

**WAUNAKEE COMMUNITY SCHOOL DISTRICT
BOARD OF EDUCATION POLICY COMMITTEE MEETING**

Tuesday, May 27, 2025

6:00 PM

Waunakee Community School District
905 Bethel Circle
Waunakee, WI 53597

Members of the public may attend Board of Education meetings in-person, and will be asked to check in with District personnel when you arrive.

Public comments will be limited to 3 minutes. The Board will allow 30 Minutes for public comments.

Public comments may be sent to Rebecca McDonough at district_administrator@waunakee.k12.wi.us up to one hour before the start of the Board meeting. All comments will be reviewed by the Board members. Emailed comments will be reviewed by the board but not read out loud. Emailed comments sent during any part of the board meeting (Board Development, Closed session, Open session) will be forwarded to the board but may or may not be reviewed by the board until after the board adjourns. Comments must include the commentator's name, address, and must identify their connection to the District (if any) and any group they are representing in order to be considered by the Board.

If you would like to address the Board in-person during the public comments section of the meeting, you will be greeted in the lobby of the building, asked to check in with District personnel when you arrive so that you can be recognized and address the Board when your name is called.

A recording of the meeting will be posted on the District webpage within 24 hours of the meeting time.

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. APPROVE AGENDA

IV. PUBLIC COMMENTS

V. FUND POLICY - Policy 662.3 **3**

Steve Summers and Allie Newton will present and answer questions regarding updates to the Fund Policy

VI. PURCHASING POLICY - Policy 672.1 and 672.1 Rule **4**

Steve Summrs and Allie Newton will present and answer questions regarding this policy.

VII. OPEN ENROLLMENT POLICY - Policy 423 & 423. Rule 1 **7**

Steve Summers and Tiffany Loken will present and answer questions regarding changes to this policy.

VIII. STUDENT STAFF RELATIONSHIPS POLICIES - Policy 363.2 Rule **29**

1

Brian Grabarski will be available to answer any questions regarding this policy

IX. 3RD GRADE TO 4TH GRADE PROMOTION & RETENTION

34

POLICY - Policy 345.41

Amy Johnson will present and answer questions regarding this policy.

This is a new policy due to Act 20.

Attached please find:

Sample Policy 1

Sample Policy 2

Sample Policy 3

Administrative Recommendation (mainly Sample Policy 2 with edits and the addition of 1 section of Sample Policy 3)

X. GRADUATION REQUIREMENTS POLICY - Policy 345.7

68

Tim Schell will be available to present and answer questions regarding this policy updates.

XI. COPYRIGHT POLICIES - Policy 771 and 771 Rule (1) & (2)

69

Tim Schell will present and answer questions regarding these policies.

Per WASB the policy and rule should be renumbered to 771.1.

Policy 771.1 - update to PRG version with edits

Policy 771.1 Rule 1 - update as per edits

Policy 771 Rule 2 - Repeal

XII. FUTURE MEETINGS

XIII. ADJOURN

“Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires assistance with access or materials should contact the Waunakee Community School District Office at 849-2000, 905 Bethel Circle Drive Waunakee, WI 53597, at least twenty-four hours prior to the commencement of the meeting so that necessary arrangements can be made to accommodate the request.”

The Waunakee Community School District Board of Education recognizes that the management of District funds necessitates the development of an adequate end of year fund balance. The general fund operating reserve:

1. Provides adequate working capital sufficient to meet the district cash-flow requirements, thus minimizing any cash-flow (short term) borrowing during the annual operating cycle.
2. Functions as a safeguard to fund unanticipated expenses that the district might incur or to fund unrealized revenue, which may occur but shall not be considered available to meet recurring operating expenses.
3. Demonstrates fiscal responsibility resulting in high credit rating which will help to reduce the district's borrowing costs.

In recognition of these needs, the Board of Education shall continually strive to develop operating budgets, which will add sufficient funds each year to the General Fund Balance and work towards maintaining a **range of 10% - 15% minimum of 15%** of the total operating expenses in the fund balance.

Use of the General Fund Balance must be approved by 2/3 majority of the Board.
Committed funds are used first, followed by assigned and then unassigned amounts.

Annually, the Board of Education will review the fund balance to determine the allocation between non-spendable, restricted, committed, assigned, and unassigned fund balance accounts. The **Director of Business Services** ~~Business Manager~~ is delegated authority to assign fund balance as directed by the Board of Education.

Legal Ref.: Section 65.90 Wisconsin Statutes

Cross Ref.: 680, Fiscal Accounting and Reporting

Adoption Date: January 2000

Revised: April 2002
March 2011
June 2024
XXXX, 2025

BIDDING PROCEDURES

672.1-Rule

The following administrative procedures apply when obtaining formal bids and/or quotations:

1. The initiator of the purchase or **their** ~~his/her~~ designee will assume a major role in developing written specifications under the direction and the supervision of the **Director of Business Services** ~~Business Manager~~ or **their** ~~his/her~~ designee.
2. The **Director of Business Services** ~~Business Manager~~ may request assistance in formulation of a vendor list from the initiator of a purchase or **their** ~~his/her~~ designee, but the final selection of the vendors to be solicited and the solicitation will emanate from the Business Office.
3. All bids and/or quotations shall be mailed or delivered to the initiator.
4. Proposals will be reviewed by the initiator and the **Director of Business Services** ~~Business Manager~~ in light of the specifications and the best interests of the school district. The **Director of Business Services** ~~Business Manager~~ may utilize a consultant in analyzing proposals.
5. A recommendation will be forwarded to the Superintendent by the **Director of Business Services** ~~Business Manager~~ who, in turn, will submit a recommendation to the Board as required.

Legal Ref.: Sections 66.0901 Wisconsin Statutes

Cross Ref.: 672, Purchasing
672.3, Cooperative Purchasing
780, Insurance Management
851-Rule, Sales Advertising Exception
933, Construction Contracts, Bidding and Awards

Adopted: 10/11/82

Revised: 4/22/91
March 1994
October 12, 1998
April 2002
November 2005
XXXX, 2025

Waunakee Community School District

This policy refers to purchase approvals using non-federal funds. Federal Funds must follow the federal purchasing approval guidelines.

One-time purchases made up to \$1,000 shall not require approval, purchases from \$1,001 to \$10,000 require approval from the Director of Business Services, purchases \$10,001 to \$15,000 require approval from the Executive Director of Operations, purchases \$15,001 to \$24,999 require the approval of the District Administrator, purchases made in excess of \$1,500 shall be individually approved by the Building/Department Administrator, purchases made in excess of \$10,000 shall be individually approved by the District Administrator, and purchases made in excess of \$25,000 shall be individually approved by the Board. Purchases over \$5,000 shall be based on quotations, advertised bids and/or other evidence that competitive pricing has been sought. Exceptions to purchasing approvals shall be made for the following:

- a. Textbooks, books, and instructional materials
- b. Replacement parts for existing equipment or if the value of the replacement parts are estimated to be less than fifty percent (50%) of the total value of the existing equipment.
- c. Cooperative Educational Service Agency (CESA) contracts
- d. Professional service contracts/agreements
- e. State of Wisconsin or other national purchasing contracts
- f. Emergency circumstances jointly recommended to the Board President by the District Administrator and the Business Manager and approved for exemption by the Board President.
- g. Purchases from Fund 21 or Fund 60 (non-taxpayer funds).
- h. Competitive pricing is not available from other vendors.
- i. Purchases approved by the Director of Business Services under special circumstances (Examples include invoices from local and state government agencies).
- j. Expenditures committed by an IEP team

Technology equipment purchases shall require final approval from the Building/Department Administrator and the Director of Technology.

A monthly report shall be provided to the Board of Education that lists purchases made under any of the approved exception categories.

The District reserves the right to reject any or all formal bids or informal quotations, to waive technicalities, to make adjustments in specifications or quantities and/or to make selections based on best interests of the school district.

Legal Ref.: Sections 66.0901 Wisconsin Statutes

Cross Ref.: 672, Purchasing
672.3, Cooperative Purchasing
780, Insurance Management
851-Rule, Sales Advertising
Exception
933, Construction Contracts, Bidding
and Awards

Adoption Date: 10/11/82

Revised: June 2024

FULL-TIME OPEN ENROLLEMENT PROGRAM (INTER-DISTRICT)

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Nonresident students residing within the State of Wisconsin shall be permitted to enroll in the district through an open enrollment program consistent with the terms of this Board policy upon application to the District following the procedures set forth in Policy 423, Rule-1.

This policy shall be administered in accordance with the state public school open enrollment laws and the administrative rules established by the Department of Public Instruction (DPI).

I. DEFINITIONS

The following definitions will apply to the District's Open Enrollment Program.

A. Nonresident District

A school district located in Wisconsin which is not a student's district of residence.

B. Nonresident Student

A student who is a resident or otherwise legally entitled to attend school in another school district in Wisconsin who seeks admission to this District under the Open Enrollment Program.

C. Tuition Student

A nonresident student who is a resident of the State of Wisconsin and tuition is being paid in accordance with statute.

D. Class Size

The district's determination of the maximum number of students who can be enrolled in a particular classroom without jeopardizing the quality of the instructional program. Mitigating circumstances for a particular school, class, or program, including enrollment projections established by the Superintendent or his/her designee may be considered in establishing the limit.

E. Program Size

The enrollment or size restrictions in a specific program within a class or building. The district reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and maintain a proper learning environment, and comply with contracts, grants, and applicable laws and regulations.

F. Resident Student

A student who is a resident of the Waunakee Community School District and is consequently entitled to attend school in this district in accordance with policy.

I Building Capacity

The maximum number of students who can be enrolled in a school building as determined by the Board.

II. ENROLLMENT OF NONRESIDENT STUDENTS

Determination of Space Availability

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- A. Annually at a meeting in January, the Board shall establish the number of regular education and special education spots available for nonresident student attendance at each grade level as well as each school, program, and class for the following school year. The Superintendent or his/her designee shall develop and present to the Board for approval the available spots considering the following:
 - 1. Class size limits as established by the Board Policy 423, Rule-1.
 - 2. Desired pupil-teacher ratios
 - 3. Enrollment projections including resident students and existing open enrollment students. the following students in the count of occupied spaces:
 - a. Pupil's paying tuition to attend school in the district
 - b. Pupil's and siblings of pupil's already attending school in the district through the open enrollment program
- B. Applications received for a grade level or special education programs for which no spots are available will not be further considered for open enrollment for the applicable school year.
- C. If the Board has taken action in January to limit the number of spaces that will be available for applications that are submitted under the regular application period for the following school year, then the District shall not approve any alternative applications submitted during the remainder of the current school year (after the January meeting) in any of the relevant grades or services with limited space for the following year. For example, if the Board has limited the availability of spaces in 7th grade for the following school year, then a current-year alternative application submitted for the 6th grade after the January meeting must be denied. Further, in the school year to which the space limitations directly apply, if the District did not approve all otherwise-eligible regular-period application(s) for a particular grade or service due to space considerations, then the District shall deny any alternative applications for entrance into a space-limited grade or service that are received from July 1 through the third Friday in September count.

Criteria for Selection of Students for Open Enrollment

- A. Any nonresident student that meets one or more of the following criteria will not be eligible for open enrollment:
 - 1. The student has applied for open enrollment into a program, class, or grade level for which no space is available.
 - 2. Discipline-Related Criteria.
 - a. Review of records. All decisions to accept or deny an open enrollment application under the "Discipline-Related Criteria" specified in this policy will be made based upon the District's review of relevant information, including any

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information/records that may be provided by the resident district or another school/district.

- b. The term of an applicant's expulsion overlaps with the proposed period of open enrollment. Consistent with state law authority, the District shall deny the application and prohibit the enrollment of any student whose term of expulsion (for any lawful reason and regardless of when the expulsion occurs) from any public school, independent charter school in Wisconsin, or out-of-state public school overlaps with the proposed period of open enrollment.
- c. The term of an applicant's recent expulsion from school does not overlap with the proposed period of open enrollment. The District shall deny an application for full-time open enrollment in the District if a review of the student's disciplinary records indicates that the student-applicant has been expelled by any Wisconsin school district at any time during the current school year or preceding two school years for any of the following specified conduct: (1) endangering the health, safety or property of others; (2) conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; (3) possessing a dangerous weapon while at school or under the supervision of a school authority; or (4) engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety or property of others at school or under the supervision of a school authority or of any school district employee or school board member.
- d. Disciplinary matters that are pending or that become pending while the application is under consideration. Subject to the limited exception defined in paragraph 2-f, below, if any disciplinary proceeding involving alleged conduct falling in one of the four categories listed in paragraph 2-c of this policy (immediately above) is pending at the time the District notifies the student of his/her application status, the District shall deny the application.
- e. Applicants must continue to meet discipline-related approval criteria after initial acceptance. Subject to the limited exception defined in paragraph 2-f, below, the District will revoke the prior acceptance of an open enrollment application if, at any time prior to the beginning of the school year in which the student will first attend school in the District, the District determines that the student either (1) has been expelled as described in paragraph 2-b of this policy, above; or (2) has been expelled or become subject to a pending disciplinary proceeding, as described in either paragraph 2-c or paragraph 2-d of this policy, above.
- f. Limited exception. In situations where a student's application is initially rejected due to a pending disciplinary matter, the District, upon the written request of the student's parent or guardian, will reconsider the status of the student's application if both of the following conditions are satisfied: (1) prior to the close of the period during which the District would normally continue to process and

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accept applications from any waiting lists, the District is able to determine that the prior pending disciplinary matter has been concluded in favor of the student; and (2) the District concludes that considering possible acceptance of the application would not be prejudicial to any other applicant.

3. The special education program or related services described in the child's individualized education program is not available in the district.
 4. The student has been referred to the resident school board or identified by the resident school board for evaluation or receipt of special education or related services, but is not yet evaluated by an IEP team appointed by the resident district.
 5. The Board determines that the student was habitually truant during any semester of attendance in the District during the current or previous school year.
 - Applicants for open enrollment shall be subject to the same rules for determining habitual truancy as resident pupils are subject. Those rules are found in Board Policy and Rule 431.
 - If the student accumulates unexcused absences sufficient to be designated as habitual truant during a school year in which the student is open enrolled and the student or parent/guardian has been informed of the habitual truancy as provided in Policy 431 and Rule 431, the student's habitual truancy may be a basis to terminate a student's open enrollment during the school year upon a recommendation of the Superintendent or designee to the Board.
- B. A student shall be ~~guaranteed~~ **granted preference for** open enrollment acceptance if the student is already attending school in the district or their sibling is already attending school in the district, ~~even if space is not available. This guarantee does not apply to the sibling of a current open enrollee if the Waunakee Community School District does not provide the space or the services required by the student's IEP.~~
- C. If the number of eligible applicants for admission from nonresident students exceeds the number of available enrollment opportunities in a particular class, program, or grade level nonresident students shall be selected for admission using a random selection process established by the Superintendent or his/her designee. The students not selected may be placed on an open enrollment waiting list, if a waiting list is established by the Superintendent. No waiting list will be created for applicants to a particular class, program, or grade level for which the Board determines there are no open enrollment spots available. Board Policy 423, Rule provides the procedures applicable to the waiting list.
- D. The Board may require nonresident students to reapply for admission at a transition grade (5th, 7th, or 9th). Nonresident students may not be required to reapply more than one time.

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- E. If a student attending the District through open enrollment has an IEP developed or revised any time after acceptance for open enrollment, and the services required by the IEP are not available in the District or if space in the program is not available based on the Board's determination in January for the applicable school year, the parent or guardian shall be notified and the student shall be transferred to the student's resident district.
- F. "Best Interests" Determinations Under the Alternative Open Enrollment Application Criteria and Procedures. If a parent or guardian applies for open enrollment under the alternative open enrollment application criteria and procedures and relies on the "best interests of the student" criterion, the District shall review the information and rationale provided by the parent(s) or guardian and make a determination as to whether the District agrees with the parent(s) or guardian that attending school in the District pursuant to the application is in the student's best interests. If the District determines that attendance would not be in the student's best interests, the application shall be denied on that basis.
- G. Requests for Early Admission to Kindergarten. The District does not evaluate nonresident open enrollment applicants for early admission to 4- or 5-year-old kindergarten.
- H. A full-time open enrollment application can also be denied if the nonresident student is ineligible for open enrollment under state law (e.g., the student does not meet the age requirements for school attendance or for early admission, the resident district does not have a 4-year-old kindergarten program as offered by the District) or the application is determined to be invalid (e.g., the application is incomplete, untimely, or in excess of the number of allowable applications).

