Kenosha Unified School District

MONTHLY SCHOOL BOARD STANDING COMMITTEE MEETINGS

July 12, 2016

6:30 P.M. Personnel/Policy

Please Note: July 2016 Planning/Facilities/ Equipment, Audit/Budget/Finance Committee and Curriculum/Program meetings have been canceled.

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Kenosha Unified School District

Standing Committee Meetings
July 12, 2016
Educational Support Center

I. **Personnel/Policy - 6:30 P.M.**

A. Approval of Minutes – April 12, 2016 Personnel/Policy 1

B. Policies 1950 Relations With Wisconsin Interscholastic Athletics Association, 5110 Equal Educational Opportunity Discrimination Complaint, 5111 Anti-Bullying/Harassment/Hate, 5112 Student Restroom and Locker Room Accessibility and 6470 Student Records 3

C. Future Agenda Items

1. Policy 3420 - Purchasing – August

D. Adjournment

Please Note: June 2016 Planning/Facilities/Equipment, Personnel/Policy and Audit/Budget/Finance Committee Meetings have been canceled.

There may be a quorum of the board present at these Standing Committee meetings; however, under no circumstances will a board meeting be convened nor board action taken as part of the committee process. The three board members who have been appointed to each committee and the community advisors are the only voting members of the Standing Committees.

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KENOSHA UNIFIED SCHOOL BOARD
PERSONNEL/POLICY MEETING
Educational Support Center – Room 110
April 12, 2016
MINUTES

A meeting of the Kenosha Unified Personnel/Policy Committee chaired by Mr. Kunich was called to order at 7:32 P.M. with the following committee members present: Mrs. Snyder, Ms. Stevens, Mrs. Dahl, Mr. Moore, Mr. Jenewein, and Mr. Kunich. Dr. Savaglio-Jarvis was also present. Mrs. Stephens was excused and Mrs. Hamilton was absent.

Approval of Minutes – February 9, 2016
Mrs. Dahl moved to approve the minutes as presented in the agenda. Mrs. Snyder seconded the motion. Unanimously approved.

Policy 4200 – General Personnel Policies
Mrs. Tanya Ruder, Executive Director of Community Partnerships and Media Relations, presented Policy 4200 – General Personnel Policies. She noted that the policy was being updated to reflect the district's move from collectively bargained agreements to the Employee Handbook, to include a cross reference of the Employee Handbook, and to include any applicable state and federal laws and/or guidelines in the legal reference section. There were no questions from committee members.

Mrs. Dahl moved to forward Policy 4200 – General Personnel Policies to the school board for approval. Mrs. Snyder seconded the motion. Unanimously approved.

Policy and Rule 5434 – Alcohol and Other Drugs - Students
Ms. Susan Valeri, Director of Special Education/Student Support, presented Policy and Rule 5434 – Alcohol and Other Drugs – Students. She indicated that the policy was last updated in 2009. The suggested revisions were developed with input from the Community Council Committee. This committee was comprised of representatives from local law enforcement, the judicial system, Kenosha County Children and Family Services, parents, teachers, and administrators. The committee felt that there is a need for administrators to have flexibility with the determination for suspension and/or expulsion of students. The current policy has a mandatory suspension of three days or five days listed in it. The updated policy would allow principals/administrators to determine the need for a suspension and/or expulsion for up to three days or five days. Ms. Valeri answered questions from committee members.

Ms. Stevens moved to forward Policy and Rule 5434 – Alcohol and Other Drugs – Students to the school board for approval. Mr. Moore seconded the motion. Unanimously approved.

Information Item
There were no questions on the Recommendations Concerning Appointments, Leaves of Absence, Retirements and Resignations.

Future Agenda Items
There were no future agenda items noted.

Mr. Moore moved to adjourn the meeting. Mrs. Dahl seconded the motion. Unanimously

approved.

Meeting adjourned at 7:40 P.M.

Stacy Schroeder Busby
School Board Secretary

July 12, 2016
Personnel/Policy Standing Committee

POLICIES 1950 RELATIONS WITH WISCONSIN INTERSCHOLASTIC ATHLETICS ASSOCIATION, 5110 EQUAL EDUCATIONAL OPPORTUNITY DISCRIMINATION COMPLAINT, 5111 ANTI-BULLYING/HARASSMENT/HATE, 5112 STUDENT RESTROOM AND LOCKER ROOM ACCESSIBILITY AND 6470 STUDENT RECORDS

Background

To ensure the Kenosha Unified School District is up to date with all policies regarding transgender youth, it was determined that Policies 1950, 5110, 5111, and 6470 required updating. In addition to updating each of these policies to include transgender or gender non-conforming youth, Policy 5112 was developed to address the use of restrooms and locker rooms within the district.

