

## NOTICE

**SCHOOL DISTRICT OF NEW GLARUS  
BOARD OF EDUCATION  
POLICY, SPORTS, AND CO-CURRICULAR COMMITTEE MEETING  
MONDAY, SEPTEMBER 12, 2016  
HS CONFERENCE ROOM  
6:30 PM**

## AGENDA

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PURSUANT TO APPLICABLE LAW, NOTICE IS HEREBY GIVEN THAT A QUORUM OR A MAJORITY OF THE NEW GLARUS SCHOOL DISTRICT BOARD MEMBERS MAY ATTEND THIS MEETING. INFORMATION PRESENTED AT THIS MEETING MAY HELP FORM THE RATIONALE BEHIND FUTURE ACTIONS THAT MAY BE TAKEN BY THE NEW GLARUS SCHOOL DISTRICT BOARD.

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III. **CLOSED SESSION:** THE COMMITTEE WILL CONVENE IN CLOSED SESSION PURSUANT TO S. 19.85 (1)(G), WIS. STATS., TO REVIEW WRITTEN AND/OR ORAL LEGAL ADVICE FROM LEGAL COUNSEL CONCERNING BOARD POLICY AND POTENTIAL, RELATED LEGAL DISPUTES. THE COMMITTEE MAY TAKE ACTION IN CLOSED SESSION, IF APPROPRIATE.

THE COMMITTEE WILL RECONVENE IN OPEN SESSION AND WILL TAKE ANY FURTHER ACTION THAT IS NECESSARY AND APPROPRIATE. THEREAFTER, THE COMMITTEE WILL ENTERTAIN A MOTION TO ADJOURN.

#### IV. **ADJOURNMENT**

#### **POSTED :**

NG HIGH SCHOOL  
NG MIDDLE SCHOOL

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NG ELEMENTARY SCHOOL  
NG POST OFFICE  
BANK OF NEW GLARUS  
UB&T BANK OF NEW GLARUS  
ANCHOR BANK OF NEW GLARUS

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# **New Glarus Policy Project**

## **District Specific Policies – Not Included in Policy Book Update**

### **Section 100/0000 – Board By-Laws**

1. Policy 112 – Board Goals Process
2. Policy 121 – The People and Their School District
3. Policy 151.2 – Policy Dissemination
4. Policy 151.4 – Board Review of Administration Rules
  - *Contradiction to what was in Policy 263.1*
5. Policy 153 – Board Legislative Process
6. Policy 164. 1 – Board Member Insurance
  - *There is an insurance policy that includes liability insurance but not specific about it being necessary “to protect the board”.*
7. Policy 171.1 – Notification of Board Meetings
  - *Did not include the same detailed specificity of where agenda is posted.*
8. Policy 188 – News Media Services at Board Meetings

### **Section 200/1000 – Administration**

1. Policy 210 – Administration Goals
2. Policy 240 – School Building Administration
3. Policy 262 – Administrative Councils, Cabinets, and Committees

### **Section 300/2000, et. al. – Instruction**

1. Policy 311 – Academic Freedom
2. Policy 312 – Academic Honesty
3. Policy 321.1 – Wednesday Evening and Sunday Activities
4. Policy 341.1 – Career and Technical Education
  - *Included first paragraph but not rest of policy, i.e. definitions.*
5. Policy 343.1 – Middle School Class Load/Course Selection
6. Policy 343.6 – Instrumental Music Lessons
7. Policy 370.1 – State/National Competition
8. Policy 377.1 – Interscholastic Athletics Policy Conditions
9. Policy 377.3 – State Tournament Attendance
10. Policy 379/831 –Out of Season Athletic Clinics/Leagues
11. Policy 382 – Class Interruptions

## **New Policies for New Glarus School District**

### **Section 100/0000 – Board By-Laws**

1. Policy 0123 – Philosophy (“The People & Their School District)
2. Policy 0132.1 – Selection of District Administrator
3. Policy 0133 – Judicial
4. Policy 0142.4 – Oath
5. Policy 0143.1 – Public Expression of Board Members
6. Policy 0144.4 – Indemnification
7. Policy 0145 – Sexual and Other Forms of Harassment

8. Policy 0165.2 – Change of Regular Meetings
9. Policy 0167.5 – Use of Electronic Mail
10. Policy 0167.6 – E-Mail – Public Record
11. Policy 0174.1 – Annual Report
12. Policy 0174.3 – Other Reports

### **Section 200/1000 – Administration**

1. Policy 1110 – Assessment of District Goals
2. Policy 1130 – Conflict of Interest
3. Policy 1213 – Student Supervision and Welfare
4. Policy 1230 – Responsibilities of the District Administrator
5. Policy 1241 – Non-Renewal of the District Administrator
6. Policy 1260 – Incapacity of the District Administrator
7. Policy 1460 – Physical Examination
8. Policy 1461- Unrequested Leaves of Absence/Fitness for Duty
9. Policy 1623 – Section 504/ADA Prohibition Against Disability Discrimination in Employment (*specific to this section*)
10. Policy 1630.01 – Family & Medical Leave of Absence (*specific to this section*)
11. Policy 1662 – Employee Anti-Harassment

### **Section 300/2000, et. al. – Instruction**

1. Policy 213.01 – Reading Instructional Goals and Kindergarten Assessment
2. Policy 2260 – Nondiscrimination and Access to Equal Education Opportunity (*specific to this section*)
3. 2260.01 – Section 504/ADA Prohibition to Against Discrimination Based on Disability (*specific to this section*)
4. Policy 2260.02 – English Language Proficiency
5. Policy 2261 – Title I Services
6. Policy 2261.01 – Parent Participation In Title I Programs
7. Policy 2261.02 – Title I – Teacher Qualifications – Parents Right to Know
8. Policy 2416 – Student Privacy and Parental Access to Information
9. Policy 2430 – District-Sponsored Clubs
10. Policy 2430.01 – Special Programs by Community Volunteers
11. Policy 2461 – Recording of IEP Team Meetings
12. Policy 2605 – Program Accountability and Evaluation
13. Policy 2623 – Student Assessment

# **Bylaws & Policies**

**School District of New Glarus**

ADOPTION RESOLUTION

RESOLVED, that the bylaws and policies printed and codified in the comprehensive document entitled "Bylaws and Policies of the School District of New Glarus Board of Education" are hereby adopted and that all bylaws and policies heretofore adopted by the School District of New Glarus Board of Education are hereby rescinded, further be it

RESOLVED, that in the event any policy, part of a policy or section of the bylaws is judged to be inconsistent with law, inoperative by a court of competent jurisdiction or is invalidated by a policy or contract duly adopted by this Board, the remaining bylaws, policies and parts of policies shall remain in full effect.

Take notice that the foregoing resolution was adopted by the School District of New Glarus Board of Education at a public meeting held at New Glarus, Wisconsin on \_\_\_\_\_, 20 \_\_\_\_.

_____	_____
_____	_____
_____	_____
_____	_____

## GLOSSARY OF EDUCATIONAL TERMS AND ACRONYMS

The following terms are used by the School District not only in policy and administrative guidelines, but in communications with parents, students, and the public.

### ASSESSMENT

The comparison that is made between what should have been accomplished and what has been actually accomplished. With student learning, it is a comparison between what has been learned and what should have been learned.

### ATTITUDE

One of the five major types of learning contained in courses of study, along with facts, concepts, principles, and skills. Students develop (or change) a mind-set towards acting in a particular way. Examples are a mind-set or attitude toward "doing quality work," "maintaining a clean environment," "participating in civic affairs," "not using drugs," etc.

### CONCEPT

One of the five major types of learning involved in a course of study, along with attitudes, facts, principles, and skills. Students form an abstract idea of a class or type by understanding the characteristics that are true of any instance. For example, a triangle is the name for the concept of any plane, closed, geometric figure that has three sides which form three internal angles.

### CONTENT

The name that is used to refer to all of the facts, concepts, principles, attitudes, and skills that students are to learn in any course of study.

### COURSE OF STUDY

An organized sequence of activities designed for students to acquire a body of knowledge, attitudes, and skills associated with a particular academic or vocational field. The learning activities may be scheduled over a period of a semester, a school year, or several school years. Examples are a K-6 math program, 11th grade American History, and Junior High School Science.

### CRITERION (CRITERIA)

A feature or characteristic by which something or someone is to be measured or judged. For example, in judging a student's writing ability, criteria that might be used are "legibility," "spelling," "clarity of expression," "grammar," etc.

### CURRICULUM

All the planned activities, formal and informal, individual and group, in and outside of the classroom, necessary to accomplish the educational goals of the District. (See Policy 2210).

### DIAGNOSIS

A determination of the causes for a particular condition, usually based on an assessment or evaluation. It deals with the question "What are the reasons for ....?". In education, it could deal with the reasons students are or are not accomplishing what they are expected to be accomplishing as a result of instruction.

### EVALUATION

A value judgment that is made about an assessment. For example, if assessment shows that a student has satisfactorily achieved 90% of the objectives of a course, the evaluation (judgment) could be that the student's achievement is judged to be "excellent" or "better-than-average," "superior," and the like.

### FACT

One of the five major types of learning involved in a course of study, along with attitudes, concepts, principles, and skills. Students acquire knowledge of verified, specific information about an event, procedure, place, person, or object.

### GOAL

An intention or expectation, usually stated, which requires several tasks to produce the desired result. Most goals involve the accomplishment of two or more related objectives.

### IDEA

The Federal law which defines how states and local school systems will provide education for disabled children. Usually referred to as special education or "special ed." Enforced by the Department of Education (DOE).

## IEP

The acronym for Individualized Education Plan. Such a plan is required for every student who is classified as eligible for special education by Federal and State criteria.

## INSTRUCTION

The information, questions, and/or directions provided to students by teachers, books, computers, etc., in order that they may acquire some type of learning.

## LEADERSHIP

A process of working with people where certain knowledge and skills, and attitudes, combined with risk-taking, are used to 1.) envision a desired or needed outcome; 2.) communicate to others so they participate willingly in the necessary tasks; 3.) monitor progress toward the outcome; 4.) reinforce and/or remediate actions; 5.) evaluate the results.

## MANAGEMENT

The process of organizing and maintaining needed resources (people, things, time, and money) and ensuring they are utilized appropriately for their intended purpose.

## MEASUREMENT

A determination of the quantity and/or quality of something. In education, it is usually a determination (often by testing) of how much has been learned or how well it has been learned. It is the necessary first step for an assessment and evaluation.

## MISSION

The stated purpose or intent of a school or school system. The reason it exists.

## MODEL

In education, the term usually refers to a program or project designed to demonstrate unique activities, structures, and/or organizations.

## NORMS

In education, the term is primarily related to testing and refers to a set of achievement levels attained by a given number or percentage of students from representative populations or areas of a state or the nation.

## OBJECTIVE

An intended action or result, often a step in the process of achieving a goal. For students, a learning objective is usually the first level of accomplishment which, when sequenced and correlated with other objectives, allows for the achievement of Course of Study objectives, which, if achieved and correlated with the accomplishment of other Courses of Study objectives, lead to the accomplishment of one (1) or more of the District's Educational Goals for Students.

## OUTCOME

The situation that exists when one (1) or more goals have been achieved. In plans, outcomes are usually stated in terms of expected accomplishment; goals are usually stated in terms of intended actions. Both emanate from the Mission Statement.

## PILOT

The try-out of a new or innovative program or activity before making a major, long-term commitment.

## PLACEMENT

The assignment, for reasons other than educational achievement, of a student to another group, grade, program, or course.

## PLAN

The thought-out sequence of actions designed to accomplish an objective or goal. Usually describes needed resources, appropriate actions and timelines, contingencies, and procedures for monitoring progress.

## PRINCIPLE

One of the five major learnings involved in a course of study, along with attitudes, concepts, facts, and skills. Students acquire knowledge of cause-effect relationships in the natural and social sciences, mathematics, and other subject areas.

## PROGRAM

A series of related, planned activities which are designed to accomplish one or more stated purposes.

## PROMOTION

The advancement of a student from one level of learning to a higher level of learning usually by assignment to a higher group, grade, program, or course.

## RELIABILITY

In education, the term relates primarily to testing and refers to how consistently test items or a test as a whole measures the same learning among different students.

## RETENTION

The decision to have a student remain at his/her current level for an additional semester or school year, because the student lacks knowledge or skills needed for further learning and/or exhibits emotional or social immaturity.

## SCOPE

A curriculum term which refers to both the length of a particular course of study and to the amount and types of learnings that will be dealt with from beginning to end.

## SECTION 504

The section of the Rehabilitation Act of 1973 that includes requirements for employment and education of disabled persons. Enforced by the Office of Civil Rights (OCR).

## SEQUENCE

A curriculum term correlated to SCOPE which describes the order in which learnings will be developed and should cumulate throughout a course of study.

## SKILL

One of the five major types of learning involved in a course of study, along with attitudes, facts, concepts, and principles. Students have learned a skill when they can take certain actions and produce a particular result at a given standard of quality. This type of learning is acquired through repeated practice interspersed with clear, concise feedback on what to change and what to maintain in order to improve the result.

## STANDARDIZED TEST

A test in which the items have been designed by educators outside of the district rather than by the students' teachers and has state or national norms by which to judge the level of each student's achievement.

## STANINE

A term used in reporting test results that refers to one of nine levels of performance on the test.

## TEST

A method, consisting of questions or activity directions, designed to determine what students have acquired in the way of attitudes, facts, concepts, principles, and/or skills. It may also be used to determine how much or how well they can apply what they have learned.

## UNDERSTANDING

A level of knowledge beyond memorization or rote which makes it possible for a student to explain what s/he has learned and/or to apply the knowledge in new and unfamiliar situations.

## VALIDITY

In education, the term relates primarily to testing and refers to how well test items or a test as a whole actually measures what is intended to be measured or needs to be measured. (See RELIABILITY).