III. RELEASE OF RESIDENT STUDENTS

- A. Resident students may apply for full-time open enrollment in another public school district in accordance with state law.
- B. If the student has applied for open enrollment under the alternative open enrollment application criteria and procedures authorized by law, the District may deny the student's open enrollment if the District determines that none of the criteria relied on by the student to submit the application apply to the student. Prior to denying an alternative application on the basis that the parent or guardian did not provide enough information to allow the District to assess whether the student has been the victim of repeated bullying or whether open enrollment would be in the best interests of the student, the District shall offer the parent or guardian an opportunity to provide additional information.

IV. TRANSPORTATION

- A. The district shall not provide transportation to nonresident students who are accepted under the open enrollment program with the exception of any student with an IEP that requires

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transportation or as required by the State Superintendent under s. 121.54(3), Wis. Stats. Transportation shall be provided by the parent to and from the assigned school. Parents may contract with the district for transportation services from a scheduled district bus stop.

B. The district shall not provide transportation to resident students who are accepted as nonresident students in another school district. A non-resident district may not enter into the Waunakee Community School District for the purpose of picking up and dropping off open enrolled students.

V. FEES

Nonresident students enrolled under this policy will be subject to the same student and participation fees as resident students.

VI. CO-CURRICULAR PARTICIPATION

Nonresident students entering the WCSD under disciplinary sanction for violating the co-curricular code of their resident district shall complete the imposed action if it is equal to or more severe than that which would have been imposed had it occurred in the Waunakee School District. If the disciplinary action is less severe than that which would have been imposed in Waunakee, the appropriate Waunakee sanctions shall be imposed.

WIAA rules and regulations for eligibility shall be followed for nonresident as well as resident students. The WCSD Co-Curricular Code of Conduct shall apply to nonresident as well as resident students.

VII. ADMINISTRATIVE GUIDELINES

The district administrator or his/her designee shall be responsible for developing and promulgating administrative guidelines to implement this policy.

VIII. Appeals of Open Enrollment Decisions

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

Legal Ref:

Wisconsin Statutes

[Section 115.385\(4\)](#)

[parent notification of education options, including full-time open enrollment]

[Section 115.787](#)

[individualized educational programs for students with disabilities]

[Section 115.7915](#)

[special needs scholarship program for students with disabilities denied open enrollment]

[Section 118.16\(1\)\(a\)](#)

[definition of habitual truant]

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Section 118.50(6)	[whole grade sharing provision related to full-time open enrollment]
Section 118.51	[full-time public school open enrollment]
Section 118.57	[public notification of education options, including full-time open enrollment]
Section 120.13(1)(f)	[authority to deny enrollment of student during the term of expulsion]
Section 120.13(1)(h)	[conditional enrollment of expelled students]
Section 121.54(3)	[transportation for children with disabilities]
Section 121.54(10)	[optional transportation for full-time open enrollment students]
Section 121.545(1)	[optional transportation under a parent contract]
Section 121.55	[methods of providing transportation]

Wisconsin Administrative Code

[PI 36](#) [DPI rules governing inter-district open enrollment]

Cross Ref: 343.2, Class Size
370-Rule (1), High School Co-Curricular Code
370-Rule (2), Middle School Co-Curricular Code
411, Equal Educational Opportunities
412.1, Full-time Student
422, Admission of Nonresident student (Other than Open Enrollment Students)
423-Rule (1) Open Enrollment Procedures
423.1 Course Options
432, School Attendance Areas (Intra-District Transfers)
433, Assignment of Students to Classes
470, Student Fees

Adoption Date: January 12, 1998

Revised: 4/13/98 August 2000
March 2002
December 2002
March 2006
July 2006
February 2008
July 2011
December 2012
August 2013
January 2016
April 2020
September 2023

ADMISSION OF STUDENTS PARTICIPATING IN FULL-TIME OPEN ENROLLMENT

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The administration shall prepare and present recommendations on space availability to Board such that the Board is able to adequately consider the information and make a timely determination. Projected enrollment of resident-school students is to be determined by the Director of Business Services by no later than January 1st.

The number of openings in a particular program for nonresident students will be determined by optimum and maximum size for a particular program or classroom which is the number of students that can be accommodated considering current staff, equipment, building capacities. Special education, inclusion, and self-contained programs will be separately considered for available capacity, if any. The district shall maintain the class sizes in the optimum to maximum size but may exceed the maximum due to space or program needs for residents. The optimum or maximum class size may also be reduced based on the educational needs of specific classes. Nonresident students may be accepted for enrollment when projected class or program size(s) is below the optimum level and the building capacities are below the maximum level. The optimum/maximum class or program size range for all programs is as follows:

I. CLASS SIZES

Elementary Grades K-2:

Optimum of 20 students per teacher with a maximum of 22 based on current enrollment and district enrollment projections for each grade.

Elementary Grades 3-6:

Optimum of 23 students per teacher with a maximum of 25 based on current enrollment and district enrollment projections for each grade.

Secondary Grades 7-12:

Optimum of 25 students per class with a maximum of 30 based on current enrollment and district enrollment projections.

Lab Classes:

Optimum of 22 students per class with a maximum of 24. Lab classes consist of courses where work stations are established for student hands-on or experimental work. These include courses in programs such as science, technology education, F/CE, computers, driver education, business education, art, as well as others.

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Special Education Classes:

These programs do not have specific class size minimums and maximums. Staffing and program levels are established based on the number of students and the specific needs of students as determined by their IEP. Acceptance of nonresident special education students will be made on the schools ability to provide services required in a Student's IEP using current or planned staff for the applicable school year.

Other Special Classes:

~~Programs such as the Horizons, WECEP, Co-ops, Apprenticeship, alternative programs, ESL, and others which are similar have specific criteria and respond to individual student needs. Nonresident students will be accepted into these programs on an individual basis if space is available without increasing staffing and/or without decreasing service to resident students. Band, chorus, and orchestra applicants will be accepted only under the same conditions.~~

The general process of determining the number of available spaces by grade and program will involve establishing projected total capacities and then subtracting the projected number of occupied spaces from the total capacities. Any projected future increase (or decrease) in the number of resident students who will be entitled to attend school in the District shall be reasonably incorporated into the District's count of occupied spaces.

In formulating recommendations to the Board regarding space availability, the administration shall consider and incorporate, to the extent applicable, the following elements of the Department of Public Instruction's (DPI) administrative rules:

1. If the Board establishes any annual space-availability limitations, then on or after the first Monday in February, the District is not permitted to reduce the number of spaces that the Board declared to be available for open enrollment.
2. If the Board establishes any annual space-availability limitations, the District may not approve more applications that were submitted during the regular application period than the number of spaces that the Board designated as available for open enrollment until after the statutory deadline for providing initial notice of acceptance or denial (i.e., the first Friday following the first Monday in June). After such deadline, additional applications may be approved as outlined in the DPI rule and in a manner consistent with Board policy.

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If the Board has taken action in January to limit the number of spaces that will be available for applications that are submitted under the regular application procedure for the following school year, then the District shall not approve any alternative applications submitted during the remainder of the current school year (after the January meeting) in any of the relevant grades or services with limited space for the following year. For example, if the Board has limited the availability of spaces in 7th grade for the following school year, then a current-year alternative application submitted for the 6th grade after the January meeting must be denied. Board policy and applicable regulations identify how any annual space availability limitations established by the Board in January affect alternative applications that are received in the subsequent school year – through the third Friday in September count.

II. APPLICATION FOR ADMISSION

- A. All applications for admission under this program are sent to the district administrator or his/her designee where they will be date-stamped and examined to ensure that all the application requirements listed on the State form/website have been fulfilled properly. Those that are not properly completed will be returned to the applicant. No applications are to be accepted or date-stamped until the first Monday in February and none after the last weekday in April.

All properly-completed applications as well as a record of any incomplete applications are to be sent to the resident school district and the Department of Public Instruction by the end of the first weekday following the last weekday in April.

All properly-completed applications will be maintained by the district administrator or his/her designee who will be responsible for organizing them by grade-level and /or program, whatever is applicable.

Any application received prior to or after the deadline dates are to be returned to the applicant with a notice of the proper application dates.

At the January meeting, the school board will then approve the number of available spaces for all grade-levels/classes/ programs.

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1. The District Administrator or designee shall inform all applicants who will be denied acceptance before the first Friday following the first Monday in June. Each student's resident district is also to be informed. The notice of denial shall state all reasons for which the applicant was denied enrollment and shall inform the student and parent or guardian of their rights to appeal the decision to the Department of Public Instruction.

2. For those grade-levels/classes/programs for which applications will be accepted the following procedure is to be used.

If there are fewer applications for enrollment than the number of spaces available, all those who meet acceptance criteria are to be notified of acceptance. No regular-period application that was submitted on a timely basis shall be accepted or denied by the District before May 1. The district administrator or his/her designee shall notify the applicants on or before the first Friday following the first Monday in June. All notices of acceptance shall identify the specific school or program that the student may attend in the following school year. All notices of denial shall identify the reason(s) the application was denied, information about the appeal process, and, if applicable, the student's number on any waiting list(s). Each student's resident district is also to be informed.

If there are more applications than spaces available the District Administrator or designee shall do the following:

- a) Identify students who do not meet the acceptance criteria established in Board policy. These students' applications will be denied and specific reasons for the denial provided.

- b) Identify any siblings of nonresident students who are attending a district school. These siblings are to be approved for enrollment prior to the random-selection process.

- c) Identify any nonresident students who are attending the district. These students shall be approved for enrollment prior to the random-selection process.

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- d) Conduct a random selection for all remaining applications if there are still more applications than available spots for a class, program, or grade level as follows:
- i. Using a computer generated random drawing, assign a number to each application
 - ii. ~~Assign a number to each application and place the numbers in a container.~~
 - iii. ~~In the presence of at least one (1) other staff member, conduct a blind drawing of the numbers and list each number drawn in the order they are drawn. The drawing is to continue until all numbers have been drawn.~~
 - iv. The applicants **are approved** ~~drawn~~ in order up to the total number of available spots shall be notified that they have been accepted for enrollment. The remaining applicants shall be notified that they have been denied enrollment due to insufficient space following a random selection process. This notification must be completed on or before the first Friday following the first Monday in June.

Applicants that are denied enrollment following the random selection shall be placed on a waiting list in the order they were selected through the blind drawing. Parents will be notified by the third Friday in August if a spot has become available for them from the waiting list.

For any otherwise-eligible applicant who is a student with a disability who has been assigned a grade-based space but who is on a special education waiting list, or vice-versa, the student will initially receive notice of denial due to lack of available space, but the District will hold the space (either general or special education) that has been assigned to the student until either a space on the other waiting list becomes available for the student (at which point the student will be notified that he/she may attend school in the district) or the District reaches the end of the period

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for which it maintains waiting lists (at which point the space that has been held for the student shall be assigned to the next applicant, if any, on the applicable waiting list).

Parents will have 10 days to respond and enroll the student or the space will be offered to the next student on the list

3. Alternative Procedure.

A parent of a nonresident student may also apply for open enrollment under the alternative criteria and procedures. The student must meet at least one of the following criteria:

- i. The resident school board determines that the pupil has been the victim of a violent criminal offense and the application is made within 30 days of the resident school board's determination;
- ii. The student is or has been a homeless student in the current or immediately preceding school year;
- iii. The student has been the victim of repeated bullying or harassment and the student's parent or guardian has reported the bullying or harassment but the bullying or harassment continues;
- iv. The place of residence of the student's parents has changed due to military orders and the application is made within 30 days of the date of the orders;
- v. The student has moved into the state and the application is received within 30 days of the date the student moved into the state;
- vi. The place of residence has changed due to a court order or custody agreement or due to placement in a foster home or placed in a home other than the student's parent's home and the application is made within 30 days of the student's change in residence; or
- vii. The student's parent resident school board and the District agree that attending the Waunakee Community School District is in the student's best interest; if the board denies the student's request, the parent may appeal to DPI. If DPI determines that the student's enrollment in WCSD is in the student's best interest, the student will be granted enrollment.

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The student's resident school board will be notified immediately of any application received under this section. The Board shall decide within 20 days of receipt of an application whether it has been granted and shall notify the parent and resident school board of the decision. If granted, the student shall enroll within 15 days of approval or the district may notify the parent in writing that the student is no longer approved to enroll.

B. Determination of Placement

1. All accepted applications are to be maintained by the district administrator or his/her designee for review and proper placement.
2. Placement decisions are to be made based on the same factors that were used to determine acceptance and the information contained in the applicants' records.
3. Each applicant is to be informed of placement for the next school year on or before the first Friday following the first Monday in June.

C. Information with Notification

The following information is also to be included with the notification of placement:

1. The District's regular enrollment procedure which is to be followed when enrolling a nonresident student.
2. Participation in interscholastic athletics must comply with pertinent regulations of the Wisconsin Interscholastic Athletic Association (WIAA) and any relevant conference standards regarding eligibility of transfer students for participation in interscholastic athletics.
3. Enrollment in a school shall be subject to an agreement that transportation of the nonresident student to the school is provided for by the student, his/her parents, the resident district or via contract with the district to provide transportation to a

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scheduled bus stop. The District will provide transportation to students whose IEP requires it.

4. The appropriate principal shall determine academic assignment or placement based upon completion of prerequisite courses or grades in the student's prior school and the awarding of transfer academic credit, if applicable.

D. Other Information

1. If the application is for a special education program, the IEP will be reviewed by the Director of Special Education prior to any action.
2. No nonresident student will be enrolled/placed in a program, course, or grade who has not met the prerequisites established for resident students.
3. The district shall not discriminate against any student but the district is not required to provide any services not currently available in the district or adapt any facilities for a nonresident student in accordance with his/her IEP.
4. The nonresident student's parent(s) or guardian(s) shall notify the District Administrator or designee of the student's intent to attend school in the District in the following school year on or before the last Friday in June following receipt of the notice of acceptance, except as noted above for nonresident students accepted for enrollment from a waiting list.
5. Annually by July 7, the resident district school boards shall be notified of the names of the students from the resident district who will be attending school in the District the following school year. For students accepted for open enrollment from the waiting list after July 7 that choose to attend school in the District, this resident school district notification will be provided as soon as possible after getting confirmation of such attendance from the student's parent or guardian
6. Student Records. The District will limit its requests for student records (or information from student records) and its sharing of records with the resident district to the records and information that may be lawfully requested or disclosed under applicable law and DPI rules.

III. Resident Student Open Enrollment Applications

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- A. Upon receipt of any paper copy of a resident student's application to attend a school or program in another public school district, school office staff shall affix a date stamp (or a written and initialed date) and forward it to the District Administrator or his/her designee for review and processing.
- B. By the first Friday following the first Monday in May, the District shall provide the nonresident school district(s) to which the student applied appropriate notice of the resident student's special education and/or disciplinary status, including providing copies of any records that the District is permitted/required to release. If the applicant does not attend school in the District and the District has no records for the student, the District will notify the nonresident school district(s) of the student's non-attendance.
- C. All applications, those received online and paper applications, shall be reviewed by District staff using the acceptance/denial criteria outlined in Board policy. If the application is denied, the applicant and the nonresident school board shall be notified, in writing, that the application has been denied. This notification shall be made on or before the second Friday following the first Monday in June. The notice shall include the reason(s) for the denial and information about the appeal process.
- D. Special Procedure for Resident Open Enrollment Students Not Enrolled in the District. To the extent necessary to allow for the appropriate accounting of the District's student membership and appropriate state aid transfers, students who reside in the District but who have been enrolled in a private school or home-based private educational program and students who did not reside in the District at the time of applying for full-time open enrollment in another school district must formally enroll in the District prior to attending school in another public school district under the full-time open enrollment program.
- E. Student Records. The District will limit its requests for student records (or information from student records) and its sharing of records with the nonresident district to the records and information that may be lawfully requested or disclosed under applicable law and DPI rules. The District shall ensure that the records of a resident student who accepts open enrollment and elects to attend school in a nonresident district are sent promptly to the nonresident district.