Policy 1950

- Paragraph 1 added the full sentence: **The District shall comply with all policies, rules and regulations promulgated by the WIAA to the extent permitted by law.**

Policy 5110

- Paragraph 1 added items in bold: No student may be denied admission to, be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, student services, recreational or other program or activity because of the student's **age, gender,** sex **(which includes gender identity, gender expression, transgender status, and gender non-conforming behaviors),** race, national origin, ancestry, creed, religion, color, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap in accordance with **state and federal laws and regulations, including, but not limited to,** Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 and Sections 504 of the Rehabilitation Act of 1975 and the Americans with Disabilities Act of 1992.

Rule 5110

- Paragraphs 4, 5, 8 changed Executive Director to **Chief**

- Paragraph 5a eliminated strikethrough item: Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability shall be processed in accordance with established appeal procedures. ~~outlined in the District's *Special Education Program and Procedure Manual.*~~ (We follow DPI guidelines and do not have this manual anymore.)

- Paragraph 10 added bold item: If a complainant wishes to appeal a negative determination of the Board, there is the right to appeal the decision to the State Superintendent within 30 **calendar** days of the written notification of the Board's decision.

Policy 5111

- Paragraph 4 added bold items and deleted strikethrough items: The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age, **gender,** sex **(i.g. gender identity, gender expression, transgender status, and gender non-conforming behaviors)**, ancestry, creed, **color,** pregnancy, marital status, parental status, race, **national origin,** ethnicity, religion, sexual orientation, ~~**gender identity, gender expression,**~~ physical attributes, **ability or disability (i.e.** physical**, emotional, learning,** or mental**)** ~~**ability or disability**~~, and social, economic or family status.

- After paragraph 4 added then entire Definitions section

- Paragraph 9 added bold items and deleted strikethrough items: Bullying/harassment/hate activities, actions and/or speech are defined as any acts or attempted acts of speech intended to cause physical injury, emotional suffering or property damage through intimidation, hazing, harassment, stress, bigoted epithets, vandalism, force or threat of any of the above, motivated all or in part out of hostility to the victim's real or perceived **age, gender, sex (i.g. gender identity, gender expression, transgender status, and gender non-conforming behaviors), ancestry, creed, color, pregnancy, marital status, parental status,** race, **national origin,** ethnicity, religion, sexual orientation, **physical attributes, ability or** disability **(i.e.** physical**, emotional, learning,** or mental**),** or ~~individual circumstances such as appearance,~~ social, economic or family status.

Rule 5111

- Paragraph 8 changed Assistant Superintendent of Elementary or Assistant Superintendent of Secondary Schools to **Chief of School Leadership**

Policy 5112
Added the new policy

Rule 6470

- Paragraph 4 changed Office of K-8 Instruction to **Office of Special Education and Student Support** and Executive Director of K-8 to **Chief of Special Education and Student**

Rule 6470

- Section A added #5: **To the extent records maintained by the District include information about a student's transgender status, including his/her gender/sex assigned at birth, such records and information shall be maintained as confidential pupil/education records. If the transgender/gender non-conforming student discloses his/her transgender status to District Staff and/or other students, such disclosure does not authorize the District to disclose other records and information about the student's transgender status. Disclosure of such records and information continues to require consent as described herein.**

- Section B added #6: **Modifying Official Student Records. The District shall modify a student's official record to reflect a change in a student's legal name and/or gender/sex upon receipt of a court order requiring such a modification. The District shall utilize a**

student's preferred name (e.g., nickname) in other settings and circumstances without modification of the official record upon written request from the student and his/her parent(s)/guardian(s). In situations where the District is required by law to use or to report a transgender/gender non-conforming student's legal name or gender/sex, such as for purposes of standardized testing, the District shall make a reasonable effort to avoid disclosure of such information in a way that could create discomfort for the student.

- Section D, #4 changed Executive Director of K-8 Instruction to **Chief of Special Education and Student Support**

Administrative Recommendation

Administration is recommending Policies 1950, 5110, 5111, 5112 and 6470 be forwarded to the full board for a first and second reading on July 26, 2016.