## ACRONYMS

DOE - Federal Department of Education

DPI - Wisconsin Department of Public Instruction

EPA - Environmental Protection Agency

FERPA - Federal Education Rights and Privacy Act

IEP - Individualized Education Plan

OCR - Office of Civil Rights

OSHA - Office of Safety and Health Administration

PPO - Pupil Performance Objective

SAT - Scholastic Aptitude Test

# bylaw

**BOARD OF EDUCATION  
SCHOOL DISTRICT OF NEW GLARUS**

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SCHOOL DISTRICT OF NEW GLARUS**

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SCHOOL DISTRICT OF NEW GLARUS**

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	0175.2	Board Self-Evaluation

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**BOARD OF EDUCATION  
SCHOOL DISTRICT OF NEW GLARUS**

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## DEFINITIONS

The bylaws of the Board of Education of this District incorporate quotations from the laws and administrative code of the State of Wisconsin. Such quotations may be substantively altered only by appropriate legislative, judicial, or administrative action.

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

### **Administrative Guideline**

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

### **Agreement**

A collectively negotiated contract with a recognized bargaining unit.

### **Board**

The Board of Education also commonly referred to as the School Board.

### **Bylaw**

Rule of the Board for its own governance.

### **Clerk**

The chief clerk of the Board of Education. (See Bylaw 0170)

### **District**

The School District.

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**BOARD OF EDUCATION  
SCHOOL DISTRICT OF NEW GLARUS**

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## **District Administrator**

The chief executive officer of the School District ( ) sometimes locally referred to as Superintendent. In policy, capitalization of the term District Administrator implies delegation of responsibilities to appropriate staff members.

## **Due Process**

Procedural due process requires prior knowledge (a posted discipline code), notice of offense (accusation), and the opportunity to respond. Specific due process requirements are dependent upon the circumstances and may vary depending on such circumstances.

## **Full Board**

Authorized number of voting members entitled by law to govern the District. The full Board is the total number of Board members authorized by law regardless of the number of current sitting members.

## **May**

This word is used when an action by the Board or its designee is permitted but not required.

## **Medical Advisor**

The School District is required to appoint a Medical Advisor. The medical advisor shall be a licensed physician and will participate in the annual review of the District emergency nursing services plan. The School District may also have the medical advisor fulfill other roles. (PI 8.01(g)(3))

# bylaw

**BOARD OF EDUCATION  
SCHOOL DISTRICT OF NEW GLARUS**

BYLAWS  
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## **Meeting**

Any gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body. Wis. Stat. 19.82(2).

## **Parent**

The natural, adoptive, or surrogate parents or the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

## **Policy**

A general, written statement by the governing Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

## **President**

The chief executive officer of the Board of Education.  
(See Bylaw 0170)

## **Principal**

The educational leader and head administrator of one (1) or more District schools. In policy and administrative guidelines, implies authority to delegate responsibilities to appropriate members of his/her staff.

# bylaw

**BOARD OF EDUCATION  
SCHOOL DISTRICT OF NEW GLARUS**

BYLAWS  
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## **Professional Staff Member**

District employees that are either certified teachers employed in a position for which certification is a requirement of employment or administrative employees that are responsible for oversight or supervision of a component or components of the District's operation, or serve as assistants to such persons, regardless of whether they hold an administrative contract or are required to have administrator certification, but excluding the District Administrator/Superintendent.

## **Relative**

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household.

## **Shall**

This word is used when an action by the Board or its designee is required. (The word "will" or "must" signifies a required action.)

## **Student**

A person who is officially enrolled in a school or program of the District.

## **Superintendent**

As noted under District Administrator, locally some districts refer to the chief executive officer of the School District as Superintendent. In policy, capitalization of the "S" in Superintendent implies delegation of responsibilities to appropriate staff members.

# bylaw

**BOARD OF EDUCATION  
SCHOOL DISTRICT OF NEW GLARUS**

BYLAWS  
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## **Support Staff**

Any employee who provides support to the District's program and whose position does not require a professional certificate. This category includes special education paraprofessionals.

## **Treasurer**

The chief financial officer of the District. (See Bylaw 0170)

## **Vice-President**

The Vice-President of the Board of Education. (See Bylaw 0170)

## **Voting**

A vote at a meeting of the Board of Education. The law requires that Board members must be present in order to have their vote officially recorded in the Board minutes, and to be available for a roll call vote. A Board member's presence at a meeting includes his/her presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. No voting by Proxy may be recorded or counted in an official vote of the Board. Remote access during quasi-judicial functions (e.g. termination hearings, expulsions) may be permitted after consultation with legal counsel.

Citations to Wisconsin statutes are shown by the Section Number (e.g., 120.11, Wis. Stats.). Citations to the Wisconsin Administrative Code are prefaced P.I. (e.g., P.I. 11). Citations to the United States Code are noted as U.S.C., Federal Register are noted as F.R., and the Code of Federal Regulations as C.F.R.

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**BOARD OF EDUCATION  
SCHOOL DISTRICT OF NEW GLARUS**

BYLAWS  
0110/page 1 of 1

## OFFICIAL DESCRIPTION

0111      **Name**

The Board of Education of this District shall be known officially as the School District of New Glarus Board of Education.

0112      **Purpose**

The Board of Education exists for the purpose of providing a system of free, public education for children in grades early childhood through 12<sup>th</sup> grade. .

0113      **Boundaries**

The School District of New Glarus is comprised of the area in the description on file in the Board of Education office.

0114      **Classification**

The School District of New Glarus shall be classified as a common school district.

0115      **Address**

The official address of the School District of New Glarus Board of Education shall be 1701 2<sup>nd</sup> Street, New Glarus, WI 53574.

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## POWERS AND PHILOSOPHY

### 0121 **Authority**

The supervision of this District shall be conducted by the Board of Education, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Wisconsin.

Chapters 118 and 120, Wis. Stats.

### 0122 **Board Powers**

The power of this Board of Education extends to those matters expressly or implicitly granted by constitution, statute, local charter or ordinance, or other law, including the power to do all things reasonable to promote the cause of education.

120.13, Wis. Stats.

The Board shall also authorize the development and promulgation of rules and guidelines by the District Administrator for the proper operation and management of the District, including the conduct of students while in school or enroute on school buses.

### 0123 **Philosophy of the Board**

A Board of Education is a legal entity for providing a system of public education within a geographic area of the State of Wisconsin. The system was created by, and is governed by, State statutes. Members of a Board are chosen by citizens to represent them and the State in the governance of the local schools.

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The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of residents. While the Board has an obligation to determine and assess citizen desires, it is understood that when the voters elect delegates to represent them in the conduct of specified educational programs, they, at the same time, are endowed with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

- A. Maintain two-way communications with citizens of the District. The Board shall keep them informed of the progress and problems of the School District, and the citizens shall be urged to bring their aspirations and concerns about the District to the attention of this body.
- B. Establish policies and make decisions on the basis of declared educational philosophy and goals.
- C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board of Education has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

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## FUNCTIONS

0131           **Legislative**

0131.1       **Bylaws and Policies**

The Board of Education shall adopt bylaws and policies for the organization and operation of this Board. Such policies are to include those needed to meet the education standards established by Wisconsin Statute.

Those bylaws and policies which are not dictated by the statutes or rules of the Department of Public Instruction or ordered by the State Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board.

Except for policy actions to be taken on emergency measures, the adoption of Board policies shall generally follow this sequence which will take place at a regular meeting of the Board:

- A.     The Board Policy Committee shall consider proposed new or revised policies and bring to the full Board with a recommendation.
- B.     The vote to adopt or not to adopt shall then occur at the regular full Board meeting.

Emergency Procedure: On matters of unusual urgency, the Board may waive the Board Policy Committee review and take immediate action to adopt new or revise existing policies.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board present at a properly posted meeting.

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The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board.

All bylaws and policies shall be recorded in the Board policy manual.

0132 **Executive**

0132.1 **Selection of District Administrator**

The Board of Education shall exercise its executive power in part by the appointment of a District Administrator who shall enforce the statutes of the State of Wisconsin, rules of the Department of Public Instruction, and the policies of this Board. (118.24, Wis. Stats.)

0132.2 **Administrative Guidelines**

The Board shall delegate to the District Administrator the function of specifying required actions and designing the detailed arrangements under which the school will be operated. These detailed arrangements shall constitute the administrative guidelines governing the schools which are not inconsistent with statutes or regulations of the Department of Public Instruction or the policies of this Board. (See Policy 1230.01)

Such administrative guidelines shall be binding on the employees and the students of this District when issued.

The District Administrator shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

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## **Judicial**

The Board of Education assumes jurisdiction over any dispute or controversy arising within this District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

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## MEMBERSHIP

0141            **Number**

The Board of Education shall consist of seven (7) members.

0141.1        **Student Representation at Board Meetings**

The Board of Education acknowledges the important contributions students can make to the governance of the schools. The Board believes that student participation at Board meetings can provide a better understanding of the needs and concerns of students. The Board, therefore, welcomes a student representative to the Board.

0142            **Election/Appointment**

0142.1        **Electoral Process**

Members of the Board shall be elected annually at the spring election on the first Tuesday in April in a manner that is consistent with State law.

120.06 (1), 10.68 (5)(2b), Wis. Stats.

**Declaration of Candidacy**

If an incumbent fails to file a Declaration of Candidacy by the 5:00 P.M. deadline on the first Tuesday in January, candidates may file a declaration of candidacy within seventy-two (72) hours of the Tuesday deadline.

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## **Declaration of Non-Candidacy**

If an incumbent files a Declaration of Non-Candidacy no later than 5:00 P.M. on the 2nd Friday preceding the Tuesday deadline, there is no extension of the Tuesday deadline.

When the first Tuesday in January is a holiday the deadline becomes 5:00 P.M. the next day.

120.06 (6)(b), Wis. Stats.

## 0142.2 **Qualifications**

A school elector in the School District is eligible to be a Board member.

120.06(2), Wis. Stats.

## 0142.3 **Term**

The term of each Board member shall be three (3) years commencing on the 4th Monday in April and shall continue until a successor is elected and qualified or until a vacancy occurs.

120.06(4), Wis. Stats.

## 0142.4 **Oath**

Each newly-elected Board member shall file the oath of office with the Clerk and shall take an oral oath of office administered by the Clerk.

120.06 (10), Wis. Stats.

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0142.5      **Vacancies**

The office of a Board member shall become vacant immediately upon the occurrence of any one (1) of the following events:

- A. the death of the incumbent, or the incumbent's being found mentally incompetent by the proper court
- B. the incumbent's resignation
- C. the incumbent's removal from office
- D. the incumbent's conviction of a felony or imprisonment for one or more years
- E. the incumbent's election or appointment being declared void by a competent tribunal
- F. the incumbent's neglect or failure to file the oath of office or to give or renew an official bond, if required
- G. the incumbent's ceasing to possess the legal qualifications for holding office
- H. the incumbent moving his/her residence out of the District
- I. the incumbent is absent from the territory of the District for a period of sixty (60) continuous days, unless such absence is due to active duty in the armed forces, in which case the vacancy shall be temporary for the remainder of the term or until the incumbent returns and files a notice of his/her intent to return to his/her unexpired term

A vacancy shall be filled by the remaining members of the Board in accordance with 17.26.

17.03 et seq., Wis. Stats.

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## **Filling a Board Vacancy**

The vacancy shall be filled by the Board using the following procedure:

- A. Appointment by the Board to fill a vacancy shall be by the majority vote of the existing Board. All votes shall be recorded, preserved and open to public inspection to the extent prescribed in Wis. Stat. Chapter 19. Secret ballots may only be used when Board members are electing officers.
- B. The Board shall seek qualified and interested candidates from the community.
- C. All applicants are to submit a notice of their interest, in writing, to the Board Clerk.
- D. The Board may interview candidates to ascertain their qualifications.
- E. Appointment by the Board to fill a vacancy shall be by a majority vote of the existing Board. If the vacancy is not filled within sixty (60) days of the date on which the vacancy first exists, the vacancy shall be filled by appointment of the Board President.

0142.6

## **Recall**

Any member of the Board may be recalled pursuant to Chapter 9.10, Wis. Stats.

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0142.7      **Orientation**

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the District, and learn Board procedures.

Each new Board member shall be invited to meet with the Board President, the District Administrator, and the Business Manager to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

0143      **Authority**

Individual members of the Board do not possess the powers that reside in the Board of Education. The Board speaks through its minutes and not through its individual members. An act of the Board shall not be valid unless approved at an official meeting by at least a majority vote of the members present or as otherwise may be required by law.

0143.1      **Public Expression of Board Members**

The Board President functions as the official spokesperson for the Board.

If individual Board members make public statements on school matters, it must be made clear that their views do not reflect the views of the Board or of their colleagues on the Board.

0144      **Operations**

0144.1      **Compensation**

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

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

120.10(3), Wis. Stats.  
120-43(3), Wis. Stats.

0144.2

## **Board Member Ethics**

Members of the School District of New Glarus Board of Education, as student advocates, pledge to maintain the highest standards of ethical behavior as follows:

- A. **LAWS AND REGULATIONS:** To honor all national, state, and local laws and regulations.
- B. **MUTUAL RESPECT:** To encourage the open-minded exchange of ideas and opinions in a conscientious, courteous, and respectful manner.
- C. **TRUST:** To build relationships through open, direct communication as part of the educational team and as a leader responsible to the community.
- D. **CHARACTER:** To model integrity in all matters and to be upright in the performance of their duties and responsibilities as Board members.
- E. **RESPONSIBILITY:** To be accountable for guiding the decision making process that impacts on students, staff, Board of Education and the community.
- F. **HONESTY, CREDIBILITY, TRUTHFULNESS:** To establish and maintain a high level of honesty, credibility, and truthfulness in all matters dealt with by the Board of Education. Board of Education members should possess various qualities as representatives of the citizens of the School District of New Glarus.