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IV. APPLICATIONS SUBMITTED UNDER ALTERNATIVE (CURRENT YEAR) OPEN ENROLLMENT PROCEDURES

- A. Reason(s) for Alternative Application – Subject to any limitations established under state law on the timing of application submissions and on the number of open enrollment applications that may be submitted for any July 1 to June 30 school year, a parent or guardian of a student who wishes to attend school in a nonresident school district may submit an open enrollment application for attendance to begin during the current July 1 to June 30 school year if the student meets one of the following criteria and the parent or guardian identifies and describes the criteria that the student meets in the application:
1. The resident school board determines that the student has been the victim of a violent criminal offense in a school in the resident school district. The application must be made within 30 days of the resident school board's determination.
 2. The student is or has been a homeless student in the current or immediately preceding school year.
 3. The student has been the victim of repeated bullying or harassment and all of the following apply: (a) the student's parent or guardian must have reported the bullying or harassment to the school board or designee under a bullying/harassment complaint process; and (b) in spite of action taken by the board or designee the repeated bullying or harassment continues.
 4. The place of residence of the student's parent or guardian and of the student has changed as a result of military orders. The application must be made within 30 days of the date on which the military orders changing the place of residence were issued.
 5. The student moved into Wisconsin. The application must be made within 30 days after moving into the state.
 6. The student's residence has changed as a result of a court order or custody agreement or because the student was placed in or removed from a foster home or

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with a person other than the student's parent. The application must be made within 30 days after the student's change in residence.

7. The student's attendance in a school in the nonresident school district is considered to be in the best interests of the student. The application must explain the reasons for requesting this exception and why attendance at the nonresident school district is in the best interests of the student

B. Application Review and Approval Process

1. When the District receives an open enrollment application that has been submitted under the alternative open enrollment criteria outlined above, whether it is submitted by a nonresident student or a resident student, the date any paper application was received shall be affixed to the application (or otherwise recorded) and the application shall be forwarded to the District Administrator or his/her designee for review and processing.

a. If the application involves a nonresident student seeking to attend school in the District under open enrollment, the District will:

(1) Immediately send a copy of any paper application received by the District to the student's resident school district, or, if applicable, the student's anticipated resident school district; and

(2) Work with the resident district (or the anticipated resident district) identified in the application to determine where the applicant is currently attending school, and to determine from which school the District will receive any relevant special education records (e.g., the student's current IEP) and/or disciplinary records (e.g., expulsion records). If the applicant is not currently attending school in the resident district, the District will request such records from the school or school district the student is attending or most recently attended

b. If the application involves a resident student who is attending, or who previously attended school in the District, then within 10 days of receiving a copy of the application, the District shall provide the

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nonresident school district appropriate notice of the resident student's special education and/or disciplinary status, including copies of any records that the District is permitted/required to release. If the applicant does not attend school in the District and the District has no records for the student, the District will notify the nonresident school district(s) of the student's non-attendance

2. District staff shall review the application using the acceptance/denial criteria outlined in Board policy and in this rule. The District Administrator or his/her administrative-level designee is authorized to make the acceptance/denial decision for the District and to direct the sending of the appropriate notifications.

- a. The District will deny the alternative application of a nonresident student when required by state law or DPI rule, and the District may also deny such an application:

- (1) due to lack of available space;

- (2) under any of the acceptance and denial criteria established in Board policy that apply to an application submitted during the regular open enrollment application period; or

- (3) if the application relies on the best interests of the student criterion and the District determines that open enrollment is not in the student's best interests.

- b. The District will deny the alternative application of a resident student when required by state law or DPI rule, and the District shall also deny any such application if it determines that the criteria relied on by the parent or guardian to submit the application (including the "bests interests" criterion) do not apply to the student.

3. If the application involves a nonresident student seeking to attend school in the District, then the District will notify the applicant, in writing, whether the application has been approved or denied no later than 20 calendar days after the application was submitted. If the District fails to issue a timely notice of

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acceptance of a nonresident alternative application to the parent or guardian, the application is considered denied.

a. If the application has been denied, the notification shall include the reasons for the denial and information about the appeal process. To the extent consistent with state law and District policy, initial acceptance of an application may be subject to revocation.

b. If the District has approved the open enrollment application of a nonresident student, the notification provided to the applicant shall identify the specific school or program that the student may attend. A nonresident student accepted for enrollment may immediately begin attending the assigned school or program in the District and shall begin attending the school or program no later than the 15th day following receipt of the notice of acceptance (or another date mutually agreed upon by the District and the student's parent or guardian). If the nonresident student has not enrolled in or attended school in the District by the relevant deadline, the District may notify the student's parent or guardian, in writing, that the student is no longer authorized to attend school in the District.

c. To the extent that there is a delay in the District's receipt of any relevant disciplinary records from another school or school district, the District will attempt to review and act upon such records promptly. If necessary, the District will deny the application due to an inability to sufficiently review such records. However, to the extent permitted by DPI, the District may revisit such a denial if the relevant records/information are provided within a reasonable time period after the 20th calendar day following the submission of the application

4. If, for purposes of the application, the District is identified as the resident school district, the District shall notify the applicant whether the application has been approved or denied in accordance with any deadlines established by state law or DPI rule. Normally, the District will issue such notifications no later than 20 days after the date that the application was submitted.

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It is the applicant's responsibility to provide sufficient information to enable the District to determine that at least one of the bases for an alternative application applies to the student. However, prior to denying an alternative application on the basis that the parent or guardian did not provide enough information to allow the District to assess whether the student has been the victim of repeated bullying or whether open enrollment would be in the best interests of the student, the District shall offer the parent or guardian an opportunity to provide additional information.

If a resident student's alternative application is denied, the notification shall include the reason(s) for the denial and information about the appeal process.

V, APPEAL OF OPEN ENROLLMENT DECISIONS

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

Legal Ref: Sections 118.13 Wis. State Statutes
118.51
118.52

Cross Ref.: 423, Full-time Open Enrollment
423.1, Course Options
343.2, Class Size

Adoption Date: January 1998
April 1998

Revised: August 2000
March 2002
December 2002
July 2006
December 2012
January 2016

**ADMISSION OF STUDENTS
PARTICIPATING IN FULL-TIME OPEN
ENROLLMENT**

Waunakee Community School District

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September 2023

STAFF INTERNET SAFETY & ACCEPTABLE USE

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Intent

The Waunakee Community School District will provide all staff access to technology resources including mobile devices and the Internet to support educational excellence in all our schools. The concept of internet safety and technology use has fundamentally changed and will continue to change in the future. It has become clear that safety is not just an exercise in protecting staff from online dangers or reducing risk for the district population; internet safety also means our staff are good digital citizens.

Staff should use the district's computer network in a way that is consistent with applicable district policies. Whoever uses the Waunakee Community School District computer network and other instructional technology is expected to behave ethically and to comply with District policy and administrative guidelines. Each employee is expected to understand and comply with the following rules and guidelines. Violation of the rules and guidelines in this policy will result in disciplinary action up to and including termination and legal action, if warranted.

Digital Citizenship

The Waunakee School District expects all users to demonstrate good digital citizenship. They are expected to:

1. Use digital tools, the network, and the internet appropriately for their position's needs.
2. Use only their own accounts.
3. Follow international copyright laws.
4. Be professional and courteous in their online communications as a representative of the district.
5. Treat all equipment with care.
6. Respect the work and privacy of others.
7. Keep passwords and login information private.
8. Alert an administrator if they receive or learn of threatening or inappropriate online communication, or activity.
9. Use only district authorized software and browsers.
10. Refrain from sharing personal information on the internet.
11. Record or take pictures of others only after obtaining their permission.
12. Remember that all network activities are monitored and retained.

Responsibility

Because the Internet is a network with global reach, individuals may encounter materials that are not considered appropriate or suitable by parents and other members of the learning community. Therefore, acceptable use behaviors and safety policies are outlined below. The District staff and parents and guardians are responsible for conveying and discussing responsible technology use with their students and children. In accordance with federal law, the staff is also responsible for monitoring student use of the Internet while in their classrooms. Although it is unlikely, individual users might gain access to inappropriate materials despite supervision and technology protection measures. Any observed intended, or unintended access to inappropriate material should be immediately reported to an administrator.

The individual user, student and staff alike, is ultimately accountable for all activities conducted while using the Internet, network, or other district instructional technology resources. The smooth operation of the computer network and Internet depends upon the proper conduct of the users. These guidelines are provided so that students and staff are aware of their responsibilities.

Terms and Conditions of Use

STAFF INTERNET SAFETY & ACCEPTABLE USE

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The following guidelines were written to correspond with federal and state law governing computerized communication systems (1995 Wisconsin Act 353, effective June 7, 1996, Children's Internet Protection Act, 2000).

1. Acceptable Use

- a. The Waunakee Community School District has established the computer network and other instructional technologies for a "limited educational purpose," which includes classroom activities, career development and teacher-approved self-discovery activities.
- b. The use of these resources must be in support of education and research and consistent with the educational objectives of the Waunakee Community School District.
- c. Transmission of any material in violation of any national or state regulation is prohibited. This includes, but is not limited to, copyrighted, harassing, threatening, or obscene material. Pirating, which is the illegal copying or selling of software or copyrighted material, is prohibited.
- d. Use any social media application with caution, please be aware that all social media related to staff may be subject to district policies regarding public records. Refrain from communication with students using social media.
- e. Staff may analyze legislative proceedings and matters of public concern and communicate with elected officials via the computer network. However, fund-raising for political activities may not be conducted using the network.
- f. The computer network is not for commercial purposes.
- ~~g.~~ Staff may not use the network to offer or provide products and services of a commercial nature.
- h. The District will comply with Wisconsin statutory requirements and administrative rules related to technology.

3. Technology Protection Measure

The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are:

- child pornography, as defined in Section 2256 of Title 18, United States Code; or
- harmful to minors.

a.- The Waunakee Community School District employs technology protection measures to protect students and other individual users from seeing inappropriate materials and prevent unauthorized individuals from gaining access to our network.

b. One of these technology protection measures shall be an Internet management application, or filter.

- The District shall filter websites that contain obscenity, child pornography, materials harmful to minors, and may filter sites that interfere with the educational objectives of the school or make excessive demands on network resources.
- The filter's database shall automatically download updates frequently to keep the protection as current as possible. The technical staff shall be able to open and close sites as needed for instructional purposes.
- Filtering shall be effective throughout the entire network.

c The District shall utilize firewall technologies to assist in preventing unauthorized access.

d The District has the capability to monitor Internet access and may check an individual's record of access.

5. E-mail and other electronic communication

a. All network users are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:

- Be polite. Do not write messages that will harass, offend, or insult anyone.
- Use appropriate language. Do not use profanity, sexual connotations, or other inappropriate language. Illegal activities are strictly forbidden.

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- Users may not knowingly receive e-mail containing pornographic material or other inappropriate information and data. Please report all inappropriate materials to administration.
- Do not use the network in such a way that you would disrupt the use of the network by other users.
- Exercise caution if you receive an unexpected attachment. Contact the system administrator, a technician, or a lab assistant if you suspect a virus.
- E-mail attachments that you create or forward should be consistent with the educational mission of the school district.

b For your personal protection, do not give out your address or phone number.

c Note that e-mail and other electronic communication is not private, privileged, or confidential. People who operate the system have access to all mail. Messages relating to, or in support of illegal activities may be reported to the authorities.

d E-mail may be subject to district policies regarding public records.

6. Security

a. Security on any computer system is a high priority, especially when the system involves many users. If you feel you can identify a security problem on the network, you must notify a system administrator, technician, or lab assistant

b. Do not use another individual's account or password.

c. Attempts to logon to the network as a system administrator will result in cancellation of user privileges.

d. Any user identified as a security risk or having a history of problems with other computer systems may be restricted or denied network access.

7. Network Resources

a. Network resources, including but not limited to storage and connectivity, are limited. Avoid excessive demands on network resources.

b. Excessive demands on network resources are subject to restriction by the system administrator. Repeated excess demand on network resources will result in termination of access and possible administrative action.

8. Vandalism

a. Vandalism is defined as any malicious attempt to modify, damage or destroy data, software, operating systems, or equipment, or intentionally disrupt the system.

b. This includes, but is not limited to, the loading or creation of computer viruses and any attempt to bypass network security.

9. Consequences for Violations of the Acceptable Use Policy

a. Violation of any provision of the Acceptable Use Policy may lead to termination of access. School administrators will determine consequences for inappropriate use.

b. An administrator of the school may request the system manager to suspend specific staff user accounts until the incident is reviewed. The district may temporarily deny access to maintain network function or prevent a criminal act pending the disciplinary process.

c. Staff will receive notice of an alleged violation and an opportunity to respond before an extended termination of access.

d. First time violations of a minor nature may be addressed through administrative counseling.

e. Individuals may be subject to action under existing Board of Education Policies, school rules, and contractual agreements.

f. Termination of access does not prohibit the district from pursuing or implementing other disciplinary measures.

- Acceptable Use Violations that are severe or repeated may result in additional sanctions beyond termination of access up to, and including, staff dismissal.

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- The district will contact appropriate local, state, or federal authorities if there is any suspicion of illegal activity. The District will lawfully cooperate with local, state, or federal officials in any investigation concerning illegal activities conducted through the District's network.

10. Privacy

- a. Files in individual, unshared, staff folders should not be viewed by other staff, with the exception of the system administrator, technical personnel, and supervisors.
- b. Files in shared folders are not private.
- c. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors are prohibited. Communication with commercial website operators will be governed by the Children's Online Privacy Protection Act.
- d. The system administrator and technical personnel have the ability to access personal files, including e-mail.
- e. Regular network maintenance and monitoring may detect violations of the acceptable use policy.
- f. The system administrator and technical personnel will investigate unusual activity on the network and may access personal files in the course of such investigations.
- g. The district retains control of all data stored on all district-owned servers and devices and may exercise this control to monitor compliance with this policy.

11. Warranties of Service

- a. The Waunakee Community School District (WCSD) makes no warranties of any kind, whether expressed or implied, for the service it is providing.
- b. The WCSD will not be responsible for any damages you suffer. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or your errors or omissions.
- c. The WCSD is not responsible for any costs, liabilities or damages caused by the way you use the computer network.
- d. Use of any information obtained via the Internet is at your own risk.
- e. The WCSD specifically denies any responsibility for the accuracy or quality of information obtained through its services.

12. Electronic Communications with Students

- a. Unless otherwise expressly permitted by Board policy or rule, District staff may only engage in electronic communication with students using a district provided or otherwise District-approved means of electronic communication (e.g., a district-approved social media account, district-approved online learning platform, or district-provided email account). The District will establish and maintain a list of district-approved means of electronic communications.

District staff are prohibited from communicating electronically with students using a personal (i. e., non-district) email, text messaging, or social media account unless, 1) urgent circumstances are present that suggest that there is an imminent threat to the health, safety, or property of any person and the staff member promptly communicates their reliance on this exception to the school principal or other appropriate administrator; or 2) the appropriate school principal or administrator has granted written approval for such communication for a limited purpose.

"Electronic media" includes all forms of social media, such as but not limited by enumeration to the following: text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video sharing websites (e.g., YouTube), editorial comments posted on the internet, and social network sites (e.g., Facebook, Snapchat, X, Instagram, Tik Tok), and all forms of telecommunications such as landlines, cell phones, and web-based applications.

1. The employee shall limit communications to matters within the employee's professional responsibilities (e.g., for teachers, matters relating to virtual learning, class work, homework, or assessments).

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2. Staff shall not engage with students in inappropriately peer-like social relationships, via activities or communications that reasonably may compromise the staff member's ability to perform their District role, including their ability to serve as an effective and objective adult authority figure.
3. Staff shall not foster, encourage, or maintain relationships with students in which there is an inappropriate level of communicative, interpersonal, or emotional intimacy that reasonably may compromise the staff member's ability to perform their District role, including their ability to serve as an effective and objective adult authority figure.

b. Limitations on the scope and application of this policy: This policy and any rules or guidelines developed under this policy shall not be construed or applied in a manner that would impede a staff member's ability to:

1. Reasonably perform their District authorized role and responsibilities, provided that their communications and conduct remain grounded in legitimate educational purposes and sound professional practice. Depending on the staff members' specific District authorized role(s), legitimate educational purposes may include matters that relate to academics, extracurricular activities, counseling, advising, health and medical matters, social services, or operational services (e.g., transportation or food service).
2. Reasonably respond to urgent circumstances that suggest there's an imminent threat to the health, safety, or property of any person. If a staff member relies on this exception to engage in communication or interaction with the student that may otherwise be inappropriate (e.g., due to the time, location, method, or subject matter), the staff member is expected to promptly report the relevant circumstances to the applicable school principal or other appropriate administrator.
3. An employee is not subject to this prohibition to the extent the employee has a pre-existing social or family relationship with the student. For example, an employee may have a pre-existing relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.
4. Student employees (e.g. Aquatic Center staff, Warrior Media, Summer School Teaching Assistants, Youth Apprentices, etc.) are not subject to this prohibition with peer students. Student employees in roles that involve quasi-supervisory responsibilities would be subject to the policy in relations with non-peer students for which they are partially responsible for supervision or direction, under regular school employees.

c. Consequences for policy violations.

