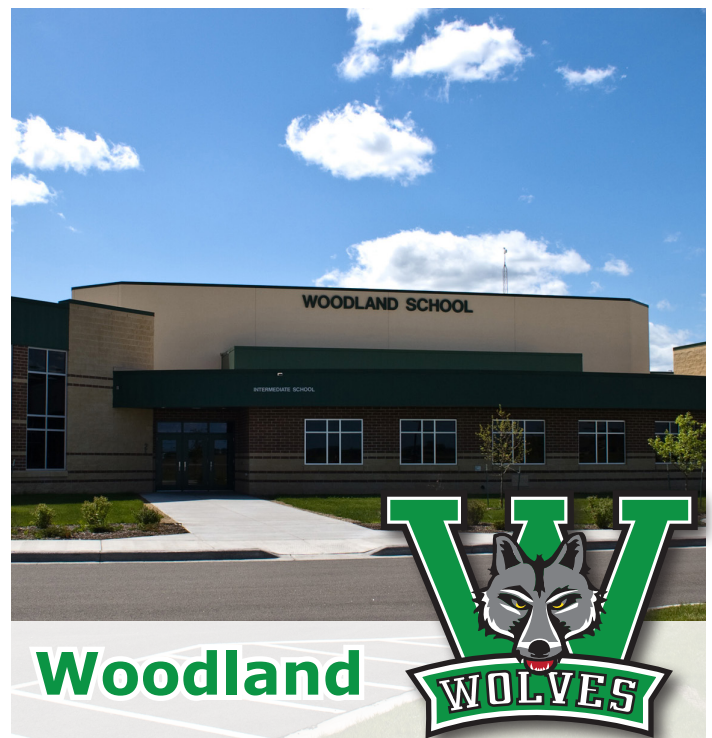


Kimberly Area School District  
**ELEMENTARY SCHOOL**  
Parent Handbook 2016-17



## **KIMBERLY AREA SCHOOL DISTRICT ELEMENTARY SCHOOL HANDBOOK**

Janssen Elementary School  
420 Wallace St.  
Combined Locks, WI 54113  
(920) 788-7915  
Fax# (920) 788-7923  
Principal – Dr. Hercules  
Nikolaou

Westside Elementary School  
746 W. Third St.  
Kimberly, WI 54136  
(920) 739-3578  
Fax # (920) 739-6212  
Principal – Jonathan Peterson

Sunrise Elementary School  
N9363 Exploration Dr.  
Appleton, WI 54915  
(920) 954-1822  
Fax # (920) 954-5945  
Principal – Sean Fitzgerald

Woodland Elementary School  
N9085 N. Coop Rd.  
Appleton, WI 54915  
(920) 730-0924  
Fax # (920) 423-4177  
Principal – Dr. Tim Doleysh

*Dear Elementary School Families:*

*Welcome to the 2016-2017 school year! We look forward to another great year focusing on the total growth of your child. In order to achieve this, your involvement is crucial.*

*The purpose of this handbook is to provide basic information about our schools. It will enable all parents/guardians to have a concise and readily available reference form, with answers to those questions that most often come up each school year.*

*Please feel free to call us with any additional questions you might have, to share concerns or make suggestions to our staff for the improvement of our educational programs.*

*The Elementary Staff*

## **ABSENCES**

It is necessary for you to call the elementary school office before 8:30 a.m. each time your child is absent. If we do not hear from you, we will call you. If you cannot be reached, your child will be recorded as absent, and the following procedure will take place. For all students that have not been accounted for through parent notes or phone calls, our office will attempt to locate them by making telephone calls to the following locations in order:

- A. Home
- B. Each parent's work
- C. Cell phone or pager number
- D. Emergency contacts
- E. Lamers Bus Lines, or Childcare (if applicable)

After making these telephone calls, if the child is still unaccounted for, we will check with older siblings at other schools, if applicable. If the child is still not located, police will be notified of the situation. We believe that regular attendance in school is very important to a student's success.

The principal will notify the parent/guardian of a child who has been truant and direct the parent/guardian to return the child to school no later than the next day in which school is in session or to provide an appropriate excuse. The definition for truancy is "a child who is absent from school part or all of one or more days from school during which the school attendance officer, principal, or teacher has not been notified to the legal cause of such absence by the parent or guardian." The student will be truant if absent from school without an acceptable excuse for part or all of five or more days out of ten consecutive days in which school is held during a school semester.

## **ATTENDANCE**

State law requires the Board of Education to enforce the regular attendance of students. Further, the Board recognizes that the District's educational program is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose.

All children between six (6) and eighteen (18) years of age shall attend school regularly during the full period and hours, religious holidays excepted, that the school in which the child is enrolled is in session until the end of the term,

quarter, or semester of the school year in which the child becomes eighteen (18) years of age, unless they fall under an exception under State law, this policy, or administrative guideline issued under this policy. A child who is enrolled in five (5) year-old kindergarten shall attend school regularly, religious holidays accepted, during the full period and hours that kindergarten is in session until the end of the school term.

### **Written Excuse Required**

The District Administrator shall require, from the parent or guardian of each student or from an adult student, who has been absent for any reason a dated communication stating the reason for the absence and the time period covered by the absence. The Board reserves the right to verify such statements and to investigate the cause of each:

- single absence; or tardy

### **School Attendance Officer**

The District Administrator shall designate an administrator at each school to be the School Attendance Officer. The School Attendance Officer shall perform any duties and responsibilities s/he is required to perform by State law, this policy, and any administrative guidelines issued by the school. The duties of the School Attendance Officer shall include, but not be limited to, the following.

- A. Determining daily from attendance reports submitted by teachers which students enrolled in the school are absent from school and whether the absence is excused.
- B. Submitting to the District Administrator, on or before August 1st of each year, a report of the number of students enrolled in the school who were absent in the previous year and whether the absences were excused. The District Administrator shall then submit this information to the State Superintendent.
- C. Providing student attendance information to individuals and agencies for purposes authorized by State law and the Board's Policy 8330 - Student Records.

### **Excused Absences**

As required under State law, a student shall be excused from school for the following reasons:

- A. Physical or Mental Condition

The student is temporarily not in proper physical or mental condition to attend a school program.

- B. Obtaining Religious Instruction

To enable the student to obtain religious instruction outside the school during the required school period (see Policy 5223 - Absences for Religious Instruction).

