TOMAH AREA SCHOOL DISTRICT

129 West Clifton Street
Tomah, WI 54660
Phone: 608-374-7004

AGENDA

Regular Board Meeting
Monday, November 16, 2026, at 6:00 PM
Location: Robert Kupper Learning Center, 1310 Townline Road, Tomah, WI 54660

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Approval of Consent Agenda Items
   - A. Approval of Minutes
     - I. Special Board Meeting October 14, 2026
     - II. Regular Board Meeting October 19, 2026
     - III. Special Board Meeting October 26, 2026
     - IV. Board Academy Meeting November 2, 2026
   - B. Payment of Bills
   - C. Employee Resignations
   - D. Employee Hires/Contracts
   - E. Alternative Open Enrollment Application(s)
   - F. Tomah High School Exercise and Sport Science Waiver(s)
5. Consent Agenda Items Deferred for Individual Action
6. Communication with the Public
   1. Please sign in on the log.
   2. Communication with the public is part of our agenda and is the time for the public to address the board. This is informational for the board, and during this time of the meeting, the board does not discuss the topics brought forward.
   3. Please come to the podium, state your name and where you are from.
   4. You may speak on a topic that is on the agenda for this meeting or another topic.
   5. Please try to keep your comments within a 3-minute timeframe and succinct to ensure all who wish to speak will be able to.
7. Reports
   - A. Recognition of the JROTC Color Guard
   - B. Student Board Representative
   - C. Update on the 2026-2027 Employee Hiring Process
   - D. Committee Reports
     - I. Policy Committee Report
     - II. Facilities Committee
     - III. Finance Committee
8. New Business
   - A. Proposed adoption of the Tomah Multi-Language Learner Handbook
     TASD ML Plan - Google Docs
   - B. Adoption of WIDA Standards: https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf
   - C. District/School Report Card Overveiw
     The board will get a general overview of how to read a school/district report card. The public release for our report card is November 17th.
   - D. Acceptance of Gift(s) of Money/Materials
   - E. Consideration and Possible Appointment of Two Board Members to Serve on the Prospective Board Candidate Meeting Scheduled for Wednesday, December 9, 2026, 5:30 p.m. at Tomah School District Office.

F. Board Policies - First Read
G. Board Policies - Second Read
    I. po5136.01 OTHER PERSONAL ELECTRONIC DEVICES Revised
    II. po5511 DRESS AND APPEARANCE Revised
    III. po7440.03 SMALL UNMANNED AIRCRAFT SYSTEMS Drones
    IV. po8325 RECEIPT OF LEGAL DOCUMENTS BY DISTRICT EMPLOYEES Revised
    V. po8410 CRISIS INTERVENTION Revised
    VI. po8500 FOOD SERVICES Revised
    VII. po8500.01 POLICY AND PROCESS FOR RECEIVING AND PROCESSING COMPLAINTS New
    VIII. po8510 WELLNESS Revised
    IX. po8531 FREE AND REDUCED-PRICE MEALS
    X. po8550 COMPETITIVE FOOD SALES Revised
    XI. po8600.01 AUDIOVISUAL SURVEILLANCE AND RECORDING ON SCHOOL VANS
9. Upcoming Events/Activities
10. Contemplated closed session pursuant to Wisconsin Statute section 19.85(1)(c) to discuss and potentially take action regarding the compensation of a recently hired teacher. The board will reconvene in open session to act, if appropriate, on closed session business and/or to entertain a motion to adjourn.
11. Adjournment

This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated on the agenda.

Upon request to the District Administrator, submitted twenty-four (24) hours in advance, the District shall make reasonable accommodation including the provision of informational material in an alternate format for a disabled person to be able to attend this meeting.

November 16, 2026, Resignations Report

Resignations from Teaching Positions:

Shelli Thornton, LaGrange Special Education Teacher (effective 11/13/26)

Resignations from Athletic/Co-Curricular/Instructional Leadership Positions:

Doug Brieske, Football Varsity Assistant Coach

Jon Wolff, Cross Country Boys/Girls Varsity Assistant Coach

November 16, 2026, Contracts Report

Approval of Contracts for Teaching Positions for 2026-27:

Makayla Shirk, Multilingual Teacher

Approval of Contracts for Athletic/Co-Curricular/Instructional Leadership Positions:

T J Stolp-Apel, TMS Wrestling Assistant (1 year)

Why Tomah Area School District Should Adopt the WIDA ELD Standards Framework, 2020 Edition

Adopting the WIDA English Language Development (ELD) Standards Framework, 2020 Edition will provide Tomah Area School District with a consistent, research-informed approach to supporting the language development and academic success of its multilingual learner (ML) population.

As the district continues to serve students with diverse linguistic backgrounds, educational experiences, and levels of English proficiency, it is important to establish a shared framework that connects English language development with grade-level academic content.

T**he framework will be used to:**

- **Guide English Language Development (ELD) instruction** by providing a common vision and structure for developing students' academic language across content areas.
- **Develop language objectives connected to grade-level content standards** so multilingual learners can simultaneously develop English proficiency and demonstrate content knowledge.
- **Strengthen collaboration between ML/EL teachers and classroom/content teachers** by establishing shared expectations and practices for integrating language development into daily instruction.
- **Guide language goals and instructional planning based on students' English language** proficiency levels, individual needs, and grade-level academic expectations.
- **Provide appropriate instructional scaffolds** that support students at different stages of English language development while maintaining access to challenging, meaningful academic content.
- **Monitor students' English language development by using the WIDA framework** to identify language strengths, areas for growth, and appropriate next steps for instruction.
- **Align English language development with Wisconsin Academic Standards** to ensure that language instruction supports students' participation and achievement in grade-level learning.

Resource

WIDA English Language Development (ELD) Standards Framework, 2020 Edition

NONDISCRIMINATION - SPECIAL UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po1422

Vol. 35, No. 2 - Special Update - Nondiscrimination - July 2026 WI Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

ADOPTED Mar 21, 2013 · REVISED Sep 1, 2022

Replacement Policy - Vol. 35, No. 2 - Special Update - Nondiscrimination

1422 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

[~~DRAFTING NOTE: Wisconsin and Federal law applicable to Wisconsin includes the concepts of gender identity and gender stereotypes/nonconformance within the definition of "sex". Whether the language is included expressly in policy or not, Districts are still required to investigate complaints alleging discriminatory treatment on the basis of gender identity and to remedy violations.~~]

The Board does not discriminate on the basis of race, color, national origin, age, sex ~~(~~ ~~(including gender status, change of sex, sexual orientation, or gender identity)~~ **~~[END OF OPTION]~~** ~~;~~ pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other legally protected category in its programs and activities, including employment opportunities.

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions outlined in this policy.

Definitions:

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

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an employee, supervisor, manager, or other member of the District staff, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when the conduct is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws and is severe or pervasive enough to alter the conditions of employment or create a hostile environment. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

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

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and

outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person’s disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual’s particular disability. It also includes harassment based on traits or characteristics linked to an individual’s disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or

defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against

a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching ~~(~~); and obscene gestures ~~[END OF OPTION]~~.

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

    e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Wisconsin organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. ”Pregnancy” and “childbirth” refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include

infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

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

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

District Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

~~Dr. Paul Skofronick~~ ~~Director of Pupil Services~~ ~~608-374-7007~~ ~~1310 Townline Rd.~~ ~~Tomah, WI 54660~~ ~~paulskofronick@tomah.k12.wi.us~~

Jeff Adams
Director of Multi-Level Systems and Support/RKLC Principal
608-374-7007
129 W. Clifton St.

608-374-7004
Tomah, WI 54660
jeffreyAdams@tomah.education

Ms. Angela Plueger
Director of Curriculum, Instruction, and Assessment
608-374-7022
129 W. Clifton St.
Tomah, WI 54660
angelaplueger@tomah.education

The names, titles, and contact information of these individuals will be published annually on the School District's website and on each individual school's website.

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) shall monitor the District's education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The District Administrator shall provide notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s). Such notice will be published

on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Reports and Complaints of Prohibited Conduct and Retaliation

Employees are required to report incidents of Prohibited Conduct and/or retaliation to an administrator, supervisor, or other supervisory employees so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employees who receive such a report shall file it with the CO as soon as reasonably practicable.

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of Prohibited Conduct involving the discrimination or harassment of an employee or applicant based upon their gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged Prohibited Conduct might violate this prohibition should be brought to the CO's attention promptly.

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

The COs will be available during regular school/work hours to discuss concerns related to Prohibited Conduct or Retaliation. COs shall accept reports of Prohibited Conduct or Retaliation directly from any member of the School District Community or a Third Party, or receive reports that are initially filed with another Board employee.

Upon receipt of a report of alleged Prohibited Conduct or Retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged Prohibited Conduct/Retaliation), or the District Administrator will designate a specific individual to conduct the process

necessary for an informal or formal investigation. The CO will provide a copy of this policy to the Complainant and the Respondent upon request.

Any Board employee who directly observes Prohibited Conduct/Retaliation is obligated, in accordance with this policy, to report such observations to one of the COs as soon as reasonably practicable. Additionally, any Board employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should promptly notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO must contact the Complainant as soon as reasonably practicable to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure

Except for sex discrimination and/or sexual harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to Prohibited Conduct or Retaliation may seek resolution of the complaint through the procedures described below. The complaint procedures involve an investigation of the individual’s claims of Prohibited Conduct/Retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

Complaint Procedure

A Complainant who alleges Prohibited Conduct/Retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) the CO; or 3) to the District Administrator or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board’s legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO or, if appropriate, appoint/designate another individual to serve as CO for the complaint regarding a CO.

Due to the sensitivity surrounding complaints of Prohibited Conduct and Retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint as soon as reasonably practicable after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employees, either orally or in writing,

about any complaint of discrimination or retaliation, that employee must report such information to the CO at the employee's first opportunity, as soon as reasonably practicable.

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

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further Prohibited Conduct or Retaliation, including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the District Administrator.

As soon as reasonably practicable, the CO or designee will initiate an investigation by, at a minimum, confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and, upon request, provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint and the obligation to do so within a reasonable timeframe established by the CO or designee based on the circumstances.

Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other

evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]**

The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

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

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the District Administrator or Board President, if the matter involves the District Administrator, engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within a reasonable timeframe after receiving the report of the CO, the District Administrator either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A summary of the District Administrator's final decision will be provided to both the Complainant and the Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed as soon as reasonably practicable, taking into account the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in Prohibited Conduct/Retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) days of the party's receipt of the District Administrator's decision. The written statement of appeal must be submitted to the District Administrator, who will forward the request to the Board President.

In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within a reasonable timeframe after the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of its decision. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of Prohibited Conduct/Retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Board will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

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

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the Prohibited Conduct/Retaliation, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further Prohibited Conduct or Retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and any relevant codes of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the

Respondent, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct/Retaliation, or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of Prohibited Conduct, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

Application of the First Amendment

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

Education and Training

All District Compliance Officer(s), and other persons who are responsible for implementing the Board's complaint procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Recordkeeping (including retention of investigatory records and materials)

The CO is responsible for overseeing retention of all records that must be maintained

pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315 - Information Management) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for the period set in the District's records retention schedule.