District staff who violate this policy or any rules or directives that the district issues in furtherance of this policy may be subject to discipline or other consequences, up to and including termination of their District role(s) (e.g., employee, volunteer, etc.). The district may also report the circumstances relating to certain violations to law enforcement and other applicable authorities.

Adoption Date: 1/10/96

Revised: 6/8/98
February 2002
February 2009
August 2018
May 2023

3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

Policy 345.41

Sample Policy 1

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{This sample addresses the promotion policy mandate established under [section 118.33\(6\)\(a\)3](#) of the state statutes. This sample takes an overall approach to the mandate that shares many similarities to 345.41 Sample Policy 2 and 345.41 Sample Policy 3, but it is less detailed. As the shortest of the three samples, this sample offers the advantage of relative brevity, but it addresses fewer contingencies, includes fewer options, and provides less guidance for implementation. Before selecting a sample and making final local policy choices, consider reviewing the other PRG samples to obtain a better understanding of the topic and different possible options.}

Effective Date

The effective date of this policy is July 1, 2025, and the promotion criteria specified herein first apply to third grade promotion decisions that occur at the end of the 2025-26 school year. *{Editor's Note: Choosing July 1, 2025, as the effective date of the entire policy means that (1) per [DPI guidance](#), the district is not obligated to provide eligible promoted students with an intensive summer reading program under [section 118.33\(5m\)\(a\)](#) of the state statutes until the summer of 2026, and (2) the district's existing 3rd grade promotion criteria and procedures will apply to promotion decisions that are made at the end of the 2024-25 school year. However, importantly, all districts must implement the other post-promotion mandates found in 118.33(5m)(a) (e.g., services and supports provided in 4th grade for eligible students) in the 2025-26 school year.}*

General Third Grade Promotion Criteria

(refer also to the later section addressing certain students with disabilities)

{Editor's Note: The criteria that a district ultimately includes in this section represent discretionary policy decisions. The examples given below may not sufficiently reflect your district's intent/goals and can be modified.}

A 3rd grade student shall be promoted to 4th grade, without further evaluation being required, **unless** the available information about the student's academic progress (not limited to any single test or assessment result) indicates that:

1. The student is clearly not meeting **2nd grade** academic standards and learning goals (viewed in the aggregate by subject area) at a level of basic proficiency in **both** math and reading/language arts; **or**
2. The student is clearly not meeting **1st grade** academic standards and learning goals (viewed in the aggregate by subject area) at a level of basic proficiency in **either** math or reading/language arts.

However, even if a student does **not** meet the initial promotion criteria stated above, the District will still promote the student if, upon a further evaluation that considers (1) academic factors, (2) relevant non-academic factors (e.g., social, developmental, etc.), (3) evidence-based practices, and (4) available input from the student's parent(s)/guardian(s), a designated representative of the District concludes that **both** of the following apply:

1. If promoted with available interventions, the District **would** be able to provide the student with at least a realistic opportunity to participate in the 4th grade general curriculum in a meaningful manner and make more than negligible progress in reducing the gap(s) that exist between the student's present level of academic progress and grade-level

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standards (i.e., with a “realistic opportunity” meaning that it is reasonable to think that those academic outcomes would be possible, not that those outcomes are assured or even highly likely); **and**

*[Insert either **OPTION 1** or **OPTION 2** or **OPTION 3**:*

OPTION 1 (designated staff make the final decision; promotion occurs in all cases where promotion is at least somewhere on the spectrum of reasonableness):

- 2. In the District representative's professional judgment, there is a reasonable view of the student's overall circumstances under which promotion with available interventions would be in the best educational interests of the student, even if other views are also reasonable and even if the District's representative would personally choose retention for the student.*

OPTION 2 (designated staff make the final decision; the district would have somewhat more latitude to retain a student than under OPTION 1):

- 2. In the District representative's professional judgment, the review of the student's overall circumstances did **not** clearly and convincingly demonstrate that retention with interventions would be **substantially** more likely to be in the student's educational best interests (e.g., promotion will occur in any reasonably close case).*

OPTION 3 (because the district concluded under the “realistic opportunity” determination that promotion would be at least a minimally reasonable academic setting for the student, if the district recommends retention as the most appropriate outcome, the student's parents/guardians may still elect promotion):

- 2. That **either** (1) promotion with interventions is at least equally likely to be in the overall best educational interests of the student **or** (2) after a designated District representative has presented the student's parent(s) or guardian(s) with a recommendation that retention with interventions is likely to be in the overall best educational interests of the student, the student's parent(s) or guardian(s) select promotion with interventions for their child.*

[END OF OPTIONS]

Screening and Further Evaluating Students for Possible Retention

{Editor's Note: The screening criteria that a district includes in this section represent discretionary policy decisions.}

3rd grade students will be preliminarily screened and then further evaluated for retention or promotion under the criteria established in the previous section (above) if:

1. A licensed staff member involved in providing math or reading instruction to a student has made a direct referral for further evaluation due to a concern that the student may not be able to meet the promotion criteria established above in this policy; or
2. *[Insert additional screening criteria that the district wishes to include in the policy].*

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{Editor's Note: The following are two examples of potential additions to this list:

- The outcome of any universal screening reading assessment or diagnostic reading assessment taken **during 3rd grade** showed the student to be "at risk" under the state's definition of "at risk."
- The student is screened for such further evaluation based on any other factor that the District Administrator or an administrative-level designee has determined will help to appropriately identify those students who, upon further evaluation, might realistically be retained under this policy's promotion criteria.}

After the screening process, the District will inform the student's parent(s) or guardian(s) if their child has been identified for further evaluation for possible retention.

The District Administrator or an administrative-level designee will establish (1) a timeline and staff responsibilities for conducting the screening, and (2) procedures, timelines, and staff responsibilities for completing the individualized evaluations and making a final decision. ***{Editor's Note: Refer to 345.41 Sample Policy 3 for an example of one possible approach to assigning staff responsibilities and establishing the relevant procedures and timelines.}***

Modifications for Certain Students with Disabilities

If a student's IEP includes materially modified academic content and achievement standards in reading, math, or both, then the student shall be promoted if the student's IEP team determines that promotion will be the appropriate setting for the student in the following year based on relevant academic and non-academic factors, evidence-based practices, and the educational best interests of the student. All other students with disabilities are subject to the same promotion criteria and screening and evaluation processes as students without disabilities, except as may be required to comply with state or federal law in an individual case.

Parent Requests for Reconsideration

If the student's parent(s) or guardian(s) disagree with the District's promotion or retention decision under this policy, they may request reconsideration. The administrator designated to respond to the request will modify the initial decision only if, upon a review of all relevant and reasonably available information, they conclude that the policy was applied incorrectly.

Retention in Extraordinary Circumstances

{Editor's Note: This section could be deleted, but the parent right to request a program and curriculum modification likely applies to this situation whether it is referenced in policy or not.}

A parent or guardian who believes that, under extraordinary circumstances, their child should be retained even though the child was properly determined to be eligible for promotion under this policy may request retention as a special program and curriculum modification under section 118.15(1)(d) of state law. The District reserves all lawful discretion to deny such requests.

3rd Grade Students Promoted to 4th Grade without Completing Their Personal Reading Plan

If the District promotes a student from 3rd grade to 4th grade, but the student had a legally-mandated personal reading plan in place during 3rd grade that the student did not successfully

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complete (as completion is defined in state law), then, subject to limited exceptions, state law requires the District to do all of the following for the student:

1. Notify the student's parent or guardian, in writing, that the student did not complete the personal reading plan and include a description of the intensive instructional services and supports that will be provided to the student to remediate the identified areas of reading deficiency.
2. Provide the student with the applicable intensive instructional services and supports during 4th grade.
3. Monitor the student's progress with respect to the student's development of reading skills.
4. As a further service/support, provide the student with an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment. The student's parent(s) or guardian(s) may decline to have their child participate in any such summer reading program that is offered by the District.

Section 118.33(5m)(b) of the state statutes allows, but does not require, the District to apply a "good cause" exception to providing the notification, services, supports, and/or progress monitoring (as listed above) to certain students who would otherwise be eligible. The District will consider applying a statutory "good cause" exception to a student only when the District determines that doing so would be nondiscriminatory and educationally appropriate *[insert if desired: "and if the student's parent(s) or guardian(s) agree to the application of the exception"]*. **{Editor's Note: If the district prefers to expressly list the five "good cause" exceptions in its policy, see the final section of 345.41 Sample Policy 3 for an example of appropriate wording.}**

Legal References:

Wisconsin Statutes

Section 118.016(1)(a)	[definition of "at risk" with respect to reading readiness assessments]
Section 118.016(5)(d)	[completion of a personal reading plan by a 3rd grade pupil]
Section 118.15(1)(d)	[parent requests for program and curriculum modifications]
Section 118.24(2)(a)	[district administrator authority to manage the promotion of students]
Section 118.33(5m)	[post-promotion service and support mandates for certain students promoted to 4th grade; good cause exceptions]
Section 118.33(6)(a)	[policy requirements for 3rd, 4th, and 8th grade promotion criteria]
Section 118.33(6)(cm)	[policy requirement for kindergarten to 1st grade promotion criteria]

Wisconsin Administrative Code

Section PI 13.09(1)	[limitations on using test results and test exemptions to make promotion and retention decisions for students with limited English proficiency]
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Cross References:

[Insert appropriate cross references to the policy as applicable to your district.]

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{This sample policy is a shortened version of the more comprehensive 345.41 Sample Policy 3. Overall, this sample and 345.41 Sample Policy 3 take a similar substantive approach to satisfying the policy mandate established under [section 118.33\(6\)\(a\)3](#) of the state statutes. The main differences between this sample and 345.41 Sample Policy 3 are the following:

- 1. A district using this sample needs to identify and insert the criteria that staff will use to screen students for further evaluation for possible retention. Examples of possible criteria that a district might consider can be found in 345.41 Sample Policy 3.*
- 2. This sample directs the administration to define procedures and timelines for the individualized evaluations and final decisions that follow screening for possible retention. In contrast, 345.41 Sample Policy 3 includes a basic set of such procedures.*
- 3. The focus of the individualized student evaluations conducted under this sample is to determine whether, as a bottom-line decision, the district would involuntarily retain the student (i.e., without parent agreement). In comparison, 345.41 Sample Policy 3 uses a more nuanced analysis for reaching the final decision, and Sample 3 also allows a parent to elect promotion over a district recommendation for retention in some cases.*
- 4. This sample addresses fewer contingencies than 345.41 Sample Policy 3.*
- 5. The final section of this sample, which addresses the statutory post-promotion mandates (and “good cause” exceptions) that apply to students who are promoted to 4th grade without first completing their personal reading plan, provides less detail and less interpretive guidance than the corresponding final section of 345.41 Sample Policy 3.*

Similar to 345.41 Sample Policy 3, (1) this sample heavily favors promotion with interventions over retention; (2) it leaves options open for the school district and the student’s parent/guardian to mutually agree to retention in extraordinary situations (even in some cases where promotion would also be at least a minimally reasonable approach); and (3) the final part of the sample is structured such that the district would not make extensive use of the available but, in the WASB’s view, sometimes problematic “good cause” exceptions to the statutory post-promotion mandates that apply to promoted students who did not complete their 3rd grade personal reading plan.}

Effective Date of Policy; Initial Applicability

The effective date of this policy is *[insert a date not later than July 1, 2025]*. *{Editor’s Note: The issue with choosing a specific effective date for the policy as a whole concerns determining the year in which the school district intends to implement the “intensive summer reading program” required for certain students under [section 118.33\(5m\)](#) of the state statutes. The DPI has issued the following guidance: “If your required promotion policy is in effect before July 1, 2025, you will need to immediately provide summer programming at the end of [the 2024-25 school year]. If it goes into effect on July 1, 2025, you will need to provide summer programming after the 2025-26 school year.” See <https://dpi.wi.gov/administrators/biweekly-mailing/clone-september-2-2024>.}*

The District will first apply the promotion criteria specified in this policy to 3rd grade students on *[insert a date no later than September 1, 2027]*. Beginning on such date, (1) the District will not promote a 3rd grade pupil to the 4th grade unless promotion is indicated by the criteria and process defined in this policy, and (2) this policy replaces any other promotion/retention criteria and procedures that were in place for 3rd grade students in prior District policies or guidelines. *{Editor’s Note: Regarding the date that a district inserts into this paragraph, [section 118.33\(6\)\(a\)3](#) provides, “Beginning on September 1, 2027, a school board may not promote a 3rd grade pupil*

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to the 4th grade unless the pupil satisfies the criteria for promotion specified in the school board's policy." A school board may elect to start to apply the promotion criteria found in this policy at an earlier date. If a school district delays the applicability of the promotion criteria to a date after the effective date of the policy as a whole, then the district may wish to insert a statement at the end of this paragraph that references the interim approach (e.g., by referring to a different policy, guideline, or standard).}

Criteria for Promotion

Students who are completing 3rd grade will be eligible for **promotion** to 4th grade for the next school year, with any interventions, supports, and services that the student may be entitled to receive, if **any** of the following criteria are met:

1. The student is **not** identified for further individualized evaluation for possible retention using the screening process identified below **and** is also **not** a student with a disability whose individualized education program (IEP) includes the use of materially modified academic content and achievement standards in reading, math, or both.
2. Although screened and further evaluated for possible retention using the process and decision-making criteria identified below, the result of the individualized evaluation is a decision in favor of promotion to 4th grade.
3. *[Insert if desired: "The student has already been retained for at least one previous academic year in 5K or in any later grade **or** retaining the student would place the student in a grade/class that is two or more age cohorts younger than the age cohort applicable to the student's birthdate (using September 1 as the start of annual grade-level age cohorts)."]* **{Editor's Note: A district would include this promotion criterion in its policy if it determines that the potential long-term consequences and other disadvantages of multiple retentions in early elementary school (or the creation of an age cohort differential that is equivalent to multiple retentions) would always (or at least nearly always) outweigh the potential academic benefits of retention in a final "best interests of the student" analysis. Otherwise, if the district does not include this item as an "automatic" promotion eligibility criterion, then the student's promotion/retention history and actual age could still be considered as relevant information in the individualized further evaluation if the student is screened for possible retention.}**
4. **{Editor's Note: Ensure this criterion and the additional clarifications regarding the application of the policy to students with disabilities accurately reflect how the district intends to approach grade-level promotion and retention decisions for students with disabilities.}** Regarding students with disabilities under the IDEA:
 - a. If the student's IEP includes the use of materially modified academic content and achievement standards in reading, math, or both, then:
 - i. The student shall be eligible for promotion if either the student's IEP team or, if no such express decision is made by the IEP team, the District's Special Education Director upon a review of the student's IEP determines that **promotion** to 4th grade will be the appropriate setting for the student in the following year,

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considering relevant academic and non-academic factors, evidence-based practices, and the educational best interests of the student. Such students are **not** subject to the screening procedure or further evaluation and decision-making processes described in the next two sections of this policy unless the student's IEP so directs.

- ii. Any decision to **retain** such a student shall be made by, or at least confirmed as being appropriate and consistent with the IEP by, the student's IEP team.
 - b. Except as otherwise required to comply with state or federal law, students with disabilities who do **not** have such modified content and achievement standards are subject to the same promotion criteria and the same screening and evaluation processes for possible retention as students without disabilities.
5. *[Insert any different/additional criteria that the district wishes to include as promotion criteria.]*

Identifying Students for Further Individualized Evaluation for Possible Retention

No later than promptly after the date of the school's final administration of the universal reading screener each school year, assigned staff shall identify 3rd grade students for further evaluation for possible retention if **one or more** of the following criteria apply to the student:

{Editor's Note: The screening criteria that a district ultimately includes in this section represent a discretionary policy decision. The examples given below can be modified. When establishing screening criteria in the list that follows this note, the district's goal should be to screen students for whom there is a reasonable possibility that the ultimate decision might be retention. While underinclusive screening criteria are not desirable, a district also would not want to be substantially overinclusive such that many students are screened and further evaluated who would never be retained in the final analysis.}

1. A licensed staff member involved in providing math or reading instruction to a student has made a direct referral due to a concern that the student may not be able to meet the promotion criteria established in this policy; **or**
2. *[Insert any other screening criteria that the district knows it intends to apply.]*; **or**
{Editor's Note: As one possible example, "The outcome of any universal screening reading assessment or diagnostic reading assessment taken during 3rd grade showed the student to be 'at risk' under the state's definition of 'at risk.'"}}
3. The student is screened for such further evaluation based on any other factor that the District Administrator or an administrative-level designee has determined will help to appropriately identify those students who, upon further evaluation, might realistically be retained under this policy's promotion criteria. *{Editor's Note: If the district creates an exhaustive list of screening criteria, then this final open-ended item could be deleted.}*

Post-Screening Evaluation and Decision

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For each student screened for further individualized evaluation for possible retention **and** who is **not** determined to be eligible for promotion under any of the other promotion criteria defined above, the District will further evaluate the student and make a promotion or retention decision.