Sue Savaglio-Jarvis
Superintendent of Schools

Susan Valeri
Chief of Special Education/Student Support

POLICY 1950
RELATIONS WITH WISCONSIN INTERSCHOLASTIC ATHLETICS ASSOCIATION

The district recognizes the Wisconsin Interscholastic Athletic Association (WIAA) as a regulatory organization for high school athletics and shall pursue an active voice in WIAA deliberations through an official representative to WIAA membership meetings. **The District shall comply with all policies, rules and regulations promulgated by the WIAA to the extent permitted by law.**

The superintendent of schools shall appoint the district's WIAA representative annually in April, and the representative shall report periodically to the superintendent on WIAA business and developments. Replies to all WIAA surveys shall be approved by the superintendent before being returned to the WIAA.

Prior to membership meetings of the WIAA, the district's WIAA representative shall report to the superintendent on WIAA Board of Control nominees and other issues to be voted upon at the WIAA membership meeting. The superintendent and the district's WIAA representative shall decide the district's position on issues pending before the WIAA meeting, and the representative shall vote accordingly.

Representatives are authorized to vote only as consistent with the superintendent's direction.

The superintendent shall report his/her recommendations to the school board.

LEGAL REF: **Wis. Stat. §120.12(23)**~~None~~

CROSS REF.: **5110, Equal Educational Opportunity Discrimination Complaint**
5111, Anti-bullying/Harassment/Hate
5112, Student Restroom and Locker Room Accessibility
6470, Student Records
6770, Interscholastic Athletics

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: May 25, 1993

REVISED June 25, 1996
February 25, 2003
December 16, 2014
July 26, 2016

POLICY 5110
EQUAL EDUCATIONAL OPPORTUNITY
DISCRIMINATION COMPLAINT

No student may be denied admission to, be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, student services, recreational or other program or activity because of the student's **age, gender,** sex **(which includes gender identity, gender expression, transgender status, and gender non-conforming behaviors),** race, national origin, ancestry, creed, religion, color, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap in accordance with **state and federal laws and regulations, including, but not limited to,** Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 and Sections 504 of the Rehabilitation Act of 1975 and the Americans with Disabilities Act of 1992. This does not preclude decisions relative to classes or activities based on a student's individual performance or needs.

Students who have been identified as having a handicap or disability under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act shall be provided with reasonable accommodations in educational services or programs. Students may be considered handicapped or disabled under this policy even if they are not covered under the District's special education policies and procedures.

The District shall also provide for the reasonable accommodation of a student's sincerely held religious beliefs. Requests for accommodations shall be made in writing and approved by the (e.g., building principal, assistant principal, classroom teacher). Accommodations may include, but not necessarily be limited to, exclusion from participation in an activity, alternative assignments, and make up opportunities for coursework missed due to religious observances. Any accommodations granted under this policy shall be provided to students without prejudicial effect.

The District encourages informal resolution of complaints under this policy. A formal complaint procedure shall also be available to address allegations of violations that cannot be solved informally. Annually, the District shall provide public notice of this policy, the name and address of the designated employee to receive complaints and the complaint procedures. Student nondiscrimination statements shall also be included on staff and student handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities. The complaint procedure shall be included in student and staff handbooks.

LEGAL REF.: Wisconsin Statutes
Section 118.13 [Student discrimination prohibited]
Wisconsin Administrative Code
PI 9 [Student nondiscrimination policies/discrimination complaint procedures required]
PI 41 [Accommodating a student's religious beliefs policy required]
Title IX, Education Amendments of 1972 [Sex discrimination prohibited]
Title VI, Civil Rights Act of 1964 [Race, color and national origin discrimination prohibited]
Section 504 of the Rehabilitation Act of 1973 [Handicap discrimination prohibited]
Americans with Disabilities Act of 1990 [Disability discrimination prohibited]
Individuals with Disabilities Education Act [Accommodating needs of disabled children]

CROSS REF.: **1950, Relations with Wisconsin Interscholastic Athletics Association**
3280, Student Fees, Fines and Charges (currently 3250, 3411, 6120.1 – paragraph two)

5111, **Anti-bullying/**Harassment/Hate
5112, Student Restroom and Locker Room Accessibility
5341, Released Time for Religious Instruction
5440, Married Students and School-Age Parents
6233, Holiday/Religious Observances
6330, Privacy Rights in District Programs
6421, Programs for Students with Disabilities
6470, Student Records
6810, Teaching about Controversial Issues
Section 504 Educational Program Plan
~~*Special Education Program and Procedure Manual*~~