These records may include, but are not limited to the following:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315-Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records, medical records).

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Legal References:
111.31 et seq., Wis. Stats.
111.335(d)(2), Wis. Stats.
118.195, Wis. Stats.
118.20, Wis. Stats.
Fourteenth Amendment, U.S. Constitution
20 U.S.C. 1092(F)(6)(A)(v)
20 U.S.C. 1232g
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 C.F.R. Part 1635
29 U.S.C. 201 et seq., The Fair Labor Standards Act (FLSA)
29 U.S.C. 218d, PUMP for Nursing Mothers Act (PUMP Act)
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq. (in particular 794), Rehabilitation Act of 1973, as amended
34 C.F.R. Part 110 (7/27/93)
38 U.S.C. Chapter 43 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act (USERRA)
42 U.S.C. 1983
42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq., Civil Rights Act of 1964 (e.g., Title VI and Title VII), as amended by the Pregnancy Discrimination Act
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 2000gg, Pregnant Workers Fairness Act (PWFA)

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

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

NONDISCRIMINATION - SPECIAL UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po2260

Special Update - Nondiscrimination - July 2026 Revised NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

ADOPTED Dec 15, 2005 · REVISED Sep 1, 2022

2260- **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

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

~~**[DRAFTING NOTE: Wisconsin and Federal law applicable to Wisconsin includes the concepts of gender identity and gender stereotypes/nonconformance within the definition of "sex". Whether the language is included expressly in policy or not, Districts are still required to investigate complaints alleging discriminatory treatment on the basis of gender identity and to remedy violations.]**~~

The Board does not discriminate on the basis of - sex ~~(including gender identity or gender stereotypes/nonconformance) - (-) [END OF OPTION]~~ , age, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability (Protected Classes) or any other characteristic protected by Federal or State civil rights laws ~~race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including gender status, change of sex or gender identity), or physical, mental, emotional, or learning disability (Protected Classes)~~ in any of its student program and activities. This policy is intended to support and promote nondiscriminatory practices in all District and school activities, particularly in the following areas:

1. use of objective bases for admission to any school, class, program, or activity;

2. prohibition of harassment towards students and procedures for the investigation of claims (see Policy 5517 - Student Anti-Harassment);

A. use of disciplinary authority, including suspension and expulsion authority;

B. administration of gifts, bequests, scholarships and other aids, benefits, or services to students from private agencies, organizations, or persons;

C. selection of instructional and library media materials in a nondiscriminatory manner and that reflect the cultural diversity and pluralistic nature of American society;

D. design and implementation of student evaluation practices, materials, and tools, but not at the exclusion of implementing techniques to meet students' individual needs;

E. design and configuration of facilities;

F. opportunity for participation in extra-curricular and co-curricular activities provided that separate programs for male and female students may be available provided comparable activities are made available to all in terms of type, scope, and District support; and

G. the school lunch program and other school-sponsored food service programs.

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

The District will identify, evaluate, and provide a free appropriate public education to students with disabilities who are determined eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 (Section 504).

The District's educational programs include the academic and nonacademic setting. Each qualified student with a disability shall be educated with students without disabilities to the maximum extent appropriate. In the nonacademic setting, a student with a disability shall participate with students without disabilities to the maximum extent appropriate.

Notice of the Board's policy on nondiscrimination and the identity of the District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Principal's Responsibilities

Each Principal shall verify that the procedures used with students and parents for selection of and participation in any part of the District's academic, co-curricular, or extra-curricular programs do not discriminate on the basis of the Protected Classes.

District Administrator's Responsibilities

In furtherance of the aforesaid goal, the District Administrator or designee shall:

A. Curriculum Content

1. review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict those Protected Classestoward the development of human society;

2. provide that necessary programs are available for students with limited use of the English language;

B. Staff Training

develop an ongoing program of staff training and in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;

2. verify that facilities are made available in a non-discriminatory fashion, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

3. verify that the educational programs of this District are accessible to all students;

   All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise qualified student with a disability the opportunity to participate in the academic or other school programs on the same basis as students without disabilities to the extent required by law.

4. require that service animals for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District.

D. District Support

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

E. Student Evaluation

verify that tests, procedures, and guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

Definitions

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

Complainant: is the individual who alleges, or is alleged, to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

Respondent: is the individual who has been alleged to have engaged in discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

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

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

The District Administrator shall publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or equal access. The Compliance Officer(s) also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of

1964, Section 504 of the Rehabilitation Act of 1973 (as amended), is provided to students, their parents, staff members, and the general public.

The District Administrator shall attempt annually to identify children with disabilities, ages 3 -21, who reside in the District but do not receive a public education.

In addition, the District Administrator shall establish procedures to identify students who are Limited English Proficient, including immigrant children and youth, to assess their ability to participate in District programs and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis.

Reporting Procedures

Students and District employees are required, and all other members of the District community and Third Parties are encouraged to promptly report suspected violations of this policy to an administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Compliance Officer within two (2) days.

Members of the District community, which includes students or Third Parties, who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs, while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may constitute discrimination based on a Protected Class under this policy, the Principal shall report the act to one of the COs, who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunit investigation and provide the Principal with a copy of the resulting written report. A complaint that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities shall be reported and investigated pursuant to that policy.

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. The COs shall accept reports of discrimination/retaliation directly from any member of the District community or a Third Party and reports that initially are made to another District employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation) or designate a specific individual to conduct such a process.

The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the District Administrator or oversee the preparation of such recommendations by a designee.

Any District employee who directly observes discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one (1) of the COs within two (2) days. Additionally, any District employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other District employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant if age eighteen (18) or older, or the Complainant's parents/guardians if the student is under the age of eighteen (18) within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

District Compliance Officers (hereinafter referred to as the COs)

The Board designates the following individuals to serve as the District's COs:

~~Dr. Paul Skofronick~~
~~Director of Pupil Services~~
~~608-374-7007~~
~~1310 Townline Rd.~~
~~Tomah, WI 54660~~
~~paulskofronick@tomah.k12.wi.us~~

Jeff Adams
Director of Multi-Level Systems and Support/RKLC Principal
608-374-7007
129 W. Clifton St.

608-374-7004
Tomah, WI 54660
jeffreyAdams@tomah.education

Ms. Angela Plueger
Director of Curriculum, Instruction, and Assessment
608-374-7022
129 W. Clifton St.
Tomah, WI 54660
angelaplueger@tomah.education

The names, titles, and contact information of these individuals will be published annually on the School District's website and on each individual school's website.

A CO will be available during regular school/work hours to discuss concerns related to student discrimination in educational opportunities under this policy.

Investigation and Complaint Procedure

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

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the District Administrator or Board President, if the matter involves the District Administrator, engage outside legal counsel to conduct the investigation consistent with this policy.

All complaints must include the following information to the extent known: a description of the alleged violation, the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

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

the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the District Administrator.

As soon as appropriate in the investigation process, the CO will inform the Respondent, that a complaint has been received. The person(s) must also be provided an opportunity to respond to the complaint.

All investigations shall be commenced as soon as practicable upon receipt of a complaint and concluded as expeditiously as feasible, in consideration of the circumstances, while taking measures to complete a thorough investigation. The Complainant shall be notified in writing of receipt of the complaint within forty-five (45) days of the complaint and shall reach a determination concerning the complaint within ninety (90) days of receipt unless additional time is agreed to by the Complainant.

The investigation will generally include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the District Administrator which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definitions in this Policy, as well as in State and Federal law as to whether the Complainant has been denied access to educational opportunities on the basis of one of the protected classifications, based on a preponderance of evidence standard. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved.

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

Generally, within five (5) days of receiving the report of the CO or designee, the District Administrator either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the Complainant and Respondent. The District Administrator may redact information from the decision consistent with applicable law.

The Board authorizes the District Administrator to consult with legal counsel to determine the extent to which information in an investigation report must be provided to either the Complainant or Respondent.

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

If the Complainant feels that the decision does not adequately address the complaint the Complainant ~~s/he~~ may appeal the decision to the State Superintendent of Public Instruction by submitting a written request , within thirty (30) calendar days of the decision, to the Wisconsin Department of Public Instruction (DPI), Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157. Any person, including the Respondent in a complaint, who is subject to disciplinary action up to and including termination as a result of a complaint may choose to file a grievance utilizing the District's grievance procedure as outlined in Policy 3340 - Grievance Procedure or Policy 4340 - Grievance Procedure.

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

To the extent required by law or permitted by the District, the parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, Denver Office, U.S. Department of Education, Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582, Telephone: (303) 844-5695, FAX: (303) 844-4303, E-mail: OCR.Denver@ed.gov, Web: https://www.ed.gov/about/ed-offices/ocr ~~Office for Civil Rights~~, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Additional School District Action

If the evidence suggests that any conduct at issue violates any other policies of the Board, is a crime, or requires mandatory reporting under the Children's Code (48.981, Wis. Stats.) ~~(Sec. 48.981, Wis. Stat.)~~ (Policy 8462 - Child Abuse and Neglect), or threats of violence (Policy 8462.01 - Threats of Violence), the CO or District Administrator shall take such

additional actions as necessary and appropriate under the circumstances, which may include a report to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the District's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations. Confidentiality cannot be guaranteed, however. All Complainants proceeding through the investigation process should be advised that as a result of the investigation, allegations against individuals may become known to those individuals, including the Complainant's identity.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity

During the course of an investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Directives During Investigation

The CO may recommend to the District Administrator placing any employee involved in an investigation under this Policy on administrative leave pending resolution of the matter. If the District Administrator is the Respondent, the CO shall make such recommendation to the Board. For example, administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a Garrity warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave

taken because of the discrimination, the opportunity to complete assignments missed due to absences related to the discrimination, or other appropriate action.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant codes of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the ages and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided, or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

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

Education and Training

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

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management) created and received as part of an investigation, which may include but are not limited to:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts related to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;

M. documentation of all actions, both individual and systemic, taken to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 10/15/09
Revised 3/18/10
Revised 11/19/12
Revised 3/21/13
Revised 9/15/14
Revised 9/18/17
Revised 4/15/19
Revised 9/5/19
Revised 3/3/20
Revised 12/20/21
T.C. 9/1/22

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Legal

118.13 Wis. Stats.
P.I. 9, Wis. Adm. Code
P.I. 41, Wis. Adm. Code
Fourteenth Amendment, U.S. Constitution
20 U.S.C. 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. 7905, Boy Scouts of America Equal Access Act
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 2000 et seq., Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635, The GINA Regulations
34 C.F.R. Part 110, The Age Discrimination Act Regulations
Guidelines for Vocational Education Programs, Department of Education, Office for Civil Rights, March 21, 1979

NONDISCRIMINATION - SPECIAL UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po2266

Special Update - Nondiscrimination - July 2026 Revised NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES

ADOPTED Nov 16, 2020 · REVISED Oct 20, 2025

2266 – **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES**

Introduction

~~**[DRAFTING NOTE: Wisconsin and Federal law applicable to Wisconsin includes the concepts of gender identity and gender stereotypes/nonconformance within the definition of "sex". Whether the language is included expressly in policy or not, Districts are still required to investigate complaints alleging discriminatory treatment on the basis of gender identity and to remedy violations.]**~~

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

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

Pursuant to its Title IX obligations, the Board is committed to eliminating sexual harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third Parties who engage in sexual harassment are also subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual

Harassment ongoing supportive measures as reasonably necessary to restore or preserve access to the District's education programs and activities.

