

# **BOSCOBEL AREA SCHOOLS ELEMENTARY SCHOOL**

## **STUDENT HANDBOOK & CODE OF CONDUCT 2023-2024**



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**Boscobel Area Schools Strategic Plan**  
**Lead. Engage. Discover.**  
*Developing today's child for tomorrow's world.*

**Effective Personal:**

- Implement evidence-based teaching practices
- Recruit and retain student-centered staff

**Excellence in Academics**

- Provide a guaranteed and viable curriculum
- Prepare all students for college and career readiness

**Efficient Operations:**

- Ensure fiscal responsibility
- Develop a transparent and sustainable financial plan

**Engagement of Community:**

- Connect with stakeholders through effective communication
- Promote the district through collaboration

**AT BOSCOBEL AREA SCHOOLS WE BELIEVE:**

- We deliver an inclusive curriculum that is consistent, rigorous, and viable that fosters student growth through innovative instruction.
- We partner and collaborate with families and the community to build trust in an effort to engage in lifelong learning.
- We support all levels of learning and diversity while encouraging student individuality through differentiation of instruction in a respectful, safe educational environment.
- We are fiscally responsible through implementation and utilization of long-term planning that will improve the operational efficiency for the sustainability of the district.
- We strive for academic excellence through rigorous course offerings enhanced through fine arts and co-curricular activities in order to develop the whole student.
- We support professional development opportunities that provide evidence-based, best practice, teaching, and data-driven strategies that improve student outcomes.
- We cultivate academic excellence through a culturally responsive multi level system that encompasses the whole child.
- We integrate higher-level skills: problem-solving, critical thinking, and intellectual risk-taking.
- We effectively communicate and partner with the community to develop informed and responsible citizens.

**SCHOOL SONG**

Onward to victory, Boscobel High  
 We'll show this other team  
 That we are shooting high, high, high  
 Red. white our banners fly, Boscobel's pride  
 Not many know us now  
 But wait until we give our foe a slide  
 U-RAH-RAH  
 Onward to victory, fight for the goal  
 You've got the pep, Bulldogs  
 So make that ball just roll, roll, roll, roll  
 Roll out the score Bulldogs  
 We'll rise to fame  
 You've never let us down  
 So carry on just carry on our name

## **NON-DISCRIMINATION POLICY (POLICY 2260)**

Boscobel Area Schools is committed to providing an equal educational opportunity for all students in the District. The District does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including gender status, change of sex or gender identity), or physical, mental, emotional, or learning disability (Protected Classes) in any of its student program and activities. This policy is intended to support and promote nondiscriminatory practices in all District and school activities.

## **STATEMENT OF PARENT/GUARDIAN/STUDENT OBLIGATIONS**

The School District of Boscobel Area Schools does not provide student accident insurance, medical insurance or disability insurance for students nor does it pay for deductibles, co-pays or other costs related to injuries or accidents. It is the responsibility of parent(s)/guardian(s) to provide their student with insurance coverage in the event of an injury or accident.

A student who participates in co-curricular activities, particularly athletic activities, assumes a certain inherent risk of injury arising out of their participation. In consideration of Boscobel Area Schools permitting participation in athletic or co-curricular activities, parents/guardians assume all risks associated with participation and attendance at Boscobel Area Schools. Parent(s)/guardians shall agree to hold the School District of Boscobel Area Schools harmless from any liability which may arise in connection with participation in any and all co-curricular school functions. It is important that students follow and obey instructions and safety protocols from school personnel including but not limited to teachers, coaches, advisors or administration.

## **SCHOOL EXPECTATIONS**

Boscobel Elementary is an educational institution. Every student, from the time they get on a school bus or comes on school property, is expected to meet the behavior standards set by the school district. Actions that injure others, damage private or public property, or impede or obstruct the learning process and/or operation of the school are not characteristic of a responsible citizen. These actions will not be tolerated. Students are expected to do their best on all assignments, tests, and projects and expected to meet all requirements set forth by the district.

## **RECORDS, PROGRESS REPORTS AND REPORT CARDS TO PARENTS**

Report cards are issued at the end of each quarter, showing grades earned during the nine-week period. Report cards are given to parents at parent-teacher conferences at the end of the first quarter. All other report cards are sent home with students. Progress reports are sent home on an as needed basis to inform parents of student growth and progress.

Permanent records are kept for all students who attend the Boscobel Area Schools in accordance with the Wisconsin Public School District and Related Records General Records Schedule. These records are kept at the elementary school until after 5th grade and/or the student information system (Skyward). Records are then transferred to the middle/high school when students reach 6th grade. A copy of the records will be mailed when a student transfers to another District. A refund of one-half of the student fee will be made when a student transfers during the first semester. No refunds will be made for a student transferring during the second semester.

## **RELEASE OF DIRECTORY DATA**

As per state statute 118.125 (2) (J) certain personally identifiable information contained in a student's record is "directory data" and may be disclosed without prior written consent.

Directory information-directory data means those student records, which include:

1. The student names
2. Address
3. Telephone listing
4. Date and place of birth

5. Participation in officially recognized activities and sports
6. Weight and height of members of athletic teams
7. Dates of attendance
8. Photograph
9. Degrees and awards received
10. The name of the school most recently previously attended by the student

Directory data may be disclosed to any person provided parents, adult students, legal guardian or guardian ad litem have been notified of the intent to release information and have been given a reasonable time to deny release of all or part of directory information. Annually, within the first two (2) weeks of school, the District Administrator shall publish in the July/August Back to School Newsletter and the student handbook a notice to release directory data. These publications can be found on the district website at [boscobel.k12.wi.us](http://boscobel.k12.wi.us). **Parents, adult students, legal guardians or guardian ad litem may deny release of directory data if they inform, in writing, the Building Administrator or District Administrator within two (2) weeks of the publication of the notice.**

### **GUIDANCE AND COUNSELING PROGRAM**

The guidance philosophy is developmental in nature and revolves around the premise that each student is a unique individual. It is the responsibility of the school counselors to assist in the development of each child's potential to mature into a self-understanding young person and eventually into a responsible adult. Guidance is a total school effort monitored by the counselor involving pupils, staff, community, and parents/guardians. It seeks to assure a safe accepting school environment in which each child may grow and learn. Guidance is an integral part of the total educational program. The guidance counselor is assigned full-time at the elementary.

### **BELLS/DAILY SCHEDULE**

7:45am - line up on playground	7:48am - enter the building
7:55am - classes begin	3:20pm - end of school day
10:40-11:00 - KDG recess	11:00-11:30 - KDG lunch
10:55-11:15 - 1st grade recess	11:15-11:45 - 1st grade lunch
11:05-11:25 - 2nd grade recess	11:25-11:55 - 2nd grade lunch
11:20-11:45 - 3rd grade recess	11:45-12:15 - 3rd grade lunch
11:35-11:55 - 4th grade recess	11:55-12:25 - 4th grade lunch
12:30-12:50 - 5th grade recess	12:00-12:30 - 5th grade lunch

\*4K will eat lunch at 10:45 am

### **EARLY RELEASE WEDNESDAYS**

Not every Wednesday will be an early release. When a scheduled early release happens on any day other than Wednesday or we have a day off scheduled during the week, there will not be an early release on Wednesday of that week. The Elementary School will be released at 1:15 pm, and the Middle/High School at 1:25 pm, unless otherwise noted on the approved 2023-2024 School Calendar. The approved calendar can be found on the School Website at [www.boscobel.k12.wi.us](http://www.boscobel.k12.wi.us) under the District drop down menu.

- *Please refer to the school calendar for Early Release Dates*

### **EMERGENCY PROCEDURES**

#### **FIRE**

Fire drills will be held periodically during the school year. Their purpose is to give you practice in the most efficient procedure for vacating the building in case of a real fire. For your own safety and the safety of others, please follow these procedures whenever the fire alarm rings.

1. Cease work immediately!

2. Pass quietly in an orderly manner out of your classroom. All windows should be closed. The last person out should close the door.
3. Proceed along the right-hand side of the hallways quickly and quietly. Directions for the fire drills are posted in every classroom near the exit door of the various rooms.
4. All students and teachers must leave the building and follow evacuation procedures.
5. Remain outside the building until directed to return to your room. Return to your class in an orderly manner.

### **TORNADO AND OTHER DISASTERS**

The following plan has been established for survival in the event of a disaster. The school has a disaster alert network operating continuously to afford the maximum warning time in the event of a tornado or other disaster.