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Each member shall endeavor to work to uphold the following ideals:

- A. To devote time, thought and study to the duties and responsibilities of a Board member so that effective and creditable service may be rendered.
- B. To base personal decisions upon all available facts in each situation; to vote an honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Board.
- C. To remember at all times that the individual has no legal authority outside the meetings of the Board, and to conduct relationships with the school staff, local citizenry and all media of communication on the basis of this fact.
- D. To resist every temptation and outside pressure to use the position of Board member for personal benefit or to benefit any other individual or agency apart from the total interest of the School District.
- E. To recognize that it is an obligation of the Board to understand and evaluate the educational program of the schools as well as to plan for the business of school operation.
- F. To bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be left to the employed Superintendent and his/her professional and support staffs.
- G. To welcome and encourage active cooperation by citizens, and community organizations with respect to establishing policy on school operations. Cross Ref: 165.1, Board Member Conflicts of Interest Adopted: May 23, 2011 School District of New

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0144.3      **Conflict of Interest**

Board members shall perform their official duties in a manner free from conflict of interest pursuant to 19.59, Wis. Stats. To this end:

- A. no Board member shall use his/her position as a Board member to obtain financial gain for himself/herself, immediate family, or any organization with which s/he is associated;
- B. no Board member shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system and as a public officer;
- C. when a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon. In the event that the potential conflict involves a program or activity in whole or in part financed through Federal grant funds, the potential conflict of interest must be disclosed to the Federal granting agency consistent with the requirements of the particular granting agency.

Board Members shall also perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats., by having a private interest in a contract with the District in an amount that exceeds \$15,000 annually.

0144.4      **Indemnification**

The Board may hold harmless, indemnify, pay, settle, or compromise a judgment against a Board member to the extent allowed under the law.

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0145

## **Sexual and Other Forms of Harassment**

The Board of Education believes that sexual or other forms of offensive speech and conduct are wholly inappropriate to the harmonious relationships necessary to the operation of the District and intolerable in an environment in which students and staff members of this District function.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment. Other forms of harassment include verbal or non-verbal expression related to race, gender, age, religion, disability, pregnancy, or sexual orientation.

Substantial interference with a person/employee's work performance or creation of an intimidating, hostile, or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the person/employee would consider the conduct sufficiently severe or pervasive so as to interfere substantially with the person's work performance or create an intimidating, hostile, or offensive work environment. 111.36(1) Wis. Stats.

The harassment of a District staff member, student or another Board member by a member of the Board is strictly forbidden. Any member who is found to have harassed a member of the staff, a student or another Board member, will be subject to discipline by the Board and may be reported to law enforcement authorities.

118.13, 120.13(1) 111.32(13) Wis. Stats.

P.I. 9, Wis. Adm. Code

Title IX Education Amendments of 1972, Chapter 227

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## ORGANIZATION

### 0151 **Annual School District Meeting**

The Board of Education shall hold an annual meeting on a date determined by the electorate at the previous year's meeting. However, in no case shall the annual meeting be held earlier than May 15th or later than October 31st. The meeting shall be held for the purposes prescribed by 120.08, 120.09, Wis. Stats. The meeting shall be called to order by the ranking officer of the Board who shall serve as presiding officer until the election of a chairperson.

### 0151.1 **Annual Board Reorganization Meeting**

The Board of Education shall hold an annual reorganization meeting on or within thirty (30) days after the fourth Monday in April. The meeting shall be called to order by the ranking officer of the preceding Board who shall serve as presiding officer until the election of the Board President.

### 0152 **Officers**

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

120.05, Wis. Stats.

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

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

120.10, 120.15 et seq., Wis. Stats.

0155

## **Committees**

Committees of Board members shall, when specifically charged to do so by the Board, conduct studies, make recommendations to the Board and act in an advisory capacity, but shall not take action on behalf of the Board.

All committees shall comply with the Open Meetings Law by providing notices of each meeting, posting the time and date, place, subject matter of the proposed meeting, and any matter intended for the consideration at the contemplated closed meeting pursuant to 19.84, Wis. Stats. In addition, committee meetings may provide for a period of public participation, and recording appropriate minutes of the meeting. A committee may conduct a closed meeting providing it is for one of the purposes described in Bylaw 0167 and the committee abides by all requirements for the conduct of a closed meeting.

The President is authorized to appoint as soon after the Annual Reorganizational meeting as practicable, members of the Board to standing committees where they shall serve a term of one (1) year.

Ad hoc committees may be created and changed at any time by the President or the District Administrator with the approval of the Board.

Members of ad hoc committees shall serve until the committee is discharged.

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The District Administrator shall serve as an ex-officio member of each committee.

A member may request appointment to a committee.

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## MEETINGS

0161            **Parliamentary Authority**

The parliamentary authority governing the Board of Education shall be Robert's Rules of Order, Newly Revised, as defined in Chapter XVI, "Boards and Committees".

0162            **Quorum**

Four (4) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

Two (2) forms of a quorum should be avoided.

“Negative Quorum” – A gathering of less than one-half (1/2) of the members of the Board may be a meeting if that group possesses the power to defeat action taken by the Board of Education.

“Walking Quorum” – Less than one-half (1/2) of the members of the Board gathered together may constitute a meeting if it is one (1) of a series of meetings through which agreement on an issue is reached. A series of e-mail messages, phone calls or other communications between Board members could be a “meeting” or “walking quorum” because, while the Board members have not physically convened, they can effectively communicate and exercise the authority otherwise vested in the Board.

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0163            **Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

120.11, Wis. Stats.

0164            **Call**

0164.1          **Regular Meetings**

The Board shall hold a meeting at least once each month on a date and at a time and place determined annually by a resolution of the Board.

0164.2          **Special Meetings**

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

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

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0165            **Notice**

0165.1        **Regular Meetings**

Public notice of all meetings shall be given pursuant to statute. The Board shall cause to be posted at the Board office and in other locations considered appropriate by the Board, a notice listing the date, time, place, and subject matter of each regularly-scheduled meeting of the Board, including subjects intended for the consideration at any closed session, in the form which is reasonably likely to inform members of the public and the news media. To assure that notice of a meeting is specific enough to apprise the public of the purpose of the meeting, the following factors shall be considered: (1) the time and effort required to provide detailed notice; (2) the level of public interest in the particular subject; and (3) whether the meeting will involve routine or novel issues. The notice shall contain the name and address of the District and its telephone number. The notice shall be given at least twenty-four (24) hours prior to the meeting unless for good cause such notice is impractical, but in no case may the notice be less than two (2) hours in advance of the meeting.

19.84, Wis. Stats.

The notice shall also contain the following statement:

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

The notice shall be given to the Post Messenger Recorder and, upon the written request, to an individual, organization, firm, or corporation. The news media shall be entitled to receive, at their request, copies of such notices free of charge.

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0165.2      **Change of Regular Meetings**

If the Board adopts a resolution changing the date, time, or place of a regularly-scheduled meeting, the meeting notice shall state the date, time, place, and subject matter of the rescheduled meeting, as well as the name and address of the District. Said notice shall be posted in such places as the Board may determine. Said notice shall be posted at least twenty-four (24) hours before the rescheduled meeting.

0165.3      **Special Meetings**

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

120.11(2), Wis. Stats.

0166      **Agenda**

The District Administrator shall prepare and submit to each Board member an agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon the concurrence of the Board President. The level of specificity of the description of subject matter for discussion shall be determined considering the following: (1) the time and effort required to provide detailed notice; (2) the level of public interest in the particular subject; and, (3) whether the meeting will involve routine or novel issues.

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The agenda for each regular meeting shall be mailed or delivered, including by electronic means, to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be available no later than three (3) days prior to the meeting, or delivered, including by electronic means, so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.

The Board shall transact business according to the agenda that has been provided to all Board members in advance of the meeting. The order of business may be altered at any meeting by a majority vote of the members present.

If the Board wishes to discuss items that were not posted at least twenty-four (24) hours prior to the meeting, the Board must (1) post a separate notice of the item(s) no less than two (2) hours prior to the meeting and (2) show good cause why posting the item at least twenty-four (24) hours prior to the meeting was impossible or impractical.

19.84(3) Wis. Stats

0166.1

## **Consent Agenda**

The Board of Education shall use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board.

- A. minutes of prior meetings
- B. bills for payment
- C. donations

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D. treasurer's report

E. staffing report

A member of the Board may request any item to be removed from the consent resolution and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the District Administrator or any Board member thinks the item requires further discussion.

0167 **Conduct**

0167.1 **Voting**

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved at a meeting of the Board by a majority vote of the members present at the meeting, unless otherwise required by law, and a proper record made of the vote. A Board member's presence at a meeting includes his/her presence if attending by telephone or other manner of remote access, so long as such remote access is compliant with State law. Remote access during quasi-judicial functions (e.g. termination hearings, expulsions) may be permitted after consultation with legal counsel.

19.83, Wis. Stats.

Any Board member's decision to abstain shall be recorded and be deemed to acquiesce in the action taken by the majority. In situations in which there is a tie vote and the abstention represents the deciding vote, the motion shall fail for lack of a majority.

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All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member be recorded. Proxy voting shall not be permitted. Any member may request that the Board be polled.

0167.2

## **Closed Session**

The Board may meet in a closed session, one closed to the public, for specified purposes.

Each closed session requires a majority roll-call vote of the Board and may be held to:

- A. deliberate a case which was the subject of any hearing before the Board; (19.85(1)(a))
- B. consider dismissal, demotion, licensing, or discipline of any Board employee or person licensed by the Board, or the investigation of charges against such person, and the taking of formal action on any such matter, provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action may be taken. The notice shall contain a statement that the person has the right to demand that the evidentiary hearing or meeting be held in open session. (19.85(1)(b))
- C. consider the employment, promotion, compensation, or performance-evaluation data of any employee; (19.85(1)(c))
- D. considering strategy for crime detection or prevention; (19.85(1)(d))
- E. deliberate or negotiate the purchase of public properties, the investment of District funds, or the conduct of other Board business whenever competitive or bargaining reasons require a closed session; (19.85(1)(e))

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- F. consider financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; (19.85(1)(f))
- G. confer with the Board's legal counsel who is rendering oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or is likely to become involved; (19.85(1)(g))
- H. consider requests for confidential, written advice from the ethics board under 19.46(2), Wis. Stats., or from any county or municipal ethics board under 19.59(5), Wis. Stats.; (19.85(1)(h))

The presiding officer shall announce the nature of the closed session and the specific section of the law that allows for the closed session.

No other business other than that stated in the public notice may be conducted at a closed session. The Board may not reconvene its regular or special meeting after a closed session, within twelve (12) hours, unless public notice of the reconvened meeting was part of the public notice of its regular or special meeting.

In keeping with the confidential nature of closed sessions, no member of the Board shall disclose to anyone the content of discussions that take place during such sessions.

# bylaw

| [0167.25](#)

**Recording of Closed Sessions**

Other than expulsion hearings, closed sessions of the Board will not be recorded, filmed or photographed without prior approval of the Board. Any such recording, film or photograph must be maintained in accordance with Policy 8310 – Public Records and Policy 8330 – Student Records.

66 OAG 318 (1977)

0167.3

**Public Comment at Board Meetings**

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

Public-Comment Section of the Meeting

To permit fair and orderly public expression, the Board shall provide a period for public comment at every regular meeting of the Board and publish rules to govern such participation in Board meetings.

The presiding officer of each Board meeting at which public comment is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public comment shall be permitted as indicated on the order of business at the discretion of the presiding officer.
- B. Anyone having a legitimate interest in the actions of the Board may participate during the public comment portion of a meeting.
- C. Attendees must register their intention to participate in the public comment portion of the meeting upon their arrival at the meeting.

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- D. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name; address; and group affiliation, if and when appropriate.
- E. Each statement made by a participant shall be limited to three (3) minutes duration.
- F. Participants shall direct all comments to the Board and not to staff or other participants.
- G. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
- H. The presiding officer may:
  - 1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
  - 2. request any individual to leave the meeting when that person does not observe reasonable decorum;
  - 3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
  - 4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
  - 5. waive these rules.
- I. The portion of the meeting during which the comments of the public is invited shall be limited to ten (10) minutes, unless extended by a vote of the Board.

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- J. Recording, filming, or photographing the Board's open meetings is permitted. Recording, filming, or photographing the Board's closed session is only permitted pursuant to Bylaw 0167.2 – Closed Session. The person operating the equipment should contact the District Administrator prior to the Board meeting to review possible placement of the equipment, and must agree to abide by the following conditions:
1. No obstructions are created between the Board and the audience.
  2. No interviews are conducted in the meeting room while the Board is in session.
  3. The School District of New Glarus Board of Education encourages all residents to be well informed about school District business. Therefore, the Board will tape the following Board meetings if a written request is given to the District Administrator at least one (1) business day prior to the meeting: Regular Board Meetings, Special Board Meetings, Public Hearings, and, Listening Sessions. Executive sessions of the Board will not be videotaped.

The taping and broadcasting of meetings will be subject to the guidelines and conditions outlined below:

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The taping and broadcasting of meetings should not interfere with the ability of the Board to conduct the regular business of the school District. Therefore, the Board president shall exercise his/her authority to control the length of comments and the number of times an individual can speak on an agenda item to avoid any attempts to monopolize time on camera or discuss business not on the agenda. Due to the possibility of individuals making comments that could be defamatory or slanderous, all individuals wishing to speak at a regular or special Board meeting will be required to complete a "Request to Speak" form which contains a statement that the Board is not responsible for their comments and that, as such, any slanderous or defamatory statements are their sole responsibility and that the District, with the advice of its attorney and its record's custodian, may edit the tape to remove the comments before releasing a copy of the taped meeting.

19.90, Wis. Stats.