Coverage

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

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

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

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

Definitions

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

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

A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);

B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, ***and*** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

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

1. “Sexual assault” means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of incest and statutory rape. Sexual assault includes rape, sodomy, sexual assault with an object, criminal sexual contact ~~fondling~~, incest, and statutory rape.

    a. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

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

    c. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.

    d. *Criminal Sexual Contact (f.k.a. Fondling)* is the intentional touching of the clothed or unclothed body parts, without consent, of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the victim of the other individual’s clothed or unclothed body parts, without consent of the victim, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation. ~~*Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity~~

e. *Incest* is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.

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

g. *Other Sexual Contact* includes the intentional emission of bodily fluids on the complainant, or at the direction of the Respondent, for the purposes of sexual gratification as defined in 940.225(5)(b), Wis. Stats.

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

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

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

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

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

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

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

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

3. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration

of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

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

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

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

Actual Knowledge: "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent. Imputation of knowledge-based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge.

Supportive Measures: "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-

related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), referral to Employee Assistance Program, and other similar measures.

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

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

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

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

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

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

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

Title IX Coordinator(s)

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

~~Dr. Paul Skofronick~~
~~Director of Pupil Services~~
~~608-374-7007~~
~~1310 Townline Rd.~~
~~Tomah, WI 54660~~
~~paulskofronick@tomah.education~~

Jeff Adams
Director of Multi-Level Systems and Support/RKLC Principal
608-374-7007
129 W. Clifton St.

608-374-7004
Tomah, WI 54660
jeffreyAdams@tomah.education

Ms. Angela Plueger
Director of Curriculum, Instruction, and Assessment
608-374-7022
129 W. Clifton St.
Tomah, WI 54660
angelaplueger@tomah.education

The Title IX Coordinator shall report directly to the District Administrator except when the District Administrator is a Respondent. In such matters, the Title IX Coordinator shall report directly to the Board President. Questions about this policy should be directed to the Title IX Coordinator.

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

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

~~Dr. Paul Skofronick~~
~~Director of Pupil Services~~
~~608-374-7007~~
~~1310 Townline Rd.~~
~~Tomah, WI 54660~~
~~paulskofronick@tomah.education~~

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Tomah, WI 54660
angelaplueger@tomah.education

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

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: www.tomah.k12.wi.us. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

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

Grievance Process

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

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

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

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

Report of Sexual Discrimination/Harassment

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

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known,

identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

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

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

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

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

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

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

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

Emergency Removal: Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purpose of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related District policies, including Policy 5120 - Assignment within District; Policy 5605 - Suspension/Expulsion of Students with Disabilities, and Policy 5610 – Suspension and Expulsion.

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

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

Formal Complaint of Sexual Harassment

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

other Title IX Coordinator who will then proceed with the grievance process with respect to that formal complaint.

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

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

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

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

Timeline

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

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

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

A. Notice of the Board's grievance process, including any informal resolution processes;

B. Notice of the allegations of misconduct that potentially constitutes sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must:

1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence;

3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee/Administrator Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

Dismissal of a Formal Complaint

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

A. would not constitute sexual harassment (as defined in this policy) even if proved;

B. did not occur in the District's education program or activity; or

C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the formal complaint. If the Title IX Coordinator dismisses the formal complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such

alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

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

A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;

B. the Respondent is no longer enrolled in the District or employed by the Board; or

C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate formal complaints as to allegations of sexual harassment against more than one (1) Respondent, or by more than one (1) Complainant against one (1) or more Respondents, or by one (1) party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one (1) Complainant or more than one (1) Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

Informal Resolution Process

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

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

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

A. the allegations;

B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and

C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

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

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

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

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

Investigation of a Formal Complaint of Sexual Harassment

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

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

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party

provides the District with voluntary, written consent to do so; if a student party is not an eligible student, the District must obtain the voluntary, written consent of a parent.

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

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

A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and

B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

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

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings.

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

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

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the

investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

Determination of Responsibility

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

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

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

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

The written determination will include the following content:

A. Identification of the allegations potentially constituting sexual harassment pursuant to this policy;

B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence.

C. Findings of fact supporting the determination;

D. Conclusions regarding the application of the applicable code of conduct to the facts;

E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the District's

education program or activity should be provided by the District to the Complainant(s); and

F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

Informal or formal disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in sexual harassment).

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with District policy. The discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

A. oral or written warning;

B. written reprimands;

C. performance improvement plan;

D. required counseling;

E. required training or education;

F. suspension without pay;

G. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook.

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

statutory or contractual. If the District Administrator is the Respondent, the Title IX Coordinator will notify the Board President of the recommended remedies for consideration and, if necessary and appropriate, implementation in compliance with applicable due process procedures, whether statutory or contractual.

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

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

A. oral or written warning;

B. suspension or termination/ cancellation of the Board's contract with the Third Party vendor or contractor;

C. mandatory monitoring of the Third Party while on school property and/or while working/interacting with students;

D. restriction/prohibition on the Third Party's ability to be on school property; and

E. any combination of the same.

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

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

In ultimately imposing a disciplinary sanction/consequence, the District Administrator (or the Board when the District Administrator is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances. If the Respondent is a member of the Board, that member of the Board shall be excluded from any determination regarding the imposition of a disciplinary sanction/consequence by the remaining Board members.

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

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

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

Appeal

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

A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);

B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

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

Nothing herein shall prevent the District Administrator (or the Board when the District Administrator is the Respondent) from implementing appropriate remedies, excluding disciplinary sanctions, while the appeal is pending.

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

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

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

The decision-maker(s) for the appeal shall determine when each party's written statement is due.

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

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

Retaliation

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

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

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

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not

constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Confidentiality

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

Application of the First Amendment

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

Training

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

A. the definition of sexual harassment (as that term is used in this policy);

B. the scope of the District's education program or activity;

C. how to conduct an investigation and implement the grievance process appeals and informal resolution processes, as applicable; and

D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

Recordkeeping

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District shall document the basis for its conclusion that

its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

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

A. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;

B. Any appeal and the result therefrom;

C. Any informal resolution and the result therefrom; and

D. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

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

Outside Appointments, Dual Appointments, and Delegations

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

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

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

Discretion in Application

The Board retains the discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains the discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains the discretion to revise this policy at any time, and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

Revised 4/18/22

T.C. 9/1/22

T.C. 12/19/22

Revised 7/9/24

Revised 8/19/24

T.C. 10/20/25

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Legal
19.21(6), Wis. Stats.
120.13, Wis. Stats.
948.01 et. seq., Wis. Stats.
20 U.S.C. 1092(F)(6)(A)(v)
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
34 C.F.R. Part 106
34 U.S.C. 12291(a)(8)
34 U.S.C. 12291(a)(10)
34 U.S.C. 12291(a)(30)
42 U.S.C. 1983
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.
OCR's Revised Sexual Harassment Guidance (2001)

NONDISCRIMINATION - SPECIAL UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po3122

Vol. 35, No. 2 - Special Update - Nondiscrimination - July 2026 WI Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

ADOPTED Feb 16, 2006 · REVISED Sep 1, 2022

Replacement Policy - Vol. 35, No. 2 - Special Update - Nondiscrimination

3122 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

~~**[DRAFTING NOTE: Wisconsin and Federal law applicable to Wisconsin includes the concepts of gender identity and gender stereotypes/nonconformance within the definition of "sex". Whether the language is included expressly in policy or not, Districts are still required to investigate complaints alleging discriminatory treatment on the basis of gender identity and to remedy violations.]**~~

The Board does not discriminate on the basis of race, color, national origin, age, sex ~~**(**~~ ~~(including gender status, change of sex, sexual orientation, or gender identity)~~ ~~**[END OF OPTION]**~~ , ~~–~~ pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other legally protected category in its programs and activities, including employment opportunities.

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions outlined in this policy.

Definitions:

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

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an employee, supervisor, manager, or other member of the District staff, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when the conduct is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws and is severe or pervasive enough to alter the conditions of employment or create a hostile environment. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

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

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and

outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person’s disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual’s particular disability. It also includes harassment based on traits or characteristics linked to an individual’s disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or

defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against

a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching ~~(~~); and obscene gestures ~~[END OF OPTION]~~.

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

    e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Wisconsin organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. ”Pregnancy” and “childbirth” refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include

infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

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

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

District Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

Jeff Adams
Director of Multi-Level Systems and Support/RKLC Principal
608-374-7007
129 W. Clifton St.

608-374-7004
Tomah, WI 54660
jeffreyAdams@tomah.education

Ms. Angela Plueger
Director of Curriculum, Instruction, and Assessment
608-374-7022
129 W. Clifton St.
Tomah, WI 54660
angelaplueger@tomah.education

The names, titles, and contact information of these individuals will be published annually on the School District's website and on each individual school's website.

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) shall monitor the District’s education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The District Administrator shall provide notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s). Such notice will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Reports and Complaints of Prohibited Conduct and Retaliation

Employees are required to report incidents of Prohibited Conduct and/or retaliation to an administrator, supervisor, or other supervisory employees so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employees who receive such a report shall file it with the CO as soon as reasonably practicable.

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of Prohibited Conduct involving the discrimination or harassment of an employee or applicant based upon their gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged Prohibited Conduct might violate this prohibition should be brought to the CO's attention promptly.

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

The COs will be available during regular school/work hours to discuss concerns related to Prohibited Conduct or Retaliation. COs shall accept reports of Prohibited Conduct or Retaliation directly from any member of the School District Community or a Third Party, or receive reports that are initially filed with another Board employee.

Upon receipt of a report of alleged Prohibited Conduct or Retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged Prohibited Conduct/Retaliation), or the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. The CO will provide a copy of this policy to the Complainant and the Respondent upon request.

Any Board employee who directly observes Prohibited Conduct/Retaliation is obligated, in accordance with this policy, to report such observations to one of the COs as soon as reasonably practicable. Additionally, any Board employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should promptly notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO must contact the Complainant as soon as reasonably practicable to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure

Except for sex discrimination and/or sexual harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to Prohibited Conduct or Retaliation may seek resolution of the complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims of Prohibited Conduct/Retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

Complaint Procedure

A Complainant who alleges Prohibited Conduct/Retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) the CO; or 3) to the District Administrator or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO or, if appropriate, appoint/designate another individual to serve as CO for the complaint regarding a CO.

Due to the sensitivity surrounding complaints of Prohibited Conduct and Retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint as soon as reasonably practicable after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employees, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO at the employee's first opportunity, as soon as reasonably practicable.

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

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further Prohibited Conduct or Retaliation, including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the District Administrator.

As soon as reasonably practicable, the CO or designee will initiate an investigation by, at a minimum, confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and, upon request, provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint and the obligation to do so within a reasonable timeframe established by the CO or designee based on the circumstances.

Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress. **[END OF OPTIONS]**

The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

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

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the District Administrator or Board President, if the matter involves the District Administrator, engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within a reasonable timeframe after receiving the report of the CO, the District Administrator either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A summary of the District Administrator's final decision will be provided to both the Complainant and the Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed as soon as reasonably practicable, taking into account the availability of necessary witness(es) or documents. At the conclusion of the additional

investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in Prohibited Conduct/Retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) days of the party's receipt of the District Administrator's decision. The written statement of appeal must be submitted to the District Administrator, who will forward the request to the Board President.

In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within a reasonable timeframe after the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of its decision. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of Prohibited Conduct/Retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Board will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board’s legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

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

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the Prohibited Conduct/Retaliation, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further Prohibited Conduct or Retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and any relevant codes of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct/Retaliation, or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of Prohibited Conduct, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

Application of the First Amendment

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

Education and Training

All District Compliance Officer(s), and other persons who are responsible for implementing the Board's complaint procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Recordkeeping (including retention of investigatory records and materials)

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315 - Information Management) created and received as part of an investigation. Records and materials associated with the

implementation of this policy shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for the period set in the District's records retention schedule.

These records may include, but are not limited to the following:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff

with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315-Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records, medical records).

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Legal References:
111.31 et seq., Wis. Stats.
111.335(d)(2), Wis. Stats.
118.195, Wis. Stats.
118.20, Wis. Stats.
Fourteenth Amendment, U.S. Constitution
20 U.S.C. 1092(F)(6)(A)(v)
20 U.S.C. 1232g
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 C.F.R. Part 1635
29 U.S.C. 201 et seq., The Fair Labor Standards Act (FLSA)
29 U.S.C. 218d, PUMP for Nursing Mothers Act (PUMP Act)
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq. (in particular 794), Rehabilitation Act of 1973, as amended
34 C.F.R. Part 110 (7/27/93)
38 U.S.C. Chapter 43 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act (USERRA)
42 U.S.C. 1983
42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq., Civil Rights Act of 1964 (e.g., Title VI and Title VII), as amended by the Pregnancy Discrimination Act
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 2000gg, Pregnant Workers Fairness Act (PWFA)

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

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

NONDISCRIMINATION - SPECIAL UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po4122

Vol. 35, No. 2 - Special Update - Nondiscrimination - July 2026 WI Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT

ADOPTED Feb 16, 2006 · REVISED Sep 1, 2022

Replacement Policy - Vol. 35, No. 2 - Special Update - Nondiscrimination

4122 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

[~~DRAFTING NOTE: Wisconsin and Federal law applicable to Wisconsin includes the concepts of gender identity and gender stereotypes/nonconformance within the definition of "sex". Whether the language is included expressly in policy or not, Districts are still required to investigate complaints alleging discriminatory treatment on the basis of gender identity and to remedy violations.~~]

The Board does not discriminate on the basis of race, color, national origin, age, sex ~~(~~ ~~(including gender status, change of sex, sexual orientation, or gender identity)~~ **~~[END OF OPTION~~]**, pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other legally protected category in its programs and activities, including employment opportunities.

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions outlined in this policy.

Definitions:

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

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an employee, supervisor, manager, or other member of the District staff, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when the conduct is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws and is severe or pervasive enough to alter the conditions of employment or create a hostile environment. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

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

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and

outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person’s disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual’s particular disability. It also includes harassment based on traits or characteristics linked to an individual’s disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or

defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against

a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching ~~(~~; and obscene gestures [~~END OF OPTION~~].

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

    e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Wisconsin organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. ”Pregnancy” and “childbirth” refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include

infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

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

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

District Compliance Officer(s)

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

~~Dr. Paul Skofronick~~ ~~Director of Pupil Services~~ ~~608-374-7007~~ ~~1310 Townline Rd.~~ ~~Tomah, WI 54660~~ ~~paulskofronick@tomah.k12.wi.us~~

Jeff Adams
Director of Multi-Level Systems and Support/RKLC Principal
608-374-7007
129 W. Clifton St.

608-374-7004
Tomah, WI 54660
jeffreyAdams@tomah.education

Ms. Angela Plueger
Director of Curriculum, Instruction, and Assessment
608-374-7022
129 W. Clifton St.
Tomah, WI 54660
angelaplueger@tomah.education

The names, titles, and contact information of these individuals will be published annually on the School District's website and on each individual school's website.

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Copies of the laws and regulations listed above are available upon request from the CO(s).

The CO(s) shall monitor the District's education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The District Administrator shall provide notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s). Such notice will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

Reports and Complaints of Prohibited Conduct and Retaliation

Employees are required to report incidents of Prohibited Conduct and/or retaliation to an administrator, supervisor, or other supervisory employees so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employees who receive such a report shall file it with the CO as soon as reasonably practicable.

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of Prohibited Conduct involving the discrimination or harassment of an employee or applicant based upon their gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged Prohibited Conduct might violate this prohibition should be brought to the CO's attention promptly.

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

The COs will be available during regular school/work hours to discuss concerns related to Prohibited Conduct or Retaliation. COs shall accept reports of Prohibited Conduct or Retaliation directly from any member of the School District Community or a Third Party, or receive reports that are initially filed with another Board employee.

Upon receipt of a report of alleged Prohibited Conduct or Retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged Prohibited Conduct/Retaliation),

or the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. The CO will provide a copy of this policy to the Complainant and the Respondent upon request.

Any Board employee who directly observes Prohibited Conduct/Retaliation is obligated, in accordance with this policy, to report such observations to one of the COs as soon as reasonably practicable. Additionally, any Board employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should promptly notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO must contact the Complainant as soon as reasonably practicable to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure

Except for sex discrimination and/or sexual harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to Prohibited Conduct or Retaliation may seek resolution of the complaint through the procedures described below. The complaint procedures involve an investigation of the individual’s claims of Prohibited Conduct/Retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

Complaint Procedure

A Complainant who alleges Prohibited Conduct/Retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) the CO; or 3) to the District Administrator or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board’s legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO or, if appropriate, appoint/designate another individual to serve as CO for the complaint regarding a CO.

Due to the sensitivity surrounding complaints of Prohibited Conduct and Retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint as soon as reasonably practicable after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a

Principal, District Administrator, or other supervisory employees, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO at the employee's first opportunity, as soon as reasonably practicable.

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

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further Prohibited Conduct or Retaliation, including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO still may take whatever actions are deemed appropriate in consultation with the District Administrator.

As soon as reasonably practicable, the CO or designee will initiate an investigation by, at a minimum, confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and, upon request, provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint and the obligation to do so within a reasonable timeframe established by the CO or designee based on the circumstances.

Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of

witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the Complainant reasonably informed of the investigation's progress.

The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

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

The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may in consultation with the District Administrator or Board President, if the matter involves the District Administrator, engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within a reasonable timeframe after receiving the report of the CO, the District Administrator either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A summary of the District Administrator's final decision will be provided to both the Complainant and the Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed as soon as reasonably practicable, taking into account the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in Prohibited Conduct/Retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) days of the party's receipt of the District Administrator's decision. The written statement of appeal must be submitted to the District Administrator, who will forward the request to the Board President.

In an attempt to resolve the complaint, the Board shall review the findings and may meet with the concerned parties and their representatives within a reasonable timeframe after the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of its decision. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of Prohibited Conduct/Retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Board will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

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

Remedial Action and Monitoring

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the Prohibited Conduct/Retaliation, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further Prohibited Conduct or Retaliation has occurred and to take action to address any reported occurrences promptly.

Sanctions and Disciplinary Action

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and any relevant codes of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the

Respondent, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct/Retaliation, or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of Prohibited Conduct, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

Application of the First Amendment

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

Education and Training

All District Compliance Officer(s), and other persons who are responsible for implementing the Board's complaint procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. The training shall not rely on stereotypes involving Protected Classes.

Recordkeeping (including retention of investigatory records and materials)

The CO is responsible for overseeing retention of all records that must be maintained

pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315 - Information Management) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310 - Public Records, Policy 8315 - Information Management, Policy 8320 - Personnel Records, and Policy 8330 - Student Records for the period set in the District's records retention schedule.

These records may include, but are not limited to the following:

A. all written reports/allegations/complaints/statements;

B. narratives of all verbal reports, allegations, complaints, and statements collected;

C. a narrative of all actions taken by District personnel;

D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;

E. narratives of, notes from, or audio, video, or digital recordings of witness statements;

F. all documentary evidence;

G. e-mails, texts, or social media posts pertaining to the investigation;

H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;

I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;

J. dated written determinations to the parties;

K. dated written descriptions of verbal notifications to the parties;

L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and

M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);

O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

The information, documents, ESI, and electronic media (as defined in Policy 8315-Information Management) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records, medical records).

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Legal References:
111.31 et seq., Wis. Stats.
111.335(d)(2), Wis. Stats.
118.195, Wis. Stats.
118.20, Wis. Stats.
Fourteenth Amendment, U.S. Constitution
20 U.S.C. 1092(F)(6)(A)(v)
20 U.S.C. 1232g
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 C.F.R. Part 1635
29 U.S.C. 201 et seq., The Fair Labor Standards Act (FLSA)
29 U.S.C. 218d, PUMP for Nursing Mothers Act (PUMP Act)
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq. (in particular 794), Rehabilitation Act of 1973, as amended
34 C.F.R. Part 110 (7/27/93)
38 U.S.C. Chapter 43 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act (USERRA)
42 U.S.C. 1983
42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq., Civil Rights Act of 1964 (e.g., Title VI and Title VII), as amended by the Pregnancy Discrimination Act
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 2000gg, Pregnant Workers Fairness Act (PWFA)

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

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

35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po5136.01

Vol. 35, No. 2 - July 2026 Revised OTHER PERSONAL ELECTRONIC DEVICES

ADOPTED Oct 15, 2009 · REVISED Apr 21, 2025

5136.01 - **TECHNOLOGY RESOURCES AND OTHER ELECTRONIC EQUIPMENT**

5136.01 - **OTHER PERSONAL ELECTRONIC DEVICES**

Purpose

The Board recognizes that while certain technology resources can enhance the educational environment, student-owned equipment can also lead to distractions, academic dishonesty, and disruptions. This policy governs the use of personal electronic equipment not otherwise classified as a Personal Communication Device (PCD).

Personal Communication Devices (PCDs)

The use and possession of any student-owned device capable of wireless communication (including but not limited to smartphones, tablets, laptops, and gaming devices) are strictly governed by Policy 5136 - Personal Communication Devices.

Other Personal Electronic Devices

This section applies to student-owned technology not covered under Policy 5136 - Personal Communication Devices, such as but not limited to:

1. Cameras (stand-alone photographic and/or video)
2. Lasers, laser pens, or pointers
3. Portable audio equipment (e.g., speakers, "boom-boxes," headphones)
4. electronic games or toys that do not receive or transmit a signal to another device
5. Any other electronic device that does not possess wireless data or voice transmission capability.