**C. Permission of Parent or Guardian**

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

- professional and other necessary appointments (e.g., medical, dental, and legal) that cannot be scheduled outside of the school day
- to attend the funeral of a relative
- legal proceedings that require the student's presence
- college visits
- job fairs
- vacations

**D. Religious Holiday**

For observance of a religious holiday consistent with the student's creed or belief.

**E. Suspension or Expulsion**

The student has been suspended or expelled.

**F. Program or Curriculum Modification**

The Board has excused the student from regular school attendance to participate in a program or curriculum modification leading to high school graduation or a high school equivalency diploma as provided by State law.

**G. High School Equivalency – Secured Facilities**

The Board has excused a student from regular school attendance to participate in a program leading to a high school equivalency diploma in a secured correctional facility, a secured child caring institution, a secure detention facility, or a juvenile portion of a county jail, and the student and his/her parent or guardian agree that the student will continue to participate in such a program.

**H. Child at Risk**

The student is a "child at risk" as defined under State law and is participating in a program at a technical college on either a part-time or full-time basis leading to high school graduation, as provided under State law.

A student may be excused from school, as determined by the School Attendance Officer, or his/her designee, for the following reasons:

- Quarantine  
Quarantine of the student's home by a public health officer.
- Illness of an Immediate Family Member  
The illness of an immediate family member.
- Emergency  
An emergency that requires the student to be absent because of familial responsibilities or other appropriate reasons.

### **Unexcused Absences**

Unexcused absences demonstrate a deliberate disregard for the educational program and are considered a serious matter. The District Administrator shall develop administrative guidelines to address unexcused absences.

The Board authorizes, but does not encourage the District Administrator, to suspend a student from a particular class or from school if sincere efforts by the staff and parents cannot rectify the pattern of absence. In keeping with its philosophy, the Board supports efforts to provide for out-of-school alternative educational opportunities for truant students rather than to heighten the effects of absence through suspension.

### **Truancy Plan**

The Board will follow the recommendations of the County Truancy Committee convened under State law, the Board's policies and procedures, and applicable provisions of State law.

### **The Truancy Plan should include, at a minimum, the following:**

- A. procedures to be followed for notifying the parents or guardians of the unexcused absences of a student who is truant or a habitual truant and for meeting and conferring with such parents or guardians
- B. plans and procedures for identifying truant children of all ages and returning them to school, including the identity of school personnel to whom a truant child shall be returned
- C. methods to increase and maintain public awareness of and involvement in responding to truancy within the school district
- D. a provision addressing the immediate response to be made by school personnel when a truant child is returned to school

- E. the types of truancy cases to be referred to the District Attorney and the time periods within which the District Attorney will respond to and take action on the referrals
- F. plans and procedures to coordinate the responses to the problems of habitual truants, as defined under Sec. 118.16(1)(a), Wis. Stats., with public and private social services agencies
- G. methods to involve the truant child's parent or guardian in dealing with and solving the child's truancy problem

A student will be considered truant if s/he is absent part or all of one (1) or more days from school during which the School Attendance Officer, principal, or a teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent student. A student who is absent intermittently for the purpose of defeating the intent of the Wisconsin Compulsory Attendance Statute Sec. 118.15, Wis. Stats., will also be considered truant.

A student will be considered a habitual truant if s/he is absent from school without an acceptable excuse for part or all of five (5) or more days on which school is held during a school semester.

#### Notice of Truancy

The School Attendance Officer shall notify a truant student's parent or guardian of the student's truancy and direct the parent or guardian to return the student to school no later than the next day on which school is in session or to provide an excuse for the absence. The notice under this paragraph shall be given before the end of the second school day after receiving a report of an unexcused absence. Notice shall be made by personal contact or telephone call, if possible, and a written record of this notice shall be kept. If such notice is not effective, notice shall be made by mail. This notice must be given every time a student is truant until the student becomes a habitual truant.

#### Notice of Habitual Truancy

When a student initially becomes a habitual truant, the School Attendance Officer shall provide a notice to the student's parent or guardian, by registered or certified mail, which contains the following:

- A. a statement of the parent's or guardian's responsibility under State law to cause the student to attend school regularly
- B. a statement that the parent, guardian, or student may request program or curriculum modifications for the student under State

law and that the student may be eligible for enrollment in a program for children at risk

- C. a request that the parent or guardian meet with the appropriate school personnel to discuss the student's truancy

The notice shall include the name of the school personnel with whom the parent or guardian should meet, a date, time, and place for the meeting and the name, address, and telephone number of a person to contact to arrange a different date, time, or place. The date for the meeting shall be within five (5) school days after the date that the notice is sent, except that with the consent of the student's parent or guardian the date for the meeting may be extended for an additional five (5) school days.

- D. a statement of the penalties, under State law or local ordinances that may be imposed on the parent or guardian if s/he fails to cause the child to attend school regularly as required by State law

The School Attendance Officer will also continue to notify the parent or guardian of a habitual truant's subsequent unexcused absences.

#### Referral to the District Attorney

Truancy cases will be referred to the District Attorney as provided in the County Truancy Committee Plan. The School Attendance Officer will ensure that appropriate school personnel have done the following before any case is referred to the District Attorney:

- A. conferred with the student's parent or guardian to discuss the student's truancy or attempted to meet with the student's parent or guardian and received no response or were refused
- B. provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the student's truancy and have curriculum modifications under State law
- C. evaluated the student to determine whether learning problems may be a cause of the student's truancy and, if so, have taken steps to overcome the learning problems, except that the student need not be evaluated if tests administered to the student within the previous year indicate that the student is performing at his/her grade level
- D. conducted an evaluation to determine whether social problems may be a cause of the student's truancy and, if so, have taken appropriate action or made appropriate referrals



Note that paragraph A. is not required if the meeting between school personnel, the student, and the student's parent or guardian, which was requested in the Notice of Habitual Truancy to the parent or guardian, did not occur within ten (10) school days after the Notice was sent. Paragraphs B., C., and D. are not required if appropriate school personnel were unable to carry out the activity due to the student's absences from school.

#### Excused Absences

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

#### Unexcused Absences

Credit in a course or subject shall not be denied solely because of a student's unexcused absences from school.

Students with unexcused absences shall be permitted to make-up course work and any quarterly, semester, or grading period examinations missed during the absence if the student is at risk of receiving no credit in a course or subject if the work is not made up.

Subject to the immediately preceding two (2) paragraphs, credit may, but is not required to be given for the completion of make-up work. Further, credit for make-up work may be given only after the student has satisfied consequences imposed for unexcused absences. The extent to which make-up credit is given shall be determined on a case-by-case basis by the principal and the respective teachers.