1. If a warning is provided, instructions will be given over the public-address system.
2. If there is no advance warning, all personnel will move away from windows and glassed-in areas, and assume the safety position: kneeling, head to knees and hands on back of head.
3. Students should move quickly, quietly and orderly to the assigned areas.
4. Upon reaching assigned areas assume the safety position and remain quiet so instructions can be heard.
5. Teachers should place themselves in strategic positions and take charge.
6. Doors should be left open.
7. Avoid second floors if at all possible.
8. Tornadoes usually approach from the west or southwest.

### **OTHER EMERGENCY PROTOCOLS**

1. Secure Classrooms - No threat exists
2. Lock Out - Threat outside the building, not necessarily a threat to the school
3. Lock Down - Threat in school. (This is only announced when a threat exists in the building)

### **ATTENDANCE (POLICY 5200)**

Students must be in the classroom by 7:50 am and remain in school until dismissal in order to be counted as present for the full day. **Unexpected absences should be phoned into the school by 9:00 am on the day of the absence. If notice is not received by 9:00 am, the absence will be considered unexcused.**

The Board will enforce regular student attendance in the District's program in which each student is enrolled as required pursuant to State law. Further, the Board recognizes that the District's educational program is predicated upon the participation of each student in the program of instruction in which the student is enrolled and required to attend. Student success requires continuity of instruction and program participation. For purposes of this policy, the regular period and hours of instruction including both those periods and hours a student's program require that they are in school as well as any attendance requirements defined as part of a course of virtual instruction, or a combination of the more than one type of instructional delivery.

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 excepted, during the full period and hours that kindergarten is in session until the end of the school term.

### **Parent Notification of Absence Required**

The District Administrator shall require, from the parent of each student or from an adult student, who has been absent for any reason either a written or oral notification 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; prolonged absence; or repeated unexplained absence and tardiness.

### **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 as required 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, or failed to fulfill the attendance requirements of a virtual instruction program component, 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. To the extent feasible, absentee data shall be separated by absences for in-person instruction periods and absences based on virtual instruction attendance requirements.
- 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**

The student has been excused in writing or oral notification by their parent(s) 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.

**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 their parent(s) agrees 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.

### **I. Election Day Official**

A high school student, including students enrolled in private schools and students enrolled in home-based private education, age sixteen (16) or seventeen (17) is permitted to be excused to serve as an election official provided that the following criteria are met: (1) the student has the permission of their parent to serve as an election official on election day; (2) the student has signed up and the municipal clerk has informed the principal that the student has been assigned to serve in this capacity; and (3) the student has at least a 3.0 grade point average or equivalent, or has met alternative criteria established by Board, if any. The principal shall promptly notify the municipal clerk or the board of election commissioners of the municipality that appointed the child as an election official if the child no longer has at least a 3.0 grade point average or the equivalent, or no longer meets the established alternative requirements. A student's absence to serve as an election official under this policy shall be treated as an excused absence. Where possible students are encouraged to provide advance notice as much as possible. Students are responsible for completing any missed school work and responsible for making appropriate arrangements to do so.

### **J. Virtual Access**

The student is unable to access virtual instruction programming due to a temporary disruption in the student's access to necessary technological systems (i.e. internet outage, computer failure, software malfunction, etc.) as communicated by the student's parent.

A student may be excused from school, as determined by the School Attendance Officer, or their designee, for quarantine of the student's home by a public health officer.

## **Unexcused Absences**

Unexcused absences are absences from school for part or all of one (1) or more days from school without an acceptable excuse. Unexcused absences demonstrate a deliberate disregard for the educational program and are considered a serious matter.

## **Definitions**

### **A. Truancy**

A student will be considered truant if the student 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 of the absent student. A student who is absent intermittently for the purpose of defeating the intent of the Wisconsin Compulsory Attendance Statute 118.15, Wis. Stats., will also be considered truant.

### **B. Habitual Truant**

A student will be considered a habitual truant if the student 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.

### **C. Part of a School Day**

Part of a school day is any time period within a school day, which is from the time the first class period of that day begins until the end of the last class period of that day.

## **Tardiness/Late Arrival and Early Dismissal**

It is necessary that a student be in attendance throughout the school day, or as required by the student's virtual instruction program, in order to benefit fully from the educational program of the District. Unless excused per this policy, tardiness, or late arrival, occurs when a student arrives at the student's registered class location after the bell that signals the start of the class period has sounded. Unless excused, early dismissal occurs when a student leaves the student's registered class location before the bell has rung signaling the end of the class period or the end of the school day. Tardiness and early dismissal can occur more than once per day. Tardiness and early dismissal constitute being absent for part of a school day.

The Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.



As agent responsible for the education of the children of this District, the Board shall require that the school be notified in advance of such absences by written (including email) or personal (phone or face-to-face) request of the student's parent, who shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the Principal.

No student who has a medical disability which may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized such custody by the parents.

### **Notice of Truancy**

The School Attendance Officer shall notify a truant student's parent of the student's truancy and direct the parent 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. The notice may be made by personal contact, telephone call, or 1st class mail, and a written record of this notice shall be kept. 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, by registered or certified mail, or by 1st class mail. The School Attendance Officer may simultaneously notify the parent of the habitually truant student by an electronic communication. The notice must contain the following:

- A. a statement of the parent's responsibility under State law to cause the student to attend school regularly
- B. a statement that the parent 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 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 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 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 upon failure to cause the child to attend school regularly as required by State law.
- E. if the student is attending the District through the Open Enrollment Program, each notification shall also inform the parent: (1) that the student's open enrollment may be terminated if the student is habitually truant; and (2) the process described in Board Policy 5113, which the parent or student may follow if they believe the student was erroneously marked truant.

The School Attendance Officer will also continue to notify the parent 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. met with the student's parent to discuss the student's truancy or attempted to meet with the student's parent 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 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, which was requested in the Notice of Habitual Truancy to the parent, 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.

### **Make-up Coursework and Examinations**

Students who are absent from school, whether the absence was excused or unexcused, shall be permitted to make-up course work and examinations missed during the absence when they return to school. It is the student's responsibility to contact their teachers to determine what coursework and examinations must be made-up. Teachers shall have the discretion to assign substitute coursework 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.

Students with unexcused absences shall be permitted to make-up coursework.

### **LEAVING SCHOOL EARLY**

Students will not be allowed to leave school early unless a parent/guardian excuses them from the office.

### **ACTIVITIES**

Students in grades 4 & 5 can participate in the following activities:

1. Safety Patrol
2. Student Council

Other contests/activities may be added or substituted during the school year as determined by the administration. Participating elementary students and their parents are required to sign a code of conduct put forth by each organization. Behavioral infractions could result in suspension or removal from an activity.

### **CELL PHONES/ELECTRONICS**

The possession of cellular phones or other personal portable electronic equipment (such devices as iPods, mp3, etc.) on school property is not permitted during the school day.

### **UNACCEPTABLE BEHAVIOR & CONSEQUENCES**

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law regarding minors. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty should be maintained in the schools of this District.

### **DISCIPLINE**

The Board of Education acknowledges that conduct is closely related to learning and that an effective instructional program requires an orderly school environment, which is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions.

The Board shall require each student of this District to adhere to the Code of Conduct promulgated by the administration and to submit to such disciplinary measures as are appropriately assigned for infractions of those rules. Such rules shall require that students:

- A. conform to reasonable standards of socially-acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order necessary to the educational program in which they are engaged;
- D. respect the rights of others;
- E. obey constituted authority and respond to those who hold that authority.

The Principal, Assistant Principal, or their designee shall apply consequences for infractions of the rules which shall:

- A. relate in kind and degree to the infraction;
- B. help the student learn to take responsibility for their actions;
- C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

The Principal, Assistant Principal, or designee shall have the authority to assign discipline to students, subject to the student's due process right to notice, hearing, and appeal.

Teachers and other employees of this Board having responsibility for the supervision of students shall have the authority to apply consequences to control the misconduct of students. Serious student misconduct shall be reported to the District Administrator for further action in all situations and in all places where such students are within the jurisdiction of this Board when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

#### DISCIPLINARY INFRACTIONS AND GUIDELINES

The following unacceptable behaviors have been identified as "absolutes" and will not be tolerated in any school setting including gymnasium, athletic fields, buses, classrooms, etc.