1. **Process.** The District Administrator, or an administrative-level designee, shall establish procedures for the further evaluation of such students. The procedures shall:

{Editor's Note: The parameters listed after this note can be modified. A district could also delete the entire list, along with the introductory phrase "The procedures shall..:"}

- a. Provide for the involvement of relevant staff in the evaluation and decision-making process, including assigning relevant responsibilities.
 - b. Establish expectations for such staff to (1) promptly communicate with the student's parent(s) or guardian(s) regarding the student's status with respect to promotion/retention, and (2) make reasonable attempts to obtain and consider input from the student's parent(s) or guardian(s).
 - c. Ensure that the evaluation of the student's academic progress involves multiple data sources, with no single test or assessment result serving as the sole measure of the student's progress.
 - d. Address the timing of the evaluation and decision-making process.
 - e. *[Insert any other minimum parameters that the district wishes to establish.]*
2. **Criteria for the Promotion/Retention Decision.** As determined under administrative procedures, a designated administrator or an assigned group/team of staff members will consider all relevant information about the student that is reasonably available and make a determination regarding promotion or retention. Such information includes applicable academic factors, relevant non-academic factors, evidence-based practices, and parent/guardian input. A 3rd grade student who is not otherwise eligible for promotion under this policy and who has been screened and individually evaluated for possible retention reaches eligibility for promotion if the assigned person (or group/team) concludes that **both** of the following apply:

{Editor's Note: This subsection assumes that the district has a preference to focus their individual student evaluations directly on the limited circumstances in which the district would consider retaining the student in the absence of parent agreement with the decision. However, not every district would establish or describe such "bottom line" promotion criteria in this manner. There are many possible alternative approaches. Therefore, adjust the criteria listed below as needed.}

- a. The District **would** be able to provide the student with at least a realistic opportunity to (1) participate in the 4th grade general curriculum in a meaningful manner and (2) make more than negligible progress in reducing the gap(s) that exist between the student's present level of academic progress and grade-level standards (i.e., with a "realistic opportunity" meaning that it is reasonable to think that those academic

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outcomes would be possible, not that those outcomes are assured or even highly likely); **and**

- b. The review of the student's overall circumstances did **not** clearly and convincingly demonstrate that **retention** with interventions would be **substantially more likely** to be in the student's educational best interests (e.g., it is the District's intent that a student will be deemed eligible for promotion in any reasonably close case).

{Editor's Note: The following alternative to this paragraph would likely result in relatively more students being deemed eligible for promotion: "As a reflection of professional judgment, there is a reasonable view of the student's overall circumstances under which promotion with available interventions would be in the best educational interests of the student, even if other views are also reasonable and even if the District's representative(s) would personally choose retention for the student."}

3. **Parent Requests for Reconsideration.** If the student's parent(s) or guardian(s) disagree with a District decision reached under this section of this policy and believe that the applicable promotion and retention criteria have been incorrectly applied to their child, then the student's parent(s) or guardian(s) may request reconsideration. The final decision on reconsideration shall be made by [insert position(s) who will be authorized to make the final decision]. The initial decision will be modified only if, upon a review of all relevant and reasonably available information, the District concludes that the policy was applied incorrectly. *{Editor's Note: Particularly in a district with multiple elementary schools, there would likely be advantages in promoting district-wide consistency if the person making such decisions on reconsideration is an administrator who has district-level (rather than school-level) responsibilities.}*

Eligibility for Promotion

{Editor's Note: As presented below, this section is intended to account for any difficult-to-anticipate and highly unusual circumstances where the typical promotion/retention analysis is affected by some overriding factor(s) that are unique to the individual student. While a district gains some initial experience implementing this policy, retaining such flexibility is likely advisable. However, some districts might decide that there is no possible circumstance under which the district would retain a student when the application of the policy, as written, results in a determination of eligibility for promotion. Therefore, as an alternative, a district could choose to modify this section to say only, "Where this policy refers to a student reaching eligibility for promotion, it means that the student will be promoted."}

Where this policy refers to a student reaching **eligibility for promotion**, it means that the student will be promoted **unless**, under extraordinary circumstances, the District and the pupil's parent(s) or guardian(s) mutually agree, notwithstanding the student being eligible for promotion, that retention (with appropriate and available interventions) is more likely to be in the overall best educational interests of the student, considering academic factors, non-academic factors, and evidence-based practices. The [insert administrative-level position(s)] may give final District approval to any retention decision that is based on such extraordinary circumstances [insert if desired: "after confirming that the parent(s) or guardian(s) are reasonably aware of (1) the available alternatives to retention (e.g., promotion with interventions and monitoring); and (2) the possible disadvantages of retention"]. *{Editor's Note: The employee(s) authorized to make*

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such decisions on behalf of the district would likely be administrators with district-level responsibilities.}

3rd Grade Students Promoted to 4th Grade without Completing Their Personal Reading Plan

{Editor's Note: This section of this sample is similar, in terms of its ultimate policy positions, to the final section of 345.41 Sample Policy 3, but it provides substantially less detail about the post-promotion mandates and "good cause" exceptions established under [section 118.33\(5m\)](#). This section also omits other optional clarifying provisions found in the longer Sample Policy 3.}

If the District promotes a student from 3rd grade to 4th grade, but the student had a legally-mandated personal reading plan in place during 3rd grade that the student did not successfully complete (as completion is defined in state law), then, subject to limited exceptions, state law requires the District to do all of the following for the student:

1. Notify the student's parent or guardian, in writing, that the student did not complete the personal reading plan and include a description of the intensive instructional services and supports that will be provided to the student to remediate the identified areas of reading deficiency.
2. Provide the student with the applicable intensive instructional services and supports during 4th grade.
3. Monitor the student's progress with respect to the student's development of reading skills and the effectiveness of the services and supports.
4. As a further service/support, provide the student with an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment. The student's parent(s) or guardian(s) may decline to have their child participate in any such summer reading program that is offered by the District.

Section 118.33(5m)(b) of the state statutes allows, but does not require, the District to apply a "good cause" exception to providing the parent notification, services, supports, and progress monitoring (as listed above) to certain students who would otherwise be eligible. *{Editor's Note: If a district desires to expressly list the five student categories that comprise the statutory "good cause" exceptions in its policy, see the final section of 345.41 Sample Policy 3 for an example of appropriate wording.}*

{Editor's Note: The remainder of this section establishes a discretionary policy position as to how the district intends to utilize the statutory "good cause" exceptions. The specific position suggested below limits the potential application of the exceptions, but it is not dictated by section 118.33(5m). An alternative approach might involve stating, "A statutory exception will be applied to a student only when the District determines that doing so would be nondiscriminatory and educationally appropriate [insert if desired: "and if the student's parent(s) or guardian(s) agree to the application of the exception"]"}.

The administration may apply a statutory "good cause" exception to one or more of the requirements established under section 118.33(5m)(a) only in situations where **(1)** the student falls in one of the categories listed in section 118.33(5m)(b); **(2)** applying the exception would not

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unlawfully discriminate against the affected student; **and (3)** the [insert appropriate administrative position title(s)] also determines that **either** of following applies:

1. That the exception in question is the exception for a student who has scored as proficient in reading on an alternative standardized assessment approved by Wisconsin Department of Public Instruction; **or**
2. That **both** of the following apply:
 - a. The student will be receiving individualized services and supports that address the student's specific needs and learning goals relating to, as appropriate for and to the extent applicable to the student, reading/literacy and language development/communication; **and**
 - b. The provision of any instructional services and supports that would be available (i.e., if the exception were not applied) and target a goal of achieving grade-level performance in reading either would be duplicative of services and supports the student will already be receiving or would not be educationally appropriate for the student.

The administration shall establish a procedure for promptly informing the student's parent or guardian of any District decision to apply a "good cause" exception to one or more of the requirements established under section 118.33(5m)(a). ***{Editor's Note: This parent notification step is not required by state law, but it is recommended for transparency purposes. If desired, a district could further require the notification to state that a parent or guardian may request reconsideration of the decision to apply a "good cause" exception to the student.}***

Legal References:

Wisconsin Statutes

Section 118.016(1)(a)	[definition of "at risk" with respect to reading readiness assessments]
Section 118.016(5)(d)	[completion of a personal reading plan by a 3rd grade pupil]
Section 118.15(1)(d)	[parent requests for program and curriculum modifications]
Section 118.24(2)(a)	[district administrator authority to manage the promotion of students]
Section 118.33(5m)	[post-promotion service and support mandates for certain students promoted to 4th grade; good cause exceptions]
Section 118.33(6)(a)	[policy requirements for 3rd, 4th, and 8th grade promotion criteria]
Section 118.33(6)(cm)	[policy requirement for kindergarten to 1st grade promotion criteria]

Wisconsin Administrative Code

Section PI 13.09(1)	[limitations on using test results and test exemptions to make promotion and retention decisions for students with limited English proficiency]
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Cross References:

[Insert appropriate cross references to the policy as applicable to your district.]

Adoption Date:

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{This sample presents one possible approach to satisfying the policy mandate established under [section 118.33\(6\)\(a\)3](#) of the state statutes. It is a longer and more detailed version of 345.41 Sample Policy 2, but both of the samples take a similar substantive approach. This sample establishes criteria under which most 3rd grade students will be promoted to 4th grade without extensive analysis, but under which some students are screened for further individualized evaluation for possible retention. Even as to those students who are screened for further evaluation, the sample favors promotion with interventions over retention. Involuntary retention (i.e., without parent/guardian agreement) would occur only in the circumstances identified in the subsection labeled “Retention by District Decision.” The sample leaves options open for the school district and the student’s parent/guardian to mutually agree to retention, even in some cases where promotion would also be at least a minimally reasonable approach. The final section of this sample covers the post-promotion intervention mandates that apply to students who are promoted to 4th grade without successfully completing a personal reading plan that was in place during 3rd grade. Those mandates are established under section 118.33(5m) of the state statutes. That final part of the sample is structured such that the district would not make extensive use of the available but, in the WASB’s view, sometimes problematic “good cause” exceptions to the statutory post-promotion mandates.}

Effective Date of Policy; Initial Applicability

The effective date of this policy is *[insert a date not later than July 1, 2025]*. *{Editor’s Note: The issue with choosing a specific effective date for the policy as a whole concerns determining the year in which the school district intends to implement the “intensive summer reading program” required for certain students under [section 118.33\(5m\)](#) of the state statutes. The DPI has issued the following guidance: “If your required promotion policy is in effect before July 1, 2025, you will need to immediately provide summer programming at the end of [the 2024-25 school year]. If it goes into effect on July 1, 2025, you will need to provide summer programming after the 2025-26 school year.” See <https://dpi.wi.gov/administrators/biweekly-mailing/clone-september-2-2024>.}*

The District will first apply the promotion criteria specified in this policy to 3rd grade students on *[insert a date no later than September 1, 2027]*. Beginning on such date, (1) the District will not promote a 3rd grade pupil to the 4th grade unless promotion is indicated by the criteria and process defined in this policy, and (2) this policy replaces any other promotion/retention criteria and procedures that were in place for 3rd grade students in prior District policies or guidelines. *{Editor’s Note: Regarding the date that a district inserts into this paragraph, [section 118.33\(6\)\(a\)3](#) provides, “Beginning on September 1, 2027, a school board may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies the criteria for promotion specified in the school board’s policy.” A school board may elect to start to apply the promotion criteria found in this policy at an earlier date. If a school district delays the applicability of the promotion criteria to a date after the effective date of the policy as a whole, then the district may wish to insert a statement at the end of this paragraph that references the interim approach (e.g., by referring to a different policy, guideline, or standard).}*

Criteria for Promotion

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Students who are completing 3rd grade will be **eligible for promotion** to 4th grade for the next school year, with any interventions, supports, and services that the student may be entitled to receive, if **any** of the following criteria are met:

1. The student is **not** identified for further individualized evaluation for possible retention using the screening process identified below **and** is also **not** a student with a disability whose individualized education program (IEP) includes the use of materially modified academic content and achievement standards in reading, math, or both.
2. Although screened and further evaluated for possible retention using the process and decision criteria identified below, the result of the individualized evaluation is a decision in favor of promotion to 4th grade.
3. *[Insert if desired: "The student has already been retained for at least one previous academic year in 5K or in any later grade **or** retaining the student would place the student in a grade/class that is two or more age cohorts younger than the age cohort applicable to the student's birthdate (using September 1 as the start of annual grade-level age cohorts)."]* **{Editor's Note: A district would include this promotion criterion in its policy if it determines that the potential long-term consequences and other disadvantages of multiple retentions in early elementary school (or the creation of an age cohort differential that is equivalent to multiple retentions) would always (or at least nearly always) outweigh the potential academic benefits of retention in a final "best interests of the student" analysis. Otherwise, if the district does not include this item as an "automatic" promotion eligibility criterion, then the student's promotion/retention history and actual age could still be considered as relevant information in the individualized further evaluation if the student is screened for possible retention.}**
4. **{Editor's Note: Ensure this criterion and the additional clarifications regarding the application of the policy to students with disabilities accurately reflect how the district intends to approach grade-level promotion and retention decisions for students with disabilities.}** Regarding students with disabilities under the IDEA:
 - a. If the student's IEP includes the use of materially modified academic content and achievement standards in reading, math, or both, then:
 - i. The student shall be eligible for promotion if either the student's IEP team or, if no such express decision is made by the IEP team, the District's Special Education Director upon a review of the student's IEP determines that **promotion** to 4th grade will be the appropriate setting for the student in the following year, considering relevant academic and non-academic factors, evidence-based practices, and the educational best interests of the student. Such students are **not** subject to the screening procedure or further evaluation and decision-making processes described in the next two sections of this policy unless the student's IEP so directs.
 - ii. Any decision to **retain** such a student shall be made by, or at least confirmed as being appropriate and consistent with the IEP by, the student's IEP team.

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- b. Except as otherwise required to comply with state or federal law, students with disabilities who do **not** have such modified content and achievement standards are subject to the same promotion criteria and the same screening and evaluation processes for possible retention as students without disabilities.
5. *[Insert any different/additional criteria that the district wishes to include as promotion criteria.]*

Identifying Students for Further Individualized Evaluation for Possible Retention

No later than promptly after the date of the school's final administration of the universal reading screener each school year, assigned staff shall identify 3rd grade students for further evaluation for possible retention if one or more of the following criteria apply to the student:

{Editor's Note: When establishing screening criteria in the list that follows this note, the district's goal should be to screen students for whom there is a reasonable possibility that the ultimate decision might be retention. While underinclusive screening criteria are not desirable, a district also would not want to be substantially overinclusive such that many students are screened and further evaluated who would never be retained in the final analysis. The criteria offered as examples below may not strike the right balance for every school district, but they can at least serve as a starting point for local discussion.}

1. The outcome of any universal screening reading assessment or diagnostic reading assessment that the student has taken **during 3rd grade** showed the student to be "at risk" under the state's definition of "at risk," **unless** a teacher or administrator determines, based on other objective evidence of the student's reading and reading comprehension skills, that the student's current skills are clearly materially higher than skills that are at or near the "at risk" level. (Note: For transfer students, the relevant assessment could have occurred at a non-District school.)
2. *[Insert if desired: "At the time of the screening for possible retention, the student has a personal reading plan in place and, in the judgment of the staff member(s) responsible for monitoring the plan, the student's rate of improvement under the plan is minimal and that, even with continued intervention, the student is unlikely to demonstrate grade-level skills in reading by the end of the school year."]* ***{Editor's Note: Adding this criterion will screen more students than looking solely at whether the student was still considered "at risk" at some point during 3rd grade (i.e., under the first criterion, immediately above). However, this additional criterion would not screen all students who still have personal reading plan in place at the time of the screening. Some districts might determine that this criterion would be overinclusive.}***
3. *[Insert if desired: "There is clear evidence that the student's current level of academic progress in **either** math **or** reading/language arts does not meet, at a level of basic proficiency, the academic standards and learning goals applicable to students who are **completing 2nd grade**. Such standards and learning goals shall be considered in the aggregate within the applicable subject area (i.e., math or reading), such that non-proficiency with respect to any individual standard or learning goal does not dictate the aggregate assessment of the student."]* ***{Editor's Note: The intent of this potential criterion***

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is to take a closer look at students who, if promoted to 4th grade, would still be working on many 2nd grade core academic standards and skills. However, even if a district concludes that this would be a useful benchmark, the district must also verify that its staff would have a reasonably reliable way to assess and apply this criterion.}

4. A teacher or reading specialist involved in providing math or reading instruction to a student has made a direct referral for further evaluation for possible retention based on the teacher's determination that there is information about the student's learning and academic progress that raises a concern that the student may not be able to meaningfully participate in the 4th grade curriculum, even with available interventions, services, and supports. *{Editor's Note: Including examples to accompany this screening criterion, such as the examples that follow this note, is optional. Also, a district might identify additional/different examples that the district determines would serve as a more helpful/appropriate guide for staff.}* Examples of situations in which a direct staff referral might occur include the following:
 - a. The student has significant learning gaps in reading and/or math that were not reduced during the 3rd grade year in spite of interventions, services, or supports.
 - b. The student was a late enrollee for whom only limited academic assessment data is available, but the information that is available indicates that the student may be similarly situated to other students who would be screened for further evaluation for possible retention.
 - c. *[Insert any different/additional examples of situations in which staff should consider making a direct referral for further evaluation for possible retention.]*
5. *[Insert any different/additional criteria that the district wishes to include as screening criterion that will result in a further individualized evaluation for possible retention.]*

Post-Screening Evaluation and Decision

For each student screened for further individualized evaluation for possible retention **and** who is **not** determined to be eligible for promotion under any of the other promotion criteria defined above, the District will further evaluate the student and make a promotion or retention decision.