If make-up work has been assigned, it is the student's responsibility to contact his/her teachers to determine what course work and examinations must be made-up. Teachers shall have the discretion to assign substitute course work and examinations. Teachers shall also have the discretion to specify where and

when examinations and course work shall be completed, including outside regular school hours. The time for completing the work shall be commensurate with the length of the absence, unless extended by the principal based upon extenuating circumstances.

115, 118.15, 118.125(2), 118.153, 118.16, 118.162, Wis. Stats.

## **BOOK/MILK/HEADPHONE FEES**

5 Year-Old Kindergarten book fees are \$20.00 plus \$40.00 for milk. Fees for Grades 1 through 4 are \$30.00 per year. All students new to the Kimberly Area School District will be charged a \$5.00 Headphone fee. **All fees are to be paid by the end of the first quarter of school.** Your check should be made payable to the "Kimberly Area School District." Payment can be made at the school office or sent in an envelope with your child. You will receive a receipt. One check may be written to cover all students in one family, please note name(s) and grade(s) on envelope.

## **BUS TRANSPORTATION**

Our district contracts with Lamers Bus Line. If you have any questions regarding bus transportation, please call Paul Mennen at Lamers Bus Line (920) 832-8800 ext. 10916. **PLEASE DO NOT CALL THE SCHOOL OFFICE.**

Lamers will provide you with the "rules of conduct" and consequences of behavior. We will be working closely with the Bus Company to make sure that the children have safe transportation to and from school.

## **CURRICULUM**

All children will be offered the opportunity to explore learning experiences with a variety of methods from which to learn. The students are involved in a program designed to provide each child with a learning experience at his or her achievement level and with which he or she can be successful. Computers are used by all grades, 4 Year-Old Kindergarten through 4th. Formal keyboarding takes place in grades 3-4.

If you have questions or concerns about the curriculum, we urge you to contact your child's teacher, the principal, or the Director of Instruction. Your child's education is most successful when you are informed and involved.

## **DRESS CODE**

Responsibility for the personal appearance of students enrolled in the Kimberly Area School District shall normally rest with the students themselves and their parents/guardians. Student dress and grooming should not affect the health and safety of students, or disrupt the learning process within the classroom or school.

**NO** student shall be permitted to wear any clothing which is normally identified with a gang or gang-related activities (e.g., gang-related colors) or clothing that contains pictures and/or writing referring to alcoholic beverages, tobacco products, sexual references, profanity and/or illegal drugs. If there is a disagreement between students and/or parents and the staff regarding the appropriateness of clothing, the principal will use his/her discretion to make the decision.

This policy is in force during the school day, in school vehicles, and at all school activities.

## **DUE PROCESS RIGHTS**

The Board of Education recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures. To better ensure appropriate due-process is provided to a student, the Board established guidelines for students subject to suspension or expulsion. Please refer to policy 5611 for specific information.

## **EMERGENCY CARDS**

A blue emergency card is kept on file in school for each student. It is our record of where to reach a parent or family member in case we need to call you, your alternate, your doctor or dentist. When you have a change of address, telephone number, etc., please log into the Parent Portal in Infinite Campus and update this information. If you are going out of town, please notify the office before you leave with an appropriate emergency contact person. **THIS IS OF THE UTMOST IMPORTANCE FOR THE SAFETY OF YOUR CHILD.**

## **FAMILY DIRECTORY DATA**

A parent, guardian or guardian ad litem has 14 days to inform the school that all or any part of the directory data may not be released without prior consent of the parent, guardian or guardian ad litem.

## FIELD TRIPS

Educational field trips are taken in the elementary schools from time to time. We will always inform you of our plans for these trips. Permission slips, signed by the parents, are required before the students leave. When sending in money with your child, please put money in a sealed envelope with the following information written on the front: Student's name, homeroom teacher, amount included, and the purpose.

## FUNDRAISING

All fundraising activities will be approved by the building principal. Independent proper notice and written request is required.

## HOMEWORK

The amount and type of homework given to students is left up to the discretion of the teacher. Please contact the teacher and/or the building principal with any concerns.

## ILLNESS OR ACCIDENT WHILE AT SCHOOL

Ill children should not be sent to school. If your child has had a fever in the last 24 hours do not send him/her to school. Please arrange alternate care for them when they are sick. Before we send a child home that has become ill, we will contact parent(s) or an "alternate" in order to assure someone is home.

**Therefore, it is vital that an "alternate" is listed on your child's emergency card in the office.** Your child needs to be picked up promptly.

## INSURANCE

The Kimberly Area School District does not carry accident insurance for students. Parents do have an option to purchase insurance for their child. Insurance information is sent home prior or at the start of the school year and parents have 10 days to fill out the necessary forms to purchase insurance.

## KEEPING CHILDREN AFTER SCHOOL

We attempt to dismiss children punctually. However, there are times when it is necessary to keep them after regular school hours to complete daily work, for a behavior conference or for other equally important matters. If a student is kept after school, we will give him/her permission to call you and inform you of this. If your child is consistently late in arriving home, it is advisable to contact the school.

## **LIBRARY MEDIA CENTER (L.M.C. or LIBRARY)**

The L.M.C. includes books, reference materials, periodicals, and study prints. The L.M.C. is also the "storehouse" for tape recorders and players, record players, filmstrip and film projectors, filmstrip viewers, overhead projectors, video tape recorders, computers and a variety of other types of audio-visual equipment. All equipment and materials are available to both teachers and students. The L.M.C. staff, including the director, aides, and volunteers, assists in using these areas and equipment properly. We welcome and encourage you to volunteer.

Library classes are scheduled to teach library skills and introduce good literature to the children. By the time students leave the elementary school, they should be able to use a library independently, and handle a variety of audio-visual equipment and materials.

Here are rules regarding the use of the L.M.C.

1. All students in school are entitled to use the L.M.C.
2. Reference books such as encyclopedias and dictionaries are to be used in the L.M.C. with the exception of older sets of encyclopedias that may be borrowed overnight.
3. Reserve books and magazines may be borrowed at the close of the school day and must be returned before 9 a.m. next day.
4. If students become careless about returning books on time, fines will be charged at the librarian's discretion.
5. If a book is damaged, please return it to the L.M.C. where we have appropriate supplies to mend the book properly. The borrower shall pay for damage to books beyond reasonable wear and all losses. Borrowing privileges may be suspended until damages/losses are paid for.
6. It is expected that all books going to and from school are to be protected by a plastic bag or a school bag.
7. All students are required to have a signed permission to use the Internet. Each child will receive an Internet Use Card to verify permission.