1. Destruction of property/stealing
2. Deliberate harm to another.
3. Sexual/Racial, or other forms of harassment or taunting.
4. Possession of any type of weapon, such as pocket knife or other knives, toy or real guns, numb-chucks, etc.
5. Deliberate endangerment of self through inappropriate use of equipment, rocks, and sticks and wood chips, or leaving the premises.
6. Excessive physical contact, i.e. tackle football, play fighting/wrestling, etc.
7. Chronic insolence or disrespect to supervising adults.
8. Use/possession of alcohol and/or drugs.
9. Serious classroom disruptions.
10. Foul language. Identified behaviors will be addressed by prompt action which may include:
  - Removal from the setting
  - Referral to the Principal, Assistant Principal, or their designee
  - Detention
  - Referral to law enforcement

#### DETENTION:

Students who choose to consistently misbehave in class and/or disobey school rules may serve after school detentions. Parents/guardians will be notified in writing or by phone as to the reason, date, and time of the detention. Students who choose to continue to misbehave may be assigned longer detentions and parents/guardians will be requested to meet with the principal and teacher.

#### **Referral to Principal, Assistant Principal, or their Designee**

When a child is referred to the principal for discipline, the child and the principal collaborate on a plan for subsequent success and restitution (fixing the problem). This can include but is not limited to:

1. Written and/or verbal contact with the parent if deemed necessary.
2. Plan for restitution.
3. Temporary suspension from activities and/or the classroom, and/or school.

Extreme or repeated misconduct or misbehavior may result in:

1. In-school detention or suspension
2. Referral to law enforcement
3. Out-of-school suspension (1-10 days per school board policy 5610)
4. Expulsion (per school board policy 5610)

Parents are always encouraged to dialogue with their children's teachers and with the principal whenever there is a concern regarding behavior and/or consequences.

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

### **See Appendix A**

It is the policy of the Board of Education to maintain an educational environment that is free from all forms of bullying and 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 bullying and/or harassment.

#### **Consequences for Violations:**

1. Can range from detentions, suspension, expulsion, code of conduct violations, law enforcement referral

## **CORPORAL PUNISHMENT (POLICY 5630)**

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

No official, employee, or agent of the Board may subject a student enrolled in the School District to corporal punishment, including resorting to physical force or violence to compel obedience. If all other means fail, officials, employees, or agents of the Board may always resort to the removal of the student from the classroom or school through suspension, expulsion, or other disciplinary intervention.

Officials, employees, or agents of the Board may use:

- A. reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person;
- B. reasonable and necessary force to obtain possession of a weapon or other dangerous object within a student's control;
- C. reasonable and necessary force for the purpose of self-defense or the defense of others under 939.48, Wis. Stats.;
- D. reasonable and necessary force for the protection of property under 939.49, Wis. Stats.;
- E. reasonable and necessary force to remove a disruptive student from a school premises or motor vehicle, as defined in 125.09(2)(a)1. and 4., Wis. Stats, or from school-related activities;
- F. reasonable and necessary force to prevent a student from inflicting harm on himself/herself;
- G. reasonable and necessary force to protect the safety of others;
- H. incidental, minor, or reasonable physical contact designed to maintain order and control.

In accordance with State law, corporal punishment shall not be permitted. If any official, employee, or agent of the Board intentionally inflicts, or causes to be inflicted, physical pain by hitting, paddling, spanking, slapping, forcing prolonged maintenance of physically-painful positions, or makes use of any other kind of physical force as a means of disciplining a student, s/he may be subject to discipline up to and including discharge by this Board and possibly criminal assault charges as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

In determining whether or not a person was acting within the exceptions noted above, if appropriate, deference may be given to reasonable, good faith judgements made by District employees or agents.

The corporal punishment policy and statute shall be interpreted in a manner that is consistent with the State law and policy governing the use of seclusion and restraint.

## **STUDENT CONTROLLED SUBSTANCE ABUSE POLICY**

The primary goal of the Boscobel Area Schools is to educate all students. This goal is based on the broadest possible definition and philosophy of education. The Boscobel Area Schools also have an obligation to provide protection for all students. Alcohol and other drug abuse pose a serious threat to the academic, social and emotional well-being of all students in the Boscobel Area Schools. It is the responsibility of the Boscobel Area Schools to make every effort to reduce the threat of alcohol/other drug abuse. It is also the responsibility of the Boscobel Area Schools to help those students involved with alcohol/other drugs that want or need specific education and/or counseling.

The Boscobel Area Schools recognize harmful involvement with alcohol/other drugs can be a major reason for the lack of success of students in our school system. Some students may be using controlled substances in such a manner as to cause problems for themselves, other students and the school system in general. This use and abuse of alcohol/other drugs is harmful and detrimental to the welfare of the user, other students and staff. Primary responsibility for eliminating a student's abuse and use of alcohol/other drugs rest on the student and the student's parents or guardian.

The Boscobel Area Schools cannot ignore a student's involvement with alcohol/other drugs. The Boscobel Area Schools have a legitimate concern and obligation to the students involved with alcohol/other drugs. This concern and obligation extends to other students whose educational opportunities are affected by a student involved with drugs. The Boscobel Area Schools have a goal of eliminating the problem of alcohol/drug abuse and use.

### **RESTRICTIONS**

Students and staff of Boscobel Area Schools shall not possess, use, transmit, or be under the influence of any narcotic drugs, hallucinogenic drug, amphetamine, marijuana, alcoholic beverage or intoxicant of any nature at a school function on or off the school grounds. If a student of the Boscobel Area Schools possesses, uses, transmits, or is under the influence of any narcotic drug, hallucinogenic drug, amphetamine, marijuana, alcoholic beverage or intoxicant of any nature at a school function on or off the school grounds and such is a violation of criminal law the following will be notified: Principal, Superintendent, parents and the proper law enforcement authorities.

Student use of a drug authorized in accordance with a medical prescription or a patient medicine used under administrative supervision shall not be considered a violation of this policy provided the school nurse and/or respective Principal is notified using the Medication Authorization Form.

### **PENALTY FOR ALCOHOL AND OTHER DRUG ABUSE**

Any student suspected of violating the controlled substance policy will be referred to their respective Principal who shall investigate the incident and determine if a violation exists. If the investigation by the Principal determines a violation has occurred, the student(s) will be suspended from school immediately. As soon as the suspension is imposed, the student's parent/guardian and the local police will be notified of the situation.

A conference between the student's parent/guardian, the student and the respective Principal will be required before the student will be allowed to return to school.

During the above conference, a rehabilitation program may be established by school administration officials allowing the student to be reinstated in school. If the student refuses to participate in the recommended rehabilitation program once it has started without approval of the parents, counselor and school Principal, the student shall be suspended immediately from school pending a hearing before the Boscobel School Board for possible expulsion from school. An outside resource may be included in all or part of the conference.

If a student is found guilty of violating the Boscobel Area School's controlled substance policy a second time, the student will be suspended from school immediately. The student's parent/guardian, Superintendent and the

proper law enforcement authorities will be notified and the student will be brought before the Boscobel Area School Board for possible expulsion proceedings.

If a student is found in possession of or having under his/her control any of the chemical substances described below in this policy with the intent of selling, giving away or otherwise distributing the same on school grounds or at any school function or activity, the student's parent/guardian, local law enforcement officials, Superintendent, and any counselor involved with the student will be notified. Furthermore, the student will be suspended from school in accordance with the interventions listed below.

## **CONSEQUENCES**

### **Drugs**

Possession, distribution, consumption (however large or small in amount and regardless of level of impairment), or use of any tobacco/nicotine product, alcoholic beverage, controlled substance, associated paraphernalia, vaping device, and/ or counterfeit drug, on all school grounds, inclusive of all school buildings and school vehicles, is prohibited. (This includes school events/activities held at other sites; violations of this policy are cumulative from grades 6-12.) Students who intentionally distribute any substance (over the counter and/or illegal drug) under a false pretense will also be held to the following interventions:

1. 1st Violation: Parent Notified. Five (5) days out of school suspension. Referred to law enforcement authorities. Provide literature to families regarding community agencies, which assist students with drug, alcohol, tobacco cessation, and peer pressuring counseling services. If electing to participate, parents would be responsible for payment of these services. Recommendation to the District Administrator for the consideration of expulsion from Boscobel Middle/High School.
2. 2nd Violation and Beyond: Parent Notified. Five (5) days out of school suspension. Referred to law enforcement authorities. Provide literature to families regarding community agencies, which assist students with drug, alcohol, tobacco cessation, and peer pressuring counseling services. If electing to participate, parents would be responsible for payment of these services. Recommendation to the District Administrator for the consideration of expulsion from Boscobel Middle/High School.