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: September 24, 1991

REVISED: March 22, 1994
November 28, 1995
July 10, 2001
July 26, 2016

RULE 5110
EQUAL EDUCATIONAL OPPORTUNITY

Any complaint regarding the interpretation or application of the District's student nondiscrimination related policies shall be processed in accordance with the following procedures:

INFORMAL PROCEDURE

The District promotes the voluntary resolution of problems at the level of government closest to their source and, as such, encourages informal resolution of student discrimination complaints. If a complaint cannot be solved informally, the complainant may initiate a formal complaint as outlined below. An informal resolution of a complaint does not prohibit the filing of a formal complaint at any time.

FORMAL COMPLAINT PROCEDURE

The timelines governing the resolution of the formal complaint do not go into effect until the written complaint is received.

Step 1: Except as outlined in (a) and (b) below, a written statement of the complaint shall be signed and submitted by the complainant to the ~~Executive Director~~ **Chief** of School Leadership. The statement shall specify the nature of the alleged discrimination, the facts (including specific details and corresponding dates), the relief sought and the name, address and phone number of the complainant. If the complainant is a minor, the complaint may also be signed by his/her parent or guardian.

The ~~Executive Director~~ **Chief** of School Leadership shall thoroughly investigate the complaint, notify the employees who have been accused of discriminating and permit them to respond to the allegation, and arrange a meeting to discuss the complaint with all concerned parties within 10 working days after receipt of the written complaint, if deemed necessary. The ~~Executive Director~~ **Chief** of School Leadership shall, by certified mail, give a written answer to the complaint within 15 working days after receipt of the written complaint unless the parties agree to extend the timeline.

a. Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability shall be processed in accordance with established appeal procedures. ~~outlined in the District's *Special Education Program and Procedure Manual*.~~

b. Discrimination complaints relating to programs specifically governed by federal law or regulation (e.g., EDGAR complaints) shall be referred directly to the State Superintendent of Public Instruction.

Step 2: If the complainant is not satisfied with the answer of the ~~Executive Director~~**Chief** of School Leadership, a written appeal to the Superintendent may be submitted indicating with particularity the nature of disagreement with the answer. The appeal must be filed within 10 calendar days after receipt of the Administrator's answer. The Superintendent shall arrange a meeting with the complainant and other affected parties, if requested by the complaint, at a mutually agreeable time to discuss the appeal. The Superintendent shall, by certified mail, give a written answer to the complainant's appeal within 10 working days.

Step 3: If the complainant is not satisfied with the answer of the Superintendent, the complaint may be filed with the School Board by submitting a written appeal to the Superintendent within 10 calendar days

after receipt of the Superintendent's answer. The Board shall, within 20 calendar days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall give, by certified mail, a written answer to the complaint within 10 working days following the completion of the hearing. The determination of the Board shall be based upon a reasonable investigation of the facts allegedly constituting a violation as presented in the complaint. If it is determined that a violation has occurred, the Board shall take appropriate steps to ensure compliance with state and federal laws and Board policy. If the Board makes a negative determination with regard to the complaint, the complainant will be notified of his/her right to appeal the decision to the State Superintendent.

Step 4: If a complainant wishes to appeal a negative determination of the Board, there is the right to appeal the decision to the State Superintendent within 30 **calendar** days of the written notification of the Board's decision. The appeal must specify the grounds upon which the action was brought, the facts and the relief sought, and must be signed by the complainant. If the complainant is a minor, the appeal shall also be signed by his/her parent or guardian. Appeals should be addressed to: State Superintendent, Wisconsin Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841. Also, discrimination complaints involving federal law violations (sex, race, color, national origin, handicap or disability) may be made directly, or on appeal, to the U.S. Office for Civil Rights - Region V, 401 South State Street, Chicago IL 60605- 1292.

MAINTENANCE OF COMPLAINT RECORDS

Records shall be kept of all formal and informal student discrimination complaints for the purpose of documenting compliance and past practices. The records shall include information on all levels of the complaint and any appeals. The records should include:

1. The name of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complaint.
4. The name(s) of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action taken.

POLICY 5111
ANTI-BULLYING/HARASSMENT/HATE

Purpose/Introduction:

The Kenosha Unified School District strives to provide a safe, secure and respectful learning environment for all students in school buildings, on school grounds, in school buses and at school-sponsored activities.