## **ADMINISTRATION OF MEDICATIONS TO STUDENTS**

Medication should be administered to students by their parents/guardians at home whenever possible.

**Prescription Medications:**

1. Medication to be given in school MUST have a Request for Giving Medication at School form completed by a licensed prescriber, at the beginning of each school year. Any change in a medication type, route, dosage, frequency or time requires a new written medication order. Only the school nurse shall receive a telephone order for any change in medication. Please note: No medications will be given without the proper physician order and parent consent on file.
2. In accordance with standard medical practice, a medication order from a licensed prescriber shall contain:
  - a. name of the student;
  - b. student's date of birth;
  - c. name and signature of the licensed prescriber, and business/emergency telephone numbers;
  - d. name of the prescription drug;
  - e. route, dosage, frequency and time of medication administration;
  - f. the effective dates; (if you would like consent to apply to summer school, please have physician extend "end" date through completion of summer learning sessions (e.g. 8-30-14).
  - g. diagnosis;
  - h. specific directions for administration in a legible format.
3. information shall be obtained from the licensed prescriber, if appropriate:
  - a. any special side effects, contraindications and adverse reactions to be observed;
  - b. other medications being taken by the student;
  - c. an order to discontinue a prescribed medication.
4. Students will take medication at a designated time supervised by authorized personnel.

**Non-Prescription Medications:**

1. Parent must complete and turn in to the office a Request for Giving Medication at School form.

All medications (both prescription and nonprescription) are to be furnished by the parent/guardian and are to be in an original container with the students name on it. The label on a prescription bottle must include the most up-to-date medication and dosage order.

All health related policies, information and forms can be found on the District web site at [www.kimberly.k12.wi.us](http://www.kimberly.k12.wi.us). See Health Services under District heading. You may also call the district nurse at (920) 788-7900.

Revised Date: 5/24/12

## **2016/2017 IMMUNIZATION REQUIREMENTS**

Grade 5K through 4: 4 DPT/DTaP/DT, 3 OPV, 2 MMR, 3 HepB, 2 Varicella\*

\*Effective June 1, 2001, the WI Administrative Rule HFS 144 was changed to include varicella vaccine. Parents must provide one of the following to satisfy the compliance:

1. The date of the varicella vaccination; or
2. An indication that the child had chicken pox; or
3. A waiver for health, religious, or personal reasons.

Vaccinations may be received from your family physician. If you have no insurance or limited insurance coverage for immunizations or are on Medical Assistance, or Native American/Alaskan you may contact Outagamie County at (920) 832-5100 or Calumet County at (920) 849-1432 to schedule an appointment.

If your child will not receive immunizations for health, religious or personal conviction reasons, you will need to complete the waiver form available from your child's school office. When completed, please return to your child's school office. If you waive your child's immunizations, please be aware that in the event of a vaccine preventable disease outbreak, your child may be excluded from school until the outbreak subsides.

## **NOTICE OF SPECIAL EDUCATION REFERRAL**

Upon request, the Kimberly Area School District is required to evaluate a child for eligibility for special education services. A request for evaluation is known as a referral. When the district receives a referral, the district will appoint an Individualized Education Program (IEP) team to determine if the child has a disability, and if the child needs special education services. The district locates, identifies, and evaluates all children with disabilities who are enrolled by their parents in private (including religious) schools, elementary schools and secondary schools located in the school district.

A physician, nurse, psychologist, social worker, or administrator of a social agency who reasonably believes a child brought to him or her for services is a child with a disability has a legal duty to refer the child, including a homeless child, to the school district in which the child resides. Before referring the child, the person making the referral must inform the child's parent that the referral will be made.

Others, including parents, who reasonably believe a child is a child with a disability, may also refer the child, including a homeless child, to the school district in which the child resides.

Referrals must be in writing and include the reason why the person believes the child is a child with a disability. A referral may be made by contacting:

**Tim Fosshage, Director of Pupil Services**

Kimberly Area School District  
at (920) 788-7900

or by writing

Kimberly Area School District  
425 S Washington St  
PO Box 159  
Combined Locks, WI 54113

## **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY (POLICY 2260)**

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 Superintendent shall:

**A. Curriculum Content**

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;

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

**B. Staff Training**

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

**C. Student Access**

1. review current and proposed programs, activities, facilities, and practices for 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 not no 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 receives like support as to staff size and compensation, purchase and maintenance of 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 a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.

The Superintendent shall appoint and publicize the name of the compliance officer(s) who is/are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or equal access. The Compliance Officer(s) also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, 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 Superintendent 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.

**District Compliance Officers**

The following individuals shall serve as the District's "Compliance Officers" for the District. S/He is hereinafter referred to as the "Compliance Officer".

Dawn Thomas  
Director of Human Resources  
920-788-7900  
425 S. Washington Street  
PO Box 159  
Combined Locks, WI 54113  
dthomas@kimberly.k12.wi.us

Tim Fosshage  
Director of Pupil Services  
920-788-7900  
425 S. Washington Street  
PO Box 159  
Combined Locks, WI 54113  
tfosshage@kimberly.k12.wi.us

The name, title, and contact information of this individual will be published annually in the parent and staff handbooks and/or on the School District's website.

A Compliance Officer 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 Compliance Officer shall investigate any complaints brought under this policy. Throughout the course of the process as described herein, the Compliance Officer 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 Compliance Officer shall ask for such details in an oral interview. Thereafter the Compliance Officer 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 Compliance Officer 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 Compliance Officer should consult the Superintendent 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 Compliance Officer 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 Compliance Officer will initiate an investigation.

Although certain cases may require additional time, the Compliance Officer will attempt to complete an investigation into the allegations 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 Compliance Officer shall prepare and deliver a written report to the Superintendent 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 Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer, the Superintendent must either issue a final decision regarding whether or not the complaint has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to the complainant.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed in a timely manner (ordinarily within ten (10) business days). At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above. The decision of the Superintendent shall be final.

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 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 Compliance Officer or Superintendent 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.

### **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 Compliance Officer 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 Compliance Officer 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

Revised 8/2016

## **READING SUPPORT PROGRAM**

The district has several reading teachers available to give explicit reading instruction in a small group setting. This instruction is in addition to the classroom. The district's goal is to use this program time to support every first grader in-need to reach the grade level end-of-year reading level. Individual student need is addressed with first graders receiving the highest priority. Second grade reading needs will be considered secondary. For more information about the program, please contact your school's principal.