0167.5

## **Use of Electronic Mail**

E-mail is a form of communication that could conflict with the Open Meetings Act and must be preserved for production in the context of an open records request. Board members are strongly discouraged from communicating regarding Board business with other Board members, district administrators, school staff or members of the community via electronic mail. If a Board member does utilize electronic mail, it may be used only for the purposes of communicating:

- A. messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;

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- B. possible agenda items between the District Administrator and the Board president;
- C. times, dates, and places of regular or special Board meetings;
- D. a Board meeting agenda or public record information concerning items on the agenda;
- E. requests for public record information from a member of the administration, school staff, or community pertaining to District operations.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

0167.6

## **E-mail – Public Records**

There should be no expectation of privacy for any messages sent by e-mail. All messages sent or received by any member of the Board in the course of conducting the business of the Board, not using the District provided e-mail address, shall be provided to the District's Records Custodian or the District Administrator for preservation. Such records may be subject to disclosure under the Public Records Act.

The District Administrator in consultation with the District Records Custodian shall devise and develop procedures pertaining to e-mail communications and public records.

Board members are required to provide to the Records Custodian all e-mail communications, received by a means other than the District provided e-mail address, using the procedure developed by the District Administrator and Records Custodian without regard to whether the Board member believes the communication is subject to disclosure under the Public Records Act.

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Board members shall utilize e-mail communication only as described in Bylaw 0167.5.

Each Board member as an elected official is independently required by law to comply with public records requests for e-mail communications sent or received on the Board member's personal e-mail account.

0168 **Minutes**

0168.1 **Open Meeting**

The Clerk, or a temporary clerk appointed by the presiding officer, shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the Clerk, which should ordinarily occur at the next regular meeting. The minutes shall include all votes taken at the meeting.

Proceedings of each meeting shall be published as a Class I notice and publicized by school District-wide distribution prepared and directed by the School Board and paid out of school funds within forty-five (45) days of the meeting. There will also be a detailed record of all receipts and expenditures available for inspection at each regular Board meeting and upon written request.

The minutes shall be available for inspection at the District Administrator's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The official minutes shall be stored together by years and kept in the office of the Board of Education.

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Minutes of the preceding meetings shall be approved by the Board on the consent agenda at its next regular meeting.

The minutes shall record action taken.

120.11, Wis. Stats.

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## DUTIES

0171 **Officers**

0171.1 **President**

The President of the Board of Education shall:

- A. act as chairperson at meetings of the Board and ensure that minutes of meetings are properly recorded, approved, and signed;
- B. countersign all checks, share drafts, or other drafts for disbursement of District funds;
- C. defend on behalf of the District all actions brought against it;
- D. prosecute, when authorized by an annual meeting of the School Board, actions brought by the District and an action for the recovery of any forfeiture incurred under Chapters 115 and 121 in which the District has an interest;
- E. Perform other duties appropriate to the office of the President under 120.15 Wis. Stats.

120.15, Wis. Stats.

0171.2 **Vice-President**

The Vice-President of the Board of Education shall act as chairperson of the school board meeting by:

- A. presiding at meetings of the Board when the President is not able to attend;
- B. performing other duties appropriate to the office of Vice-President as the Board determines;

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- C. in case of a vacancy in the office of President, succeeding to the office of President for the balance of the unexpired term.

120.15(5), Wis. Stats.

0171.3

## **Clerk**

The Clerk of the Board of Education shall:

- A. act as clerk and record the proceedings of all meetings of the Board;
- B. enter the proceedings of the Board in proper record books;
- C. enter in the record book copies of all Clerk's reports sent to municipal clerks;
- D. draw and record orders on the Treasurer as directed by the Board;
- E. be the chief election officer of the District with authority to report the name and post-office address of each Board member, within ten (10) days after his/her election or appointment, to the clerk and treasurer;
- F. perform other duties as prescribed by law or the Board.

120.17, Wis. Stats.

0171.4

## **Treasurer**

The Treasurer of the Board of Education, who may be assisted in these duties by the Business Manager, shall:

- A. apply for, receive, and sue for all money appropriated to or collected for the District and disburse the same in accordance with law;
- B. enter in the account books all money received and disbursed and specify the source of the funds and the person to whom

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funds were paid and the object of the payment;

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- C. immediately upon receipt, deposit District funds in the District's name in a public depository designated by the Board;
- D. present at the annual meeting a written statement of all money received and dispersed by the District in the preceding year;
- E. perform other duties prescribed by statute or by the Board.

120.16, 66.042 Wis. Stats.

0172 **Legal Counsel**

The Board of Education may employ an attorney to represent the School District or Board in actions brought for or against the District and to render other legal services for the welfare of the School District.

0173 **Independent Auditor**

The independent auditor shall:

- A. examine the balance sheet of the District at the close of its fiscal year and the related statements of transactions in the various funds for the fiscal year then ended;
- B. conduct such examination in accordance with generally-accepted auditing standards and to include such tests of the accounting records and such other auditing procedures as are necessary in the circumstances;
- C. render an opinion of the financial statements prepared at the close of the fiscal year;
- D. make such recommendations to the Board of Education concerning its accounting records, procedures, and related activities as may appear necessary or desirable;

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E. perform such other related services as may be requested by the Board.

120.14, Wis. Stats.

0174 **Reports**

0174.1 **Annual Report**

The Board of Education Clerk shall file with the Department of Public Instruction (publish) an annual school district report by September 1<sup>st</sup> in the format prescribed by the Department of Public Instruction as required by law.

0174.2 **School Performance Report**

The Board of Education will also publish an annual school and school district performance report including all information prescribed by statute.

The School and School District Performance Report will be posted on the District's website.

0174.3 **Other Reports**

In addition, the Board shall publish other reports it deems necessary to keep the community and government authorities adequately informed about the operation of the District.

120.18, Wis. Stats.  
115.38(1), Wis. Stats.

0175 **Association Memberships**

The Board of Education may maintain membership in the Wisconsin Association of School Boards and may take part in the activities of this group.

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0175.1            **School Board Conferences, Conventions, and Workshops**

The Board of Education recognizes the value of membership and attendance at conferences and meetings at the local, County, State, and National level.

Attendance at local, County, and State workshops and conferences is encouraged.

Each Board member is expected to report back to the Board after attending a conference at District expense.

Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the District within budgetary limits.

0175.2            **Board Self-Evaluation**

Effective and efficient Board operations are an integral part of creating a successful educational program. In order to improve Board performance the Board will annually schedule a time and place at which all of its members shall participate in a formal self-evaluation.

The Board shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal operations and performance of the Board.

Each Board member will complete a Board evaluation instrument independently. The evaluation will be based on the resulting composite picture of Board strengths and weaknesses. The Board will discuss the tabulated results as a group.

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The evaluation process should include the establishment of strategies for improving Board performance. Revised priorities and Board goals will be selected for the following year.

The Board recognizes that adequate opportunities for Board member orientation and in-service are an essential component of conducting a meaningful self-evaluation. The evaluation process shall include suggestions for continued Board member development.

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## DISTRICT ORGANIZATION

The Board of Education recognizes that the grouping of grades and services within the facilities of the District can assist the efficient operation of the District and help achieve a more effective instructional program.

The District Administrator shall continually monitor the effectiveness of the District organizational plan and recommend to the Board such modifications in the plan which are in the best interests of the students, make wisest use of District resources, and serve the educational goals of the Board.

Modifications in the organizational plan of the schools may be made by the Board upon the recommendation of the District Administrator.

The District Administrator shall be the chief executive officer of the School District. The District Administrator shall define and recommend those administrative positions required to implement the educational system and program of learning established by the Board. In each case, the Board will approve the broad purpose and function of the position in harmony with State law and regulations.

Responsibility shall flow clearly from the District Administrator through the administrative staff to the operational personnel.

It shall be the responsibility of the District Administrator to determine the need for and define operational requirements sufficient to ensure the smooth functioning of the District. Maintenance of an efficient, skilled, operational staff is essential to the effective performance of the system.

118.24, Wis. Stats.

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## CONFLICT OF INTEREST

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

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

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

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

1. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees

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2. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the administrative employee's, officer's or agent's employment or professional relationship with the School District through his/her access to School District records
  3. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals
  4. the requirement of students or clients to purchase any private goods or services provided by an administrative employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
- C. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the administrative employee's supervisor and will be disclosed to the District Administrator before entering into any private relationship.
- D. Administrative employees, officers and agents shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

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- E. Administrative employees, officers and agents cannot participate in the selection, award, or administration of a contract supported by a Federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

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

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

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

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

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

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

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

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

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## BOARD - DISTRICT ADMINISTRATOR RELATIONSHIP

The Board of Education believes that, in general, it is the primary duty of the Board to establish policies and that of the District Administrator to administer such policies. Policy should not be originated or changed without the recommendation of the District Administrator. The District Administrator should be given the latitude to determine the best method of implementing the policies of the Board.

The District Administrator, as the chief administrative officer of the School District, is the primary professional advisor to the Board. S/He is responsible for the development, supervision, and operation of the school program and facilities. His/Her methods should be made known to the staff through the administrative guidelines of the District. The Board shall retain oversight supervision of such administrative guidelines.

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

Members of the Board cannot act for the Board on any matter unless authorized by law or officially delegated by law or the Board with the authority to do so. Members shall refrain from involving themselves in purely administrative matters. Board members shall avoid situations that present a conflict of interest or a perceived conflict of interest. Board members shall refer all non-action matters and criticisms to the Superintendent.

Cooperation is the key to good teamwork. This applies to policy development, District organization and operation, bond issues, building plans and procedures, site selection, insurance, salaries, transportation, food services, instructional services, and developmental plans for new programs. The Board-Administration team recognizes the need for continuous evaluation of all the functions and services of the school system.

When the business of the District is being conducted, the welfare and concern for students shall be the Board's and administrations primary focus.

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The Board is responsible for determining the success of the District Administrator in meeting the goals established by the Board through annual evaluations of the District Administrator's performance. The Board, in formulating its position with regard to the performance of the District Administrator, shall rely, whenever possible, on the objective outcomes of its evaluations rather than on subjective opinions.

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## STUDENT SUPERVISION AND WELFARE

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

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

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

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

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

48.981, 948, 948.095 Wis. Stats.

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## EMPLOYMENT OF THE DISTRICT ADMINISTRATOR

The Board of Education vests the primary responsibility for administration of this District in the District Administrator of Schools. The appointment of that officer is, therefore, one of the most important functions the Board can perform.

Whenever the position of District Administrator shall be vacant, the Board shall appoint a District Administrator of Schools as chief executive officer and fix his/her salary and term of office which shall be no more than two (2) years. However, a contract for a term of two (2) years may provide for one or more extensions of one (1) year each, consistent with 118.24(1) Wis. Stats.

The Board shall actively seek the best qualified and most capable candidate for the position of District Administrator.

No person may be employed as District Administrator of this District unless s/he has the proper Wisconsin certification or has applied for certification as a superintendent in Wisconsin and has signed an employment contract with the Board. If certification has been applied for, receipt is to be timely.

Any candidate's intentional misstatement of fact material to his/her qualification for employment or the determination of his/her salary shall be considered by this Board to constitute grounds for his/her dismissal.

118.24, Wis. Stats.

29 C.F.R. Part 1635

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

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

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## DEVELOPMENT OF ADMINISTRATIVE GUIDELINES

The Board of Education delegates to the District Administrator the function of designing and implementing the guidelines, required actions, and detailed arrangements under which the District will operate. These administrative guidelines shall not be inconsistent with the policies adopted by the Board.

The Board itself will formulate and adopt administrative guidelines and rules only when required by law, and when the District Administrator recommends Board adoption.

The District Administrator may also issue such administrative and student handbooks as s/he may consider necessary for the effective administration of the schools and distribute them to employees and students and/or their parents.

As long as the provisions of these administrative guidelines and handbooks are not inconsistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees and students.

The District Administrator shall maintain a current organizational chart to which immediate reference can be made by the Board or any employee of the Board.

118.24, Wis. Stats.

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## RESPONSIBILITIES OF THE DISTRICT ADMINISTRATOR

The District Administrator shall strive to achieve District goals by providing educational direction and supervision to the professional staff and supervision to the support staff and by acting as a proper model for staff and students both in and outside the District.

### Duties and Responsibilities

The District Administrator shall be directly responsible to the Board of Education for the performance of the following assigned duties and responsibilities:

- A. keep the Board informed of school operations.
- B. ensure that all aspects of District operation comply with State laws and regulations as well as Board contracts and policies
- C. establish and maintain any written educational plan that may be required by law and consistent with the educational goals adopted by the Board
- D. perform other duties as assigned by the Board and as consistent with statute

118.24, 120.13(1)(b), Wis. Stats

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## EVALUATION OF THE DISTRICT ADMINISTRATOR

The Board of Education believes it is essential that it evaluate the District Administrator's performance periodically in order to assist both the Board and the District Administrator in the proper discharge of their responsibilities and to enable the Board to provide the District with the best possible leadership.

The Board shall annually evaluate the performance of the District Administrator based on the progress made toward the educational goals of the District.

# policy

**BOARD OF EDUCATION  
SCHOOL DISTRICT OF NEW GLARUS**

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## NON-RENEWAL OF THE DISTRICT ADMINISTRATOR

The Board of Education has an obligation to the citizens of this District to employ the professional leadership best trained and equipped to meet the educational needs of their children. It shall meet that obligation by retaining only a highly-qualified person as District Administrator for this District.

If the services of the District Administrator are found to be unsatisfactory by the Board, the District Administrator shall be notified in writing by the President. The District Administrator shall be given an opportunity to correct the condition.

If the Board intends to non-renew a contract, it shall give the District Administrator written preliminary notice by registered mail at least five (5) months prior to the expiration of the contract.

If the District Administrator files a written request with the Board within seven (7) days after receiving such notice, the District Administrator has a right to a hearing prior to being given the notice of non-renewal of the contract. The District Administrator may request a public or private-hearing and request that the Board provide its reasons for non-renewal, in writing, prior to the hearing.

At least four (4) months prior to the expiration of the contract of the District Administrator, the Board shall provide notice, in writing, of either renewal of the contract or refusal to renew such contract. No person may be employed or dismissed except by a majority vote of the full Board.