### **Tobacco/Nicotine Products**

Student possession or use of tobacco/nicotine products (dip, chew, vaping devices and associated paraphernalia, cigarettes) will result in the following:

1. 1st Violation: Parent Notified; One (1) day in school suspension; Referred to law enforcement.
2. 2nd Violation: Parent Notified; Two (2) days of out of school suspension; Referred to law enforcement. Provide literature to families regarding community agencies that assist students with tobacco cessation counseling services. If electing to participate, parents would be responsible for payment of these services.
3. 3rd Violation: Parent Notified; Five (5) days out of school suspension; Referred to law enforcement. Provide literature to families regarding community agencies which assist students with tobacco cessation counseling services. If electing to participate, parents would be responsible for payment of these services.
4. 4th Violation: Parent Notified. Five (5) days out of school suspension; Referred to law enforcement. Provide literature to families regarding community agencies which assist students with tobacco cessation counseling services. If electing to participate, parents would be responsible for payment of these services. Recommendation to the District Administrator for the consideration of expulsion from Boscobel Middle/High School.

In addition, students may not possess lighters on school grounds.

## **SUSPENSION AND EXPULSION (POLICY 5610)**

The Board of Education recognizes that exclusion from educational programs of the School District, by suspension or expulsion, is a substantial sanction and that such action must comply with the student's due process rights.

## **SUSPENSION**

For purposes of this policy, "suspension" shall be the short-term exclusion of a student from a regular District program.

The District Administrator, the principal, or a teacher designated by the District Administrator may suspend a student for up to five (5) school days or, if a notice of expulsion hearing has been sent, for up to fifteen (15) consecutive school days, or ten (10) consecutive school days for each incident if the student is eligible for special education services under Chapter 115, Wis. Stats.

The suspension must be reasonably justified based upon the grounds authorized under Sec. 120.13, Wis. Stats., which include, but are not limited to: noncompliance with school rules or Board rules; knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; conduct by the student while at school or while under the supervision of a school authority that endangers the property, health, or safety of others; conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of others at school or under the supervision of a school authority; or conduct while not at school or while not under the supervision of a school authority that endangers the property, health, or safety of any employee or School Board member of the District in which the student is enrolled.

The District Administrator, the principal, or a teacher designated by the School District Administrator shall suspend a student if the student possessed a firearm, as defined in 18 U.S.C. 921(a)(3), while at school or while under the supervision of a school authority.

The parent of a suspended minor must be given prompt notice of the suspension and the reason for the suspension. The student's suspension from school shall be entered in the student's record as required by the rules adopted by the Board concerning the content of the student records. The suspended student or the student's parent or guardian may, within five (5) school days following the commencement of the suspension, have a conference with the District Administrator, who shall be someone other than a principal, administrator or teacher in the suspended student's school, to discuss removing from the student's records reference to the suspension. Reference to the suspension on the student's school record shall be removed if the District Administrator finds that: the student was suspended unfairly or unjustly; the suspension was inappropriate, given the nature of the alleged offense; or the student suffered undue consequences or penalties as a result of the suspension.

A suspended student shall not be denied the opportunity to take any quarterly, semester, or grading period examinations or to complete course work missed during the suspension period. Such work shall be completed pursuant to the procedures established by the Board.

In the event a student is classified as Homeless, the building principal shall consult with the Homeless Coordinator to determine whether the conduct is a result of homelessness. The Homeless Coordinator will assist administration and the student's parents or guardian in correcting conduct subject to disciplinary action that is caused by homelessness.

## **EXPULSION**

Under this policy, expulsion shall mean the Board will not permit a student to attend school at all, including any school-sponsored events or activities, for a specified period of time. If the student is expelled, the Board will determine the length of the expulsion period, which may extend at a maximum to the student's 21st birthday. The Board's expulsion order may include the opportunity for the student to return to school prior to expiration of the term of expulsion under a specified set of early reinstatement condition(s) which are related to the conduct for which the student was expelled. The condition(s), once set forth in an expulsion order, shall be administered at the discretion of the District Administrator who shall have the authority to deny early reinstatement if any early reinstatement condition is not met prior to reinstatement or to revoke it for the remainder of the expulsion period if any enrollment conditions applicable to the student's attendance during a period of expulsion under early reinstatement, or conditional enrollment, are deemed by the District Administrator to have been violated. The decision to revoke a student's conditional enrollment shall be

explained in writing. The student or student's parent may request a conference with the District Administrator within five (5) school days of a decision to revoke early reinstatement. The District Administrator shall meet with the student and/or parents within five (5) school days of a request. The District Administrator's decision is final.

The District Administrator may designate another School District employee to perform the functions pertaining to a student's early reinstatement, but may not designate someone that is an administrator or teacher in the student's school.

The Board may expel a student only when it is satisfied that the interest of the school demands the student's expulsion and only when the student: repeatedly refused or neglected to obey the rules established by the School District; knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; engaged in conduct while at school while under the supervision of a school authority that endangered the property, health, or safety of others; engaged in conduct while not at school or while not under the supervision of a school authority that endangered the property, health, or safety of others at school or under the supervision of a school authority or endangered the property, health, or safety of any employee or Board member of the School District in which the student is enrolled; or was at least sixteen (16) years old and had repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct did not otherwise constitute grounds for expulsion. For purposes of this policy, conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

The School Board shall hold an expulsion hearing in the event a student is in possession of a firearm while at school or under the supervision of school authorities and shall expel a student from school for not less than one (1) year whenever it finds that the student brought a firearm to school or, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 U.S.C. 921(a)(3), unless the Board finds that the punishment should be reduced based upon the circumstances of the incident. Any such finding by the Board shall be in writing.

This does not include any circumstance in which a student possessed a firearm while lawfully hunting on school forest land.

The District shall refer any student who brings a firearm (as defined in 18 U.S.C. 921(a)(3)) or a weapon to school to law enforcement.

As required by 20 U.S.C. 7151, the District Administrator will ensure that the following information is sent to the Wisconsin Department of Public Instruction: a copy of this policy; a description of the circumstances surrounding any expulsion(s) for violating the above- stated firearms policy; the name of the school; the number of students expelled; and the types of firearms involved.

Prior to expelling a student, the Board shall provide the student with a hearing. Prior written notice of the hearing must be sent separately to both the student and if the student is a minor, to his/her parent(s) or guardian(s). The notice must be sent at least five (5) days prior to the date of hearing, not counting the date notice is sent. The notice must also satisfy the requirements of Sec. 120.13(1)(c) 4, Wis. Stats.

An expelled student or, if the student is a minor, the student's parent(s) or guardian(s) may appeal the Board's expulsion decision to the Wisconsin Department of Public Instruction. An appeal from the decision of the Department may be taken within thirty (30) days to the circuit court for the county in which the school is located.

In the event a student is classified as Homeless, the building principal shall consult with the Homeless Coordinator to determine whether the conduct is a result of homelessness. The District will not expel a homeless student for conduct that is caused by the student's homelessness. The Homeless Coordinator will assist administration and the student's parents or guardians in correcting conduct subject to disciplinary action



that is caused by homelessness. If the conduct in question is determined not to be caused by the student's homelessness, the District shall proceed with expulsion proceedings as outlined in this policy.

### **BICYCLES AND SCOOTERS**

Students may not ride bicycles or scooters on the school grounds during the school day. Bicycles must be walked onto and off school property. All bikes and scooters should be parked in the bike racks upon arrival at school. It is advised that each child lock his/her bike while at school.

### **BUS TRANSPORTATION**

Any concerns or problems with transportation should be referred to the Transportation Director at 375-5834.

In accordance with state statutes, the Boscobel Area Schools provides free transportation for students living two (2) or miles from the school. The authority of the bus driver to direct student behavior must be accepted by all students. This can include assignment of seats for individual students for the purpose of maintaining order. Students should remain in their seats, be quiet and orderly, and respect the rights of the other passengers. Aisles should be kept clear and heads, arms, and legs kept inside of the bus at all times.