## **REPORTING STUDENT PROGRESS**

We believe that reporting the progress of your student(s) is a very important process. How the children are doing in school should be well known to the student, the teacher, and you the parent/guardian. At the elementary level, our district uses "Standards Based Progress Reports" to provide information concerning student progress to students and parents. We encourage you to communicate with your child and the teacher about your child's school life. Talk to your child about the effort they put into their school work each day. Express your satisfaction when they report that they have handed all assignments in on time and when they did their best. Call or write a note to your child's teacher if you have questions. We want the children to become more aware of the progress they are making.

## **REQUEST OF PROGRAM MODIFICATION (POLICY 2240)**

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.

For Purposes of this policy, a controversial issue is a topic

- On which opposing points of view have been promulgated by responsible opinion.
- Likely to arouse both support and opposition in the community.

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

- Is related to the instructional goals of the course of study and level of maturity of the students;
- Does not tend to indoctrinate or persuade students to a particular point of view;
- 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 course of study, the Board will permit the instructional use of only those issues which have been approved by the principal.

In the discussion of any controversial issue in the classroom or in the course of professional duties, a teacher may not express a personal opinion.

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 Non-instructional Settings)  
Garcetti v. Ceballos, 126 S. Ct. 1951 (2006)

## **RIGHT TO FILE A COMPLAINT UNDER FERPA**

Parents and students can file a complaint with the U. S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA (Family Educational Rights and Privacy Act and Protection of Pupil Rights Administration). The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington DC 20202-8520.

## **SCHOOL COUNSELING**

Our comprehensive school counseling program supports all of our students by involving families, schools, and our community in helping children succeed. We do this through the use of four different program components: classroom curriculum, individual student planning, responsive services, and system support.

Classroom curriculum is delivered in a developmental manner to all students with the purpose of increasing student awareness, skill development, and an appreciation of skills needed in everyday life. Individual student planning includes academic support and goal setting. Responsive services are provided as needed in the form of individual and small group counseling, crisis management, conflict resolution, parent contact and referrals. We support our school system through our work with families, students, staff and the community when addressing any concerns surrounding student academic, personal/social, and career development. Please contact your school counselor with any questions or concerns.

## **SCHOOL SAFETY**

Crossing guards have been hired to take care of patrol duties near Janssen & Westside. Noon hour supervisors have been hired by the district for lunch hours at school.

The home and school can help insure safety by guiding and encouraging the child to follow all safety rules. The police departments aid us in instruction of

good safety habits. To help your child, please cooperate with us by teaching him/her to cross the streets only at crosswalks and especially at those that are patrolled.

Parking cars to drop off or pick up your student(s) can be a problem at times when school begins and at the end of some days, especially when there is inclement weather. Please follow pick up/drop off procedures as determined by the school principal. Please exercise extreme caution in and around school zones. Never park in back or in front of a school bus. Drive slowly and obey the NO PARKING and ONE-WAY signs. Please tell your children never to cross any street to get to your car except at the cross walk or if you are with them.

Students are to walk bicycles and scooters/skateboards on school property. We strongly encourage all students riding bikes to wear helmets and park in designated areas.

### **SEARCH AND SEIZURE (STUDENT CUBBIES) (POLICY 5771)**

The Board of Education has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

#### **SCHOOL PROPERTY**

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Desks and lockers are public property and school authorities may make reasonable regulations regarding their use. The District retains ownership and possessory control of student desks and lockers and the same may be searched at random by school personnel at any time. A showing of reasonable cause or suspicion is not a necessary precondition to a search under this paragraph. Students shall not have an expectation of privacy in lockers, desks, or other school property as to prevent examination by a school official. The Board directs the school principals to provide students with written notice of this policy at least annually and that routine inspections be done at least annually of all such storage places. The Board directs that the searches may be conducted by the

- District Administrator,
- building principals,
- assistant principals,
- Police Liaison Officer,

- designee.

### **STUDENT PERSON AND POSSESSIONS**

The Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion that the search will turn up evidence that the student has violated or is violating either a particular law or a particular rule of the school. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted. The extent of the search will be governed by the seriousness of the suspected infraction, the student's age and gender, the student's disciplinary history, and any other relevant circumstances or information.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

In a situation in which a search of a student's person or possessions is appropriate, school administrators should first attempt to contact the school liaison officer to conduct the search under the administrator's direction. If the officer is not available, the administrator may proceed with the search, unless the information justifying the search suggests that the student is in possession of dangerous materials whereby the expertise of law enforcement is necessary. In such a case, the school official shall contact law enforcement and request their assistance. Under no circumstances shall a school official ever conduct a strip search of a student.

### **SNOW DAYS**

If weather conditions dictate that there will be no school, a decision to keep the schools closed is usually made by 6:30 a.m. ANNOUNCEMENTS WILL BE MADE ON THE LOCAL RADIO STATIONS; please tune to the following rather than call school: WAPL-105.7FM, WHBY-1150AM, WKFX-104.9FM, WEMI-91.9 FM, WGEE-1360 AM, and WOZZ-93.5FM; and the LOCAL TV STATIONS; WBAY-TV2, WFRV-TV5 WGBA-TV26, and WLUK-FOX11.

Once school has started, we do not like to call it off. It is risky sending children out into a snow storm at a time other than the usual school closing time. They may not remember where they were told to go in the event school is closed, or there may not be anyone at home when they arrive there. Should conditions dictate a mid-day closing, advance announcements will be made over the radio stations listed previously. Parents who want their children home are encouraged to come to school and pick them up.

**When the outside temperature is 0 degrees, with or without the wind chill, the students will be kept in school.**

## **SPECIAL EDUCATION SERVICES**

Kimberly Area School District provides a wide variety of programs and services for children with impairments as mandated by the Individuals with Disabilities Education Act. Services/programs are provided in Early Childhood through twelfth grade for students with cognitive disabilities, specific learning disabilities, emotional/behavioral disabilities, speech/language impairments, physical impairments, autism, traumatic brain injuries, other health impairments, hearing impairments and vision impairments. If you have any questions about these services, please contact your school's office.

## **STUDENT ANTI-HARASSMENT**

It is the policy of the Board of Education to maintain an educational environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

Please see policy 5517 and 5517.01 at the back of the student handbook for more specific information.

## **STUDENT DAY**

Outdoor supervision is provided for walking students at 8:30 a.m. Please do not drop off prior to supervision time. Parents are expected to pick students up promptly following school dismissal. Early release supervision is available upon request until 3:35 p.m. No school sponsored child supervision is available on noon dismissal days. (YMCA Child Care is available for those enrolled in that program. Please contact your YMCA representative for details.)