TheBoard will supply any technology resources and other electronic equipment or devices necessary for participation in the educational program. Students shall not use or possess any technology resources considered Other Personal Electronic Devices, as defined above,and other electronic equipment or devices on school property or at any school sponsored activity without the permission of the principal and the classroom teacher and only for the classroom project for which it is needed.

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F.

G.

Students may use Other Personal Electronic Devices, as defined above, on school property only for educational or instructional purposes (e.g. taking notes, recording a class lecture, writing papers) with the teacher's permission and supervision:

Distracting behavior that creates an unsafe environment will not be tolerated.

However, the use of any communication functionally that is a part of or attached to the above-approved technology resources and other electronic equipment/devices is expressly prohibited. This includes, but is not limited to, wireless Internet access, peer-to-peer (ad-hoc) networking, or any other method of communication with other devices or networks. In no circumstances shall the device be allowed to connect to the District's computer network.

The preceding prohibitions do not apply to Board-owned and issued laptops, tablets, e-readers, PDAs, or authorized assistive technology devices.

Students are prohibited from using technology resources and other electronic equipment or devices in a manner that may be physically harmful to another person (e.g. shining a

laser in the eyes of another student). Further, at no time may any technology resources or other electronic equipment/device be utilized by a student in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – Bullying. In particular, students are prohibited from using technology resources, a camera, or other electronic equipment/device to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex (including sexual orientation, and gender identity), age, disability, religion, or political beliefs; and (2) send, share, view or possess pictures, text messages, e-mails or other materials of a sexual nature (i.e., sexting) in electronic or any other form. Violation of these prohibitions shall result in disciplinary action.

Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are prohibited from using technology resources and other electronic equipment/devices to capture, record, or transmit test information or any other information in a manner constituting fraud, theft, or academic dishonesty. Similarly, students are prohibited from using technology resources and other electronic equipment and devices to capture, record, or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture and/or recording of such words or images. Using technology resources or other electronic equipment/devices to capture, record, or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Technology resources and other electronic equipment/devices are expressly banned from and may not be possessed, activated, or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, classrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a camera or other electronic equipment/device is absolutely prohibited.

Unauthorized technology resources and other electronic equipment and devices will be confiscated from the student by school personnel and disciplinary action taken.

Any technology resources or other electronic equipment/device confiscated by District staff will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent. Technology resources or other electronic equipment/devices in District custody will not be searched or otherwise tampered with unless school officials reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules (e.g. a student

is observed using a camera in a prohibited area). Any search will be conducted in accordance with Policy 5771 – Search and Seizure.

Students are personally and solely responsible for the care and security of any technology resources and other electronic equipment or devices they bring to school. The Board assumes no responsibility for theft, loss, damage, or vandalism to electronic equipment and devices brought onto its property, or the unauthorized use of such devices.

Revised 10/15/18
T.C. 4/21/25

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35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po5511

Vol. 35, No. 2 - July 2026 Revised DRESS AND APPEARANCE

ADOPTED Dec 15, 2005 · REVISED Apr 21, 2025

5511 - **DRESS AND APPEARANCE**

The Board recognizes that each student's mode of dress and appearance is a manifestation of personal style and individual preference and that students do possess certain individual rights, including the right to engage in expressive speech. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools.

Accordingly, the Board prohibits student dress, clothing, or appearance (Dress Code)practices that:

A. present a hazard to the health or safety of the individual student or to others in the school, including by way of communicating threats of harm or depictions of harmful conduct directed at others, including depictions that are reasonably likely to or are intended to incite violence against or hatred towards others;

B. materially interfere with school activities, or cause or is likely to cause a material and substantial disruption to the educational environment; or

C. prevent students from achieving educational objectives because of blocked vision or restricted movement

D. **(**X **)** violate the District's anti-harassment policies by depicting images or messages that represent or promote discrimination or harassment on the basis of one or more protected classifications;

E. **(**X **)** depict or promote obscenity, pornography, or otherwise depict or describe sexual activity.

The principal or designee shall serve as the initial arbiter of student dress, clothing, and appearance within the building or at school-sponsored events.

Dress, clothing or appearance constitutes expressive speech if the individual wearing or displaying the dress, clothing, or appearance intends to convey a particularized message

through the wearing or display and the likelihood was great threat the message would be understood by those who viewed it. This standard shall apply whether the message is conveyed by depiction, words, or a combination of the two. If the dress, clothing, or appearance does not constitute expressive speech, it can be regulated by school officials.

Expressive speech in the form of dress, clothing, or appearance will be regulated consistent with applicable legal principles.

A.

B.

C.

D.

Consistent with the legal parameters established under the First Amendment of the U.S. Constitution.

School officials can also regulate and prohibit dress, clothing, or appearance containing otherwise expressive speech if the dress, clothing, or appearance:

A. Can reasonably be viewed as promoting illegal drug use; or

B. Is vulgar, lewd, indecent, or plainly offensive.

Additionally, school officials can regulate dress, clothing or appearance if they can reasonably forecast that it will materially interfere with or substantially disrupt a school activity, such an interference or disruption actually occurs, or if the expression intrudes on the rights of other students. Such prohibited dress, clothing or appearance may include dress, clothing, or appearance that includes the use of discriminatory language including racial or ethnic slurs, or negative stereotypes, Under this standard, the wearing or display of the Confederate flag during the school day and on school property is prohibited.

In determining whether a student's dress or appearance materially interferes with schoolwork, creates disorder, or disrupts the educational program, school officials may consider the age and emotional maturity of the student audience, recent local or national events, and the unique characteristics of the school community. Decisions to restrict student dress or expression should be based on a reasonable forecast of material and substantial disruption, supported by specific facts and context, and should be documented accordingly.

No protected speech may be prohibited on the basis of disagreement by school officials with the specific point of view expressed if the topic is otherwise permitted by this policy (e.g. permitting depictions of support for one political party, but prohibiting depictions of support for the other).

The District administration may establish the dress, clothing or appearance requirements for members of the athletic teams, bands, and other school groups when representing the District at a public event or within the context of school-sponsored and controlled curriculum or activities. Where appropriate, a uniform or specific dress, clothing, or appearance requirement shall be used for students when representing the District as described.

Students who violate the foregoing rules will not be admitted to class and may be subject to additional consequences.

If the dress, clothing, or appearance cannot be removed or concealed, the student may be sent home after contact is made with the student's parent.

Revised 9/20/07
Revised 1/23/17
Revised 4/5/21
T.C. 11/15/21
Revised 4/18/22
T.C. 4/21/25

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Legal
120.13(1), Wis. Stats.

35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po7440.03

Vol. 35, No. 2 - July 2026 Revised SMALL UNMANNED AIRCRAFT SYSTEMS (Drones)

DISTRICT DOES NOT HAVE THIS POLICY - RECOMMEND TO ADOPT

Revised Policy - Vol. 35, No. 2

7440.03 - **SMALL UNMANNED AIRCRAFT SYSTEMS (Drones)**
A drone may be operated over property owned by the District during periods when the school is open to students for instruction or when the property is being used for an event approved by the Board at the express authorization of the Board. The Board shall respond to a request for authorization within five (5) business days of receiving the request. The Board designates this responsibility to the **(**X**)** District Administrator

If SUAS (drones) are used during high school athletic activities and/or events, the use will adhere to the Wisconsin Interscholastic Athletic Association's (WIAA) administrative policies and procedures.

To be authorized to operate a drone on property owned or leased or contracted for by the Board, the individual or organization granted permission by the Board must meet all criteria for the operation of and comply with all requirements and restrictions pertaining to the operation of any sUAS established by the Federal Aviation Administration (FAA).

Failure to adhere by applicable regulations and AG 7440.03 - Small Unmanned Aircraft Systems (Drones) may result in loss of authorization to operate a drone on property owned or leased or contracted for by the Board, referral to local law enforcement, and/or further disciplinary action, up to and including termination.

A drone(s) may be operated over property owned by the District at the direction of the sheriff or the chief of a public protective agency having jurisdiction over the territory on which the District property is located for any of the following purposes:

A. to assist in an active search and rescue operation;

B. to locate an escaped prisoner;

C. to surveil a place or location for the purpose of executing an arrest warrant; or,

D. when a law enforcement officer has reasonable suspicion to believe that the use of a drone is necessary to prevent imminent danger to an individual or to prevent imminent destruction of evidence.

14 C.F.R. Part 107
114.045 Wis. Stats.
86 FR 4314

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Legal
14 C.F.R. Part 107
114.045 Wis. Stats.
86 FR 4314

35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po8325

Vol. 35, No. 2 - July 2026 Revised RECEIPT OF LEGAL DOCUMENTS BY DISTRICT EMPLOYEES

ADOPTED Aug 19, 2010 · REVISED Sep 15, 2014

8325 - **RECEIPT OF LEGAL DOCUMENTS BY DISTRICT EMPLOYEES**

Service of Legal Process

Service of legal process is defined as a formal delivery of a notice of claim, summons, complaint, writ, or other legal notice to a defendant or interested party. This action officially notifies the defendant or interested party of a lawsuit or legal proceeding, establishing a court's jurisdiction over them.

Accepting Legal Service

Legal service requires compliance with procedural rules. The Board authorizes the District Administrator to receive service of legal process for District matters, pursuant to 118.26, Wis. Stats. The District Administrator is authorized to refer legal process to the Board's legal counsel.

Staff members may not accept service of legal documents on behalf of the District unless authorized by the District Administrator to do so. If authorized by the District Administrator to accept service of legal documents on behalf of the District, staff members may only accept service through personal service and should not agree to accept service via email, fax, or any other means other than personal service unless directed to do so by the District Administrator.

The District Administrator shall be immediately informed of the receipt of any legal documents by a District staff member naming a District staff member in their official capacity as a party to a legal action or otherwise implicating the District staff member's official duties as a subject of a lawsuit or legal proceeding.

Providing Testimony or Documentation

At times employees may be called upon to provide legal testimony or provide documentation on student or District matters. The staff member shall immediately

notify **(X)** their principal **(X)** the District Administrator **(X)** Board's legal counsel .

No staff member may produce confidential student records or testify concerning the content of student records without first notifying students or **( )** their principal **(X)** the District Administrator .

Legal documents regarding matters related to school business may implicate confidential personnel records or protected student records (see Policy 8330 - Student Records and Policy 8310 - Public Records). Observation and opinions regarding student behavior, academic performance or similar topics likewise constitute confidential records. The administration shall determine what action must be taken regarding the disclosure of and testimony related to school documents.

Compliance with Legal Documents

Depending on the circumstances of the particular matter involved, District administration may determine what action must be taken in the event a staff member is issued a subpoena requiring attendance at any hearing, deposition or requiring the production of documents, however nothing in this policy shall require any staff member to disregard, to otherwise fail, to properly comply with any legally served documents, or any court order pertaining to the staff member's testimony or production of documents.

Litigation Hold

If a Litigation Hold is initiated, the process specified in Policy 8315 - Preservation of Records and Litigation Holds shall be followed.

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35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po8500

Vol. 35, No. 2 - July 2026 Revised FOOD SERVICES

ADOPTED Feb 16, 2006 · REVISED Feb 16, 2026

8500 - **FOOD SERVICES**

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

The Board shall also provide a breakfast program in accordance with procedures established by the United States Department of Agriculture (USDA) School Breakfast Program.