1. **Process.**
 - a. A staff member shall be responsible for promptly informing the student's parent or guardian that the District has identified the student as being at risk of possible retention.
 - b. A designated administrator who has curricular responsibilities and knowledge of the District's approach to interventions and supports for students who are experiencing significant academic struggles shall make a decision regarding promotion and retention. A District reading specialist may serve as a designated administrator for this purpose.

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- c. The designated administrator shall make the decision (1) in direct consultation with at least one staff member responsible for instruction and assessment of the student in reading and/or math, as relevant to the student learning gaps in those core subjects; (2) in consultation, as needed, with any other staff who the administrator identifies as having important information about academic and/or non-academic factors affecting the student; and (3) with reasonable attempts by the administrator or a designee to obtain and consider input from the student's parent(s) or guardian(s).
 - d. The evaluation process may occur at one or more group meetings and/or through a series of communications.
 - e. The evaluation and final decision should identify and consider at least all of the following, to the extent reasonably available:
 - i. The student's academic progress to date, with no single test or assessment result serving as the sole measure of the student's progress;
 - ii. Interventions that have been implemented for the student to date, the extent to which the student was able to fully participate in those interventions, and the student's response to those interventions, including especially whether the student's learning gaps relative to applicable grade-level academic standards were materially narrowed, grew wider, or stayed about the same;
 - iii. At least a tentative identification of available interventions (e.g., instructional modifications, services, and supports) that the District would be likely to provide to the student under both a retention outcome and a under a promotion outcome;
 - iv. Relevant non-academic factors affecting the student, such as potential impacts of the decision on a student's social relationships, social development, and self-perception, which should be identified and evaluated with input from relevant staff and, if available and willing to provide such information, the student's parent(s), guardian(s), or other caregiver(s); and
 - v. The decision-making criteria stated below.
 - f. The administrator responsible for making the promotion or retention decision, or the administrator's designee, shall promptly inform the student's parent or guardian of the decision.
2. **Timing for the Decision.** For students who have been screened and further evaluated for possible retention, a decision regarding retention or promotion (which may include one or more conditions that require later evaluation) will normally be reached at some point after the District receives the individual student results of the Forward Exam and by the end of the school year. Specific timelines and procedures may need to be adjusted for individual students, including in situations where the student first enrolls in a District school late in the school year, where the student is participating in a summer school program, etc.

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3. **Criteria for a Promotion Decision.** The designated administrator will consider all relevant information about the student that is reasonably available and make a determination regarding promotion or retention. Such a student shall be eligible for promotion, or for promotion pending satisfaction of one or more express conditions, if **at least one** of the following applies:
 - a. The evaluation of the student's academic progress demonstrates that the student is **neither** (1) clearly in excess of a full grade level behind expected 3rd grade basic proficiency in both math and reading/language arts; **nor** (2) clearly in excess of two full grade levels behind expected 3rd grade basic proficiency in either math or reading/language arts; **or** *{Editor's Note: The academic criteria set in this paragraph serve as one possible example and can be modified. The purpose of setting and using this kind of criteria is to avoid deferring certain promotion decisions to the much more subjective "best overall interests" determinations that are addressed below. If used, the goal should be to establish an academic boundary above which the district believes that a student's learning gaps can nearly always be appropriately addressed through "promotion with interventions." A district that establishes such academic promotion criteria must take special care to set the criteria in a manner that can be implemented/determined with a reasonable level of reliability and consistency, which is a challenge. Another option/approach would be to delete this paragraph and, as a result, have all decisions that follow an individualized evaluation for possible retention rest on the "best interests" determinations addressed below.}*
 - b. The administrator concludes that promotion with interventions would be at least equally likely (compared to retention with interventions) to be in the overall best educational interests of the student, considering academic factors, relevant non-academic factors (e.g., social, developmental, etc.), and evidence-based practices; **or**
 - c. All three of the following apply: **(1)** the administrator concludes that, if promoted with available services and supports (i.e., interventions), the student **would** have a realistic opportunity to participate in the 4th grade general curriculum in a meaningful manner and make more than negligible progress in reducing the gap(s) that exist between the student's present level of academic progress and grade-level standards (i.e., with a "realistic opportunity" meaning that it is reasonable to think that those academic outcomes would be possible, not that those outcomes are assured or even highly likely); **(2)** the administrator concludes and advises the student's parent(s) or guardian(s) that, in the administrator's professional judgment, retention is likely to be in the overall best educational interests of the student, considering academic factors, relevant non-academic factors, and evidence-based practices; **and (3)** the student's parent(s) or guardian(s) select promotion for their child notwithstanding the administrator's recommendation. *{Editor's Note: The purpose of deferring to a parent's selection of promotion in this instance is based on the fact that the district concluded that there would be at least a realistic opportunity for the student to participate in the 4th grade curriculum and reduce their achievement gap(s). Therefore, as between options that both (at least arguably) fall somewhere on a spectrum of "reasonableness," a district may be willing to defer to*

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the parent's or guardian's informed decision even if the district representative would make a different decision.}

- i. To help parents and guardians make informed decisions under this “best interests” criterion, the administrator making a recommendation in favor of retention shall make a reasonable attempt to provide the student's parent(s) or guardian(s) with information about (1) the available alternatives to retention (e.g., promotion with interventions and monitoring); and (2) possible disadvantages of retention.
 - ii. If the student's parent(s) or guardian(s) do **not** select promotion under this “best interests” criterion, the student would be retained in 3rd grade.
 - iii. If parents or guardians who have equal legal decision-making authority disagree on retention versus promotion under this criterion and are unable to provide a joint decision selecting promotion, then the student will be retained.
4. **Retention by District Decision.** *{Editor's Note: The purpose of this subsection is to clearly identify the scenario(s) under which a student will not be eligible for promotion and will be retained in 3rd grade. The goal of the subsection should be to identify a boundary at which the district would consider promotion to be an unreasonable and educationally inappropriate outcome for the student, regardless of parent/guardian preference. If a district wanted to modify this subsection, it would likely require making modifications to the previous subsection as well because the two subsections have been drafted to coordinate with one another to avoid leaving gaps.}* A 3rd grade student who has been individually evaluated for possible retention and found not eligible for promotion under this policy will be retained without the agreement/support of the student's parent(s) or guardian(s) if, upon consideration of all relevant and reasonably available information, the designated administrator concludes that **both** of the following apply:
- a. If the student were to be promoted with available interventions, the District would **not** be able to provide the student with at least a realistic opportunity to (1) participate in the 4th grade general curriculum in a meaningful manner and (2) make more than negligible progress in reducing the gap(s) that exist between the student's present level of academic progress and grade-level standards (i.e., with a “realistic opportunity” meaning that it is reasonable to think that those academic outcomes would be possible, not that those outcomes are assured or even highly likely); **and**
 - b. The available information clearly and convincingly indicates that retention with interventions (compared to promotion with interventions) is more likely to be in the overall best educational interests of the student, considering applicable academic factors, relevant non-academic factors, and evidence-based practices.
5. **Parent Requests for Reconsideration.**
- a. If the student's parent(s) or guardian(s) disagree with a District decision reached under this section of this policy and believe that the applicable promotion and retention criteria have been incorrectly applied to their child, then the student's parent(s) or guardian(s) may request reconsideration. The final decision on reconsideration shall be made by insert position(s) who will be authorized to make

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- the final decision*]. The initial decision will be modified only if, upon a review of all relevant and reasonably available information, the District concludes that the policy was applied incorrectly. **{Editor's Note: Particularly in a district with multiple elementary schools, there would likely be advantages in promoting district-wide consistency if the person making such decisions on reconsideration is an administrator who has district-level (rather than school-level) responsibilities.}**
- b. If a student's parent(s) or guardian(s) agree with a District determination that the student is eligible for promotion under any section of this policy but wish to request retention in spite of a District decision that promotion is the appropriate final disposition, then a parent or guardian may notify the District that they are requesting retention as a program and curriculum modification under section 118.15(1)(d) of the state statutes. The District reserves all lawful discretion to deny such requests.

Eligibility for Promotion

{Editor's Note: In connection with this section, some districts might decide that they would never use conditional promotion (e.g., eligibility conditioned on the student's active participation in a summer school option) and/or that there is no possible circumstance under which the district would retain a student when the application of the policy, as written, results in a determination of eligibility for promotion. Therefore, as an alternative, a district could choose to modify this section to say only, "Where this policy refers to a student reaching eligibility for promotion, it means that the student will be promoted." Another alternative would be to include only one of the two "exceptions" offered in this section. However, item 2 in this section, in particular, is intended to account for any difficult-to-anticipate and highly unusual circumstances where the typical promotion/retention analysis is affected by some overriding factor(s) that are unique to the individual student.}

Where this policy refers to a student reaching eligibility for promotion, it means that the student will be promoted **unless**:

1. The student does not meet one or more conditions that expressly qualified an initial promotion eligibility determination, and the final evaluation of the student under this policy results in the student not being eligible for promotion; **or**
2. Under extraordinary circumstances, the District and the pupil's parent(s) or guardian(s) mutually agree, notwithstanding the student being eligible for promotion, that retention (with appropriate and available interventions) is more likely to be in the overall best educational interests of the student, considering academic factors, relevant non-academic factors, and evidence-based practices. The *[insert administrative-level position(s)]* may give final District approval to any retention decision that is based on such extraordinary circumstances *[insert if desired: "after confirming that the parent(s) or guardian(s) are reasonably aware of (1) the available alternatives to retention (e.g., promotion with interventions and monitoring); and (2) the possible disadvantages of retention"]*. **{Editor's Note: The employee(s) authorized to make such decisions on behalf of the district would likely be administrators with district-level responsibilities.}**

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3rd Grade Students Promoted to 4th Grade without Completing Their Personal Reading Plan

If the District promotes a student from 3rd grade to 4th grade, but the student had a legally-mandated personal reading plan in place during 3rd grade that the student did not successfully complete (as completion is defined in state law), then, subject to limited exceptions, state law requires the District to do all of the following for the student:

1. Notify the student's parent or guardian, in writing, that the student did not complete the personal reading plan and include a description of the intensive instructional services and supports that will be provided to the student to remediate the identified areas of reading deficiency.
2. Provide the student with the applicable intensive instructional services and supports during 4th grade.
3. Monitor the student's progress with respect to the student's development of reading skills and the effectiveness of the services and supports.
4. As a further service/support, provide the student with an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment. The student's parent(s) or guardian(s) may decline to have their child participate in any such summer reading program that is offered by the District.

{Editor's Note: This paragraph and its two subparagraphs, below, are recommended as useful clarifications/reminders. However, the WASB believes that the interpretive statements would apply even if they are not expressly included in a local policy. To that extent, they can be considered optional and could be deleted.} The intensive reading-related services and supports that the District provides to a promoted student who did not complete a 3rd grade personal reading plan:

1. May include services and supports that are identified, structured, and provided through some different state requirement, federal requirement, or District program (such as services and supports provided under an IEP), so long as they have the purpose of remediating the individual student's identified reading-related deficiencies.
2. At a minimum, must be coordinated with and must not cause a denial of any other educational services or supports that the student is legally entitled to receive under other state or federal laws.

State law (in section 118.33(5m)(b)) allows, but does not require, the District to apply a "good cause" exception to providing the parent notification, services, supports, and progress monitoring listed above to the following students who would otherwise be eligible:

1. Students who are English Learners (defined for this purpose as a student whose "ability to use the English language is limited because of the use of a non-English language in his or her family or in his or her daily, non-school surroundings, and who has difficulty ... in performing ordinary classwork in English as a result of such limited English language proficiency").

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2. A student who has an individualized education plan (IEP) that indicates that neither taking the statewide 3rd grade standardized reading assessment nor taking the universal reading screening assessment or diagnostic reading assessments administered under state law is appropriate for the student.
3. A student who scores as proficient in reading on an alternative standardized assessment approved by Wisconsin Department of Public Instruction.
4. A student who has an IEP or a plan to provide accommodations or services under section 504 of the federal Rehabilitation Act that indicates that the pupil has received intensive intervention in reading for more than 2 years if the student continues to demonstrate a deficiency in reading **and** was previously retained in kindergarten, 1st, 2nd, or 3rd grade.
5. A student who has received intensive intervention in reading for 2 or more school years, continues to demonstrate a deficiency in reading, **and** was previously retained in kindergarten, 1st, 2nd, or 3rd grade for a total of 2 years.

Regarding the “good cause” exceptions permitted under section 118.33(5m)(b) of the state statutes:

1. ***{Editor’s Note: This paragraph and its two subparagraphs are recommended as important reminders/cautions for staff. However, the WASB believes that the statements would apply even if they are not expressly included in a local policy. To that extent, they can be considered optional clarifications of the related legal obligations and could be deleted.}*** The District acknowledges that:
 - a. The “good cause” exceptions cannot be applied in a manner that would unlawfully discriminate against a student (e.g., by denying a student’s access to services and supports—including a summer reading program option—that would otherwise be instructionally appropriate solely because the student, for example, has limited proficiency in English or because the student has an identified disability).
 - b. The “good cause” exceptions are potential exceptions only to the notification, service, support, and monitoring requirements established under section 118.33(5m)(a) of the state statutes and do **not** apply to interventions, services, and supports that the student may be separately eligible to receive under other state or federal laws or under other District policies. (For example, certain 4th grade students may be separately eligible to receive interventions or remedial reading services under section 121.02(1)(c) of the state statutes.)