## **STUDENT RECORDS**

In order to provide appropriate educational services and programming, including child find activities, the District must collect, retain, and use information about individual students. Simultaneously, the District recognizes the need to safeguard students' privacy and restrict access to students'

personally identifiable information. Please see Policy 8330 for more information.

### **TRANSFERRING TO ANOTHER DISTRICT**

Please notify the school as soon as you know you are moving. We ask that you please complete a release of records form which is available in our office. The release of records permits us to send your child's school records to the new school your child will be attending. Please remember to return all school property to us before transferring.

### **TWO-WAY COMMUNICATION DEVICES**

Elementary students may have access to school assigned I-Pods, and/or Chromebooks during the school day. We realize, however, that many of our students also have personal electronic devices as well. These may include: cell phones, smart phones, tablets, electronic readers, and/or other web-enabled devices. The information below includes general intermediate school guidelines around use of cell phones and other personal electronic devices.

1. Devices may be used prior to the 8:30AM bell and after the 3:35 PM bell.
2. During the school day (8:30AM – 3:35PM) the device should be placed securely in a locker, cubby or backpack. Students are responsible for lost or missing items.
3. There is no recess use of personal electronic devices unless special permission is granted by a teacher or administrator.
4. If the device is seen out during the school day (8:30 AM – 3:35 PM) it will be taken for the remainder of the day and returned to the student at the end of the day.

Parents are encouraged to refer to KASD board policy 5136 for additional information regarding personal communication devices. Policy 5136 can be found at the end of this handbook.

### **VIDEO SURVEILLANCE**

The Board of Education authorizes the use of video surveillance and electronic monitoring equipment at various school sites throughout the District and on school buses. See Policy 7440.01 for complete information.

## **VISITING SCHOOL**

We welcome and encourage parent visitation. All visitors to the building must comply with the following guidelines:

1. Please be sure to sign-in and obtain a visitor's badge in the school office before proceeding to the classroom.
2. Please obtain prior approval from the classroom teacher in scheduling your volunteer or visitation times.
3. Please visit only the classroom where you are scheduled to work/visit. Visiting other rooms can be disruptive to the teaching process.

Parents and other visitors desiring an individual conference shall make an appointment in advance with the teacher. Visitors to classrooms are asked not to disrupt classes in any way or to disturb students. The educational process as directed by the teacher shall not be impeded. Visitors hindering the educational process will be asked to leave the premises. The safety of students and staff in the schools and the continuing function of the educational process are priorities.

## **VOLUNTEERING AT SCHOOL AND ON FIELD TRIPS**

We appreciate the many volunteers who generously give of their time to make our District a better place for children to learn and grow. Without the assistance of our many volunteers, the educational experience of the children of our district would be considerably lessened. It is vitally important that the environment in which our children learn, and in which our employees and volunteers work, is a safe one. For this reason, the District routinely conducts criminal background screenings on its new employees and volunteers. The District welcomes all those who wish to volunteer in our school and presumes that all interested person are qualified to volunteer. Volunteer service in our District is a privilege, not a right; therefore, there are certain circumstances which may disqualify a person from serving as a volunteer.

All chaperones and volunteers working with students are required to consent to a background check. Anyone interested in volunteering must submit a Volunteer Background Check form at least two weeks prior to volunteering. Forms can be obtained in the school office.

## **WEAPONS ON SCHOOL GROUNDS**

Weapons on any school site or at any school related event is strictly prohibited. Please refer to policies 3217, 4217, 5772 and 7227 for specific information.

## SELECTED BOARD POLICIES FOR REFERENCE

### PERSONAL COMMUNICATION DEVICES (POLICY 5136)

1. High School students may use personal communication devices (PCDs) before and after school, during their lunch break, in between classes as long as they do not create a distraction, disruption or otherwise interfere with the educational environment, during after school activities (e.g., extra-curricular activities) at school-related functions. Use of PCDs, except those approved by a teacher or administrator, at any other time is prohibited and they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight.
2. However, technology including, but not limited to, PCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the building principal. The use of a PCD to engage in non-education-related communications is expressly prohibited.
3. Grades 4K-8 students are subject to building guidelines designed to meet a child's developmental level.

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

Also, during after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

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

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

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

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action.



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

Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Possession of a PCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

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

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

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

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

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

## **STUDENT ANTI-HARASSMENT (POLICY 5517)**

### **Prohibited Harassment**

It is the policy of the Board of Education to maintain an educational environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

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

The Board will vigorously enforce its prohibition against discriminatory harassment based on the traits of sex, race, color, national origin, religion, or disability, that are protected by Federal or state civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. Additionally, harassment means behavior toward a student or group of students that substantially interferes with the student's school or academic performance or creates an intimidating, hostile, or offensive school environment. Harassment may occur student-to-student, student-to-staff, staff-to-student, male-to-female, female-to-male, male-to-male, or female-to-female. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means individuals students, administrators, teachers, staff, and as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

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

Other Violations of the Anti-Harassment Policy. The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

## **DEFINITIONS**

### **BULLYING**

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;

- I. public humiliation; or
- J. destruction of property.

### **TYPES OF BULLYING**

**Verbal bullying is saying or writing mean things. Verbal bullying includes:**

- Teasing
- Name-calling
- Inappropriate sexual comments
- Taunting
- Threatening to cause harm

**Social bullying, sometimes referred to as relational bullying, involves hurting someone's reputation or relationships. Social bullying includes:**

- Leaving someone out on purpose
- Telling other children not to be friends with someone
- Spreading rumors about someone
- Embarrassing someone in public

**Physical bullying involves hurting a person's body or possessions. Physical bullying includes:**

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing
- Taking or breaking someone's things
- Making mean or rude hand gestures

### **HARASSMENT**

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school.

## **SEXUAL HARASSMENT**

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

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

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

Examples are:

- 1. repeatedly asking a person for dates or sexual behavior after the person has indicated no interest;
- 2. rating a person's sexuality or attractiveness;

3. staring or leering at various parts of another person's body;
4. spreading rumors about a person's sexuality;
5. letters, notes, telephones calls, or materials of a sexual nature;
6. displaying pictures, calendars, cartoons, or other materials with sexual content.

G. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life.

H. remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; and

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

It is further the policy of the Board that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the work place, in that it interferes with the educational process and may involve elements of coercion by reason of the relative status of a staff member to a student.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

### **RACE/COLOR HARASSMENT**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or

color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **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 or educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. 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 educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. 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-BASED HARASSMENT**

Prohibited age-based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age and when the conduct has the purpose or effect of interfering with the individual's educational performance; or of creating an intimidating, hostile, or offensive learning environment.

### **DISABILITY HARASSMENT**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's educational performance; of creating an intimidating, hostile, or offensive learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

## REPORTING PROCEDURES

Students and all other members of the School District community, as well as third parties, are encouraged to promptly report incidents of unlawful harassing conduct to a teacher, administrator, supervisor, or District employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall report it to the school principal. The principal or designee will investigate all bullying and harassment complaints.

Initiating a complaint, whether formally or informally, 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.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will document the act of bullying and/or harassment and will issue appropriate discipline.

Reporting procedures are as follows:

- A. Any student who believes s/he has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to any District employee, such as a teacher, administrator or other employee.
- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to the student's teacher or building administrator.
- C. Teachers, administrators, and other school officials who have knowledge or received notice that a student has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the building principal or District Administrator.
- D. Any other person with knowledge or belief that a student has or may have been the victim of harassment prohibited by this policy shall



be encouraged to immediately report the alleged acts to any District employee, such as a teacher, administrator or other employee.

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.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to the building principal within two (2) business days. Thereafter, the principal or designee will contact the student to investigate the alleged misconduct.

### **INVESTIGATION AND COMPLAINT PROCEDURE**

Any student who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through the procedures described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

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

### **COMPLAINT PROCEDURE**

A student who believes she/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, or other District employee at the student's school. Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. The principal or designee will start an investigation within two (2) business days.

Throughout the course of the process as described herein, the principal or designee 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 to 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 principal or designee shall ask for such details in an oral interview and reduce them to writing. Thereafter the complainant will be asked to verify the accuracy of the reported charge by signing the document.

As soon as appropriate in the investigation process, the principal or designee will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations. The respondent will be allowed an opportunity to respond to the complaint.

The principal or designee will determine whether the complainant has been subject to offensive conduct/harassment after completing the investigation.

Although certain cases may require additional time, the principal or a designee will attempt to complete an investigation in a timely manner. 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

The decision of the building principal shall be final. If the complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the District Administrator.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the

complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

State Contact: WI Department of Public Instruction  
Equal Educational Opportunity Office  
P.O. Box 7841  
Madison, WI 53707-7841

Federal Contact: Chicago Office  
Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661-4544  
Telephone: 312-730-1560  
FAX: 312-730-1576 TDD: 877-521-2172  
Email: OCR.Chicago@ed.gov

### **ADDITIONAL SCHOOL DISTRICT ACTION**

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the principal, designee or District Administrator shall report the harassment to the appropriate social service and/or law enforcement agency charged with responsibility for handling such investigations and crimes.

### **CONFIDENTIALITY**

The District will make all reasonable efforts to protect the rights of the complainant and the respondent. The District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All complainants proceeding through the investigation process should be advised that as a result of the investigation, the respondent may become aware of the complainant's identity.

During the course of an investigation, the principal or designee 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 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 principal or designee 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.

### **SANCTIONS AND MONITORING**

The Board shall vigorously enforce its prohibitions against unlawful 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 or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable law. When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

### **RETALIATION**

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

### **ALLEGATIONS CONSTITUTING CRIMINAL CONDUCT: CHILD ABUSE/SEXUAL MISCONDUCT**

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the principal or a designee has reason to believe or suspect that the alleged

conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

Any reports made to the local child protection service or to local law enforcement shall not terminate the principal or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the principal or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the District Administrator.

A summary of this policy shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

48.981, Wis. Stats.

118.13, Wis. Stats.

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

Fourteenth Amendment, U.S. Constitution

20 U.S.C. 1415

20 U.S.C. 1681 et seq., Title IX of Education Amendments Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

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

42 U.S.C. 1983

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

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

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

34 C.F.R. Sec. 300.600-300.662

## **BULLYING (POLICY 5517.01)**

The Board of Education is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, including at any of the school buildings or other property used exclusively or in part, whether leased or owned by the District, for the purpose of school-related functions or events; or while traveling to or from school or to and from school-sponsored functions or events; in transporting vehicles arranged for by

School District officials. The policy applies as well during activities that occur off school property if the student or employee is at any school-sponsored, school approved or school-related activity or function, such as field trips or athletic events where students are under the supervision of school authorities, or where an employee is engaged in school business.

Bullying is deliberate or intentional behavior using word or actions, intended to cause fear, intimidation, or harm done repeatedly over time. Bullying is a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional wellbeing. The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age; national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic, or family status; however this type of bullying behavior need not be based on any of the legally protected characteristics. It includes, but is not necessarily limited to such behaviors as stalking, cyberbullying, intimidating, menacing, coercing, name-calling, taunting, making threats, and hazing.

Any student that believes s/he has been or is the victim of bullying should immediately report the situation to the building principal or assistant principal, or the District Administrator. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the District Administrator. Complaints against the District Administrator should be filed with the Board President.

Every student is encouraged to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above.

All school staff members and school officials who observe or become aware of acts of bullying are required to report these acts to the building principal or assistant principal, or the District Administrator.

Reports of bullying may be made verbally or in writing and may be made confidentially. All such reports, whether verbal or in writing, will be taken seriously and a clear account of the incident is to be documented. A written record of the report, including all pertinent details, will be made by the recipient of the report.

All complaints about behavior that may violate this policy shall be investigated promptly by the building principal. The staff member who is investigating the report of bullying shall interview the victim(s) of the alleged bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report.

Parents and/or guardians of each student involved in the bullying report will be notified prior to the conclusion of the investigation. The District shall maintain the confidentiality of the report and any related student records to the extent required by law.

If the investigation finds that bullying has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include student discipline, including, but not limited to reprimand, suspension, or possible expulsion. Further, the result of an investigation that finds that bullying has occurred may result in discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally making a false report may result in disciplinary action as indicated above.

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action.

**"Bullying"** is defined on page one. Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation.
- D. "Cyberbullying" – the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal web sites, and defamatory online personal polling web sites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others."

The Board recognizes that cyberbullying can be particularly devastating to young people because:

1. cyberbullies more easily hide behind the anonymity that the Internet provides;
2. cyberbullies spread their hurtful messages to a very wide audience with remarkable speed;
3. cyberbullies do not have to own their own actions, as it is usually very difficult to identify cyberbullies because of screen names, so they do not fear being punished for their actions; and
4. the reflection time that once existed between the planning of a prank – or a serious stunt – and its commission has all but been erased when it comes to cyberbullying activity.