1. Bus drivers must keep written records of bus rules, violators and their violations.
2. All school buses are equipped with video and audio monitoring systems in accordance with board policy #7440.01
3. Parents/guardians will be notified of continuous misbehavior.
4. Continued misbehavior may lead to suspension of bus transportation privileges. In a case where a child has been suspended from the bus, the parent/guardian may be responsible for transporting the child to/from school.
5. Middle/High School students are not to board the bus at the grade school.
6. Extra-curricular Activity Trips:
  - a) Pupils shall respect the wishes of the adult advisors/coaches, chaperones and bus drivers at all times.
  - b) It is recommended that all students ride school vehicles to and from school sponsored activities. However, if the need arises for a parent to transport his/her child to the activity, written permission signed by the Building Administrator must be secured and submitted to the coach/advisor prior to the activity. Parents/guardians who wish to transport their children home from an away activity must see the coach/advisor to sign them out. **(Permission will only be granted to ride with parents/guardians.)**
  - c) Emergency Bus Transportation: In emergency situations, death in family or illness, the District Administrator or the Head of Transportation may allow bus drivers to pick up and drop off students at the parent and/or guardian designated home other than the students home. Such emergencies will be less than two (2) weeks in duration and would be subject to seating space being available on the bus.

### **DRESS CODE**

The Board of Education recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools.

Accordingly, the District Administrator shall establish such grooming guidelines as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes.

Such guidelines shall apply to the dress requirements for members of the athletic teams, bands, and other school groups when representing the District at a public event. Where appropriate, a uniform or specific dress requirement shall be used for students when representing the District as described.

In enforcing the dress code, the following procedures shall be used:

- A. the principal shall serve as the initial as the arbiter of student dress and grooming in his/her building;
- B. before taking action to enforce dress code requirements, including by requiring that a student remove, cover, or otherwise conceal the item or depiction at issue, the principal shall determine whether the item constitutes protected speech in so far as the item independently makes a statement of a discernable nature to the observer by depiction, words, or combination of the two that does not require separate explanation.

Expressive dress may not be protected speech if it involves:

- A. Obscenity
- B. Language or depictions intended to incite violence or foment hatred of others

Dress that is protected speech may still be prohibited if it is likely to cause a substantial disruption to the educational environment. This may include dress that includes the use of vulgarity, discriminatory language including racial or ethnic slurs, negative stereotypes, violence, or other communication when the clear intent is to invoke strong reactions in observers so as to impair the ability of teachers and/or students to engage in educational pursuit.

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

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

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

### **DROPPING-OFF/PICKING-UP STUDENTS/WAITING FOR STUDENTS**

Safety patrols are located at all crosswalks in the vicinity of the elementary school. Students are expected to follow the direction of the patrols. Parents/guardians, who drive their children to school, or pick them up after school, should use Park or Bluff Street to reduce traffic at Grove and Buchanan Streets. When school is in session Buchanan Street is closed off to traffic for student safety. **Parents/guardians are requested to wait outside for students however waiting for students under the canopy or along the sidewalk where buses park is prohibited.**

### **ELEMENTARY HEALTH**

The school nurse provides care for illnesses and injuries and is available for health consultation. Health screenings (vision, hearing, height, and weight) are completed each fall for students in ECH-5 grades. Follow-up screenings are completed for students who fail, and referrals are sent as indicated. Scoliosis information is sent home with sixth grade female students. If available, parents may take advantage of a dental hygienist's services by signing a consent. The school nurse meets with 1st grade students for a dental health visit annually, usually in February. Human Growth & Development presentations are provided to 4th grade girls and to 5th grade boys, usually in the spring.

Emergency cards are to be completed each year and signed by the parent/guardian. The information is used to identify current health issues, and to locate the parent/guardian or designated individual if a child is ill or injured at school. No student will be sent home without a responsible person being notified of the situation. The school district has authorized school personnel to take a student to the Boscobel Clinic for emergency care if the parent/guardian authorizes on the emergency card. School staff may call 9-1-1 whenever they feel emergency care is needed for a student.

Wisconsin's Student Immunization Law requires students to be vaccinated according to the vaccination schedule. Please check the newsletter or contact the school nurse for current immunization requirements. The school nurse is required by law to send legal notices for non-compliant students and to enforce immunization compliance. If a parent/guardian chooses not to vaccinate their child, they must submit a

medical (with health care provider signature), a religious, or a personal conviction waiver in place of immunization(s).

### **USE OF PRESCRIBED MEDICATIONS**

In those circumstances where a student must take prescribed medication during the School day, the following guidelines of Board Policy 5330 – Administration of Medication/Emergency Care are to be observed.

- A. Parents should, with their physician's advice, determine whether the medication schedule can be adjusted to avoid administering medication during school hours.
- B. The Medication Request and Authorization Form must be filed with the M/HS office before the student will be allowed to begin taking any medication during school hours. The forms are available in the School office.
  - All medications to be administered during school hours must be registered with the office.
  - Medication that is brought to the office will be properly secured.
  - Medication may be conveyed to school directly by the parent.
  - For each prescribed medication, the container shall have a pharmacist's label with the following information:
    - 1. student's name;
    - 2. practitioner's name;
    - 3. date;
    - 4. pharmacy name and telephone;
    - 5. name of medication;
    - 6. prescribed dosage and frequency; and
    - 7. special handling and storage directions.
  - Medication MAY NOT be sent to school in a student's lunch box, pocket, or other means on or about their person, except for emergency medications for allergies and/or reactions.
  - Any unused medication unclaimed by the parent will be destroyed by School personnel when a prescription is no longer to be administered or at the end of a school year.

A log for each prescribed medication shall be maintained which will note the personnel giving the medication, the date, and the time of day. This log will be maintained along with the physician's written request and the parent's written release.

### **USE OF NONPRESCRIBED DRUG PRODUCTS**

Possession, administration, and use of nonprescription drug products shall be in accordance with Board Policy 5330 – Administration of Medication/Emergency Care.

- Staff and volunteers will not be permitted to dispense non prescribed drug products to any student without written parental consent.

The Medication Request and Authorization Form must be filed with the school nurse before the student will be allowed to begin taking any medication during school hours.

For each nonprescription drug product, the container shall be the original manufacturer's package and the package must list in a legible format the ingredients and recommended therapeutic dose.

The parents request to administer a nonprescription drug product shall contain the following information:

- A. student's name;
- B. date;
- C. name of medication;
- D. dosage and frequency;
- D. special handling and storage directions;
- E. authorization for trained and authorized school staff to administer the medication; and
- F. health care practitioner's note authorizing administering medication in a dosage that varies from the label's recommended dosage, if applicable.

If a student is found using or possessing a non prescribed drug product without parent authorization, the student will be brought to the school office and the parents will be contacted for authorization. The medication will be confiscated until authorization is received.

Any student who distributes a medication of any kind to another student or is found to possess a medication other than the one authorized is in violation of the school's Code of Conduct and may be disciplined in accordance with the drug-use provision of the Code.

Please note that almost all substances are considered medications and will be treated as such. This includes many lip balms, cough or throat lozenges, bug repellants, sunscreens, medicated lotions, etc. These items may not be used at school unless the proper procedure is followed. A new medication form is needed when a medication or dose changes, and a new form is needed for each school year.

### **CBD PRODUCTS**

In accordance with Board Policy 5330 – Administration of Medication/Emergency Care, students and parents are reminded of the following regulation regarding CBD product use, possession, and distribution on District property or at school activities:

No CBD products will be permitted for use at school.

### **PEDICULOSIS (HEAD LICE) Policy 8451**

Head lice are present in the community at all times and can be particularly prevalent among pre-school and elementary school-age children. Lice are a nuisance, but do not spread disease. Control of lice infestation is best handled by adequate treatment of the infested person and his/her immediate household and other close personal contacts. Contracting head lice is not an indicator of cleanliness or socioeconomic status.

Direct or indirect communication with parents and students can help increase awareness about head lice. It is the responsibility of the parent(s) or guardian(s) to regularly check their child's head for signs of head lice and treat adequately and appropriately as necessary. Control depends on prompt case finding and effective treatment.

If a student in the District is found to have head lice school staff will notify the parent or guardian (or emergency contact, when parent(s)/guardian(s) are unreachable) and ask them to pick the student up and administer an FDA-approved lice treatment (e.g., pediculicide/ovicide) or acceptable alternative treatment, treatment by a qualified healthcare provider, or treatment at a clinic specializing in lice and nit removal. The student will remain in the classroom or nurse's office until able to be picked up by the parent/guardian or emergency contact.

Students may return to school after the appropriate use of an acceptable lice treatment, or the Centers for Disease Control treatment options by a qualified healthcare provider, or treatment at a clinic specializing in lice and nit removal. The District practices a policy of "no live lice" as a criterion for return to school.