Bullying/harassment/hate has a harmful social, physical, psychological and academic impact on those choosing to bully, the targets of bullying and bystanders. The school district consistently and vigorously addresses bullying/harassment/hate with the goal of eliminating disruption to the learning environment and learning process. Bullying/harassment/hate behavior is prohibited in all schools, buildings, property and educational environments, including any property or vehicle owned, leased or used by the school district. This includes public transportation regularly used by students to go to and from school. Educational environments include, but are not limited to, every activity under school supervision.

Bullying/harassment/hate is defined as unwanted aggressive behavior(s) by a Kenosha Unified student or group of Kenosha Unified students, which involves an observed or perceived power imbalance and may be repeated multiple times or is highly likely to be repeated, as determined by the building administrator. Bullying/harassment/hate may inflict substantial harm or distress on the targeted youth including physical, psychological, social and/or educational harm.

The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age, **gender,** sex **(i.g. gender identity, gender expression, transgender status, and gender non-conforming behaviors)**, ancestry, creed, **color,** pregnancy, marital status, parental status, race, **national origin,** ethnicity, religion, sexual orientation, ~~**gender identity, gender expression,**~~ physical attributes, **ability or disability (i.e.** physical**, emotional, learning,** or mental**)** ~~**ability or disability**~~, and social, economic or family status.

Definitions

These definitions are not intended to label students but rather to assist in understanding this policy and the legal obligations of District staff. Students may or may not use these terms to describe themselves.

Gender Identity: This is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has gender identity.

Gender Expression: The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

Transgender: An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Other terms that can have similar meanings are transsexual and trans.

a. Female-to-Male (FTM) transgender person means one who was born with a female body but who identifies as a boy or man.

b. Male-to-Female (MTF) transgender person means one who was born with a male body but who identifies as a girl or woman.

Transition: The process in which a person goes from living and identifying as one gender to living and identifying as another.

Gender Non-conforming: A term for people whose gender expression differs from stereotypical or prevailing social expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include gender diverse or gender expansive.

Bullying/harassment/hate behavior can be, but is not limited to:

1. Physical (e.g., assault, hitting or punching, kicking, theft, threatening behavior, limiting freedom of movement).
2. Verbal (e.g., threatening or intimidating language, teasing or name-calling, racist remarks).
3. Written (e.g., graffiti, notes, signs, epithet).
4. Indirect (e.g., spreading cruel rumors, intimidation through gestures, social exclusion).
5. Electronic (e.g., Cyber bullying, mean vulgar messages, images, video, posting sensitive private information).

Bullying/harassment/hate can occur in person and/or through technology. Electronic aggression, or cyber bullying, happens through email, chat rooms, instant messaging, websites, text messages, digital applications or social media. Cyber bullying can take place at school, or outside of school and impacts student learning.

Sexual harassment can include, but is not limited to: sexual comments, jokes, display of sexually offensive materials, sex-oriented name-calling (i.e., fag, gay, dyke); inappropriate staring at another individual or touching of his/her clothing, hair, or body; asking personal questions about another individual's sex life; or repeatedly asking someone out who has stated that he/she is not interested. It can happen through email, chat rooms, instant messaging, websites, text messages, digital applications or social media.

Bullying/Harassment/Hate**:**

The District also prohibits all forms of student bullying/harassment/hate activities, actions, or speech on school premises, at school activities or on sites normally considered to be under school control.

Bullying/harassment/hate activities, actions and/or speech are defined as any acts or attempted acts of speech intended to cause physical injury, emotional suffering or property damage through intimidation, hazing, harassment, stress, bigoted epithets, vandalism, force or threat of any of the above, motivated all or in part out of hostility to the victim's real or perceived **age, gender, sex (i.g. gender identity, gender expression, transgender status, and gender non-conforming behaviors), ancestry, creed, color, pregnancy, marital status, parental status,** race, **national origin,** ethnicity, religion, sexual orientation, **physical attributes, ability or** disability **(i.e.** physical**, emotional, learning,** or mental**),** or ~~individual circumstances such as appearance,~~ social, economic or family status.

Training:

Employee training shall be provided as necessary/appropriate to help employees implement the District's policy and procedures.