Non-renewal of the District Administrator's contract shall be consistent with State law and with the provisions of the employment contract between the Board and the District Administrator.

# policy

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By mutual agreement of the Board and the District Administrator, the employment contract may be modified or terminated.

Policy 3143 applies to administrators other than the District Administrator.

118.24(6) and (7), Wis. Stats.

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# policy

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## INCAPACITY OF THE DISTRICT ADMINISTRATOR

It is the duty of the Board of Education to appoint a District Administrator 'pro tempore' by a majority vote of the Board upon determination that the District Administrator is incapacitated in such a manner that s/he is unable to perform the duties of his/her office.

The Board shall fix the compensation of the District Administrator 'pro tempore' who shall serve until the District Administrator's incapacity is removed or until the expiration of the District Administrator's contract or term of office, whichever is sooner. S/He shall perform all of the duties and functions of the District Administrator, and may be removed at any time for cause by a majority of the full membership of the Board.

The Board will exercise its authority under law to determine the incapacity of the District Administrator upon certification of a physician selected and compensated by the Board.

Where a physician selected by the Board disagrees with a physician selected by the District Administrator, the two (2) physicians shall agree in good faith upon a third impartial physician who shall examine the District Administrator. His/Her medical opinion shall be binding on the issue of medical capacity to perform assigned duties. The expenses of the third examination shall be borne by the Board.

If the Board determines that the District Administrator is unable to perform the duties of his/her office, s/he may at his/her request, be placed on sick leave, with pay, not to exceed the amount of his/her accumulated but unused sick leave and any advancement of such sick leave which may be authorized by the Board. The District Administrator may also make use of the provisions of the Family Medical Leave Act, as appropriate.

The foregoing leave shall not extend beyond the contract or term of office of the District Administrator.

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The District Administrator shall, upon request to the President of the Board, be returned to active duty status, unless the Board denies the request within ten (10) days of receipt of the request. The Board may require the District Administrator to establish to its satisfaction that s/he is capable of resuming such duties on a full-time basis.

The Board may demand that the District Administrator return to active service upon medical documentation that the District Administrator is able to resume his/her duties.

The District Administrator may request a hearing before the Board on any action taken under this policy.

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# policy

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## JOB DESCRIPTIONS

The Board of Education recognizes that it is essential for District and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the District Administrator shall maintain a current, comprehensive, and coordinated set of job descriptions for professional staff positions.

As long as the provisions of the job description(s) are not inconsistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees.

Each job description shall contain the following provision:

"The employee shall remain free of any alcohol or illegal substance in the workplace in compliance with Policy 3122.01 throughout his/her employment in the District."

Employees will be evaluated, at least in part, against their job descriptions.

During the hiring process, the current job description for the position for which the individual is interviewing shall be provided to the candidate. The emphasis during the review shall be placed upon the essential functions of the position.

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# policy

**BOARD OF EDUCATION  
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## NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The Board of Education 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 his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

"Genetic information," as defined by GINA, 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.

# policy

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If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The District Administrator shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 C.F.R. Part 1635

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## NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

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

### **District Compliance Officers**

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

Director of Pupil Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

Director of Human Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

608-527-2410

608-527-2410

The titles and contact information will be published annually in the staff handbooks and on the School District's web site.

# policy

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

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

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

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

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community (District employees, students, parent(s), and member of the Board), resident of the District, or a visitor to the District. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin an investigation, or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

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

## **Investigation and Complaint Procedure**

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

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

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

## **Complaint Procedure**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **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. All Complainants will be advised that their identities may become known to the Respondent(s) through the investigation process.

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

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

## **Sanctions and Monitoring**

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

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

## **Retaliation**

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

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## **Education and Training**

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

111.31 et seq., 111.335(d)(2), 118.195, 118.20, Wis. Stats.  
Fourteenth Amendment, U.S. Constitution  
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  
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  
34 C.F.R. Part 110 (7/27/93)  
42 U.S.C. 2000e et seq., Civil Rights Act of 1964  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended  
29 C.F.R. Part 1635

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# policy

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## PHYSICAL EXAMINATION

The Board of Education requires all candidates for positions in which the employee will come in contact with children or prepare food, as a condition of employment, to submit to an examination, including a test for tuberculosis, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 1460 F2).

Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 1422.02 the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

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

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

The Board shall assume any fees for required examinations.

118.25, Wis. Stats.

121.52(b), Wis. Stats.

29 C.F.R., Part 1630

29 C.F.R. Part 1635

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

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

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## UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

It is the policy of the Board of Education to protect the students and employees of this District from the effects of contagious diseases and other circumstances that render school administrative employees unable to perform their duties.

The Board authorizes the District Administrator to place an administrative employee on leave for physical or mental condition that affects the employees ability to perform assigned duties in conformance with the law and consistent with any applicable terms of a collective bargaining agreement.

The District Administrator shall require that the administrative employee submit to an appropriate examination approved by the District. :

The employee will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 1422.02, the District Administrator shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record as required by the ADA.

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If, as a result of his/her such examination, the administrative staff member is found to be unable to perform assigned duties, the administrative staff member shall be placed on leave of absence with such compensation to which s/he is entitled until proof of recovery, satisfactory to the District Administrator, is furnished.

Should an administrative staff member refuse to submit to an examination such action constitutes insubordination.

The District Administrator may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 3430.01 as provided by law.

29 C.F.R., Part 1630

29 C.F.R. Part 1635

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

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

111.32, et. seq., the Wisconsin Fair Employment Act

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## SECTION 504/ADA

### PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

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

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

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

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The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

## Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 CO(s)/ADA Coordinator(s) (hereinafter referred to as the "COs").

Director of Pupil Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

608-527-2410  
(Telephone Number)

Director of Human Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

608-527-2410  
(Telephone Number)

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and on the School District's web site.

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The COs are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District COs.

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

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See Complaint Procedure below.)

## Training

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

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

## Facilities

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

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

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## Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the COs will be posted throughout the District, and published in the District's recruitment statements or general information publications.

## Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with COs within the time limits specified below. The COs are available to assist individuals in filing a complaint.

## Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the CO.

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- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the CO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the CO of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the CO for good cause.
- C. The CO will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The CO will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the District Administrator. The CO shall maintain the District's files and records relating to the complaint.
- D. The District Administrator will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.  
  
The District Administrator will render his/her decision within ten (10) work days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

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- F. 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 or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, effective, and tailored to the specific situation.

## OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street  
Suite 1475  
Chicago, IL 60661  
(312) 730-1560  
FAX: (312) 730-1576  
TDD: (877) 521-2172  
E-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

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## Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

29 C.F.R. Part 1630

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

34 C.F.R. Part 104

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

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

### **Introduction**

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

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

### **Eligibility Requirements**

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

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

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## **Qualifying Reasons for Leave**

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

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

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

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

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

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

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

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

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

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

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

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

## **Amount of Leave Available**

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

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

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

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

## **Definitions of Serious Health Conditions**

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

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

A. Hospital Care

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

B. Absence Plus Treatment

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

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

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

C. Pregnancy

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

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D. Chronic Conditions Requiring Treatment

A chronic condition which:

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

E. Permanent/Long-Term Conditions Requiring Supervision

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

F. Multiple Treatments (Non-Chronic Conditions)

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

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## **Required Staff Member Notice**

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

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

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

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

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

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## **Certification By Healthcare Provider**

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

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

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

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

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

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

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

## **Designation of Leave**

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

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

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

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

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## **Manner In Which Leave Can Be Taken**

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

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

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

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

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

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- B. transfer temporarily to an available alternative position offered by the District Administrator for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

## **Coordinating Leaves - Substitution**

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

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

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

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

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

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## **Continuation of Benefits**

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

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

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

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

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

## **Accrual of Benefits**

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

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## **Employment Restoration**

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

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

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

## **Fitness For Duty Certification**

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

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

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

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

## **Confidentiality**

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

## **No Discrimination**

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

## **Miscellaneous**

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

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

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

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

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

29 C.F.R. Part 825

103.10, Wis. Stats.

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

National Defense Authorization Act of 2010

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## EMPLOYEE ANTI-HARASSMENT

### **Prohibited Harassment**

The Board of Education is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including transgender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices (hereinafter referred to as "Protected Characteristics"), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, student to employee, parent to employee, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and in those cases where harassment is substantiated, the School Board will take immediate steps calculated to end the harassment, prevent its reoccurrence, and, if applicable, remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

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For purposes of this policy, "School District community" means individuals subject to the control and supervision of the Board including, but not limited to, students, teachers, staff, volunteers, and Board members, agents, contractors, or other persons.

For purposes of this policy, "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 District, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

## **Definitions**

**"Harassment"** means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a school employee on the basis of the employee's Protected Characteristics that:

- A. places a school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. is sufficiently severe, pervasive, and persistent so as to create a hostile working environment which materially alters the employee's working conditions from the perspective of a reasonable person similarly situated;
- C. has the effect of substantially disrupting the orderly operation of a school or any other aspect of the District's operations.

## **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;

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- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

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

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. physical and/or sexual assault;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;

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- D. 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, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. consensual sexual relationships 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; and
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

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Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

## **Boundary Invasions**

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming. Inappropriate boundary invasions may include, but are not limited to the following:

- A. hugging, kissing, or other physical contact with a student
- B. telling sexual jokes to students
- C. engaging in talk containing sexual innuendo or banter with students
- D. talking about sexual topics that are not related to curriculum
- E. showing pornography to a student
- F. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship")
- G. initiating or extending contact with students beyond the school day for personal purposes
- H. using e-mail, text-messaging or websites to discuss personal topics or interests with students
- I. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval

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- J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences)
- K. going to a student's home without proper supervision (i.e. another staff member or parent of student present)
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student)
- M. giving gifts or money to a student for no legitimate educational purpose
- N. accepting gifts or money from a student for no legitimate educational purpose
- O. being overly "touchy" with students
- P. favoring certain students by inviting them to come to the classroom at non-class times
- Q. getting a student out of class to visit with the staff member
- R. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues)
- T. being alone with a student behind closed doors without a legitimate educational purpose
- U. telling a student "secrets" and having "secrets" with a student
- V. other similar activities or behavior

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Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the District Administrator.

## **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

## **National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

## **Age Harassment**

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

## **Race/Color Harassment**

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

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## **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disabling condition or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

## **Reports and Complaints of Harassing Conduct**

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Members of the School District community or third parties who believe they have been harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.

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- B. Teachers, administrators, and other school officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate school officials are as follows:
  - 1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the District Administrator, who shall assume the role of the District Compliance Officer for such complaints.
  - 2. Any complaint under this policy regarding the District Administrator or Board Member that is received by the District Compliance Officer shall be referred to the School Board's president, who shall assume the role of the District Compliance Officer for such complaints or may refer to legal counsel.
- E. The reporting party or complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the District Administrator.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

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## District Compliance Officers

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

Director of Pupil Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

Director of Human Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

608-527-2410

608-527-2410

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

A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) business days of learning of the incident.

## **Investigation and Complaint Procedure**

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to harassment or has witnessed harassment of another may seek resolution of his/her complaint through the procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of harassment was substantiated are set forth below.

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

## **Complaint Procedure**

An individual who believes s/he has been subjected to harassment hereinafter referred to as the "complainant," may file a complaint, either orally or in writing with a teacher, Principal, CO, District Administrator, or other supervisory employee. As noted above, any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall assume the role of the CO for such complaints.

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

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

All written complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be actively engaging in, harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

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

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Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the CO should consult the Complainant to assess his/her position to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the complainant or respondent.

Within two (2) business days of receiving a complaint, the CO will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of this policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the CO will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment.

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

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

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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 harassment as provided in this policy and State and Federal law as to whether the complainant has been subject to harassment. The COs 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 School Board Attorney before finalizing the report to the District Administrator.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the complainant and the respondent.

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

The decision of the District Administrator shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 3340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

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

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

## **Privacy/Confidentiality**

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all 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 obligation in an investigation of harassment. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation and if so shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the CO in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the State or Federal law will be maintained in a manner consistent with the law.

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## **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the District Administrator shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

All sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

## **Allegations Constituting Criminal Conduct**

If the CO has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the District Administrator shall be advised that local law enforcement was notified.

If the complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made the Board President shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the District Administrator.

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## **Reprisal**

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## **Miscellaneous**

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational employment, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A summary of this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. The District Administrator shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

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The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

Wis. Stats. 111.31, 118.195, 118.20

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)

20 U.S.C. 1681 et seq.

20 U.S.C. 1681 et seq., Title IX

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

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

29 C.F.R. Part 1635

29 U.S.C. 6101, The Age Discrimination Act of 1975

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

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

42 U.S.C. 1983

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

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

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## MISSION, VISION, AND BELIEFS OF THE NEW GLARUS SCHOOL DISTRICT

### *All Achieving, Always Growing!*

#### Vision

**CULTURE** *that is respectful, creative, and continuously improving*

**LEADERSHIP** *that is collaborative, accountable for student learning, and fiscally responsible*

**INSTRUCTION** *that is rigorous, engaging and effectively uses data*

**FACILITIES** *that are technologically progressive and that foster academic and emotional growth*

**STUDENTS** *who are all achieving, always growing, good communicators and problem solvers*

**Mission** – The mission of the New Glarus School District is... *Educating each student to contribute and succeed in our global community by fostering a passion for learning and the pursuit of excellence*

**Beliefs** – Our key beliefs are...

- A. *We believe in modeling and teaching the qualities of **good character** so every student grows intellectually, socially, and emotionally*
- B. *We believe in developing students who are strong and **engaged citizens***
- C. *We believe students learn best when **engaged, challenged, and respected***

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- D. *We believe in developing **practical, life skills** of students as well as academic skills*
- E. *We believe in providing a **safe** learning environment*
- F. *We believe in developing students who can **think critically** and speak and write effectively*
- G. *We believe in **involving families** and **the community** in the education of our students*

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## READING INSTRUCTIONAL GOALS AND KINDERGARTEN ASSESSMENT

The Board of Education shall approve a program of reading goals for students for grades kindergarten to 12.

