20 U.S.C. 7801

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|         |                         |
|---------|-------------------------|
| Book    | Policy Manual           |
| Section | 3000 Professional Staff |
| Title   | PHYSICAL EXAMINATION    |
| Number  | po3160* 10/23/18 CP     |
| Status  | Proposed                |
| Adopted | December 8, 2015        |

### 3160 - PHYSICAL EXAMINATION

The Board of Education requires any candidate who has been offered employment, as a condition of employment, to submit to an examination, including a test for tuberculosis, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats., the District Administrator's guidelines, and applicable law./or the terms of the collective bargaining agreement.

[.] The Board shall also require the candidate (.) based on a contingent job offer, to submit to a test for controlled substances the results of which must indicate there is no evidence of unlawful non-prescribed drug use. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law.

[NOTE: the legality of blanket pre-employment drug testing for all positions is uncertain. Courts have concluded that drug tests that are not based on a suspicion of drug use are permissible only where the position involves "safety-sensitive" employment. Selecting this option should be done with the advice of legal counsel] /or the terms of the negotiated, collectively-bargained agreements and/or due process of law.

~~The Board of Education requires any candidate, as a condition of employment, to submit to an examination, including a test for tuberculosis, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats., the District Administrator's guidelines, and/or the terms of the collective bargaining agreement. Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification~~

~~Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02, the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.~~

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance of the ~~the~~ District Administrator the Board President shall base a nonemployment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities. Freedom from tuberculosis in a communicable form is a condition of employment.

In the event of a report of a condition that could influence job performance of an employee other than the District Administrator, the District Administrator shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

Freedom from tuberculosis in a communicable form is a condition of employment.

The Board shall assume the fees for examinations.

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|-------|---|
| Legal | 118.25, Wis. Stats.   |
|       | 29 C.F.R., Part 1630  |
|       | 29 C.F.R. Part 1635   |
|       | 42 U.S.C. 12101 et seq. Americans with Disabilities Act of 1990, as amended |
|       | 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act     |

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|         |                         |
|---------|-------------------------|
| Book    | Policy Manual           |
| Section | 3000 Professional Staff |
| Title   | CONFLICT OF INTEREST    |
| Number  | po3230 * 10/23/18 CP    |
| Status  |                         |
| Adopted | December 8, 2015        |

### 3230 - CONFLICT OF INTEREST

The proper performance of school business is dependent upon the maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by Board members, and the District's employees, officers and agents is essential to the Board's commitment to earn and keep the public's confidence in the School District.

For these reasons, the Board of Education adopts the following guidelines to ensure that conflicts of interest do not occur. These guidelines apply to all District employees, officers and agents, including members of the Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all professional employees, officers and agents. Professional employees are expected to perform their duties in a manner free from conflict of interest consistent with 19.59, Wis. Stats.

- A. No professional employee, officer or agent shall engage in or have financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system.
- B. Professional employees, officers and agents shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.

Included, by way of illustration, rather than limitation are the following:

- 1. the provision of any private lessons or services for a fee, unless the provision of services is arranged outside of school and is separate from and in addition to regular support provided to students as part of the staff member's regular duties (.) or the service is not provided to students enrolled in one or more class in which the staff member is a teacher or aide.
- 2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees
- 3. the use, sale, or improper divulging of any privileged information about a student or client granted in the course of the employee's, officer's or agent's employment or professional relationship with the School District through his/her access to School District records
- 4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
- 5. the requirement of students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
- C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the District Administrator **before** entering into any private relationship.
- D. Professional employees, officers and agents shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular



business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

- E. Professional employees, officers and agents shall not participate in the selection, award and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

Professional employees, officers and agents cannot solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

However, pursuant to Federal rules, the School District has set standards for when an employee, officer or agent may accept a gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$25.00 or less.

- F. To the extent that the School District has a parent, affiliate or subsidiary organization, including any charter school authorized by the Board regardless of whether it is an instrumentality of the District or not, that is not a State, local government or Indian tribe, the School District may not conduct a procurement action involving the parent, affiliate or subsidiary organization if the School District is unable, or appears to be unable, to be impartial.
- G. Professional employees, officers and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

- H. Professional employees, officers and agents found to be in violation of this conflict of interest policy will be subject to disciplinary action.