LEGAL REF.: Wisconsin Statutes
Sections 118.01(2)(d)8 Instructional Programs
118.02 (9t) Special observance days
118.13 Student discrimination, including harassment, prohibited
118.46 (2) Policy on bullying
120.13 (1) Board power to set student conduct rules
947.0125 Unlawful use of computerized communication systems
947.013 Harassment prohibited
948.51 (2) Hazing
Wisconsin Administrative Code
PI 9, Wisconsin Administrative Code (Rules implementing student nondiscrimination law)
Title IX, Educational Amendments of 1972 (Sex discrimination, including sexual harassment, prohibited)

CROSS REF.: **1950, Relations with Wisconsin Interscholastic Athletics Association**
2810, Incident Reporting
4111, Employee Harassment
4226, On-Line Forum
5110, Equal Educational Opportunity~~ies~~/Discrimination Complaint
5112, Student Restroom and Locker Room Accessibility
5430, Student Conduct and Discipline
5435, Electronic Devices
5437, Threats/Assaults
5438, Gangs and Gang-Related Activities
5473, Student Suspensions
5474, Student Expulsions
5475, Students with Disabilities
5540, Abused/Neglect
6470, Student Records

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: January 11, 1994

REVISED: October 8, 1996
January 29, 2002
February 22, 2011
July 22, 2014
July 26, 2016

RULE 5111
ANTI-BULLYING/HARASSMENT/HATE

Reporting Bullying Behavior:

All school employees and school officials who observe an act of bullying/harassment/hate are expected to intervene. Following an observation or becoming aware of acts of bullying/harassment/hate employees are required to report these acts to an administrator/designee. Any other person, who feels she/he is being bullied or who witnesses the bullying of others is encouraged to notify a building staff member.

Confidentiality:

The District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, take appropriate action, and conform to any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

Procedures for Investigating Reports of Bullying:

Reports of bullying/harassment/hate may be made verbally or in writing and may be made confidentially. All such documented reports, whether verbal or in writing, will be taken seriously, investigated, and a clear account of the incident will be documented. A written record of the report, including all pertinent details, will be made by the receipt of the report. There shall be no retaliation against individuals making such reports. Individuals engaging in retaliatory behavior will be subject to disciplinary action.

Parents and/or guardians of each pupil involved in the bullying/harassment/hate will be notified as soon as possible, but always prior to the conclusion of the investigation. The district shall maintain the confidentiality of the report and any related pupil records to the extent required by law.

If it is determined that someone participated in bullying/harassment/hate acts or retaliated against anyone due to the reporting of such acts, the School District administration/School Board will take disciplinary action, including but not limited to: suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate. Student Support staff will provide assistance to identified targets**,** and follow-up interventions for the alleged suspect.

Sanctions and Supports:

If it is determined that students participated in bullying/harassment/hate behavior or retaliated against anyone due to the reporting of such behavior, the school district administration/designee and School Board may take disciplinary action, including:

- Official warnings to cease the offending behavior.
- Class schedule changes.
- Limitations to computer access at school and to school electronic resources.
- Detention.
- Exclusion from certain areas of school premises.
- Short-term in-school suspension.
- Out-of-school suspension.
- Expulsion.

- Referral to law enforcement.
- Other Appropriate disciplinary actions.

Supports:

If it is determined that students were victims of or participated in bullying/harassment/hate behavior, the following supports may be provided as applicable:

- Immediate opportunity to discuss the experience with a school counselor/school social worker or other staff of their choice.
- Ongoing support with the goal of restoring self-esteem and confidence, including developing strategies to handle difficult peer situations.
- Assistance in discovering why students became involved.
- Assistance in identifying bullying/harassment/hate behavior(s), motivations and the need to change.

Parents may contact the ~~Assistant Superintendent of Elementary or Assistant Superintendent of Secondary Schools~~**Chief of School Leadership** to appeal any sanction and support decisions made by the school district administration/designee.

Disclosure and Public Reporting:

Students, parents and employees shall be informed of this policy annually. This policy will be posted on the District and school websites. It will also be distributed to organizations in the community having cooperative agreements with the schools and any person who requests it. Records will be maintained on the number and types of reports made, and intervention or sanctions imposed for incidents found to be in violation of this policy.

Monitoring, Evaluation and Review:

Each school will review this policy annually and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the school district by all employees.

POLICY 5112
STUDENT RESTROOM AND LOCKER ROOM ACCESSIBILITY

The presumption is that students will use the restroom and locker room facilities that correspond to the biological sex that the student was assigned at birth.