To promote student's reading skills, the Board requires the District Administrator to designate a certified reading specialist who will be responsible to develop and coordinate a comprehensive reading curriculum for students in grades kindergarten to 12.

The goals shall be based on an assessment of existing reading needs of students. Subsequently the students shall be assessed based on the reading goals.

The administration shall annually prepare a report evaluating the reading curriculum of the School District.

### **Assessments of Reading Readiness**

An appropriate, valid, and reliable assessment of literacy fundamentals selected by the Board, shall be administered annually to each student enrolled in four (4) year old kindergarten through second grade. The Board shall require that the assessment selected evaluates whether a student possesses phonemic awareness and letter sound knowledge.

The results of a student's assessment shall be reported to the student's parent.

A student whose assessment indicates that s/he is at risk of reading difficulty shall be provided with interventions or remedial reading services.

115.77, 118.015, 118.016, 121.02 (1) (c), Wis. Stats.

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## CURRICULUM DEVELOPMENT

The Board of Education recognizes its responsibility for the quality of the educational program of the schools. To this end, the curriculum shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the District Administrator.

The Board directs that the curriculum of this District:

- A. provides instruction in courses consistent with statute and regulations of the Department of Public Instruction or appropriate State agency;
- B. ensures, consistent with 115 Wis. Stats. and other applicable Federal and State laws and regulations, that special learning needs of students are provided for in the context of the regular program or classroom and provides for effective coordination with programs or agencies that are needed to meet those needs that cannot be dealt with in the regular program or classroom;
- C. consistent with 118.30 Wis. Stats., incorporates State-recommended performance standards for students as the basis for determining how well each student is achieving curriculum objectives;
- D. encourages students to utilize school counseling services in their academic and career planning;
- E. provides that, in the social studies curriculum, instruction in the history, culture, and tribal sovereignty of Federally-recognized American Indian tribes and bands located in Wisconsin takes place at least twice in the elementary grades and once in the high school grades;

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- F. provides for multi-cultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro-Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans.

As educational leader of this District, the District Administrator shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study.

The District Administrator shall make progress reports to the Board periodically.

118.01, 118.24, Wis. Stats.

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## SPECIAL OBSERVANCE DAYS

In compliance with the Wisconsin School Laws, the Board of Education directs the District Administrator to ensure that the following days, and any additional days proclaimed by the Governor, are appropriately observed in all schools:

January 15th	Martin Luther King Jr. Day
February 12th	Abraham Lincoln's Birthday
February 15th	Susan B. Anthony's Birthday
February 22nd	George Washington's Birthday
March 4th	Casimir Pulaski Day
March 17th	The Great Hunger
April 9th	Prisoners of War Remembrance Day
April 13th	American Creed Day
April 19th	Patriot's Day
April 22nd	Environmental Awareness Day
Last Friday in April	Arbor Day
June 14th	Robert La Follette Sr. Day
September 16th	Mildred Fish Harnack Day
September 17th	U.S. Constitution Day
September 28th	Frances Willard Day

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Wednesday of the third week in September as part of Wonderful Wisconsin Week

Friday of the 3rd week in September

POW-MIA Recognition Day

Wednesday of the 4th week in September

Bullying Awareness Day

October 9th

Leif Erikson Day

October 12th

Christopher Columbus's Birthday

November 11th

Armistice Day

118.02, 118.025, 118.02(9t), Wis. Stats.

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## CONTROVERSIAL ISSUES IN THE CLASSROOM

The Board of Education believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

- A. is related to the instructional goals of the course of study and level of maturity of the students;
- B. does not tend to indoctrinate or persuade students to a particular point of view;
- C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal. Issues pertaining to human growth and development, as defined by statute, are subject to 118.019, Wis. Stats.

When controversial issues have not been specified in the curriculum, the Board will permit the instructional use of only those issues which have been approved by the principal.

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The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular classes for specified reasons. The student, however, will not be excused from participating in the course or activities mandated by the State and will be provided alternative learning activities during times of parent requested absences.

(See also Policy 3310 – Freedom of Speech in Noninstructional Settings)  
Garcetti v. Ceballos, 126 S. Ct. 1951 (2006)

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## SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

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

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

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

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

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

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

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Wisconsin law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

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

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## District Compliance Officer

The following person(s) is/are designated as the District Section 504 Compliance Officer(s)/ADA Coordinator(s) ("hereinafter referred to as the COs").

Director of Pupil Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

Director of Human Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

608-527-2410

608-527-2410

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks and on the School District's web site.

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

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

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, including the right to participation by the student's parents and representation of counsel, and their right to examine relevant education records.

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## Training

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

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

## Facilities

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

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

## Education

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

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

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

The Board will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

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## **Investigation and Complaint Procedure**

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

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

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

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

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

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

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

- A. interviews with the complainant;
- B. interviews with any persons named in the complaint;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

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

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

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

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

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

## **Additional School District Action**

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

## **Confidentiality**

The District will make reasonable efforts to protect the privacy of any individuals involved in the investigation process. Confidentiality cannot be guaranteed however. All complainants proceeding through the investigation process should be advised that as a result of the investigation, allegations against individuals may become known to those individuals, including the complainant's identity.

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

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

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## **Notice**

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

34 C.F.R. Part 104

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

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

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## ENGLISH LANGUAGE PROFICIENCY

The Board of Education recognizes that there may be students whose primary language is not English residing within the District. With that in mind, the Board shall provide appropriate identification and transition services for District students who possess limited command of the English language. The purpose of these services is to develop English language skills that will enable the students to function successfully in an all English classroom and complete the District's required curriculum.

These services shall include the identification of students who are English language learners (ELL), the implementation of curricular and instructional modifications, the assessment of the ELL student's academic progress, identification of ELL students that achieve English Language Proficiency (ELP), and continued monitoring of ELP students. The degree of modification, the duration and the type of services shall be determined individually and shall be based on the needs of each student.

If a sufficient number of the students identified with limited English proficiency are of the same language group to meet statutory requirements; the Board shall establish and implement a bilingual-bicultural education program as required by the law.

The parent(s) of ELL students shall be notified of student testing arrangements and of educational programs and services available to help their children improve their English language skills and academic achievement. The notifications shall be consistent with legal requirements and presented in such manner as to ensure that the student's parent(s) understands them.

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The District shall assess the English proficiency and academic progress of ELL students in accordance with legal requirements. Decisions regarding the administration of State-required tests to ELL students shall be made on a case-by-case basis. Testing accommodations may be made based on student needs, provided the validity of the test is maintained. The District shall administer State-required tests to an ELL student unless a determination has been made that the results of the test, with allowable accommodations made for the student as needed, will not be a valid and reliable indicator of the student's academic knowledge and skills. Any ELL student exempted from taking a State-required test shall be administered an alternative assessment approved by the Department of Public Instruction.

The results of both State-required tests and alternate assessments shall be consistent with District policies in making instructional, promotion, and graduation decisions. Test results may not be used as the sole criterion in re-classifying an ELL student from a bilingual-bicultural education program or in determining grade promotion, eligibility for courses or programs, eligibility for graduation or eligibility for postsecondary education opportunities.

ELL students will no longer be considered limited-English proficient when they have the language skills necessary to compete with mainstream English speakers. The District Administrator shall establish administrative guidelines that provide the:

- A. standards for reclassification/exit decisions;
- B. process for monitoring and maintaining documentation on the exiting student for two (2) years;
- C. access for students to re-enter a bilingual or ESL program if there is evidence that the reclassification decision was premature;
- D. opportunity for the parent(s) to participate in each entry, exit and re-entry decision;
- E. opportunity for the parent(s) to appeal the exit or re-entry decision.

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The District will include in its annual report to the public information required by statute regarding the performance of ELL students.

P.I. 13 Wis. Admin Code  
118.13, 118.30(2), 115 Wis. Stats.

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## NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

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

The Board does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes") in any of its student program and activities.

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

In order to achieve the aforesaid goal, the District Administrator 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 the contribution of both sexes various races, ethnic groups, etc. toward 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;

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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;

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, or guidance and counseling materials, which is/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.

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The District Administrator shall appoint and publicize 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, Title IX of the Education Amendment Act of 1972, 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 public education. In addition, s/he 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, parents and all other members of the School District community are encouraged to promptly report suspected violations of this policy to a teacher or administrator. Any teacher or administrator who receives such a complaint shall file it with the District's Compliance Officer at his/her first opportunity.

Students who believe they have been denied equal access to District educational opportunities, in a manner inconsistent with this policy may initiate a complaint and the investigation process that is set forth below. Initiating a complaint will not adversely affect the complaining individual's participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

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## District Compliance Officers

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

Director of Pupil Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

Director of Human Services  
1701 2<sup>nd</sup> Street  
New Glarus, WI 53574

608-527-2410

608-527-2410

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

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 informed of the status of the investigation and the decision making process.

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

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

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

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

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

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

- A. interviews with the complainant;
- B. interviews with any persons named in the complaint;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

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

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

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

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

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

## **Additional School District Action**

If the evidence suggests that any conduct at issue violates any other policies of the Board, is a crime, or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO or District Administrator shall take 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.

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## **Confidentiality**

The District will make reasonable efforts to protect the privacy of any individuals involved in the investigation process. Confidentiality cannot be guaranteed however. All complainants proceeding through the investigation process should be advised that as a result of the investigation, allegations against individuals may become known to those individuals, including the complainant's identity.

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

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

118.13 Wis. Stats.

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

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendments 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 U.S.C. Section 794, Rehabilitation Act of 1973, as amended

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

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

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

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

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## PARENT PARTICIPATION IN TITLE I PROGRAMS

In accordance with the requirements of Section 1118 of Title I, programs supported by Title I funds must be designed and implemented in consultation with parents of the students being served.

### **Development of Administrative Guidelines for Parent Participation**

The District Administrator shall ensure that the Title I plan under Section 6312 contains administrative guidelines which have been developed and approved by the District and parents of participating students and distributed to parents.

The District Administrator shall also ensure that the guidelines include a school-parent compact developed jointly by the District and parents, which outlines the responsibilities of the school staff, the parents and the student for academic improvement.

### **Informing Parents of Their Right to be Involved in Development and Administration of this Policy**

The District Administrator shall also assure that each Title I participating school develops a specific plan, with parental involvement, which:

- A. convenes an annual meeting, at a convenient time, to which parents of participating children are invited and encouraged to attend, to explain the school's involvement under Title I, the requirements to develop this policy, and the parents' right to be involved;
- B. involves parents in an organized, on-going and timely way in the development, review, and improvement of parent involvement activities;
- C. provides participating students' parents with:
  1. timely information about the Title I programs;

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2. an explanation of the curriculum, the forms of academic assessment, and the proficiency levels expected;
3. regular meetings, upon request by a parent, to make suggestions and receive response regarding their student's education.

## **Notice to Parents and Updating the Policy**

The District will notify all parents of this policy, the guidelines, and the school-parent compact in a language understandable to the parents, to the extent practicable. Additionally, this policy will be made available to the local community and will be updated periodically to meet the changing needs of parents and the school.

20 U.S.C. 6318  
34 C.F.R. Part 200 et seq.

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## TITLE I – TEACHER QUALIFICATIONS - PARENTS’ RIGHT TO KNOW

In accordance with the requirement of Section 1111 of Title I, for each school receiving Title I funds, the District Administrator shall make sure that all parents of students in that school are notified that they may request, and the District will provide the following information on the student's classroom teachers:

- A. Whether the teacher(s) have met the State qualification and licensing criteria for the grade level and subject areas they are teaching.
- B. Whether the teacher(s) is teaching under any emergency or provisional status in which the State requirements have been waived.
- C. The undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned.
- D. The qualifications of any paraprofessionals providing services to their child(ren).
- E. In addition, the parents **shall** be provided:
  - 1. information on the level of achievement of their child(ren) on the required State academic assessments;
  - 2. timely notice if the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not "highly qualified".

The notices and information shall be provided in an understandable format, and to the extent possible, in a language the parent(s) understand.

20 U.S.C. 6311, Elementary and Secondary Education Act of 1965  
34 C.F.R. Part 200 et seq.

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## TITLE I SERVICES

The Board of Education elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Amendments to the Elementary and Secondary School Improvement Act of 1965.

The District Administrator shall prepare and present to the Department of Public Instruction a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan.

A. **Assessment**

The District shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. Such assessment shall include performance measures mandated by the Department of Public Instruction as well as those determined by the District professional staff, that will assist in the diagnosis, teaching, and learning of the participating students.

B. **Participation**

The Title I program shall be developed and evaluated in consultation with parents and professional staff members involved in its implementation. Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Board Policy 2261.01 and shall meet the requirements of Section 1118 of the Act.

C. **Comparability of Services**

Title I funds will be used only to augment, not to replace, State and local funds. The District Administrator shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance.

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**D. Professional Development**

The District Administrator shall develop guidelines whereby members of the professional staff participate in the design and implementation of staff development activities that meet the requirements of Section 1119 of the Act.

**E. Simultaneous Services**

In accordance with law, a school offering Title I services may also serve other students with similar needs.

20 U.S.C. 2701 et seq., Elementary and Secondary Education Act of 1965  
34 C.F.R. Part 200, et seq.

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## DAY CARE PROGRAMS

The Board of Education recognizes the value of extended day care programs for school-age children and their parents. Therefore, the Board will cooperate with day care providers in making facilities available for before and after school day care opportunities in the District.