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

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages, including but not limited to the current USDA school meal pattern requirements and the USDA's Smart Snacks in School nutrition standards, as well as to the fiscal management of the program. Further, the food-service program shall comply with Federal and State regulations pertaining to the fiscal management of the program as well as all the requirements pertaining to food service hiring and food service manager/operator licensure and certification. In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

The District’s food service program shall serve only food items and beverages determined by the Food Service Department to be in compliance with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidelines. Any competitive food items and beverages that are available for sale to students between midnight and thirty (30) minutes following the end of the school day shall also comply with the USDA Smart Snacks in School nutrition guidelines, and may only be sold in accordance with Board Policy 8510 - Wellness, and Board Policy 8550 - Competitive Food Sales. Foods and beverages not associated with the food-service program may be vended in accordance with the rules and regulations set forth in Board Policy 8540 - Vending Machines.

The District Administrator will require that the food service program serve foods in the schools of the District that are wholesome and nutritious and reinforce the concepts taught in the classroom.

No food or beverage may be sold on any school premises except in accordance with the standards approved by the Board.

In addition, as required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and the food stored and prepared therein shall be limited to food service staff and other authorized persons.

Modifications Based on Compliant Medical Documentation

An adult student or student's parent requesting special dietary accommodations for a student with a disability that restricts the diet must provide the Medical Statement for Special Dietary Needs signed by a Registered Dietitian or State authorized medical authority, which is a medical professional authorized in the State of Wisconsin to write prescriptions. The request must contain the following information:

A. an explanation of how the student's physical or mental impairment restricts the diet;

B. the food(s)/type(s) of foods to be avoided;

C. the food(s)/type(s) of foods to be substituted;

D. additional pertinent information, if any, that will assist in accommodating the student's needs.

A student with a disability may have an IEP or 504 plan that requires specific instruction, services, or accommodation related to the student's nutritional needs. If a student's IEP or 504 plan contains the same information that is required on a Medical Statement for Special Dietary Needs, then it is not necessary to obtain and submit a separate Medical Statement for Special Dietary Needs. The School District shall provide the accommodation as required by law, seeking clarifying medical information, as necessary.

If a Medical Statement for Special Dietary Needs is not immediately available, incomplete, unclear, or lacks sufficient detail, the Special Dietary Accommodation Coordinator or Food Service Director shall ask the student or parent/guardian request that the medical authority supplement the response so that a safe meal can be provided. The meal modification will still be made if there is enough information to provide a safe meal.

A special dietary accommodation for a student who has a disability that restricts the student's diet must be supported by a Medical Statement for Special Dietary Needs, which should be submitted to the Food Service Director who shall serve as the Special Dietary Accommodation Coordinator. Director of Food Service, 901 Lincoln Ave. Tomah, WI. 608-374-7363, JesseBender@tomah.education. If the Special Dietary Accommodation Coordinator is unable to grant a requested accommodation following receipt of the medical authority's statement, the student or parent shall be provided with an explanation of the basis for the decision.

Disability Accommodation Grievance Procedure

The following procedure is intended to provide prompt and equitable resolution to any concern or disagreement regarding the food service program's administration of meal modifications made or requested on the basis of a student's disability. None of the procedures described in this policy section shall prevent a student or parent from pursuing a complaint with any State or Federal agency, including the USDA, using the procedures described at the end of this policy.

A. If an initial request for accommodation in the form of substituted meals is denied, the student or parent may request review of that decision by the Building Principal and shall provide any communications between the student or parent and food service officials concerning the accommodation request, any documentation provided by a medical authority, and any additional information the student or parent believes is pertinent to the decision. A review of the materials provided and of the initial decision shall be completed and a response provided to the student or parent as soon as practicable following receipt of the request for review. If the initial decision is reversed, including due to additional information provided on review, the dietary accommodations shall be implemented without delay. If the initial decision is affirmed the decision may appealed to the District Administrator whose decision is final.

B. Any other complaint or disagreement with the food service administration concerning implementation of special dietary accommodations based on a student's disability shall be presented to the Special Dietary Accommodation Coordinator. The student or parent shall specify the nature of the concern and any requested remedy in writing. The Coordinator shall promptly review the grievance and either contact the student or parent for any required clarification of the request or to seek to reach an agreement regarding how to best address the concern. If no agreement is reached, the Coordinator shall make a determination and notify the student or parent in writing as soon as practicable. If the grievance is affirmed in any respect, the Coordinator shall propose a plan for implementing appropriate remedial

measures. If the student or parent is dissatisfied with the Coordinator's determination, the student or parent may submit a written request to the Building Principal or District Administrator for review. The administrator's determination shall be final.

Modifications Based on Noncompliant Medical Requests

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

A. the medical or dietary need that restricts the student's diet; and

B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

IMPLEMENTATION AND DISCONTINUATION

Review

Upon receipt of a request for a special dietary accommodation, the Food Service Director or Special Dietary Accommodation Coordinator shall review the request to ensure it is supported as required by Federal law and District policy and if not, shall request additional or clarifying information from the student or parent making the request.

Implementation

When the need for a special dietary accommodation is supported by a Medical Statement for Special Dietary Needs signed by a State authorized medical authority, the District will offer a reasonable modification that effectively accommodates the student’s disability. Following USDA Child Nutrition Program regulations, the School District may consider factors such as cost and efficiency and is not required to prepare a specific meal, provide a specific brand of food, or provide a meal beyond the meals provided to other students.

Student Absence

If a student receiving a special dietary accommodation is absent or does not wish to participate in school lunch on a day an accommodation is planned, the student or parent shall contact the Special Dietary Accommodation Coordinator by 9:00 a.m. the same day.

Renewing A Special Dietary Request

An authorized Medical Statement does not need to be updated annually. However, the Special Dietary Accommodation Coordinator may annually seek clarification or updates on special dietary requests.

Discontinuation of a Special Dietary Request

A special dietary request or part of a request may be discontinued by a parent by submitting the request in writing to the Special Dietary Accommodation Coordinator or shall be discontinued consistent with the medical authority's recommendation provided with the Medical Statement for Special Dietary Needs.

Meal Charges

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

The operation and supervision of the food-service program shall be the responsibility of the Business Manager. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. Maintenance and replacement of equipment is the responsibility of the program.

A periodic review of the food-service accounts shall be made by the Business Manager. Any surplus funds from the National School Lunch Program shall be used to support the operation and improvement of the school meal program(s) through allowable expenditures. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

Unpaid Meal Charges

Unpaid meal charges incurred through the inability to collect meal payment from students is an unallowable cost to the nonprofit school food service account.

Delinquent debt is when payment for unpaid meal charges is overdue to the nonprofit school food service account. It is considered collectable while efforts are being made to collect it. The delinquent debt remains on the accounting documents until it is either collected or written off. Delinquent debt may be carried over year to year as long as the student is still enrolled at the school food authority (SFA).

Bad debt is when local officials have determined that further collection efforts of unpaid meal charges are uncollectable. When this happens, the delinquent debt must be re-classified as bad debt and written off as an operating loss. Since the nonprofit school food service account cannot be used to cover the bad debt, a transfer from the general fund,

state or local funds, school or community organizations such as the PTA or from donated funds must be made to cover the total amount of bad debt. When delinquent debt is converted to bad debt, records of this must be kept in accordance with the records retention requirement in 7 CFR 210.9(b) (17) and 7 CFR 210.15(b).

Negative Account Balances

Students will be permitted to purchase meals from the District's food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate negative food service account balance as determined by the District Administrator. A student will be allowed to reach the value of a paid high school meal times five. This is equal to one full week of school meals. The value of a paid high school meal will be reviewed annually. The District Administrator shall determine the manner of determining permissible account balances by grade level. A student shall not be permitted to purchase a la carte items without sufficient account balance. A la carte items are any items sold separately and not attached to a federally reimbursable meal. This includes but is not limited to milk break, extra milk, extra entrees, or other items not part of a complete meal. Likewise, any student that has a negative account balance may not purchase a la carte items or any other item sold individually not part of a federally reimbursable meal with cash unless the student is also able to bring his/her account current.

All households shall be notified about this policy and any implementing guidelines at the start of each school year and to households transferring to the school or School District during the school year, as well as informed about access to this policy and any implementing guidelines. All District staff with responsibility for enforcing the policies shall be notified about the provisions of this policy and any implementing guidelines, as well as provided access to this policy and any implementing guidelines. The policy and guidelines will be posted on the District website.

Refunding Excess Funds

Any remaining funds in a student’s meal account must be refunded to the household unless the funds can be transferred to a sibling or a paid household has chosen to donate those funds to the school food service account. When attempts to contact the household have been unsuccessful, funds must be reported to the Wisconsin Department of Revenue as unclaimed property. Account funds remaining for a student eligible for free or reduced-price meals cannot be donated and must be reported as unclaimed property.

Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the

basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: https://www.usda.gov/sites/default/files/documents/ad-3027.pdf or https://dpi.wi.gov/sites/default/files/imce/school-nutrition/pdf/sfa-civil-rights-complaints-procedure-template.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail:
   U.S. Department of Agriculture
   Office of the Assistant Secretary for Civil Rights
   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410; or

2. Fax:
   (833) 256-1665 or (202) 690-7442; or

3. E-mail:
   program.intake@usda.gov.

This institution is an equal opportunity provider.

Revised 3/17/11
Revised 8/20/12
Revised 4/20/15
Revised 7/18/16
Revised 10/17/16
Revised 9/18/17
Revised 12/17/18
Revised 4/15/19
Revised 4/5/21
T.C. 12/19/22

Revised 2/19/24
Revised 9/16/24

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Legal

SP 32-2015 Statements Supporting Accommodations for Children with Disabilities in the Child Nutrition Programs
SP 59-2016 Modifications to Accommodate Disabilities in the School Meal Program
OMB Circular No. A-87 USDA Smart Snacks in School Food Guidelines (effective July 1, 2014)
Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq.
Healthy, Hunger-Free Kids Act of 2010 and Richard B. Russell National School Lunch Act, 42 U.S.C. 1751 et seq.
42 U.S.C. 1758
15.137, Wis. Stats.
93.49, Wis. Stats.
115.34 - 115.345, Wis. Stats.
120.10(16), Wis. Stats.
120.13(10), Wis. Stats.
7 C.F.R. Part 15b
7 C.F.R. Part 210
7 C.F.R. Part 215
7 C.F.R. Part 220
7 C.F.R. Part 225
7 C.F.R. Part 226
7 C.F.R. Part 227
7 C.F.R. Part 235
7 C.F.R. Part 240
7 C.F.R. Part 245
42 U.S.C. Chapter 13

35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po8500.01

Vol. 35, No. 2 - July 2026 New POLICY AND PROCESS FOR RECEIVING AND PROCESSING COMPLAINTS ALLEGING CIVIL RIGHTS DISCRIMINATION (INCLUDING WISCONSIN PROTECTED CLASSES) IN THE U.S. DEPARTMENT OF AGRICULTURE (USDA) CHILD NUTRITION PROGRAMS

New Policy - Vol. 35, No. 2

8500.01 - **POLICY AND PROCESS FOR RECEIVING AND PROCESSING COMPLAINTS ALLEGING CIVIL RIGHTS DISCRIMINATION (INCLUDING WISCONSIN PROTECTED CLASSES) IN THE U.S. DEPARTMENT OF AGRICULTURE (USDA) CHILD NUTRITION PROGRAMS**

Federal law prohibits discrimination on the basis of these protected classes: race, color, national origin, sex (including gender identity and sexual orientation), disability, and age. Any person alleging discrimination based on a protected class has the right to file a complaint within 180 days of the alleged discriminatory action. Complaints can be accepted verbally, in writing, anonymously, and from third party representatives.