Any and all students, who have a need or a desire for increased privacy, regardless of the underlying reason, may seek permission from the school counselor or the building principal or his/her designee, to use gender neutral/single access restroom and locker room facilities, or another safe and non-stigmatizing alternative, which may include, for example, addition of a privacy partition or curtain, provision to use a nearby private restroom or offices, or a separate changing schedule, to the extent that such facilities are available in the building.

If a transgender/gender non-conforming student wishes to use restroom and locker room facilities that correspond to his/her gender identity (as opposed to the biological sex that the student was assigned at birth), the student and his/her parent(s)/guardian(s) should contact the school counselor or the building principal or his/her designee to discuss the options available to the student. Such requests will be assessed by the school counselor or the building principal or his/her designee on a case-by-case basis with the goals of: (a) facilitating the student's access to the District's physical education curriculum and other relevant programs; (b) ensuring adequate student privacy and safety; and (c) minimizing stigmatization of the student. The physical layout of the facility will be considered in making the arrangements.

Nothing in this policy shall be interpreted so as to interfere with the rights of students with disabilities to have access to appropriate restroom and locker room facilities in accordance with a Section 504 Plan, an IEP, and/or state and federal law.

The presumption and request procedure set forth above also applies to students participating in overnight stays required for field trips and/or co-curricular trips.

LEGAL REF.: **Wis. Stat. §118.13**
Wis. Stat. §115.758, et seq.
Wis. Admin. Code § PI 9
Wis. Admin. Code § PI 11
Title IX of the Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Individuals with Disabilities Education Act (IDEA)

CROSS REF.: **1950, Relations with Wisconsin Interscholastic Athletics Association**
5110, Equal Educational Opportunity Discrimination Complaint
5111, Anti-bullying/Harassment/Hate
6470, Student Records

AFFIRMED: July 26, 2016

POLICY 6470
STUDENT RECORDS

A student record folder shall be maintained for each student enrolled in the District. Student records shall be used to carry on school business and to serve as a source of future information and verification for each student's personal use.

Student records shall respect such student rights as enumerated by law and the information contained in them shall be clear and accurate. Amendment of records believed to be inaccurate, misleading or in violation of the privacy rights of the student may be requested.

The District recognizes the need for the confidentiality of student records. Therefore, student records shall be available for inspection, review and copying only in accordance with state and federal laws and District policies, rules and regulations.

The building principal shall have primary responsibility for the maintenance and confidentiality of all student records kept at his/her assigned school. Records for students in special education containing progress and behavioral data shall be maintained in the **Office of Special Education and Student Support.**~~Office of K-8 Instruction~~. The **Chief of Special Education and Student Support**~~Executive Director of K-8 Instruction~~ shall have responsibility for the maintenance and confidentiality of all student records kept by the **Office of Special Education and Student Support**~~Office of K-8 Instruction~~.

Annually, the District shall inform adult students and the parents/guardians of minor students of this policy and its implementing procedures. Persons who feel that their rights under federal law have been violated may file a written complaint with the U.S. Department of Education.

LEGAL REF.: Wisconsin Statutes
Sections 118.125 [Maintenance and confidentiality of student records]
118.126 [Privileged communication relating to student alcohol or drug use]
118.127 [Access to and use of Law enforcement agency information]
118.128 [Information related to student harm to others]
146.81 – 148.83 [Confidentiality of patient health care records]
252.15 [Confidentiality of HIV test results]
767.24(7) [Parent access to student's school records]
938.396 [Access to juvenile records]
20 U.S.C. Section 1232g, 45 C.F.R. Sec. 99 [Family Educational Rights and Privacy Act]

CROSS REF.: 1200, Access to Public Records (currently 1170, 1170.1, 1170.2 and 1171)
1950, Relations with Wisconsin Interscholastic Athletics Association
5110, Equal Educational Opportunity Discrimination Complaint
5111, Anti-bullying/Harassment/Hate
5112, Student Restroom and Locker Room Accessibility
5910, Children of Divorced/Separated Parents (currently 5125.7, 5125.8, 5125.9 and 5125.10)
6330, Privacy Rights in District Programs
6452, Student Progress Reporting
6460, Testing Programs
6461, Parental Consent for Testing
Special Education Program and Procedure Manual

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: August 13, 1991

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July 10, 2001
July 26, 2016

RULE 6470
GUIDELINES FOR THE MAINTENANCE AND
CONFIDENTIALITY OF STUDENT RECORDS

A. DEFINITIONS

"Student records" include all data relating to an individual student other than notes or records maintained for personal use by teachers or other certified personnel that are not available to others, and records necessary for and available only to persons involved in the psychological treatment of a student.