The nurse will follow the Department of Health Services, Bureau of Communicable Diseases and/or public health guidelines for management of contagious illnesses or communicable diseases (both suspected or confirmed). Generally, if your child has a fever (of 100 degrees F or greater), they should remain home until fever-free for 24 hours without the use of a fever-reducing medication.

## LINING UP

Students will line up by classes in designated areas on the playground at the beginning of the school day and at the end of lunch recess. Students are expected to enter the building in an orderly manner. Students are expected to treat others with respect while in line; pushing, hitting or other inappropriate behaviors are not allowed.

## LOST AND FOUND

Many items of clothing are left at school and are unclaimed. These items are stored in a box in the hallway outside the gym doors. Please mark all clothing with your child's name. All unclaimed items will be discarded at the very least quarterly or after 1st semester and one-week after the last day of school.

## LUNCH

Boscobel Elementary School observes a closed campus for lunch; likewise, outside visitors are prohibited from eating lunch with students unless designated for a specific purpose by a school official. Students may bring their lunch or participate in the hot lunch program. They may buy milk in the lunch line - **pop/soda/energy drinks/lit teas/etc. are prohibited**. There is a program to provide free or reduced-price lunches for children who are eligible (based on family income). Breakfast and a nutritious lunch are served daily. A separate daily milk break is also provided for those who choose to participate. For further information, please contact the food supervisor at 375-4161. In continuation of the provision for appropriate lunch beverages, students may have water throughout the day - entering the school building at the start of the day, when returning from an appointment, or at any other time during the day with **pop/soda/energy drinks/lit teas/etc. is prohibited**.

## FOOD SERVICE PROGRAMS (POLICY 8500)

Boscobel Area Schools offer healthy meals every school day.

1. Breakfast costs Elementary- \$1.25 and Middle/High School- \$1.50; lunch costs Elementary- \$2.65 and Middle/High School- \$2.90.
2. Meal Charges -Breakfast and lunches sold by the school may be purchased by students and staff members and community residents in accordance with the rules of the District's school lunch program. All lunches must be prepaid.
3. Negative Account Balances-The food service policy (8500) is in place to protect the taxpayers of the District. Parents/Guardians are responsible for maintaining a positive food service account balance.
4. Your children may qualify for free meals or for reduced price meals. Reduced price is .30 cents for breakfast and .40 cents for lunch.
5. An application must be filled out completely to certify your children for free or reduced price school meals. You only need to submit one application per household, even if your children attend more than one school in Boscobel Area Schools.
6. If at any time you are not sure what to do next, please contact: Boscobel Area School/ Shannan Aspenson; 608-375-4164 or [aspenshan@boscobel.k12.wi.us](mailto:aspenshan@boscobel.k12.wi.us).
7. Who can get Free Or Reduced Price meals?
  - a. All children in households receiving benefits from FoodShare, the Food Distribution Program on Indian Reservations (FDPIR), or W-2 cash benefits are eligible for free meals, when listed on the application.
  - b. Foster children that are under the legal responsibility of a foster care agency or court are eligible for free meals.
  - c. Children participating in their school's Head Start program are eligible for free meals.
  - d. Children who meet the definition of homeless, runaway, or migrant are eligible for free meals.
  - e. Children may qualify to receive free or reduced price meals if your household's income is at or below the limits on the Federal Income Eligibility Guidelines.

## **PARENT-TEACHER CONFERENCES**

Parent-teacher conferences for all children are held at the end of the first quarter and again in the second semester. Notices are provided so parents can indicate time preferences. Every effort will be made by the school staff to try and schedule these conferences at a convenient time for the parents/guardians. All parents/guardians are urged to attend the conference, since it is one of the best ways a teacher has to provide parents/guardians information about their child's progress. Additional conferences can be scheduled at any time.

## **PHYSICAL EDUCATION REQUIREMENTS**

All students are required to wear athletic shoes (rubber-soled shoes such as jogging or tennis shoes) during physical education classes. If a child has been ill, he/she may be excused by presenting a written excuse from the parent/guardian to the teacher. Weather permitting, physical education may be held outdoors.

## **PLAYGROUND**

Students are asked to use good judgment when on the playground and in use of the equipment. Respect for fellow students is expected at all times. Supervision is provided during recess periods. The school district will not be responsible for accidents or behavioral incidents that happen at any other time beyond the regular school day (7:55 am to 3:20 pm). **Students should not arrive at school before 7:45 a.m.**

## **SAFETY PATROL**

The purpose of the safety patrol is to help protect students in bus lines, on street corners and other areas around our school. Fifth-grade safety patrol students have an assigned area or serve in a substitute capacity. To keep their patrol status, they must maintain acceptable behavior, grades, and service. They must also abide by the safety patrol Code of Conduct; safety patrol advisors will distribute and review the Code of Conduct with students at the beginning of the school year. Students who are in good standing are eligible to attend the annual Wisconsin Safety Patrol Congress in Wisconsin Dells in May.

## **STUDENT COUNCIL**

The Boscobel Elementary Student Council is a service organization that consists of students in grades 4 – 5. Council members serve the student body by attending meetings that are held approximately twice a month. The Student Council members select their own projects to promote school spirit and to serve the community.

## **SCHOOL PICTURES**

Boscobel Schools each year has a portrait studio come in to take school pictures of all students. Students may not wear hats for their student picture.

## **TELEPHONE USE**

A phone is available in the office for students to make calls if absolutely necessary. Parents/guardians are urged to discuss plans with their child/children before they leave home so that telephoning will not be necessary. Students will not be called from classes to answer calls unless it is an emergency. Messages to students and/or faculty will be put to the teachers' voicemail.

## **TOYS**

Students are allowed to bring toys to school with the permission of their classroom teacher. Toys that can cause injury or be a distraction to others will not be allowed in school (ex. Laser light pens). Toys are not permitted in the classroom or lunchroom. The school assumes no responsibility for theft or loss or traded items. Any toy used in an inappropriate manner that causes potential physical harm or creates a disruption of normal school activity will not be allowed (including but not limited to: toy guns, knives, sling shots, etc.).

## **VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

The Board authorizes the use of video surveillance and electronic monitoring equipment at various facilities and school sites throughout the district and on school buses.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the school district's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceedings, or criminal proceedings, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

## **VISITORS/VOLUNTEERS**

For safety and security, visitors will be limited and need to be approved by administration. Student visitors that do not attend Boscobel Schools are not permitted to visit during the day. Boscobel Elementary realizes the importance and assistance with community volunteers that are willing to help support our school community. Volunteers may help in the classroom under the following conditions:

1. A successful background check.
2. The health of the school is not compromised or the school is not under protocol for illness or a pandemic.
3. Volunteers must understand they are there to support the school and not discipline, take charge, or cause disruption in the day. Confidentiality is also important to keep when volunteering in the school community.

## **WINTER CLOTHING**

During the winter months, children should be dressed according to the weather conditions. Students are outside during recess as much as possible during the winter months. It is recommended students keep a light pair of shoes (marked with the child's name) in the classroom to change into upon entering school. Gym shoes can be used for this purpose.

## **WITHDRAWAL FROM SCHOOL**

Parents/guardians are asked to contact the school when transferring to another school or school district. Student records will be forwarded upon receipt of a written request from the school district in which the student has enrolled.

## **CODE OF CONDUCT**

In being committed to maintaining an orderly and safe class environment, conducive to the teaching and learning process, a positive behavioral system (PBIS) will support proper order within the learning environment.

Student behavior that is dangerous, disruptive, unruly, or that interferes with the teacher's ability to teach effectively will not be tolerated. Any student who engages in such behavior may be subject to removal from class. In addition, the student may be subject to other appropriate disciplinary action, including but not limited to detentions, suspension, expulsion, or the involvement of appropriate outside agencies, for the conduct which the student displayed.

### **Student removal from class:**

*A student may be removed from class for the following reasons:*

1. Dangerous, disruptive, or unruly behavior
2. Behavior that interferes with the ability of the teacher to teach effectively
3. Behaviors that violate District policies, rules, and expectations outlined in the Student Handbook, or individual classroom rules.