{Editor’s Note: The remainder of this section establishes a discretionary policy position as to how the district intends to utilize the statutory “good cause” exceptions. The specific position suggested below limits the potential application of the exceptions, but it is not dictated by section 118.33(5m). An alternative approach might involve stating, “A statutory exception will be applied to a student only when the District determines that doing so would be nondiscriminatory and educationally appropriate [insert if desired “and if the student’s parent(s) or guardian(s) agree to the application of the exception”].”}

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2. The administration may apply a “good cause” exception to one or more of the requirements established under section 118.33(5m)(a) only in situations where doing so would not unlawfully discriminate against the affected student and when the *[insert appropriate administrative position title(s)]* also determines:
 - a. That the exception in question is the exception for a student who has scored as proficient in reading on an alternative standardized assessment approved by Wisconsin Department of Public Instruction; **or**
 - b. That **both** of the following apply:
 - i. The student will be receiving individualized services and supports that address the student's specific needs and learning goals relating to, as appropriate for and to the extent applicable to the student, reading/literacy and language development/communication; **and**
 - ii. The provision of any instructional services and supports that would be available (i.e., if the exception were not applied) and target a goal of achieving grade-level performance in reading either would be duplicative of services and supports the student will already be receiving or would not be educationally appropriate for the student.
3. ***{Editor's Note: This parent notification step is not required by state law, but it is recommended for transparency purposes.}*** The administration shall establish a procedure for promptly informing the student's parent or guardian of any District decision to apply a “good cause” exception to one or more of the requirements established under section 118.33(5m)(a). *[Insert if desired: “The parent/guardian notification shall identify a procedure for requesting that an appropriate administrator reconsider the decision. The applicable administrator shall provide a prompt response to any request for reconsideration.”]*
4. *[If desired, insert as an express clarification of intent: “This policy, while authorizing the application of the “good cause” exceptions under limited conditions, does **not** require the application of a “good cause” exception to any student or any category of students.”]*

Legal References:

Wisconsin Statutes

Section 118.016(1)(a)	[definition of “at risk” with respect to reading readiness assessments]
Section 118.016(5)(d)	[completion of a personal reading plan by a 3rd grade pupil]
Section 118.15(1)(d)	[parent requests for program and curriculum modifications]
Section 118.24(2)(a)	[district administrator authority to manage the promotion of students]
Section 118.33(5m)	[post-promotion service and support mandates for certain students promoted to 4th grade; good cause exceptions]
Section 118.33(6)(a)	[policy requirements for 3rd, 4th, and 8th grade promotion criteria]
Section 118.33(6)(cm)	[policy requirement for kindergarten to 1st grade promotion criteria]

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Wisconsin Administrative Code

[Section PI 13.09\(1\)](#)

[limitations on using test results and test exemptions to make promotion and retention decisions for students with limited English proficiency]

Cross References:

[Insert appropriate cross references to the policy as applicable to your district.]

Adoption Date:

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{This sample policy is a shortened version of the more comprehensive 345.41 Sample Policy 3. Overall, this sample and 345.41 Sample Policy 3 take a similar substantive approach to satisfying the policy mandate established under section 118.33(6)(a)3 of the state statutes. The main differences between this sample and 345.41 Sample Policy 3 are the following:

1. A district using this sample needs to identify and insert the criteria that staff will use to screen students for further evaluation for possible retention. Examples of possible criteria that a district might consider can be found in 345.41 Sample Policy 3.
2. This sample directs the administration to define procedures and timelines for the individualized evaluations and final decisions that follow screening for possible retention. In contrast, 345.41 Sample Policy 3 includes a basic set of such procedures.
3. The focus of the individualized student evaluations conducted under this sample is to determine whether, as a bottom-line decision, the district would involuntarily retain the student (i.e., without parent agreement). In comparison, 345.41 Sample Policy 3 uses a more nuanced analysis for reaching the final decision, and Sample 3 also allows a parent to elect promotion over a district recommendation for retention in some cases.
4. This sample addresses fewer contingencies than 345.41 Sample Policy 3.
5. The final section of this sample, which addresses the statutory post-promotion mandates (and "good cause" exceptions) that apply to students who are promoted to 4th grade without first completing their personal reading plan, provides less detail and less interpretive guidance than the corresponding final section of 345.41 Sample Policy 3.

Similar to 345.41 Sample Policy 3, (1) this sample heavily favors promotion with interventions over retention; (2) it leaves options open for the school district and the student's parent/guardian to mutually agree to retention in extraordinary situations (even in some cases where promotion would also be at least a minimally reasonable approach); and (3) the final part of the sample is structured such that the district would not make extensive use of the available but, in the WASB's view, sometimes problematic "good cause" exceptions to the statutory post-promotion mandates that apply to promoted students who did not complete their 3rd grade personal reading plan.}

Effective Date of Policy; Initial Applicability

The effective date of this policy is *July 1, 2025* [insert a date not later than July 1, 2025]. {Editor's Note: The issue with choosing a specific effective date for the policy as a whole concerns determining the year in which the school district intends to implement the "intensive summer reading program" required for certain students under section 118.33(5m) of the state statutes. The DPI has issued the following guidance: "If your required promotion policy is in effect before July 1, 2025, you will need to immediately provide summer programming at the end of [the 2024-25 school year]. If it goes into effect on July 1, 2025, you will need to provide summer programming after the 2025-26 school year." See <https://dpi.wi.gov/administrators/biweekly-mailing/clone-september-2-2024>.}

Sept. 1, 2027 The District will first apply the promotion criteria specified in this policy to 3rd grade students on [insert a date no later than September 1, 2027]. Beginning on such date, (1) the District will not promote a 3rd grade pupil to the 4th grade unless promotion is indicated by the criteria and process defined in this policy, and (2) this policy replaces any other promotion/retention criteria and procedures that were in place for 3rd grade students in prior District policies or guidelines. {Editor's Note: Regarding the date that a district inserts into this paragraph, section 118.33(6)(a)3 provides, "Beginning on September 1, 2027, a school board may not promote a 3rd grade pupil

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to the 4th grade unless the pupil satisfies the criteria for promotion specified in the school board's policy." A school board may elect to start to apply the promotion criteria found in this policy at an earlier date. If a school district delays the applicability of the promotion criteria to a date after the effective date of the policy as a whole, then the district may wish to insert a statement at the end of this paragraph that references the interim approach (e.g., by referring to a different policy, guideline, or standard).}

Criteria for Promotion

Students who are completing 3rd grade will be eligible for **promotion** to 4th grade for the next school year, with any interventions, supports, and services that the student may be entitled to receive, if **any** of the following criteria are met:

1. The student is **not** identified for further individualized evaluation for possible retention using the screening process identified below **and** is also **not** a student with a disability whose individualized education program (IEP) includes the use of materially modified academic content and achievement standards in reading, math, or both.
2. Although screened and further evaluated for possible retention using the process and decision-making criteria identified below, the result of the individualized evaluation is a decision in favor of promotion to 4th grade.
3. *Yes* Insert if desired: "The student has already been retained for at least one previous academic year in 5K or in any later grade or retaining the student would place the student in a grade/class that is two or more age cohorts younger than the age cohort applicable to the student's birthdate (using September 1 as the start of annual grade-level age cohorts)." **{Editor's Note: A district would include this promotion criterion in its policy if it determines that the potential long-term consequences and other disadvantages of multiple retentions in early elementary school (or the creation of an age cohort differential that is equivalent to multiple retentions) would always (or at least nearly always) outweigh the potential academic benefits of retention in a final "best interests of the student" analysis. Otherwise, if the district does not include this item as an "automatic" promotion eligibility criterion, then the student's promotion/retention history and actual age could still be considered as relevant information in the individualized further evaluation if the student is screened for possible retention.}**
4. **{Editor's Note: Ensure this criterion and the additional clarifications regarding the application of the policy to students with disabilities accurately reflect how the district intends to approach grade-level promotion and retention decisions for students with disabilities.}** Regarding students with disabilities under the IDEA:
 - a. If the student's IEP includes the use of materially modified academic content and achievement standards in reading, math, or both, then:
 - i. The student shall be eligible for promotion if either the student's IEP team or, if no such express decision is made by the IEP team, the District's Special Education Director upon a review of the student's IEP determines that **promotion** to 4th grade will be the appropriate setting for the student in the following year,

3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

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considering relevant academic and non-academic factors, evidence-based practices, and the educational best interests of the student. Such students are **not** subject to the screening procedure or further evaluation and decision-making processes described in the next two sections of this policy unless the student's IEP so directs.

- ii. Any decision to **retain** such a student shall be made by, or at least confirmed as being appropriate and consistent with the IEP by, the student's IEP team.
- b. Except as otherwise required to comply with state or federal law, students with disabilities who do **not** have such modified content and achievement standards are subject to the same promotion criteria and the same screening and evaluation processes for possible retention as students without disabilities.

~~5. [Insert any different/additional criteria that the district wishes to include as promotion criteria.]~~

Identifying Students for Further Individualized Evaluation for Possible Retention

No later than promptly after the date of the school's ^{2nd} final administration of the universal reading screener each school year, assigned staff shall identify 3rd grade students for further evaluation for possible retention if **one or more** of the following criteria apply to the student:

{Editor's Note: The screening criteria that a district ultimately includes in this section represent a discretionary policy decision. The examples given below can be modified. When establishing screening criteria in the list that follows this note, the district's goal should be to screen students for whom there is a reasonable possibility that the ultimate decision might be retention. While underinclusive screening criteria are not desirable, a district also would not want to be substantially overinclusive such that many students are screened and further evaluated who would never be retained in the final analysis.}

1. A licensed staff member involved in providing math or reading instruction to a student has made a direct referral due to a concern that the student may not be able to meet the promotion criteria established in this policy; **or**
2. [Insert any other screening criteria that the district knows it intends to apply.]; **or** *{Editor's Note: As one possible example, "The outcome of any universal screening reading assessment or diagnostic reading assessment taken during 3rd grade showed the student to be ~~'at risk'~~ under the state's definition of 'at risk.'* **'at high risk.'**
- ~~3. The student is screened for such further evaluation based on any other factor that the District Administrator or an administrative-level designee has determined will help to appropriately identify those students who, upon further evaluation, might realistically be retained under this policy's promotion criteria. *{Editor's Note: If the district creates an exhaustive list of screening criteria, then this final open-ended item could be deleted.}*~~

Post-Screening Evaluation and Decision

3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

Policy 345.41

Sample Policy 2

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For each student screened for further individualized evaluation for possible retention **and** who is **not** determined to be eligible for promotion under any of the other promotion criteria defined above, the District will further evaluate the student and make a promotion or retention decision.

- Director of Elementary Curriculum & Instruction*
1. **Process.** The District Administrator, or an administrative-level designee, shall establish procedures for the further evaluation of such students. ~~The procedures shall:~~

~~**{Editor's Note: The parameters listed after this note can be modified. A district could also delete the entire list, along with the introductory phrase "The procedures shall..: ."}}**~~

- ~~a. Provide for the involvement of relevant staff in the evaluation and decision-making process, including assigning relevant responsibilities.~~
 - ~~b. Establish expectations for such staff to (1) promptly communicate with the student's parent(s) or guardian(s) regarding the student's status with respect to promotion/retention, and (2) make reasonable attempts to obtain and consider input from the student's parent(s) or guardian(s).~~
 - ~~c. Ensure that the evaluation of the student's academic progress involves multiple data sources, with no single test or assessment result serving as the sole measure of the student's progress.~~
 - ~~d. Address the timing of the evaluation and decision-making process.~~
 - ~~e. *[Insert any other minimum parameters that the district wishes to establish.]*~~
2. **Criteria for the Promotion/Retention Decision.** As determined under administrative procedures, a designated administrator or an assigned group/team of staff members will consider all relevant information about the student that is reasonably available and make a determination regarding promotion or retention. Such information includes applicable academic factors, relevant non-academic factors, evidence-based practices, and parent/guardian input. A 3rd grade student who is not otherwise eligible for promotion under this policy and who has been screened and individually evaluated for possible retention reaches eligibility for promotion if the assigned person (or group/team) concludes that **both** of the following apply:

~~**{Editor's Note: This subsection assumes that the district has a preference to focus their individual student evaluations directly on the limited circumstances in which the district would consider retaining the student in the absence of parent agreement with the decision. However, not every district would establish or describe such "bottom line" promotion criteria in this manner. There are many possible alternative approaches. Therefore, adjust the criteria listed below as needed.}**~~

- ~~a. The District **would** be able to provide the student with at least a realistic opportunity to (1) participate in the 4th grade general curriculum in a meaningful manner and (2) make more than negligible progress in reducing the gap(s) that exist between the student's present level of academic progress and grade-level standards (i.e., with a "realistic opportunity" meaning that it is reasonable to think that those academic~~

3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

Policy 345.41

Sample Policy 2

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outcomes would be possible, not that those outcomes are assured or even highly likely); **and**

- b. The review of the student's overall circumstances did **not** clearly and convincingly demonstrate that **retention** with interventions would be **substantially more likely** to be in the student's educational best interests (e.g., it is the District's intent that a student will be deemed eligible for promotion in any reasonably close case).

{Editor's Note: The following alternative to this paragraph would likely result in relatively more students being deemed eligible for promotion: "As a reflection of professional judgment, there is a reasonable view of the student's overall circumstances under which promotion with available interventions would be in the best educational interests of the student, even if other views are also reasonable and even if the District's representative(s) would personally choose retention for the student."}

3. **Parent Requests for Reconsideration.** If the student's parent(s) or guardian(s) disagree with a District decision reached under this section of this policy and believe that the applicable promotion and retention criteria have been incorrectly applied to their child, then the student's parent(s) or guardian(s) may request reconsideration. The final decision on reconsideration shall be made by [insert position(s) who will be authorized to make the final decision]. The initial decision will be modified only if, upon a review of all relevant and reasonably available information, the District concludes that the policy was applied incorrectly. *{Editor's Note: Particularly in a district with multiple elementary schools, there would likely be advantages in promoting district-wide consistency if the person making such decisions on reconsideration is an administrator who has district-level (rather than school-level) responsibilities.}*

*Call
District
Administrator
Dir. of
Elem
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Eligibility for Promotion

{Editor's Note: As presented below, this section is intended to account for any difficult-to-anticipate and highly unusual circumstances where the typical promotion/retention analysis is affected by some overriding factor(s) that are unique to the individual student. While a district gains some initial experience implementing this policy, retaining such flexibility is likely advisable. However, some districts might decide that there is no possible circumstance under which the district would retain a student when the application of the policy, as written, results in a determination of eligibility for promotion. Therefore, as an alternative, a district could choose to modify this section to say only, "Where this policy refers to a student reaching eligibility for promotion, it means that the student will be promoted."}

Where this policy refers to a student reaching **eligibility for promotion**, it means that the student will be promoted **unless**, under extraordinary circumstances, the District and the pupil's parent(s) or guardian(s) mutually agree, notwithstanding the student being eligible for promotion, that retention (with appropriate and available interventions) is more likely to be in the overall best educational interests of the student, considering academic factors, non-academic factors, and evidence-based practices. The [insert administrative-level position(s)] may give final District approval to any retention decision that is based on such extraordinary circumstances [insert if desired: "after confirming that the parent(s) or guardian(s) are reasonably aware of (1) the available alternatives to retention (e.g., promotion with interventions and monitoring); and (2) the possible disadvantages of retention"]. *{Editor's Note: The employee(s) authorized to make*

yes

*Head
Dir. of
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3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

Policy 345.41

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such decisions on behalf of the district would likely be administrators with district-level responsibilities.}

3rd Grade Students Promoted to 4th Grade without Completing Their Personal Reading Plan

{Editor's Note: This section of this sample is similar, in terms of its ultimate policy positions, to the final section of 345.41 Sample Policy 3, but it provides substantially less detail about the post-promotion mandates and "good cause" exceptions established under section 118.33(5m). This section also omits other optional clarifying provisions found in the longer Sample Policy 3.}

If the District promotes a student from 3rd grade to 4th grade, but the student had a legally-mandated personal reading plan in place during 3rd grade that the student did not successfully complete (as completion is defined in state law), then, subject to limited exceptions, state law requires the District to do all of the following for the student:

1. Notify the student's parent or guardian, in writing, that the student did not complete the personal reading plan and include a description of the intensive instructional services and supports that will be provided to the student to remediate the identified areas of reading deficiency.
2. Provide the student with the applicable intensive instructional services and supports during 4th grade.
3. Monitor the student's progress with respect to the student's development of reading skills and the effectiveness of the services and supports.
4. As a further service/support, provide the student with an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment. The student's parent(s) or guardian(s) may decline to have their child participate in any such summer reading program that is offered by the District.

Section 118.33(5m)(b) of the state statutes allows, but does not require, the District to apply a "good cause" exception to providing the parent notification, services, supports, and progress monitoring (as listed above) to certain students who would otherwise be eligible. *{Editor's Note: If a district desires to expressly list the five student categories that comprise the statutory "good cause" exceptions in its policy, see the final section of 345.41 Sample Policy 3 for an example of appropriate wording.}* **P. 9 of sample 3**

~~*{Editor's Note: The remainder of this section establishes a discretionary policy position as to how the district intends to utilize the statutory "good cause" exceptions. The specific position suggested below limits the potential application of the exceptions, but it is not dictated by section 118.33(5m). An alternative approach might involve stating: "A statutory exception will be applied to a student only when the District determines that doing so would be nondiscriminatory and educationally appropriate [insert if desired: "and if the student's parent(s) or guardian(s) agree to the application of the exception".]}*~~

The administration may apply a statutory "good cause" exception to one or more of the requirements established under section 118.33(5m)(a) only in situations where **(1)** the student falls in one of the categories listed in section 118.33(5m)(b); **(2)** applying the exception would not

* add 5
good cause
exceptions

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sentence

3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

Policy 345.41

Sample Policy 3 *Administrative Recommendation* Page ⁷ 9 of ⁹ 12

3rd Grade Students Promoted to 4th Grade without Completing Their Personal Reading Plan

If the District promotes a student from 3rd grade to 4th grade, but the student had a legally-mandated personal reading plan in place during 3rd grade that the student did not successfully complete (as completion is defined in state law), then, subject to limited exceptions, state law requires the District to do all of the following for the student:

1. Notify the student's parent or guardian, in writing, that the student did not complete the personal reading plan and include a description of the intensive instructional services and supports that will be provided to the student to remediate the identified areas of reading deficiency.
2. Provide the student with the applicable intensive instructional services and supports during 4th grade.
3. Monitor the student's progress with respect to the student's development of reading skills and the effectiveness of the services and supports.
4. As a further service/support, provide the student with an intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment. The student's parent(s) or guardian(s) may decline to have their child participate in any such summer reading program that is offered by the District.