Day care providers shall be permitted to administer a before and after school day care program in a primary/elementary school within the District under the following conditions:

- A. There is reasonably available space within the primary/elementary school.
- B. The District is not responsible for providing transportation to or from the before and after school day care program.
- C. The day care providers have submitted a written request to the Board in accordance with state law which includes: the name of the primary/elementary school, the number and ages of the students to be served, and the time the provider intends to operate the program. In addition, the request must include assurances that the day care provider will be responsible for actual incremental costs, will be liable for any damages incurred, and will not provide religious instruction or permit religious practices to be conducted during the day care program.
- D. Day care providers will meet the standards for licensed day care centers established by the Department of Health and Family Services.
- E. Applications of day care providers must be received by the District Administrator's office by April 1st, every two years.
- F. A contract will be written on a biannual basis allowing the District to adjust for enrollment changes and room space availability.

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- G. Contracts will follow the terms and conditions of the Board's rental policy.
- H. The providers will hold the District harmless from any liability, claim, or damages caused by the acts or omissions of the provider and will acquire adequate liability insurance, as determined by the District, to be in effect throughout the term of the contract.
- I. Requests for consideration by day care providers will come to the Board through the District Administrator.
- J. Nothing in the contract will prohibit the District from permitting other day care providers to provide services to students in the same building during the same time.

Day care providers shall enter into a written agreement with the Board in accordance with state laws and regulations. The agreement can be terminated with thirty (30) days notice by either party.

120.13(14)(36), 121.54(2), Wis. Stats

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## RELIGION IN THE CURRICULUM

As a public entity, the District must comply with the U.S. Constitution's First Amendment requirement that the District neither establish religion in the schools nor prohibit students' free exercise of religion according to pertinent interpretation and application of those Constitutional provisions by the Courts. Accordingly, no Board of Education employee will promote religion in the classroom or in the District's curriculum, or compel or pressure any student to participate in devotional exercises. Displays of a religious character must conform with Policy 8800. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally. Teachers shall forward requests for religious accommodation in instruction to the Principal.

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

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

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

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

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

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

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

See Reference: Policy 8800

U.S. Constitutional Amendment 1

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## YOUTH OPTIONS PROGRAM

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

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

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

The District Administrator shall establish guidelines to ensure that the District's Youth Options Program comports with applicable State law and the administrative rules of the Department of Public Instruction. The District Administrator shall also ensure that students in grades 9-11 and their parents are provided with information regarding the Program by October 1st each year.

118.37, 118.55, Wis. Stats.  
P.I. 40

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## CLASS SIZE

The Board of Education believes that many factors must be given consideration in the establishment of class size. All efforts will be made to maintain classes at a sound educational level. However, this provision in no way should interfere with the ability of the Board and administration to experiment with different forms of classroom instruction.

Recommended class sizes, other than special education classes are:

	<b>Maximum Size</b>	<b>Optimum Size</b>	<b>Minimum Size</b>
K-2	22	20	14
3-6	25	23	14
7-12 Lab Classes	24	22	12
7-12 Non-Lab Classes	30	25	12
4K	17	15	10

The District Administrator must approve any class that falls three (3) students above the maximum, or below the minimum class size. The District Administrator must also approve any class with less than ten (10) (excluding four (4) year old kindergarten) students or more than twenty-eight (28) (K-6) and thirty-three (33) (7-12) students.

The following considerations will be used when granting approval for classes above or below the recommendations above:

- A. Consideration will be given to those courses which are sequential in nature, such as Spanish I, II, III, and IV.
- B. Whether assistant time would improve the instruction of the class.
- C. Characteristics of special classes or special needs of students, such as vocational courses, advanced mathematics, science courses, or small group music instruction.

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- D. Assessments of the community, local traditions, and current status of public opinion.
- E. Current and projected enrollment. (Class size might be low one year and projected to be higher the next year).
- F. The Board recognizes that these are guidelines and special circumstances or financial considerations may require class sizes even greater than the maximum or less than the minimum. Specific classes may be approved that are less than the minimum or greater than the maximum.

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## FIELD AND OTHER DISTRICT-SPONSORED TRIPS

The Board of Education recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should:

- A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;
- B. arouse new interests among students;
- C. help students relate school experiences to the reality of the world outside of school;
- D. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;
- E. afford students the opportunity to study real things and real processes in their actual environment.

For purposes of this policy, a field trip shall be defined as any planned journey by one or more students away from District premises, which is under the supervision of a professional staff member and an integral part of a course of study.

Other District-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the District's total educational program.

The Board shall approve all overnight and out-of-state field trips.

Students may be charged fees for District-sponsored trips.

Students on all District-sponsored trips remain under the supervision of this Board and are subject to the District's handbook guidelines.

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The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board or District Administrator. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the District Administrator. Permission to solicit neither grants nor implies approval of the trip.

The District Administrator shall ensure the implementation of guidelines which address:

- A. the safety and well-being of students;
- B. parental permission is sought and obtained before any student leaves the District on a trip;
- C. each trip is properly planned and monitored;
- D. student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;
- E. a copy of each student's Emergency Medical Authorization Form is available to the staff member in charge.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

The distance traveled outside the State and the use of nondistrict vehicles shall be consistent with Chapter 121 Wis. Stats.

121.54(7), Wis. Stats.

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## EDUCATIONAL OPTIONS

The Board of Education recognizes the need to provide alternative means by which students achieve the goals of the District.

Such options shall be consistent with Chapter 118 and may include, but not be limited to, tutorial programs, independent study, correspondence courses, work-study or school work training programs, high school equivalency programs, technical college programs, summer school, early college entrance, etc.

Credit may be granted to the student upon complete evaluation of the program.

The credit shall be placed on the student's transcript. The amount of credit counting toward graduation shall comply with the graduation requirements of the State and the District.

A list of all educational options available to students who reside in the District shall be provided to all parents on an annual basis. Such notice shall be published as a Class 1 Notice, pursuant to State law requirements, and the Board shall post on its website a description of all educational options available to students no later than January 31st each year.

115.385(4), 118.15, 118.55, 118.57 Wis. Stats.

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## SCHOOL COUNSELING

The Board of Education requires that a planned program of school counseling be an integral part of the educational program of the District. Such a program should be developmentally appropriate and:

- A. assist students in achieving their optimum growth;
- B. enable students to draw the greatest benefit from the offerings of the instructional program of the schools;
- C. assist students in career awareness and planning and in the selection of appropriate postsecondary educational opportunities;
- D. help integrate all the student's experience so that s/he can better relate school activity to life outside the school;
- E. help students learn to make their own decisions and solve problems independently;
- F. enable counselors to effectively communicate with students who have limited English proficiency and/or are sensory impaired;

The District Administrator is directed to implement the counseling and guidance program which carries out these purposes and:

- A. involves appropriate staff members at every level;
- B. honors the individuality of each student;
- C. is integrated with the total educational program;
- D. is coordinated with available resources of the community;

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- E. cooperates with parents and recognizes their concern and ideas for the development of their children;
- F. provides means for such sharing of information among such appropriate staff members as may be in the best interests of the student;
- G. establishes a referral system which utilizes all the aid the schools and community offer, guards the privacy of the student, and monitors the effectiveness of such referrals.

The Board shall provide the following services, through the counselors' office, for students who have limited English proficiency:

- A. an effective instructional program and supportive services appropriate to meet the needs of the student;
- B. the opportunity to access supportive services, such as language development and speech therapy as appropriate to the individual needs of the student; and
- C. programs and services that reflect the cultural background of students who have limited English proficiency. This may include instruction intended to improve the skills of such students in the use of their native language to assist the student in becoming proficient or advanced in all subject areas.

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School counseling personnel are directed to provide information and direction to students with limited English proficiency regarding access to ELL programs and offerings within the District. Such personnel are also directed to provide information and direction to students with sensory impairments regarding available resources and access to those resources.

121.02 (1)(e) Wis. Stats.  
P.I. 8.01(2)(e), Wis. Adm. Code  
34 C.F.R. 100.3(b)(I)  
34 C.F.R. 100.3(b)(iv)  
34 C.F.R. 100.3(b)(v)  
34 C.F.R. 106.36  
34 C.F.R. 104.37(b)  
28 C.F.R. 35.130, Guidelines V-D  
Vocational Educational Guidelines, Appendix B, Title 6

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## HOMEBOUND INSTRUCTION PROGRAM

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

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

- A. certify the nature of the medical disability;
- B. state the probable duration of the confinement;
- C. request such instruction;
- D. present evidence of the student's ability to participate in an educational program.

Applications must be approved by the Director of Pupil Services.

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

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

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

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

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## HEALTH EDUCATION

The Board of Education, in compliance with State law, has adopted a comprehensive program of health education which will prepare students to maintain good health and enable them to adapt to changing health problems of our society.

The Board recognizes that this program, like others the District offers, may contain content and/or activities that some parents find objectionable. The District shall notify the parents, in advance of the instruction and about the content of the instruction and give the parents an opportunity to review the materials to be used.

In implementing the program, the District Administrator may use whatever District and outside resources, including Wisconsin Department of Public Instruction guidelines and consultants, s/he deems appropriate.

115.35, Wis. Stats.

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## HUMAN GROWTH AND DEVELOPMENT

The Board of Education directs that students receive instruction in human growth and development, consistent with Chapter 118.019(2) Wis. Stats, to include the following:

- A. Medically accurate and age-appropriate instruction in the following topics:
  - 1. the importance of communication about sexuality between the student and the student's parents or guardians
  - 2. reproductive and sexual anatomy and physiology, including biological, psychosocial, emotional, and intellectual changes that accompany maturation
  - 3. the benefits of and reasons for abstaining from sexual activity  
  
Instruction under this subdivision shall stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections and shall identify the skills necessary to remain abstinent
  - 4. methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress
  - 5. how alcohol and drug use affect responsible decision making
  - 6. the impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality
  - 7. adoption resources, prenatal care, and postnatal supports
  - 8. the nature and treatment of sexually transmitted infections

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- B. use instructional methods and materials that do not discriminate against a student based upon the student's race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active students or children with disabilities
- C. address self-esteem, personal responsibility, healthy relationships, and positive interpersonal skills, with an emphasis on healthy relationships
- D. identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships

The District Administrator will ensure that any instruction provided under this policy also includes instruction in the same year, when age-appropriate, that fulfills the requirements of Chapter 118.019(2r) Wis. Stats. as listed below:

- A. presents abstinence from sexual activity as the preferred choice of behavior for unmarried students;
- B. emphasizes that abstinence from sexual activity before marriage is the only reliable way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome;
- C. provides instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children;
- D. explains pregnancy, prenatal development, and childbirth;
- E. explains the criminal penalties for engaging in sexual activities involving a child under Ch. 948;
- F. explains the sex offender registration requirements under Section 301.45;

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Instruction under this paragraph shall include who is required to report under S. 301.45, what information must be reported, who has access to the information reported, and the implications of being registered under Section 301.45.

- G. provides medically accurate information about the human papilloma virus and the human immunodeficiency virus and acquired immunodeficiency syndrome.

The Board authorizes authorize the curriculum to include separating students on the basis of gender as determined by the Committee.

A citizens' advisory committee shall be established, in accordance with Board Policy 9140 and 118.019(5), Wis. Stats., in order to ensure the effective participation of staff, parents , health-care professionals, members of clergy, and other residents of the District in the design and implementation of this program area.

The District shall provide parents annually with an outline of the human growth and development program used in their child's grade level as well as information regarding how the parent may inspect the complete program and instructional materials. Prior to use in the classroom, the program shall be made available to parents for inspection.

The District shall notify the parents, in advance of the instruction and give them an opportunity, prior to instruction, to review the complete program and instructional materials and of their right to have their child excused from the instruction. The notice shall state that, in the event a student is excused, that student will still receive instruction under Wis. Stat. 118.01(2)(d)2c unless exempted and under Wis. Stat. 118.01(2)(d)8.

115.35, 118.019, Wis. Stats.  
P.I. 8.01(2)(j), Wis. Adm. Code

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# policy

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## PARENTAL/POLICE ACCESS TO LIBRARY INFORMATION

The Board of Education respects the privacy rights of parents and their children. The Board is also committed to ensuring that parents are fully informed about the instructional material, resources and services students choose to use at the District's libraries.

Parents or guardians of a student under the age of sixteen (16) have the right to review, upon request (Form 2416.01 F1), library records relating to the use of the library's documents or other materials, resources or services by the student.

Upon request from a law enforcement officer investigating criminal conduct alleged to have occurred at a school library, the library shall disclose to the officer records produced by a surveillance device under the control of the library, that are pertinent to the alleged criminal conduct.

Sec. 43.30 (1m), Wis. Stats.  
43.30(5), Wis. Stats.

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# policy

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## STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

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

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

The District Administrator shall ensure that procedures are established whereby parents may inspect any materials created by a third party used in conjunction with any such survey, analysis, or evaluation before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

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Consistent with parental rights, the Board directs building and program administrators to:

- A. notify parents in writing of any surveys, analyses, or evaluations, which may reveal any of the information, as identified in A-H above, in a timely manner, and which allows interested parties to request an opportunity to inspect the survey, analysis, or evaluation; and the administrator to arrange for inspection prior to initiating the activity with students;
- B. allow the parents the option of excluding their student from the activity;
- C. report collected data in a summarized fashion which does not permit one to make a connection between the data and individual students or small groups of students;
- D. treat information as identified in A-H above as any other confidential information in accordance with Policy 8350.

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

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

The District Administrator is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the District Administrator is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

20 U.S.C. 1232g, 20 U.S.C. 1232h

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## CAREER AND TECHNICAL EDUCATION PROGRAM

The mission of career and technical education at the New Glarus School District is to provide an opportunity for students to develop skills and knowledge needed for success in employment, to build foundations for further education and to acquire lifetime skills. Curriculum and learning experiences must be provided to assure every student the opportunity to explore potential careers and, when appropriate, acquire the occupational skills necessary for the transition from school to the world of work.

The Board directs that any efforts to recruit students to participate in a particular career and technical education program must include literature and comparable recruitment efforts for students with disabilities in a format and context in which they can communicate.

The career and technical education program may also include:

- A. a shared-time program outside of school;
- B. a work-study program involving the employment of qualified students.