In the event that, within the course of administering a Federally funded grant program or service to the District, any professional employee that identifies a conflict of interest, a potential conflict of interest, or that the appearance of a conflict of interest may arise in the course of administering the Federal grant funds, the employee must immediately notify either the Federal agency administering the grant in a manner consistent with that particular agency's rules on conflict of interests, or the District employee directly responsible for grant compliance. Such notice shall be provided at the earliest possible time.

It is a violation of this policy to take action or to refrain from taking action, or for an employee to otherwise use his/her public position to obtain a financial gain or anything of substantial value for himself/herself or his/her immediate family.

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Legal 19.59, Wis. Stats.  
2 C.F.R. 200.12, 2 C.F.R. 200.113, 2 C.F.R. 200.318  
7 C.F.R. 3016.36(b)(3) and 7 C.F.R. 3019.42

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|              |  |
|--------------|--|
| Book         | Policy Manual                              |
| Section      | 3000 Professional Staff                    |
| Title        | FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA") |
| Number       | po3430.01 * 10/23/18 CP                    |
| Status       |  |
| Adopted      | December 8, 2015                           |
| Last Revised | March 13, 2018                             |

### 3430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

#### Introduction

In accordance with Federal and State law, the Board of Education will provide family and medical leave to professional staff. The Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, staff members you should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the Board's other policies will run concurrently (at the same time).

#### Eligibility Requirements

To be eligible for leave under the FMLA, a staff member you must have been employed by the Board for at least twelve (12) months in the past seven (7) years and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. All full-time instructional staff members are deemed to meet the 1,250 hour requirement.

To be eligible for leave under the WFMLA, a staff member you must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to the staff member you under this policy, as well as the staff member's your rights during leave, depend upon whether the staff member you satisfies the above requirements.

#### Qualifying Reasons for Leave

The Board provides family and medical leave for eligible staff members under the following circumstances:

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

The term "child" generally includes a legal ward or a biological, adopted foster or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the staff member has you have assumed the day-to-day obligations of a parent. A child must be either under eighteen (18) years of age or unable to care for himself/herself due to a physical or mental disability or, for leave under State law only, unable to care for himself/herself due to a serious health condition.

"Parent" includes a staff member's spouse's legal guardian only if the staff member is you are requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expense.

- D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of his/her position
- E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

Qualifying exigencies, as defined by Federal regulations, include: 1) short- notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post- deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

- F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

The District Administrator will determine whether an employee's request for leave qualifies under one (1) of the above categories.

#### Amount of Leave Available

Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, s/he is entitled to a total of twelve (12) work weeks of leave in a calendar year from the date of any employee's first FMLA usage for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above.

Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, s/he is entitled to ten (10) work weeks of leave in a calendar year as follows:

- A. a total of six (6) weeks of leave for the birth of his/her natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and



C. a total of two (2) weeks of leave due to the staff member's serious health condition.

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

#### Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

##### A. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

##### B. Absence Plus Treatment

A period of incapacity of more than three (3) consecutive calendar days\* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

\*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.

##### C. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

##### D. Chronic Conditions Requiring Treatment

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

##### E. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The staff member or his/her ~~You or your~~ family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

##### F. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3)

consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).

### **Required Staff Member Notice**

The staff member must provide the District Administrator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for ~~the staff member's~~ your own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

The staff member must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the District Administrator (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the staff member's healthcare provider. The staff member is ordinarily expected to consult with his/her supervisor in order to work out a treatment schedule which best suits his/her needs, as well as the District's.

If a staff member must take more leave than originally anticipated, s/he must notify the District Administrator within two (2) business days of learning of the circumstances necessitating the extension.

### Certification By Healthcare Provider

If a staff member requests leave due to his/her own serious health condition or the serious health condition of his/her spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

The staff member must provide the fully completed certification to the District Administrator within fifteen (15) calendar days of the date that the certification is provided to the staff member, unless it is not practicable to do so despite the staff member's diligent, good faith efforts. If it is not practicable to return the certification within fifteen (15) calendar days, it must be returned to the District Administrator as soon as practicable.

If the staff member fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the date the certification is furnished may be considered unauthorized. A staff member who is absent without authorization may be disciplined, up to and including termination.

The District Administrator will give a staff member a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the staff member or family member with a serious health condition to use a healthcare provider who will complete and furnish an accurate certification in a timely manner.