Cyberbullying includes, but is not limited to the following:

1. posting slurs or rumors or other disparaging remarks about a student on a web site or on weblog;
2. sending e-mail or instant messages that are mean or threatening, or so numerous as to drive-up the victim's cell phone bill;
3. using a camera phone to take and send embarrassing photographs of students;



4. posting misleading or fake photographs of students on web sites.

**"Harassment"** includes, but is not limited to, any act which subjects an individual or group to repeated unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, marital status or disability (sexual orientation, physical characteristic, cultural background, socioeconomic status, or geographic location).

**"Intimidation"** includes, but is not limited to, any repeated threatening or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.

**"Menacing"** includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

**"Harassment, intimidation, or bullying"** means any act that substantially interferes with a student's educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:

- A. physically harming a student or damaging a student's property;
- B. knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
- C. creating a hostile educational environment.

**"Staff"** includes all school employees and Board members.

**"Third parties"** include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For a definition of and instances that could possibly be construed as hazing, consult Policy 5516.

## **PRIVACY/CONFIDENTIALITY**

The School District will respect the privacy of the complainant, the individual(s) against who the complaint is filed, 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 this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

To the extent appropriate in conducting a thorough investigation and/or as legally permitted, confidentiality will be maintained during the investigation process.

### **NOTIFICATION**

Notice of this policy will be annually distributed to all students enrolled in the School District, their parents and/or guardians and employees. The policy will also be distributed to organizations in the community having cooperative agreements with the schools. Additionally, the policy will be posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

The School District will also provide a copy of the policy to any person who requests it.

### **RECORDS AND REPORTS**

Records will be maintained on the number and types of reports made, and sanctions imposed for incidents found to be in violation of the bullying policy. An annual summary report shall be prepared and presented to the School Board, which includes trends in bullying behavior and recommendations on how to further reduce bullying behavior. The annual report will be available to the public.

### **EDUCATION AND TRAINING**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of bullying behavior. The District Administrator or designee shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's

policy and administrative guidelines on bullying will be age and content appropriate.

The complaint procedure established by the District Administrator as set forth in AG 5517.01 shall be followed.

Wis. Stat. 118.46

## **STUDENT HAZING (POLICY 5516)**

The Board of Education believes that hazing activities of any type are inconsistent with the educational process and a violation of State law. It prohibits all such activities at any time in school facilities, on school property, and at any District-sponsored event.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the District shall be alert to possible situations, circumstances, or events which might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the District Administrator. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties. Disciplinary action for students may include, but not be limited to, suspension and/or expulsion.

The District Administrator shall distribute this policy to all students and District employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

118.13 Wis. Stats., 120.13 Wis. Stats, P.I. 9, 41 Wis. Admin. Code, Fourteenth Amendment, U.S. Constitution, 20 U.S.C. 1415, 20 U.S.C. 1681 et seq., Title IX of Education Amendments Act, 20 U.S.C. 1701 et seq., Equal Educational Opportunities Act of 1974, 29 U.S.C. 794, Rehabilitation Act of 1973, 42 U.S.C. 1983, 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, 42 U.S.C. 2000 et seq., Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. Sec. 300.600-300.662, Vocational Education Program Guidelines for Eliminating

Discrimination and Denial, of Services, Department of Education, Office of Civil Rights, 1979

## **STUDENT AND EMPLOYEE USE OF ALCOHOL AND OTHER DRUGS (POLICY 5530)**

It is the Kimberly Area School District's policy to ensure all students have a safe environment to achieve their highest potential. In order to assure a safe environment, the Kimberly Area School District will have "Zero Tolerance" for alcohol and other drug use or possession by students on school property and/or whenever students are at school sanctioned activities. The District shall have "Zero Tolerance" for alcohol and other drugs or possession by employees who are acting under the scope of their employment duties.

No student of the Kimberly Area School District shall knowingly possess, use, or distribute or be under the influence of alcohol, controlled substances, controlled substance analogs, or any other mood altering chemicals while on school property or during school sanctioned activities. The possession, use, or distribution of drug paraphernalia, look-alike drugs, tobacco, non-alcoholic beer, or any substance misrepresented as alcohol or a mood-altering drug is also prohibited on school property or during school sanctioned activities. A student may be required to submit to a breath test to determine the presence of alcohol if a school official or law enforcement officer has reasonable suspicion that the student is under the influence of alcohol in violation of this policy. Student violation of this policy or refusal to submit to required breath testing for the presence of alcohol will result in disciplinary action which may include:

- A. application of approved school disciplinary practices and procedures;
- B. notification of law enforcement officials;
- C. notification of parents/guardians or legal custodians;
- D. notification of co-curricular advisors and the Athletic Director;
- E. notification of the District Administrator or designee;
- F. suspension from school;
- G. recommendation for expulsion.

Use of prescription or over-the-counter medication in compliance with Board policy shall not be considered a violation of this policy. Secondary distribution of any prescribed drug on school property or during school sanctioned activities is prohibited.

The Board of Education recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the entire school community.

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

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

The Board prohibits the use, possession, concealment, or distribution of any drug and any drug-paraphernalia at any time on District property or at any District-related event.

The District Administrator shall prepare guidelines for the identification, amelioration, and regulation of drug use in the schools. Such guidelines shall:

- A. emphasize the prevention of drug use;
- B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
  1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
  2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
  3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
  4. promotes positive emotional health, self-esteem, and respect for one's body;
  5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State's Department of Education;
- C. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- D. provide standards of conduct that are applicable to all students which clearly prohibit, at a minimum, the unlawful possession, use, or

distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;

- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;
- F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;
- G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;
- H. require the notification to parents and students that compliance with the standards of conduct is mandatory;
- I. provide a biennial review of the school district's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;

The District Administrator shall ensure that the warning notice concerning anabolic steroids is installed and properly maintained in each of the District's locker rooms or athletic dressing areas.

Professional staff members are not liable for referring a student to law enforcement or for removing a student from school premises or from participation in a school-related activity for suspicion of possession, distribution, or consumption of any alcoholic beverage or a controlled substance.

The District Administrator shall establish administrative guidelines necessary to implement this policy.

118.24(2)(f), 118.257, 125.09(2), Wis. Stats.

Drug-Free Schools and Communities Act of 1986 as amended

20 U.S.C. 3171 et seq., 3224A

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.