(Editor's Note: This paragraph and its two subparagraphs, below, are recommended as useful clarifications/reminders. However, the WASB believes that the interpretive statements would apply even if they are not expressly included in a local policy. To that extent, they can be considered optional and could be deleted.) The intensive reading-related services and supports that the District provides to a promoted student who did not complete a 3rd grade personal reading plan:

1. May include services and supports that are identified, structured, and provided through some different state requirement, federal requirement, or District program (such as services and supports provided under an IEP), so long as they have the purpose of remediating the individual student's identified reading-related deficiencies.
2. At a minimum, must be coordinated with and must not cause a denial of any other educational services or supports that the student is legally entitled to receive under other state or federal laws.

* State law (in section 118.33(5m)(b)) allows, but does not require, the District to apply a "good cause" exception to providing the parent notification, services, supports, and progress monitoring listed above to the following students who would otherwise be eligible:

1. Students who are English Learners (defined for this purpose as a student whose "ability to use the English language is limited because of the use of a non-English language in his or her family or in his or her daily, non-school surroundings, and who has difficulty ... in performing ordinary classwork in English as a result of such limited English language proficiency").

3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

Policy 345.41

Sample Policy 3 *Admin Rec.*

Page ⁸10 of ⁹12

- x add*
2. A student who has an individualized education plan (IEP) that indicates that neither taking the statewide 3rd grade standardized reading assessment nor taking the universal reading screening assessment or diagnostic reading assessments administered under state law is appropriate for the student.
 3. A student who scores as proficient in reading on an alternative standardized assessment approved by Wisconsin Department of Public Instruction.
 4. A student who has an IEP or a plan to provide accommodations or services under section 504 of the federal Rehabilitation Act that indicates that the pupil has received intensive intervention in reading for more than 2 years if the student continues to demonstrate a deficiency in reading **and** was previously retained in kindergarten, 1st, 2nd, or 3rd grade.
 5. A student who has received intensive intervention in reading for 2 or more school years, continues to demonstrate a deficiency in reading, **and** was previously retained in kindergarten, 1st, 2nd, or 3rd grade for a total of 2 years.

Regarding the "good cause" exceptions permitted under section 118.33(5m)(b) of the state statutes:

1. ***{Editor's Note: This paragraph and its two subparagraphs are recommended as important reminders/cautions for staff. However, the WASB believes that the statements would apply even if they are not expressly included in a local policy. To that extent, they can be considered optional clarifications of the related legal obligations and could be deleted.}*** The District acknowledges that:
 - a. The "good cause" exceptions cannot be applied in a manner that would unlawfully discriminate against a student (e.g., by denying a student's access to services and supports—including a summer reading program option—that would otherwise be instructionally appropriate solely because the student, for example, has limited proficiency in English or because the student has an identified disability).
 - b. The "good cause" exceptions are potential exceptions only to the notification, service, support, and monitoring requirements established under section 118.33(5m)(a) of the state statutes and do **not** apply to interventions, services, and supports that the student may be separately eligible to receive under other state or federal laws or under other District policies. (For example, certain 4th grade students may be separately eligible to receive interventions or remedial reading services under section 121.02(1)(c) of the state statutes.)

{Editor's Note: The remainder of this section establishes a discretionary policy position as to how the district intends to utilize the statutory "good cause" exceptions. The specific position suggested below limits the potential application of the exceptions, but it is not dictated by section 118.33(5m). An alternative approach might involve stating, "A statutory exception will be applied to a student only when the District determines that doing so would be nondiscriminatory and educationally appropriate [insert if desired "and if the student's parent(s) or guardian(s) agree to the application of the exception"]."}

3rd GRADE TO 4th GRADE PROMOTION AND RETENTION

Policy 345.41

Sample Policy 2

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unlawfully discriminate against the affected student; **and (3)** the [insert appropriate administrative position title(s)] also determines that **either** of following applies:

1. That the exception in question is the exception for a student who has scored as proficient in reading on an alternative standardized assessment approved by Wisconsin Department of Public Instruction; **or**
2. That **both** of the following apply:
 - a. The student will be receiving individualized services and supports that address the student's specific needs and learning goals relating to, as appropriate for and to the extent applicable to the student, reading/literacy and language development/communication; **and**
 - b. The provision of any instructional services and supports that would be available (i.e., if the exception were not applied) and target a goal of achieving grade-level performance in reading either would be duplicative of services and supports the student will already be receiving or would not be educationally appropriate for the student.

The administration shall establish a procedure for promptly informing the student's parent or guardian of any District decision to apply a "good cause" exception to one or more of the requirements established under section 118.33(5m)(a). **{Editor's Note: This parent notification step is not required by state law, but it is recommended for transparency purposes. If desired, a district could further require the notification to state that a parent or guardian may request reconsideration of the decision to apply a "good cause" exception to the student.}**

Legal References:

Wisconsin Statutes

<u>Section 118.016(1)(a)</u>	[definition of "at risk" with respect to reading readiness assessments]
<u>Section 118.016(5)(d)</u>	[completion of a personal reading plan by a 3rd grade pupil]
<u>Section 118.15(1)(d)</u>	[parent requests for program and curriculum modifications]
<u>Section 118.24(2)(a)</u>	[district administrator authority to manage the promotion of students]
<u>Section 118.33(5m)</u>	[post-promotion service and support mandates for certain students promoted to 4th grade; good cause exceptions]
<u>Section 118.33(6)(a)</u>	[policy requirements for 3rd, 4th, and 8th grade promotion criteria]
<u>Section 118.33(6)(cm)</u>	[policy requirement for kindergarten to 1st grade promotion criteria]

Wisconsin Administrative Code

<u>Section PI 13.09(1)</u>	[limitations on using test results and test exemptions to make promotion and retention decisions for students with limited English proficiency]
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Cross References:

[Insert appropriate cross references to the policy as applicable to your district.]

Adoption Date:

Policy # 345.4 Promotion/Retention of Students
66
Policy # 345.4 Exhibit 1

GRADUATION CEREMONY/HONORS Participation and Recognition

Policy #345.7

Waunakee Community School District

Page 1 of 1

- I. Official district recognition at the graduation exercises shall consist of the following:
 - A. Students may only wear Gold honor cords and Laude cords (Purple, Silver, & White) for the graduating students attaining these recognitions. No other third party cords, stoles or other items may be worn at the graduation ceremony.
 - B. Notation in the program of those students having attained a 3.60 or greater GPA on a 4.0 system.

- II. Participation in the graduation ceremony shall be reserved for those senior students who have:
 - A. Met all the graduation requirements as outlined in Board Policy 345.5.
 - ~~B. Attended school at least 90% of the school days/class periods in both the first semester and in the second semester of their senior year. The principal may waive this for good and sufficient reason (documented extended illness, documented family emergency, etc.).~~
 - C.B. Participated in practice for graduation and abides by the rules for participation in the ceremony established by the principal (free from the influence/use of drugs and alcohol, proper dress, no noisemakers, etc.).

Cross Ref.: 345.1-Rule, Specific Grading Systems
345.5, Graduation Requirements/Procedures

Adoption Date: 11/14/94

Revised: 6/8/98
January 2002
January 2023

USE OF COPYRIGHTED MATERIALS Policy 771.1

Waunakee Community School District Page 1 of 2

Today's new technologies have made learning and information gathering more readily available than ever before and have made it easier to use and copy materials and media. It is the intention of the School Board that all copyright laws be observed in the District. It is also the intention of the Board to inform teachers and students of related copyright guidelines and to promote adherence to them.

Copyrighted materials or media may be used or copied only when such use or copying constitutes a "fair use" as defined by law, or with the prior written permission of the copyright holder. Four factors shall be considered in determining whether or not a particular use is fair under the federal copyright law:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.
2. The nature of the copyrighted work.
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
4. The effect of the use upon the potential market for or value of the copyrighted work.

Educators and students have access to print, images, Websites, moving-image media, and sound media in both analog and digital forms. In all cases, a digital copy is the same as a hard copy in terms of "fair use."

Also, today's technology allows for the creation of multi-media presentations by educators and students. It is the responsibility of course instructors to be familiar with copyright laws and to instruct students in responsible use of images, audio and print materials.

The District shall assume no liability for infringement of copyright by individual employees and others using school equipment in violation of this policy. Violations of the copyright laws may result in criminal or civil suits and/or suspension or dismissal from employment in the system.¹

Notices of copyright restrictions shall be placed on and/or near those devices that could be used for copying materials or information (e.g., computers, photocopiers). They shall also be posted on the media centers' Web pages, along with links to other resources regarding use of copyrighted works.

Legal References:

Wisconsin Statutes

[Section 943.70](#) [computer crimes]

Federal Laws

[Title 17 U.S.C.](#) [use and copying of copyrighted materials, including "fair use"]

[Digital Millennium Copyright Act](#) [digital rights management]

Cross References:

¹ This language is from your current policy 771.

USE OF COPYRIGHTED MATERIALS

Policy 771.1

Waunakee Community School District

Page 2 of 2

WASB PRG 771.1 Sample Policy 2

Adoption Date: January 1983

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Revised: March 1994
June 2000

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**COPYRIGHT LAW/
PRINTING AND DUPLICATING SERVICES**

771 **1**-Rule (1)

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1. Recording Videos/Audio

In order to adhere to copyright laws, employees of the school district will abide by the following regulations governing ~~Video/Audio~~ recordings:

A. A television program may not be recorded by either students or staff at home from a broadcast or cable transmission and be used at school. Home ~~taping-downloading or recording~~ must be for home use only.

B. ~~A videotape rented from a video store~~ Rented recordings and marked "For Home Use Only" may not be shown at school. Personal accounts should not be used for educational purposes.

C. ~~A videotape~~ Media purchased by the school district may be used in the school only for face-to-face instruction by an individual teacher, not for entertainment.

~~D. Individual teachers must request that a specific program be recorded by LMTC staff. General recording in anticipation of teachers' requests is not permissible.~~

~~E. Off air recordings for classroom instructional purposes are permissible. (This does not include rewards or incentives.) These should be used within ten days of the original broadcast and erased within 45 days.~~

F. ~~Off air recordings~~ Recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-airRecording recordings may not be physically or electronically combined or merged to constitute teaching anthologies or ~~complications~~ compilations.

G. The use of any illegal copies in the classroom is not permitted and users will be held responsible for such act.

~~G.H.~~ Staff should adhere to the licensing rules of streaming services.

Commented [1]: recording?

Commented [2]: Should something be said here about items not covered by our SWANK license?

Commented [3]: No longer relevant

Commented [4R3]: As in no longer current practice

Commented [5]: No longer offered

Commented [6]: It feels like there should be a line in here about not using personal accounts for educational purposes. Thoughts?

Commented [7R6]: Agreed. Something like "staff should adhere to the licensing rules of streaming services..."

2. Duplication Computer Software

In order to adhere to copyright laws, employees of the school district will abide by the following regulations governing software:

A. School computers are not to be used to make illegal copies of software.

B. The use of any illegal copies of software in the classroom is not permitted and users will be held responsible for such acts.

771-Rule (1) continued

3. Duplicating Printed Materials

In order to adhere to copyright laws, employees of the school district will abide by the following regulations governing photocopying:

A. A teacher may:

(1). Make a single copy of the following:

- A chapter from a book
- An article from a periodical or newspaper
- A short story, short essay, or short poem
- A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical or newspaper

(2). Making multiple copies (not to exceed one per student) for classroom use of the following:

- A complete poem if less than 250 words
- A poetic excerpt if less than 250 words
- A prose excerpt if from 500-1000 words
- One illustration (chart, diagram, graph, drawing, cartoon, or picture) per book or periodical
- An excerpt of up to two pages of "special works" containing words and pictures

B. A teacher may not:

- (1). Copy from works intended to be consumable (workbooks, exercises, standardized test booklets and answer sheets).
- (2). Copy to substitute for purchase of books, periodicals, music or recordings.
- (3). Copy to make anthologies or compilations or to replace or substitute for them.
- (4). Ask others to do illegal copying for them.
- (5). Copy the same item from term to term without securing permission.
- (6). Utilize more than nine instances of multiple copying per course, per term.
- (7). Copy more than one short work or two excerpts from one author's work in any one term.

771 Rule (1) continued

4. Music

A. The "Fair Use" criteria outlined above and the guidelines under "fair use" for music should be applied to each intended use before copying and copyrighted music or musical works.

B. Permissible uses include:

- (1). Emergency copying to replace purchased copies which are unavailable for an imminent performance,
- (2). Making copies of excerpts of works for academic purposes,

- (3). Editing or simplifying purchased works provided that the fundamental character of the work is not changed,
- (4). Making a single copy recording of a student performance, and
- (5). Making a single copy of a copyrighted sound recording for the purpose of an aural exercise or examination.

C. Notwithstanding the above, the following shall be prohibited;

- (1). Copying to create or replace anthologies,
- (2). Copying of or from works intended to be consumable,
- (3). Copying for the purpose of performance,
- (4). Copying to substitute for the purchase of material, and
- (5). Copying without the inclusion of the copyright notice.

5. Libraries

A. According to the proviso of Section 108 of the copyright law (Public Law 94-553, Title 17), a library or any of its employees acting within the scope of their employment may reproduce copies of print works and phonorecords under specific circumstances:

- (1). Purposes of preservation,
- (2). Purposes of private study, scholarship or research, ~~and~~
- ~~(3). Purposes of interlibrary loan.~~

Commented [8]: This makes it sound like we can copy a whole book to loan to a different library.

B. Notwithstanding any of the above, the following shall be prohibited:

- (1). Copying for direct or indirect commercial advantage,
 - (2). The systematic reproduction for distribution of single or multiple copies, and
 - (3). Copying to substitute for a subscription to a work or the purchase of a work.
- C. Libraries must display prominently, at the place where orders for reproductions are accepted, a warning that copying will be done in accordance with the copyright law.
- D. Reproducing equipment located on the premises must display the proper notice that the making of a copy may be subject to the copyright law.

771 Rule (1) continued

6. Permission to Use Copyrighted Materials

There are many uses that can be made of copyrighted materials beyond those provided under fair use, if permission is granted first. There may be a charge for such use or it may require payment, provide ownership is recognized. (See 771 Rule 2)

NOTE: The regulations governing the copyright guidelines are not comprehensive and do not absolve the staff from complying with all aspects of the law.

ADOPTED: June 2000

Waunakee Community School District

REQUESTING PERMISSION TO USE COPYRIGHTED MATERIALS

771-Rule (2)

The Waunakee Community School District has procedures for requesting permission to use copyrighted materials. In such cases, district staff should send request letters to the copyright owner. Ownership of the work may be determined by checking the title page. The Media Director serves as a resource in locating addresses of copyright owners. All request letters should include the following information:

1. Title, author/editor/producer and edition;
2. Exact material to be used, including amount, page numbers, chapters and, if possible, a photocopy of the material;
3. Number of copies to be made and use to be made of duplicated materials;
4. Form of distribution (classroom, newsletter, etc.);
5. Whether or not the material is to be sold; and
6. Type of reproduction (ditto, photocopy, slide, tape, etc.).

In addition, the procedures suggest that staff members:

1. Include a blank at the end of the request letter for the copyright owner to fill in whether or not permission is granted, conditions, authorized signature and date.
2. Make three copies (a file copy and two to send to the copyright owner). One of these will be returned with the copyright owner's decision indicated.
3. Include a self-addressed, stamped return envelope.
4. Refrain from asking for blanket permission – it usually cannot be granted.
5. Send by registered mail when response is crucial (i.e., for publications that will be sold or printed for distribution).

ADOPTED: June 2000

Waunakee Community School District