Upon receipt of a complaint, the receiver of the complaint at the school/district should immediately:

A. Contact the School Food Authority (SFA) USDA Child Nutrition Programs Civil Rights Coordinator, listed above.

B. The recipient of the complaint and/or SFA Civil Rights Coordinator must provide the individual with the information necessary to file a complaint and not impede the individual’s right to file.

C. After explaining the complaint process, the recipient of the complaint and/or SFA Civil Rights Coordinator may try to resolve the situation in real time. Remember to advise the complainant of their right to file the complaint at the federal level if they wish to do so.

D. Document the complaint:

1. Utilize the USDA Program Discrimination Complaint Form (Spanish) or make an effort to obtain all of the following information:

    a. Name, address, and phone number of complainant,

    b. Specific name and location of entity delivering the benefit or service,

    c. The nature of the incident, action, or method of administration that led the complainant to feel discriminated against,

    d. The basis on which the complainant feels discriminated (race, color, national origin, sex, etc.),

    e. The names, titles, business addresses, and phone numbers of persons who may have knowledge of the discriminatory action,

    f. The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.

2. Either the complainant, the receiver of the complaint, or the SFA Civil Rights Coordinator, should document the complaint. If a complainant makes the allegations verbally or refuses to place such allegations in writing, the person to whom the allegations are made must write up the elements of the complaint.

E. All verbal, written, or anonymous complaints received by the SFA must be forwarded to the Wisconsin Department of Public Instruction, Bureau of School Nutrition Director **within five days** of receiving the complaint.

Wisconsin Department of Public Instruction (DPI)

Mail: Director, Bureau of School Nutrition
P.O. Box 7841
Madison, WI 53707
Email: jessica.sharkus@dpi.wi.gov

WI DPI will forward the complaint to the USDA Midwest Regional Office for processing.

F. All Civil Rights complaints received must be tracked on a Civil Rights complaint log. This log should be maintained in a confidential manner and only available to SFA staff members who have a legitimate need to know. A Civil Rights Complaint Log Template is available on the Bureau of School Nutrition civil rights webpage.

USDA Non-Discrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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1. Mail:

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   Washington, D.C. 20250-9410; or

2. Fax:

   (833) 256-1665 or (202) 690-7442; or

3. Email:

   program.intake@usda.gov

This institution is an equal opportunity provider.

Wisconsin Protected Classes

Wisconsin state law prohibits discrimination on the basis of the federal protected classes, but also includes pregnancy, marital status, parental status, sexual orientation, religion,

creed, and ancestry.

Any complaints received alleging civil rights discrimination specifically for the Wisconsin state protected classes should follow the same procedures above.

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35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po8510

Vol. 35, No. 2 - July 2026 Revised WELLNESS

ADOPTED Feb 16, 2006 · REVISED Apr 20, 2026

8510 - **WELLNESS**

As required by law, the Board for the Tomah Area School District establishes the following wellness policy.

Policy Preamble

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the students of the Tomah Area School District (hereto referred to as the District). Furthermore, research suggests that there is a positive correlation between a student's health and well-being and their ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school. As required by law, the Board of Education establishes the following wellness policy.
Wellness Policy Leadership

Wellness Policy Leadership

The District Administrator shall implement and ensure compliance with the policy by leading the review, update, and evaluation of the policy and is authorized to designate a staff member or members with responsibility to assure that wellness initiatives are followed in the District's schools.

The designated official for oversight of the wellness policy is the Director of Food Service. The official shall convene the Wellness Committee and lead the review, updating, and evaluation of the policy.

District Wellness Committee

Committee Formation

The District shall convene a Wellness Committee that meets at least one (1) time during the school year to establish goals and oversee school health policies and programs, including development, implementation, and periodic review and update of this Wellness Policy.

Required Public Involvement

The District shall invite a diverse group of collaborators to participate in the development, implementation, and periodic review and update of the Wellness Policy.

Collaborators may include:

A. administrator(s);

B. Board member(s);

C. classroom teacher(s);

D. Exercise and Sports Science teacher(s);

E. school food service representative(s);

F. school nurse(s);

G. community member/parent(s);

H. student(s);

I. medical/health care professional(s);

J. nutrition and/or health education teacher(s);

K. local business representative(s).

Nutrition Standard for All Foods

The District is committed to serving healthy meals to our students. The school meal programs aim to improve the diet and health of school children, model healthy eating patterns, and support healthy choices while accommodating cultural food preferences and special dietary needs.

School Meal Programs

Standards and Guidelines for School Meal Programs

A. All meals meet or exceed current nutrition requirements established under the Healthy Hunger-Free Kids Act of 2010. (https://www.fns.usda.gov/nslp/national-school-lunch-program-meal-pattern-chart)

B. All schools in the District participate in USDA child nutrition programs, including NSLP, SBP, and SFSP.

C. All meals are accessible to all students.

D. Withholding food as a punishment shall be strictly prohibited.

E. All meals are appealing and attractive and served in clean and pleasant settings.

F. When drinking fountains are not present in the cafeteria, water cups/jugs are available.

G. Students are provided at least twenty (20) minutes to eat breakfast and at least twenty (20) to eat lunch after being seated.

H. Lunch shall be served between 10:45 am - 12:45 pm.

I. Menus shall be posted on the District website and will include nutrient content.

J. Menus shall be created/reviewed by a Registered Dietitian or other certified nutrition professional.

K. All school nutrition program directors, managers, and staff shall meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals.

School Meal Program Participation

The District:

A. shall notify parents of the availability of the breakfast, lunch, and summer food programs and shall be encouraged to determine eligibility for reduced or free meals;

B. shall allow students the opportunity to provide input on menu items.

Standards for Foods and Beverages Sold Outside of School Meals

A. All food and beverages sold outside of the school meal programs (“competitive” foods and beverages), between midnight and thirty (30) minutes after the end of the instructional school day, shall, at a minimum, meet the standards established in

USDA's Nutrition Standards for All Foods Sold in Schools (Smart Snacks) rule. https://fns-prod.azureedge.us/sites/default/files/resource-files/smartsnacks.pdf

B. No beverages with non-nutritive sweeteners (artificial or natural), such as diet iced tea, diet soda, etc. shall be sold to students during the school day regardless of their compliance with the USDA Smart Snacks standards.

Foods Offered/Provided but Not Sold

A. Non-food celebrations will be promoted and a list of ideas is available to staff and family members.

B. The District prohibits any distribution of food or treats outside the Food Service Program, except foods that are commercially wrapped. Foods made at home may not be distributed within the school.

Fundraising

A.

B. The District adheres to the Wisconsin Department of Public Instruction fundraiser exemption policy and allows two (2) exempt fundraisers per student organization per school per year. All other fundraisers sold during the school day will meet the Smart Snacks nutrition standards. No restrictions are placed on the sale of food/beverage items sold thirty (30) minutes after the end of the instructional school day.

C. Foods and beverages that meet or exceed the USDA Smart Snacks standards may be sold through fundraisers during the school day. No restrictions are placed on the sale of food/beverage items sold outside of the school day.

Marketing

Schools will restrict food and beverage marketing to only those foods and beverages that meet the nutrition standards set forth by USDA's Nutrition Standards for All Foods Sold in Schools (Smart Snacks) rule. Marketing includes brand names, trademarks, logos, or tags except when placed on a food or beverage product/container; displays, such as vending machine exteriors; corporate/brand names, logos, trademarks on cups, posters, school supplies, education materials, food service equipment, and school equipment (e.g. message boards, scoreboards, uniforms); advertisements in school publications/mailings; sponsorship of school activities, fundraisiers, or sports teams; educational incentive programs such as contests or programs; and free samples or coupons displaying advertising of a product.

Nutrition Education

A. Staff shall integrate nutrition education into other classroom subjects, such as math, science, language arts, social sciences, and elective subjects.

B. The primary goal of nutrition education is to influence students' lifelong eating behaviors.

C. Nutrition curriculum shall be offered as part of a sequential, standards-based program designed to provide students with the knowledge and skills necessary to promote health. Curriculum will place an emphasis on: promotion of adequate nutrient intake, healthy food preparation techniques, food safety, and healthy eating practices based on the Dietary Guidelines for Americans and MyPlate; skill development, such as reading labels to evaluate the nutrient quality of foods, meal planning, analysis of health information; and media literacy and the problems associated with food marketing to children.

D. Nutrition education shall be included in the Health curriculum so that instruction is sequential and standards-based and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives.

E. Nutrition education shall be included in the sequential, comprehensive health curriculum in accordance with the Wisconsin Department of Public Instruction Model Academic Standards for Nutrition.

F. Nutrition education shall be integrated into other subject areas of the curriculum, when appropriate, to complement, but not replace, the standards and benchmarks for health education.

G. Nutrition education shall be offered in the cafeteria as well as the classroom with coordination between the food service staff and teachers.

H. Staff members responsible for nutrition education will regularly participate in relevant professional development.

I. Schools will provide nutrition education lessons that cover topics such as reading a Nutrition Facts label.

J. Nutrition education will provide the knowledge and skills necessary to promote health.

K. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.

L. Nutrition education posters, such as the MyPlate Guide, will be displayed in the cafeteria.

M. The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.

N. Nutrition education shall reinforce lifelong balance by emphasizing the link between caloric intake (eating) and exercise in ways that are age-appropriate.

O. Nutrition education benchmarks and standards include a focus on media literacy as it relates to food marketing strategies.

P. Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.

Nutrition Promotion

A. The District is committed to providing a school environment that encourages students to practice healthy eating and physical activity. Students shall receive consistent nutrition messages that promote health throughout schools, classrooms, cafeterias, and school media.

B. School nutrition services shall purchase at least one (1) locally grown/produced products each year.

C. School nutrition services shall menu at least one (1) local food(s) per month.

D. School nutrition services shall offer students school garden activities, such as planning, planting, harvesting, preparing, serving, and tasting garden-produced foods.

Physical Activity

A. The District shall provide students with age and grade-appropriate opportunities to engage in physical activity.

B. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.

C. All students in grades 4K-8 shall be provided with a daily recess period at least twenty (20) minutes in duration. Recess shall not be used as a reward or punishment.

D. Outdoor recess shall be offered weather permitting.

E. Recess monitors/teachers shall encourage students to be active during recess.

F. Teachers shall incorporate movement and kinesthetic learning approaches into "core" subject instruction when possible.

G. District facilities shall be made available to students and community members.

H. Opportunities to participate in physical activity shall be promoted throughout the school via school announcements, emails and website.