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare provider to clarify illegible answers and to authenticate the certification. If the certification is incomplete or otherwise unclear, the administrator must request that the employee obtain updated or completed information from the healthcare provider and return it directly to the administrator.

If the District Administrator doubts the validity of a certification, the District Administrator may require, at the Board's expense, that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The District Administrator may request re-certifications on a periodic basis as permitted by law.

### Designation of Leave

In all circumstances, it is the responsibility of the District Administrator to designate leave, whether paid or unpaid, as FMLA leave and to give the staff member notice of the designation and his/her rights and responsibilities under this policy.



The District Administrator will give the staff member the notice on each occasion that s/he notifies his/her supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one notice will be provided unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the District Administrator will provide to the employee a "Designation Notice" stating whether a request for leave has been approved or denied within five (5) business days. At a minimum, the staff member will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the staff member provides information to the District Administrator sufficient to enable him/her to determine that the leave is being taken for an FMLA-qualifying reason.

The District Administrator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

#### Manner In Which Leave Can Be Taken

Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day or week. The staff member must consult with his/her supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

When leave is governed only by the FMLA, intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition. Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification. Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

When leave is governed only by the FMLA, the District Administrator may offer a staff member a temporary transfer to another position for which s/he is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spent by the staff member in an alternative position will not count against the employee's FMLA leave entitlement.

Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule governed only by the FMLA, which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave, must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the District Administrator for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

The District Administrator may require instructional staff members who take Federal leave near the end of an academic term to extend their leave through the end of the academic term if:

- A. the leave is commenced more than five (5) weeks from the end of the term but the employee intends to return during the final three (3) weeks of the term and the leave is longer than three (3) weeks in duration;
- B. the leave is commenced within five (5) weeks of the end of the term and the employee intends to return during the final two (2) weeks of the term and the leave period was at least two (2) weeks in duration; or
- C. the leave commences within three (3) weeks of the end of a term and the leave was at least five (5) working days in duration.

Staff members whose leave is extended at the end of an academic term under this section will be charged against their FMLA entitlement only the time that they required for purposes of their leave.

#### Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member may use the following leaves provided by the Board, if available:

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

A staff member may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which s/he have earned and accrued, for leave taken under this policy, if available. The Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the staff member's FMLA and/or WFMLA leave entitlement.

#### Continuation of Benefits

A staff member will remain eligible for group health insurance benefits under the Board's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if the staff member had been actively employed during the entire leave. However, the staff member has the option of choosing not to retain such coverage during family or medical leave.

During leave taken under this policy, the Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The staff member will be responsible for paying his/her portion of health insurance premiums regardless of whether his/her family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the District Administrator for making premium payments for group health insurance during leaves.

To the extent permitted by law, the Board reserves the right to require the staff member to place up to eight (8) weeks of health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty (30) days late.

The staff member's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the Board's policy regarding provision of such benefits when a staff member is on other types of leave.

If a staff member fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical benefit coverage during the leave, unless the reason for the staff member's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.

#### Accrual of Benefits

The use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave. A staff member will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit shall accrue if the staff member elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

#### Employment Restoration

A staff member will generally be reinstated to the same position s/he held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if s/he had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, s/he is not entitled to be reinstated.

A staff member who exceeds his/her FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the staff member may be eligible to be reinstated under the non-FMLA/WFMLA leave policy.



A staff member who is able to return to work prior to the expiration of leave must notify his/her supervisor immediately. Upon such notice, the District Administrator will promptly reinstate the staff member to active employment, provided s/he has the present skill and ability to perform the essential functions of his/her job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the staff member's notification of his/her ability to return to work.

#### Fitness For Duty Certification

If leave is due to the staff member's serious health condition, s/he must present certification to return to work to his/her supervisor upon returning to work. The staff member's principal attending physician must complete the certification. The certification must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member's ability to perform regular or other duties and the duration of the limitations. No certification will be required when the staff member returns from intermittent leave, except as otherwise permitted or required by the Americans With Disabilities Act of 1990.

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job related and consistent with business necessity.

Reinstatement may be delayed until the staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, s/he may be disciplined, up to and including termination.

With the staff member's permission, the Board's healthcare provider may contact the staff member's healthcare provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

#### Confidentiality

All medical information relating to leave, whether written or verbal, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

#### No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or under attendance policies.

#### Miscellaneous

The District Administrator may designate another administrator to perform his/her duties under this policy.