*Examples of such behavior may include, but are not limited to:*

- *Possession or use of a weapon or other items that might cause bodily harm to persons*
- *Being under the influence or in possession of, alcohol, tobacco, illegal or controlled substances, or otherwise in violation of district policies regarding alcohol, tobacco, or controlled substances*

- *Behavior that interferes with another person's work or school performance*
- *Behavior that creates an intimidating, hostile or offensive classroom environment*
- *Fighting, pushing, striking, or other actions involving inappropriate physical contact or the threat of physical harm*
- *Inappropriate verbal conduct and profanity*
- *Insubordination through defiance or refusal to follow reasonable requests by staff*
- *Repeated disruptions or violations of classroom rules*
- *Throwing objects in the classroom or common spaces*
- *Destroying or stealing the property of the school, other students, or staff members*
- *Disrespect toward students or staff as demonstrated by words, gestures, graphic material, or other overt behaviors*

**Procedures for Removing a Student From Class:**

*After measures have been taken to redirect or cease disruptive, unruly, or disrespectful behavior, when the teacher determines that removal is necessary the following course of action will be taken:*

- Instruct student to go to another area where they can receive assistance (this can be a buddy room, the self-care center, or the office)
- Seek assistance from the office
- Obtain coverage for the class and escort the student to the office

Every attempt will be made to determine the root cause of the incident and student actions so that the student may return to class. Documentation of the incident will occur and parents will be notified of egregious behavior. If the student removed from class is also subject to disciplinary action for the particular conduct (i.e. suspension or expulsion), the student's parent or guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.

Legal Reference: Wisconsin Statute 118.164  
Wisconsin Statute 120.13

District Reference: Board Policy 5500

*The PBIS matrix outlining general expectations for student behavior is located on the Elementary School webpage by clicking on the "Elementary PBIS in Action" tab.*

**WEAPONS**

The Board prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle, to the extent permitted by law without the permission of the District Administrator.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms (including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3)), guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors with unguarded blades, clubs, electric weapons (as defined in 941.295(1c)(a), Wis. Stats.), metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

The District Administrator will refer any student who violates this policy to the student's parents and may also make a referral to law enforcement. The student may also be subject to disciplinary action, up to and including expulsion.

Policy exceptions include:

- A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off duty law enforcement officers, or out-of-state law enforcement officers;
- B. items pre-approved by a principal as part of a class or individual presentation under adult supervision, including, but not limited to Hunters' Education courses, if used for the purpose and in the manner



approved (working firearms and live ammunition will never be approved); and

C. theatrical props used in appropriate settings.

Any student who has reason to believe that a person has or will violate this policy shall report to the District Administrator or the supervisor of the activity immediately. The report should include as much detail as possible concerning the person(s) involved, the weapon, the location of the person(s), and how this information was obtained.

### **INCLEMENT WEATHER**

A SKYLERT will be sent out with information about inclement weather. You can also listen to the following radio or TV stations for school delays or cancellations, or check school website & social media outlets.

#### **Radio Stations**

WDMP-Dodgeville	WVRQ-Viroqua	WGLR-Lancaster
WIZM-LaCrosse	WPRE-Prairie du Chien	WJTL-Lancaster
WPVL-Platteville	WRCO-Richland Center	KDTH-Dubuque

#### **TV Stations**

WKOW TV27	WISC TV3	NBC 15	WKBT TV8
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### **USDA Non-Discrimination Statement**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

## Appendix A - Board Policy 5517

### 5517 - STUDENT ANTI-HARASSMENT

#### Prohibited Harassment

It is the policy of the Board to maintain an educational environment that is free from all forms of 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 harassment. This policy applies to conduct occurring in any manner or setting over which the Board can exercise control, including 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 harassment based on the traits of sex (including gender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws (hereinafter referred to as "Protected Classes"), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. Additionally, the Board prohibits harassing behavior directed at students for any reason, even if not based on one of the Protected Classes, through its policies on bullying (See Policy 5517.01 – Bullying).

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 harassment and in those cases where harassment is substantiated, the Board will take immediate steps designed to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

#### 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 harassment, or who has participated as a witness in a harassment investigation;
- B. Filing a malicious or knowingly false report or complaint of harassment;
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's duties

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

#### Notice

Notice of the Board's policy on anti-harassment in the educational environment and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

#### Definitions

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

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

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

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

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

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

## **Bullying**

Bullying is prohibited by Board Policy 5517.01 – Bullying. It is defined as deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be 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 well-being. Bullying need not be based on any Protected Class. Bullying behavior rises to the level of harassment when the prohibited conduct is based upon the student’s sex (including gender status, change of sex, or gender identity), race color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights. Complaints brought under this policy that are more appropriately handled under the Bullying policy shall be referred for investigation consistent with the procedures in that policy.

Bullying that rises to the level of Sexual Harassment is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, and is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

## **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 based on one or more of the student’s Protected Class 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.

“Harassment” also includes “hate speech”—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:

- A. making statements that promote violence toward a racial or ethnic group;
- B. drawing, displaying, or posting images or symbols of prejudice (e.g., swastikas).

## **Sexual Harassment**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "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 any gender against a person of the same or another gender.

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

- A. unwelcome verbal harassment or abuse;
- B. unwelcome pressure for sexual activity;
- C. threats or insinuations that a person’s employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions, including graphic sexual commentaries about a person’s body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls and obscene gestures;
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals;
- F. 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;
- G. unwelcome sexual behavior or words including demands for sexual favors, accompanied by implied or overt threats concerning an individual’s educational status;

- H. 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;
- I. 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, telephone calls, or materials of a sexual nature;
  6. displaying pictures, calendars, cartoons, or other materials with sexual content.
- J. inappropriate boundary invasions by a District employee or other adult member of the District community into a student's personal space and personal life;

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

1. hugging, kissing, or other physical contacts with a student;
2. telling sexual jokes to students;
3. engaging in talk containing sexual innuendo or banter with students;
4. talking about sexual topics that are not related to the curriculum;
5. showing pornography to a student;
6. taking an undue interest in a student (i.e. having a "special friend" or a "special relationship");
7. initiating or extending contact with students beyond the school day for personal purposes;
8. using e-mail, text messaging or websites to discuss personal topics or interests with students;
9. giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;
10. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
11. going to a student's home for non-educational purposes;
12. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of a student);
13. giving gifts or money to a student for no legitimate educational purpose;
14. accepting gifts or money from a student for no legitimate educational purpose;
15. being overly "touchy" with students;
16. favoring certain students by inviting them to come to the classroom at non-class times;
17. getting a student out of class to visit with the staff member;
18. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
19. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
20. being alone with a student behind closed doors without a legitimate educational purpose;
21. telling a student "secrets" and having "secrets" with a student;
22. other similar activities or behavior.

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

- H. 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 workplace, 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 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; creating an intimidating, hostile, or offensive learning environment; or 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 regarding 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; creating an intimidating, hostile, or offensive learning environment; or 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/Ancestry Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or 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 or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

## **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's physical, mental, emotional or learning disability and when the conduct has the purpose or effect of: interfering with the individual's educational performance; creating an intimidating, hostile, or offensive learning environment; or 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 disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

## **Anti-Harassment Compliance Officers**

The Board designates the following individuals to serve as the District's Compliance Officers (also known as "Anti-Harassment Compliance Officers"; hereinafter referred to as the "COs").

Danelle Schmid  
Elementary Principal  
200 Buchanan Street  
Boscobel, WI 53805  
608-375-4165  
schmdane@boscobel.k12.wi.us

Pete Schroeder  
Middle/High School Principal  
300 Brindley St  
Boscobel, WI 53805  
608-375-4161  
schrpete@boscobel.k12.wi.us

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

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

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

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 employees.
- B. Any parent of a student who believes the student has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the student's teacher, building administrator or District Administrator.

- C. Teachers, administrators, and other school officials who have the 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 Compliance Officer.
- 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 employees.
- 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.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, each school's building principal shall be advised to designate both a male and a female Compliance Officer for receiving reports of harassment prohibited by this policy. At least one (1) Compliance Officer or other individuals shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

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

Any Board employee who directly observes harassment of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) days. Thereafter, the COs must contact the Complainant, if over age eighteen (18) or the Complainant's parents/guardians if under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer to conduct an investigation following all the procedures outlined in the complaint procedures.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a Third Party, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will contact the Complainant and begin either an informal or formal process (depending on the request of the Complainant or the nature of the alleged harassment), or the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. The CO will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer as soon as possible, but always within no more than two (2) days of learning of the incident.