I. The District shall support active transport to and from school by engaging in the following activities:

    1. Secure storage facilities for bicycles (e.g., bike racks, shed, fenced area).

    2. Crossing guards are used.

    3. Crosswalks exist on streets leading to schools.

J. In addition to planned Exercise and Sports Science, the school shall provide age-appropriate physical activities (e.g., recess during the school day, intramurals and clubs before and after school, and interscholastic sports) that meet the needs of all students, including males, females, students with disabilities, and students with special health care needs.

K. All students in grades 6-12 shall have the opportunity to participate in extra-curricular activities and intramural programs that emphasize physical activity.

L. All students in grades 6-12 shall have the opportunity to participate in interscholastic sports programs.

M. All before/after-school programs shall provide developmentally appropriate physical activity for the students who participate.

Exercise and Sports Science

A. A sequential, comprehensive Exercise and Sports Science program shall be provided for students in K-12 in accordance with the physical education academic content standards and benchmarks adopted by the State.

B. The sequential, comprehensive Exercise and Sports Science curriculum shall provide students with opportunities to learn, practice, and be assessed on developmentally

appropriate knowledge, attitudes, and skills necessary to engage in lifelong, health-enhancing physical activity.

C. Planned instruction in Exercise and Sports Sciences shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks adopted by the State.

D. All District elementary students in each grade shall receive at least ninety (90) minutes of Exercise and Sports Science per week throughout the school year.

E. All District elementary students in each grade shall have Exercise and Sports Science a minimum of three (3) times per week.

F. All District middle school students in each grade shall receive at least eighty (80) minutes of Exercise and Sports Science per week throughout the school year.

G. All District middle school students are required to take the equivalent of one (1) academic year of Exercise and Sports Science.

H. All-District high school students are required to receive at least 1.5 credits of Exercise and Sports Science prior to graduation unless the District allows for the substitution of 0.5 credit per Policy 5460 - Graduation Requirements.

I. Physical education classes shall provide students with opportunities to learn, practice, and be assessed on developmentally appropriate knowledge and attitudes necessary to engage in lifelong, health-enhancing physical activity.

J. The K-12 program shall include instruction in Exercise and Sports Science as well as opportunities to participate in competitive and non-competitive team sports to encourage lifelong physical activity.

K. All physical education classes are taught by licensed teachers who are certified to teach Exercise and Sports Science.

L. Physical education staff shall receive professional development on a yearly basis.

M. In health education classes, the District shall include topics of physical activity, including: the physical, psychological, or social benefits of physical activity; how physical activity can contribute to a healthy weight; how physical activity can contribute to the academic learning process; how an inactive lifestyle contributes to chronic disease; and decreasing sedentary activities.

N. Planned instruction in Exercise and Sports Science shall teach cooperation, fair play, and responsible participation.

O. Planned instruction in Exercise and Sports Science shall meet the needs of all students, including those who are not athletically gifted.

P. Planned instruction in Exercise and Sports Science shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, bullying, or harassment of any kind.

Q. Planned instruction in Exercise and Sports Science shall include cooperative as well as competitive games.

R. Planned instruction in shall take into account gender and cultural differences.

Other Activities That Promote School Wellness

A. The District supports the implementation of other programs that help create a school environment that conveys consistent wellness messages in an effort to promote student well-being.

B. As appropriate, schools shall support students, staff, and parents' efforts to maintain a healthy lifestyle.

C. Students shall be allowed to bring and carry throughout the day approved water bottles filled with only water.

D. Staff are strongly encouraged to model healthful eating habits, and are discouraged from eating in front of children/sharing food with children during regular class time, outside of activities related to the nutrition education curriculum.

Staff Wellness

The District will implement the following activities below to promote healthy eating and physical activity among school staff.

A. An organized wellness program shall be available to all staff.

B. Application of Smart Snacks nutritional standards for foods and beverages in vending machines available to staff members.

C. Educational activities for school staff members on healthy lifestyle behaviors.

D. Distribution of an employee health newsletter to promote healthy behaviors.

E. Administration of flu shots at school.

F. Encouragement of staff members to set medical appointments for screening for cancer, heart disease, diabetes, and other diseases.

Community Engagement

The District shall work with community partners, including Tomah Health, Monroe County Health Department, Tomah VA, and Tomah Park and Rec. Department to support District wellness.

Additional Strategies for Consideration:

A. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.

B. Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

A.

B.

C.

D.

E.

F.

G.

Monitoring and Evaluation - Triennial Assessment

A. The District will evaluate compliance with the Wellness Policy no less than once every three years. The assessment will include the extent to which each school is in compliance with the policy, progress towards meeting policy goals, and how the policy compares to a model policy, as established by the USDA. The District will use the Wisconsin Local Wellness Policy Triennial Assessment Report Card to fulfill the triennial assessment requirement. The results of the triennial assessment will be made available to the public.

B. The Wellness Committee shall evaluate compliance with the Wellness Policy no less than once every three years. The assessment will include the extent to which each school is in compliance with the policy and how the policy compares to a model policy, as established by the U.S. Department of Agriculture. The District will use the Wisconsin Local Wellness Policy Triennial Assessment Report Card to fulfill the triennial assessment requirement. The results of the triennial assessment will be made available to the Board and public.

C. The District wellness policy will be updated as needed based on evaluation results, District changes, emersion of new health science information/technology, and/or new Federal or State guidance are issued.

D. The program developed shall include the following items, along with any additional measures deemed appropriate:

1. identify specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness, with consideration for evidence-based strategies;

2. develop nutrition guidelines for all foods and beverages sold during the school day, that are consistent with Federal requirements for meal nutrition standards and Smart Snacks, and restricting marketing efforts to only those items that meet established guidelines;

3. develop policies pertaining to other food items in the schools, including for classroom parties, birthday snacks, or other food items not for sale, but distributed in the schools;

4. describes the process and public involvement in the development of the wellness program and initiatives.

Update/Inform the Public

The District will actively inform and update the public about the content of and any updates to the policy through the District website and Board meetings.

The District Administrator shall be responsible for informing the public, including parents, students, and community members, on the content and implementation of this policy. In order to inform the public, the District Administrator shall include information in the student handbook, and post the wellness policy on the District's website, including the assessment of the implementation of the policy prepared by the District.

Record Retention

The District Administrator shall require that the District retains documentation pertaining to the development, review, evaluation, and update of the policy, including:

A. copy of the current policy;

B. documentation pertaining to the most recent assessment of implementation of wellness initiatives identified in the policy.

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Revised 5/18/06
Revised 2/21/18
Revised 12/9/22
Revised 12/19/22
T.C. 5/15/23
Revised 9/16/24

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Legal
42 U.S.C. 1751 et seq.
42 U.S.C. 1771 et seq.

35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po8531

Vol. 35, No. 2 - July 2026 FREE AND REDUCED-PRICE MEALS

ADOPTED Feb 16, 2006 · REVISED Feb 16, 2026

8531 - **FREE AND REDUCED-PRICE MEALS**

The Board recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide eligible children with breakfast and lunch at a reduced rate or at no charge to the student.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the (USDA)Child Nutrition Program. These criteria are issued annually by the Federal government through the Wisconsin Department of Public Instruction's (DPI) administration of the School Nutrition Programs.

The Board designates the Food Service Manager to determine in accordance with Board standards, the eligibility of students for free and/or reduced-price meals.

At least once annually at the beginning of each school year, the school shall notify all families of the availability, eligibility requirements, and application procedure for free and reduced price meals by distributing an application to the family of each student enrolled in the school. The notice shall contain all information required by State and Federal regulation.

The district shall seek out and apply for such Federal, State, and Local funds as may be applied to the district's program of free and reduced-priced meals.

Any student identified as homeless, a foster child, a runaway, a migrant, or who is enrolled in Head Start shall be considered eligible for free meals and free milk.

Students receiving free or reduced meals or milk shall not be subjected to any of the following actions related to their receipt of meal service:

A. the District shall not publish or otherwise publicize names of children receiving free or reduced-price meals or milk;

B. the District's meal service will not use special tokens or tickets that identify students as receiving free or reduced-price meals or milk;

C. no student shall be required to work or perform any service in order to receive food service;

D. students receiving free or reduced-price meal or milk shall not be required to use a separate line or separate eating area, nor shall they be required to receive meals at a different time;

E. all students shall have the same choices for meals and milk regardless of whether the student is paying full price or receiving free or reduced-price meal service benefits.

The District Administrator shall regularly evaluate the free and reduced-price lunch program to determine whether the District or school may qualify for Community Eligibility Provision (CEP) to reduce the paperwork burden on families qualifying for free and reduced-price meals.

Unless exempted by DPI, annually prior to a date established by the Department of Agriculture and/or the DPI, the Food Service Director shall notify DPI of any school in the District with an identified student percentage (ISP) of at least twenty- five percent (25%).

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Revised 10/17/16
Revised 3/7/17
Revised 4/5/21
T.C. 5/15/23
Revised 2/19/24
Revised 9/16/24
Revised 6/23/25

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Legal
115.34-115.345, 120.10(16), 120.13(10), Wis. Stats.
42 U.S.C. 1771 et seq.
7 C.F.R. Part 245

35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po8550

Vol. 35, No. 2 - July 2026 Revised COMPETITIVE FOOD SALES

ADOPTED Apr 20, 2015 · REVISED Oct 20, 2025

8550 - **COMPETITIVE FOOD SALES**

The food-service program will comply with the provisions set forth in the USDA Smart Snack Rule regarding sale of competitive food which is all foods and beverages sold to students on the school campus during the school day, other than reimbursable meals.

The food-service program shall be the sole provider of food and beverage items sold in all schools until thirty (30) minutes following the last lunch period, at which time student clubs and organizations and/or District support organizations may request approval to sell foods and beverage items in accordance with the Board's policies and guidelines. Accordingly, all food items and beverages for sale to students for consumption on campus from vending machines, from school stores, or as fundraisers by student clubs and organizations and/or District support organizations shall comply with the current USDA Dietary Guidelines for Americans and Smart Snack Rules, and shall only be available between thirty (30) minutes following the last school lunch period and thirty (30) minutes after the close of the regular school day.

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Revised 9/16/24

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Title 7 C.F.R. 210.11

UPCOMING EVENTS FOR BOARD MEMBERS

Tuesday, November 17
- Calendar Committee Meeting 3:45 p.m. DO

Wednesday, November 18
- Montessori Governance Board Meeting 6:00 p.m. TAMS

Wednesday, November 25 – Friday, November 27
- No School – HAPPY THANKSGIVING

Monday, December 7
- Board Facilities Committee Meeting 5:00 p.m. LaGrange
- Board Academy Meeting 6:00 p.m. LaGrange

Wednesday, December 9
- Prospective Board Member Workshop 5:30 p.m. DO

Monday, December 21
- Finance Committee Meeting 5:00 p.m. RKLC
- Regular Board Meeting 6:00 p.m. RKLC

Wednesday, December 23 – Friday, January 1
- No School – Winter Break

2027 Wisconsin Association of School Boards (WASB) Wisconsin State Education Convention; January 20-22, 2027, Milwaukee, WI