A staff member who fraudulently obtains leave under this policy is not protected by this policy's job restoration or maintenance of health benefits provisions.

The District Administrator shall see that the policy is posted properly.

The District Administrator shall provide a copy of the policy upon the request of a staff member.

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Legal

29 U.S.C. 2601 et. seq.

29 C.F.R. Part 825

103.10, Wis. Stats.

Wis. Admin. Department of Workforce Development (DWD) 225

National Defense Authorization Act of 2010

Last Modified by Chris Patritto on October 23, 2018

Book Policy Manual

Section 4000 Support Staff

Title NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

Number po4122 \* 10/23/18 CP

Status

Adopted December 8, 2015

#### 4122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate in the employment of support staff on the basis of the Protected Classes of race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity) pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices.

##### District Compliance Officers

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

Mitch Hamm  
Director of Pupil Services and Special Education  
Tomahawk School District  
1048 East King Road  
Tomahawk, WI 54487  
715-453-5555  
hammm@tomahawk.k12.wi.us

Penny Antell  
Tomahawk School District  
1048 East King Road  
Tomahawk, WI 54487  
715-453-5555  
antellp@tomahawk.k12.wi.us

The names, titles, and contact information of these individuals will be published annually in the staff handbooks, in the School District Annual Report to the public, and on the School District's web site.

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public.

##### Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are expected to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other supervisory employee so that the Board may address the conduct. Any administrator, supervisor, or other Supervisory employee who receives such a complaint shall file it with the CO at his/her first opportunity, but no later than two (2) business days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community (District employees, students, parent(s), and members of the Board), resident of the District, or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin an investigation, or the CO will designate a specific individual to conduct such a process. The



CO will provide a copy of this policy to any person who files a complaint. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the alleged wrongdoing.

#### Investigation and Complaint Procedure

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Once the complaint process begins, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission ("EEOC").

#### Complaint Procedure

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a complaint, either orally or in writing, with a Principal, the CO, District Administrator, or other supervisory employee. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall assume the role of CO for such complaints.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

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

All complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the District Administrator.

Within two (2) business days of receiving the complaint, the CO will initiate an investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

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

At the conclusion of the investigation, the CO shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the Complainant and the Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the District Administrator's final decision. In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of its decision. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

#### Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.

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

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained in accordance with the School Board's records retention policy.

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, and /or the Employee Handbook ~~consistent with the terms of the relevant collective bargaining agreement(s).~~

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

#### Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised their rights, aided or encouraged any other person in the exercise of any right granted or protected by those laws.

#### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The District Administrator shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general.

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| Legal | 111.31 et seq., 111.335(d)(2), 118.195, 118.20, Wis. Stats.<br>Fourteenth Amendment, U.S. Constitution<br>20 U.S.C. Section 1681, Title IX of Education Amendment Act<br>20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974<br>20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act<br>42 U.S.C. 6101 et seq., Age Discrimination Act of 1975<br>42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended<br>34 C.F.R. Part 110 (7/27/93)<br>42 U.S.C. 2000e et seq., Civil Rights Act of 1964<br>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act<br>29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended<br>29 C.F.R. Part 1635 |
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Last Modified by Chris Patritto on October 23, 2018



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|--------------|----------------------|
| Book         | Policy Manual        |
| Section      | 4000 Support Staff   |
| Title        | PHYSICAL EXAMINATION |
| Number       | po4160 * 10/23/18 CP |
| Status       |                      |
| Adopted      | December 8, 2015     |
| Last Revised | February 13, 2018    |

#### 4160 - PHYSICAL EXAMINATION

The Board requires any candidate for positions in which the employee will come in contact with children or prepare food, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, subject to further tests, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats., the District Administrator's guidelines, and/or the terms of the collective bargaining agreement.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification

Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, the successful candidate who is required to submit to a medical examination, as well as the medical health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance of the , the District Administrator , the Board President shall base a nonemployment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities. Freedom from tuberculosis in a communicable form is a condition of employment.

In the event of a report of a condition that could influence job performance of an employee other than the District Administrator, the District Administrator shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

Freedom from tuberculosis in a communicable form is a condition of employment.

The Board shall assume any fees for required examinations.

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Legal

118.25, Wis. Stats.

121.52(b), Wis. Stats.

29 C.F.R., Part 1630

29 C.F.R. Part 1635

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

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Chris Patritto on October 23, 2018