### **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Program or Activities, any student who believes that they have been subjected to harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights ("OCR") and/or the Wisconsin Equal Rights Division. The Chicago Office of the OCR can be reached at John C. Kluczynski, Federal Building, 230 S. Dearborn Street, 37th Floor Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

If at any time during the investigation process the investigator determines that the complaint is properly defined as Bullying, under Policy 5517.01 - Bullying and not Harassment under this Policy, because the conduct at issue is not based on a student's Protected Characteristics, the investigator shall transfer the investigation to the appropriate building principal.

### **Complaint Procedure**

A Complainant may file a complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the CO, District Administrator, or other District official who works at another school or at the District level. Due to the sensitivity surrounding complaints of harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District official at the student's school, the CO, District Administrator, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the CO within two (2) days.

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

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); 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 CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant or the Respondent, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the District Administrator prior to any action being taken. The Complainant should be notified of any proposed action prior to such action being taken.

As soon as appropriate in the investigation process, the CO will inform the Respondent that a complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and the Board's anti-harassment policy shall be provided to the Respondent at that time. The Respondent must also be provided an opportunity to respond to the complaint.

Within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the complainant and informing the complainant of the investigation process.

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

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

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

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

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

Absent extenuating circumstances, within ten (10) days of receiving the report of the CO, the District Administrator either must issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's written decision will be delivered to both the Complainant and the Respondent.

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

The decision of the District Administrator shall be final. If the Complainant feels that the decision does not adequately address the complaint s/he may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction ("DPI"), Pupil Nondiscrimination Program, or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

If the decision of the District Administrator is that there is no finding of harassment pursuant to this policy, the student/parent will be informed of the provisions of Policy 5517.01 - Bullying.

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

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

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

### **Additional School District Action**

If the evidence suggests that the harassment at issue is a crime or requires mandatory reporting under the Children's Code (Sec. 48.981, Wis. Stat.), the CO 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.

Any reports made to the local child protection service or to local law enforcement shall not terminate the CO's obligation and responsibility to continue to investigate a complaint of harassment. While the COs 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.

### **Privacy/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. Additionally, the Respondent must be provided the Complainant's identity.

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

### **Remedial Action and Monitoring**

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

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

### **Sanctions and Disciplinary Action**

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

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

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where 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 disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

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

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

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



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

### **Reprisal**

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

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

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator will develop a method of discussing this policy with the School District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the School District community at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, State, and Federal law.

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address and telephone number of the Compliance Officers, the name, mailing address and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

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.

### **Retention of Investigatory Records and Materials**

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

- A. all written reports/allegations/complaints/statements.
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.
- N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

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

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

T.C. 10/8/18 Revised 4/15/19, Revised 6/8/20, Revised 11/8/21

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Legal

48.981, Wis. Stats.

118.13, Wis. Stats.

P.I. 9, Wis. Admin. Code

P.I. 41 Wis. Admin. Code

20 U.S.C. 1400 et seq., the Individuals with Disabilities Education Act of 2004, as amended (IDEA)

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

42 U.S.C. 1983

42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964

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

34 C.F.R. Part 104, Section 504 Regulations

34 C.F.R. Part 300, IDEA Regulations

## Appendix B - Board Policy 2266

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

#### Introduction

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

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

Pursuant to its Title IX obligations, the Board is committed to eliminating sexual harassment and will take appropriate action when an individual is determined responsible for violating this policy. Members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. Third Parties who engage in sexual harassment are also subject to the disciplinary sanctions listed in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing supportive measures as reasonably necessary to restore or preserve access to the District's education programs and activities.

#### Coverage

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

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

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

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

#### Definitions

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

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

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
  1. "Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of incest and statutory rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.
    - a. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or

physical incapacity. Attempted rape is included.

- b. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - c. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
  - d. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - e. *Incest* is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
  - f. *Statutory Rape* is nonforcible sexual intercourse with a person who is under the statutory age of consent as defined by 948.02 or 948.09, Wis. Stats. or whose status as a student prohibits such sexual contact per 948.095, Wis. Stats.
  - g. *Other Sexual Contact* includes the intentional emission of bodily fluids on the complainant, or at the direction of the Respondent, for the purposes of sexual gratification as defined in Wis. Stat. § 940.225(5)(b).
  - h. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
  - i. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
2. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
    - a. A current or former spouse or intimate partner of the victim;
    - b. A person with whom the victim shares a child in common;
    - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
    - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
    - e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
  3. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  4. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

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

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

**Formal Complaint:** "Formal complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation(s) of sexual

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

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

**Supportive Measures:** "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), referral to Employee Assistance Program, and other similar measures.

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

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

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

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

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

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

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

#### **Title IX Coordinator(s)**

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

Danelle Schmid  
Elementary Principal  
200 Buchanan Street  
Boscobel, WI 53805  
608-375-4165  
schmdane@boscobel.k12.wi.us

Pete Schroeder  
Middle/High School Principal

300 Brindley St  
Boscobel, WI 53805  
608-375-4161  
schrpete@boscobel.k12.wi.u

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

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

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

Danelle Schmid  
Elementary Principal  
1110 Park Street  
Boscobel, WI 53805  
608-375-4165  
schmdane@boscobel.k12.wi.us

Pete Schroeder  
Middle/High School Principal  
1110 Park Street  
Boscobel, WI 53805  
608-375-4161  
schrpete@boscobel.k12.wi.us

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

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

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

### **Grievance Process**

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

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

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

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

## **Report of Sexual Discrimination/Harassment**

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

Board employees are required, and other members of the School District community and Third Parties are encouraged, to report allegations of sex discrimination or sexual harassment promptly to the/a Title IX Coordinator or to any Board employee, who will, in turn, notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

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

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

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

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

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

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

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

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

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

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

### **Formal Complaint of Sexual Harassment**

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

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

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

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

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

### **Timeline**

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

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

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

- A. Notice of the Board's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must:
  1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
  3. inform the parties of any provision in the Student Code of Conduct, this policy, and/or Employee Handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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



### **Dismissal of a Formal Complaint**

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

- A. would not constitute sexual harassment (as defined in this policy) even if proved;
- B. did not occur in the District's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the formal complaint. If the Title IX Coordinator dismisses the formal complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee Handbook.

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

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the District or employed by the Board; or
- C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

### **Consolidation of Formal Complaints**

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

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

### **Informal Resolution Process**

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

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

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

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

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

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

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

The informal resolution process is not available to resolve allegations that a Board employee sexually harassed a student.

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

### **Investigation of a Formal Complaint of Sexual Harassment**

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

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

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an eligible student, the District must obtain the voluntary, written consent of a parent.

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

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

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

The District establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings:

Limit the advisor from:

- A. questioning the other party,
- B. answering questions on behalf of any party, and
- C. disrupting the investigation process.

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

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

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

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

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

### **Determination of Responsibility**

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

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

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

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

The written determination will include the following content:

- A. Identification of the allegations potentially constituting sexual harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s) and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

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

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the District Administrator of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Suspension and Expulsion, and Policy 5611 – Due Process Rights. The discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

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

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee Handbook.

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

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

The discipline of an employee will be implemented in accordance with Federal and State law, and Board policy. The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School District community or Third Party determined responsible for violating this policy (i.e., engaging in sexual harassment):

- A. oral or written warning;
- B. suspension or termination/ cancellation of the Board's contract with the third-party vendor or contractor;
- C. mandatory monitoring of the third-party while on school property and/or while working/interacting with students;
- D. restriction/prohibition on the third-party's ability to be on school property; and
- E. any combination of the same.

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

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

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

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

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

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

### **Appeal**

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

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

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

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

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

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

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

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

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

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

### **Retaliation**

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

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

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

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Confidentiality**

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

### **Application of the First Amendment**

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

### **Training**

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

- A. the definition of sexual harassment (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interests, and bias.

### **Recordkeeping**

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the

District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

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

- A. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

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

### **Outside Appointments, Dual Appointments, and Delegations**

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

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

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

### **Discretion in Application**

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

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

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

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Legal

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964

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

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

42 U.S.C. 1983

34 C.F.R. Part 106

19.21(6), Wis. Stats.

118.25, Wis. Stats.

120.13, Wis. Stats.

948.02, Wis. Stats.

OCR's Revised Sexual Harassment Guidance (2001)

20 U.S.C. 1092(F)(6)(A)(v)

34 U.S.C. 12291(a)(10)

34 U.S.C. 12291(a)(8)

34 U.S.C. 12291(a)(30)