The programs are available to students without regard to race; color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes"). The District Administrator is to ensure that application forms for work-study programs contain a notice of nondiscrimination and that each employer associated with a work-study program has provided assurance of nondiscrimination based on the Protected Classes prior to the time the students are selected and/or assigned.

118.01(2)(b), 118.15(1)(b), Wis. Stats.  
P.I. 8.01(2)(k)(2b), 8.01(2)(l), Wis. Adm. Code

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## SPECIAL PROGRAMS BY COMMUNITY VOLUNTEERS

The Board of Education believes in providing opportunities for students to enhance their education through a variety of appropriate co-curricular and extra-curricular activities. The Board recognizes that the community itself can be an excellent resource for such activities and welcomes the participation of community members who have special knowledge and skills that can add to the District's program.

In order to ensure that activities recommended by or involving community volunteers in an instructional role are in keeping with District philosophy and will help students better accomplish the learning goals of the District's program, the Board establishes the following guidelines for the approval of any activity involving community volunteers:

- A. Any suggested activity must be presented to the Building Principal, in writing, at least five (5) business days prior to the planned starting date.
- B. Each request must include:
  1. the purpose of the activity;
  2. the students for whom the activity is planned;
  3. the intended learning outcomes;
  4. an explanation of how the intended learning outcomes contribute to the accomplishment of District goals;
  5. the names and qualifications of those community volunteers who will be participating in any aspect of the activity;
  6. the number of hours and total duration of the activity;
  7. an itemization of the District resources (staff, facilities, equipment, etc.) that will be needed and their estimated cost.

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The Board delegates to the Principal the responsibility for approving each requested activity based on its educational merits and relationship to the total District program.

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## DISTRICT-SPONSORED CLUBS AND ACTIVITIES

The Board of Education believes that the goals and objectives of this District are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are directly related to the curriculum.

The purpose of curricular-related activities shall be to enable students to explore a wider range of individual interests than may be available in the District's courses of study.

For purposes of this policy, curricular-related activities are defined as those activities in which:

- A. the subject matter is actually taught or will be taught in a regularly offered course;
- B. the subject matter concerns the District's composite courses of study;
- C. participation is required for a particular course;
- D. participation results in academic credit.

No curricular-related activity shall be considered to be under the sponsorship of this Board unless it meets one or more of the criteria stated above and has been approved by the District Administrator.

Such activities, along with extra-curricular activities (not directly related to courses of study), may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board and directed by a staff advisor.

The Board shall allow non-district-sponsored, student clubs and activities during non-instructional time, in accordance with the provisions in Policy 5730 - Equal Access For Non-district-Sponsored, Student Clubs and Activities.

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Non-curricular, student activities that are initiated by parents or other members of the community may be allowed under the provisions of Policy 7510 - Use of District Facilities. The Board, however will not:

- A. assume any responsibility for the planning, conducting, or evaluating of such activities;
- B. provide any funds or other resources;
- C. allow any member of the District's staff to assist in the planning, conducting, or evaluating of such an activity during the hours s/he is functioning as a member of the staff.

No non-district-sponsored organization may use the name of the School District or any other name which would associate an activity with the District.

Students shall be fully informed of the curricular-related activities available to them and of the eligibility standards established for participation in these activities. District-sponsored activities shall be available to all students who elect to participate and who meet eligibility standards.

Whenever a student becomes a member of a District-established student group or national organization such as the National Honor Society, in order to remain a member, s/he must continue to meet all of the eligibility criteria and abide by the principles and practices established by the group or the organization.

120.12(23), Wis. Stats.  
P.L. 98-377

# policy

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## INTERSCHOLASTIC ATHLETICS

The Board of Education recognizes the value to the District and to the community of a program of interscholastic athletics for as many students as feasible.

The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the School District alone.

The program should foster the growth of school loyalty with the student body as a whole and stimulate community interest in athletics.

Game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

The Board believes that it is the purpose of an interscholastic program to provide the benefits of an athletic experience to as large a number of students as feasible within the District.

Participation in interscholastic athletics is limited to students in grades 9-12. Students in grades 7 and 8 may also be permitted to participate in a limited program which involves competition with other schools within their own grade levels. In sports where the district co-ops with another district, students in earlier grades can participate if allowed by the host district

The District Administrator shall develop appropriate administrative guidelines for the operation of the Athletic Program and a Code of Conduct for those who participate.

Prior to enrolling in the sport, each participant shall submit to a physical examination as per W.I.A.A. guidelines.

120.12(23), Wis. Stats.  
P.I. 9.03(1)(h), Wis. Adm. Code

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## LEAST RESTRICTIVE ENVIRONMENT POSITION STATEMENT

The Board of Education and Administration embrace the requirements of State and Federal law that children with disabilities be educated, to the maximum extent appropriate, with children who are nondisabled. The Board further embraces the State and Federal requirement that a continuum of alternative placements be available to meet the needs of children with disabilities eligible for special education services under the Individuals with Disabilities Education Act (IDEA).

# policy

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## EXCEPTIONAL EDUCATION NEEDS

The Board of Education shall provide a free, appropriate public education to all eligible disabled persons ages three (3) through twenty-one (21) which complies with Federal and State laws and guidelines.

66.30, 115.78 et seq., Wis. Stats.  
P.I. 11, Wis. Adm. Code  
IDEA, 20 U.S.C. 1400 et seq.

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## RECORDING OF IEP TEAM MEETINGS

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

- A. Parents wishing to audio record an IEP Team meeting must utilize their own recording device and tapes and provide notice to the District prior to the date of the scheduled IEP Team meeting.
- B. Parents must obtain the consent of any staff member or other participant in the IEP meeting prior to the meeting in order to tape record the meeting. If any member of the IEP team does not consent to an audio recording of the meeting, the parent will not be permitted to record the meeting.
- C. If parent(s) elects to audio record an IEP Team meeting, the District will also record the meeting.

Video recording an IEP Team meeting is prohibited, unless only video recording the IEP meeting will effectively remove a parent(s) barrier to access to the IEP process caused by a disability. A health care provider's verification of this necessity will be required.

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

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## PROGRAMS FOR GIFTED AND TALENTED STUDENTS

In accordance with the philosophy of the Board of Education to develop the special abilities of each student, the Board requires that appropriate instructional programs be conducted to meet the needs of gifted and talented students.

Gifted and talented students are those who give evidence, through valid assessment, of high performance capability in intellectual, creative, artistic, leadership, and/or other academic areas and who need services or activities not ordinarily provided in the regular District program in order to develop such capabilities.

118.35, Wis. Stats.

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## ADOPTION OF TEXTBOOKS

The Board of Education shall approve all textbooks used as part of the educational program of this District. "Textbook", for purposes of this policy, shall mean the principal source of instructional material for any given course of study, in whatever form the material may be presented, that is available or distributed to every student enrolled in the course.

The criteria established for the method of selection and later Board adoption of textbooks shall not discriminate on the basis of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws. Further, the District Administrator shall review all textbooks to assure they reflect the cultural diversity and pluralistic nature of American Society in compliance with Standard H.

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The District Administrator shall be responsible for the selection and recommendation of textbooks for Board consideration.

The District Administrator shall develop a process for selection of textbooks.

118.03, Wis. Stats.

118.13 Wis. Stats.

121.02(1)(h) Wis. Stats.

P.I. 9, 41

Fourteenth Amendment, U.S. Constitution

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

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

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

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

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

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

Department of Public Instruction, Content & Learning Team

[www.dpi.wi.gov/cal/index.html](http://www.dpi.wi.gov/cal/index.html)

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## SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT

The Board of Education shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school.

The Board does not discriminate on the basis of any characteristic protected under State or Federal law including, but not limited to race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes") in its selection of instructional materials and equipment.

The District Administrator shall develop a process for the selection and maintenance of all educational and instructional materials and equipment.

Students shall be held responsible for the cost of replacing any materials or properties which are lost or damaged through their negligence.

118.13, 120.13(5) Wis. Stats.

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

Fourteenth Amendment, U.S. Constitution

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

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

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

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

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

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

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## COPYRIGHT LAW/PRINTING AND DUPLICATING SERVICES

The Board of Education directs its staff and students to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school districts and the staff and students must, therefore, avoid acts of copyright infringement under penalty of law.

The Board will make available the equipment necessary for staff to carry out their assignments. This equipment will include machines for the reproduction of materials in either single or multiple copies.

The Board recognizes, however, that the Federal copyright law makes it illegal to duplicate copyrighted materials without permission, except for certain exempt purposes. The Board further realizes that severe penalties are provided for unauthorized copying of audio, visual, or printed materials unless the copying falls within the bounds of the “fair use” doctrine. The Board, therefore, informs all personnel that unauthorized reproduction and/or use of copyrighted materials is illegal and unethical, and that violations of the copyright laws may result in criminal or civil suits and/or suspension or dismissal from employment in the system.

To protect staff members and the District against legal redress for alleged violations of the copyright laws, the person making the reproduction must be certain that the action is within the law. When an individual is not certain, he/she should contact the Library Media Specialist in their building in order to ascertain whether copying falls under “permitted use”. If it does not, the staff member may request permission to reproduce materials from copyright holders.

Requests to reproduce copyrighted materials on District equipment will not be honored unless the reproduction is legally permissible.

Legal Ref.: PL 94-553, Federal Copyright Law

# policy

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## PROGRAM ACCOUNTABILITY AND EVALUATION

The Board of Education believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the District, the Board has the responsibility for assessing how well goals are being accomplished.

The Board shall fulfill this responsibility by establishing a means for the continued evaluation of District goals on an annual basis.

The District Administrator shall recommend improvements in the educational program annually, based on the evaluation of the District's program. Such improvements shall reflect the plans for improvement of the educational program.

A copy of accountability reports and ranking levels for each school within the District boundaries shall be provided to all parents within the District on an annual basis.

Wis. Stats 115.385(2), 115.385(4)

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## STUDENT ASSESSMENT

The Board of Education shall assess student achievement and needs in all areas of the curriculum in order to determine the progress of students and to assist them in attaining District goals.

Each student's proficiencies and needs will be assessed by staff members upon his/her entrance into the District and annually thereafter. Procedures for such assessments will include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs.

The District Administrator shall develop and present to the Board annually a program of testing and assessment.

The Board requires that:

- A. tests be administered by persons who are qualified under State law and regulation;
- B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children.

All students shall participate in State-wide or District-wide assessments, and any student with a disability shall be provided appropriate accommodation and/or alternate assessments where necessary as indicated in the student's I.E.P. or Section 504 plan.

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## Parental Opt Out of Assessments (students)

The Board shall excuse any student from the State examination administered in 4th grade, 8th grade, 9th grade, 10th grade, or 11th grade whether the test administered is the one developed by the Department of Public Instruction or the District's own test developed and approved by the DPI and the U.S. Department of Education. To opt out of these examinations, the student's parent must submit a statement in writing to the building principal stating that the parent is opting out of the examination(s).

118.30, Wis. Stats.  
P.I. 8.01(2r/s), Wis. Adm. Code

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## SCHOOL PERFORMANCE REPORT

The Board of Education believes that a vital component of the District's educational programs is ensuring that parents and other individuals are informed of the performance of the schools and the School District. To this end, the Board has adopted this policy.

### State School Performance Report

The Board will publish an annual school and school district performance report including all information prescribed by statute.

The annual school and school district report shall be made available on the District's internet website for public viewing.

The report shall generally include the following information, as required or modified by the State Superintendent:

- A. indicators of academic achievement, including the performance of students on Statewide assessment examinations by subject area
- B. dropout, attendance, retention in grade and graduation rates
- C. percentage of habitual truants, percentage of students participating in extracurricular and community activities and advanced placement courses
- D. percentage of graduates in postsecondary educational programs and percentage of graduates entering the workforce
- E. number of suspensions and expulsions, the reasons for, and duration of, the suspensions and expulsions and the length of time students are expelled
- F. staffing and financial data information

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- G. number and percentage of resident students attending a course in a nonresident district and the number and percentage of nonresident students attending a course in the district, and
- H. method of reading instruction used in the District

## Title I Provisions of the School Performance Report

In any year that the District receives Title I funding, its school performance report must also include the following information:

- A. the number and percentage of schools identified for school improvement and how long they have been in that category
- B. a comparison of the achievement by the Districts' students on the Statewide academic assessment to the achievement of students in the State as a whole
- C. for each school, whether it has been identified for school improvement, and a comparison of the school's student achievement on the Statewide achievement assessments and other adequate yearly progress indicators to those students in the District and the State as a whole
- D. aggregated achievement information on State assessments in math, reading or language arts, and science
- E. achievement information for math, reading or language arts, and science disaggregated by race, ethnicity, disability, gender, migrant status, English proficiency, and status as economically disadvantaged, except in cases where numbers are too small to be statistically robust or where the results would reveal personally identifiable information about an individual student
- F. the percentage of students not tested, disaggregated with the same conditions as in paragraph E above

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- G. information that can be used to compare actual achievement levels with State objectives for each group
- H. the most recent two (2) year trend data in achievement by subject area and grade level in areas where assessments are required
- I. aggregate information on State indicators used to determine adequate yearly progress in achieving State academic achievement indicators
- J. graduation rates for high school students
- K. information about the performance of the district making adequate yearly progress, including the number and names of schools identified for school improvement under “Consequences for Low-Performing Schools”, and
- L. the professional qualifications of teachers and the percentage of such teachers teaching with permits or emergency licensure, both in the aggregate and disaggregated by high-poverty compared to low-poverty schools.

This information must be disseminated annually, not later than the beginning of the school year, to all buildings and all parents, and made widely available through public means such as posting on the Internet and distribution to local media and public agencies. Distribution to parents should be in an understandable format and in a language the parents can understand. This report to parents may be included with the student report cards at the end of the year, if all students receive report cards.

115.38, Wis. Stats.  
20 U.S.C. 6311

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