1. "Progress records" mean those student records which include the student's grades, a statement of the courses taken by the student, the student's attendance record, the student's immunization records and records of the student's school extracurricular activities.

2. "Behavioral records" mean those student records which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual student's behavior, tests relating specifically to achievement or measurement of ability, the student's physical health records, other than immunization records, law enforcement officer records and any other student records which are not progress records.

   a. "Special education records" include referral information (including notices and forms), signed parent/guardian consent for evaluation, individualized education program (IEP) team evaluations, individual reports, etc., the student's IEP, placement decisions and signed parent/guardian consent or refusal, medical evaluations and prescriptions required to substantiate health care plans and medical evaluations used to substantiate a determination of disability.

   b. "Law enforcement officer records" include those records obtained from a law enforcement agency relating to: (1) the use, possession or distribution of alcohol or a controlled substance by a student enrolled in the District, (2) the illegal possession of a dangerous weapon by a child, (3) the act for which a juvenile enrolled in the District was adjudged delinquent, and (4) an act for which a District student was taken into custody based on the law enforcement officer's belief that he/she violated or was violating certain specified laws. Such records may be provided to the District upon request of the Superintendent of Schools or designee, or upon the law enforcement agency's own initiative based on agency policy. Upon receipt of the records, the Superintendent or designee shall inform the student named in the records and the parent/guardian of a minor student named in the records of the information.

   c. "Court records" include those records received from a court clerk concerning a juvenile enrolled in the District who: (1) has had a petition filed with a court alleging that he/she has committed a delinquent act that would be a felony if committed by an adult, (2) has been adjudged delinquent, (3) has school attendance as a condition of his/her court dispositional order, or (4) has been found to have committed a delinquent act at the request of or for the benefit of a

criminal gang that would be a felony if committed by an adult and has been adjudged delinquent on that basis.

d. "Student physical health records" are those student records that include basic health information about a student including: the student's immunization records, an emergency medical card, a log of first aid and medicine administered to the student, an athletic permit card, a record concerning the student's ability to participate in an education program, the results of any routine screening test such as for hearing, vision or scoliosis, and any follow-up to such test, and any other basic health information as determined by the state superintendent of public instruction.

e. "Student patient health care records" include all records relating to the health of a student prepared by a health care provider that are not included in the "student physical health records" definition above.

3. Directory Data - The School Board has designated the following information as student directory data: student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weights and heights of members of athletic teams, dates of attendance, photographs, degrees or awards received, the most recent previous educational agency or institution attended by the student, and other similar information.

4. Adult Student means a student who has attained 18 years of age. The consent required of and the rights accorded to the parent/guardian of a student while he/she was a minor shall thereafter only be required of and accorded to the adult student, except as otherwise provided.

5. **To the extent records maintained by the District include information about a student's transgender status, including his/her gender/sex assigned at birth, such records and information shall be maintained as confidential pupil/education records. If the transgender/gender non-conforming student discloses his/her transgender status to District Staff and/or other students, such disclosure does not authorize the District to disclose other records and information about the student's transgender status. Disclosure of such records and information continues to require consent as described herein.**

B. CONFIDENTIALITY OF STUDENT RECORDS

1. Release of Student Records to Adult Students and Parents/Guardians.

a. Adult students and the parents/guardians of minor students shall have the right to inspect, review and copy student records in accordance with state and federal laws and District rules and regulations.

b. Either parent/guardian may exercise his/her right to inspect records unless the school has been provided with evidence that there is a state law or court order governing such matters as a divorce decree, separation or custody agreement or other legally binding instrument which specifically provides to the contrary.

c. Personally identifiable information from an adult student's records may be disclosed to the student's parent(s)/guardian, without the adult student's written consent, if the adult student is a dependent of his/her parent(s) or guardian under the Internal Revenue Code. An exception shall be made when an adult student has informed the school, in writing, that the information may not be disclosed.

d. Adult students or parents/guardians of minor students shall be provided a copy of the student's records upon request, including the student's transcript, at no cost consistent with legal requirements. Transcripts requested by adult students or parents/guardians of minor students to be provided to other persons, agencies or institutions shall be provided at cost.

2. Release of Student Progress or Behavioral Records (Other Than Patient Health Care Records) to Others.

a. The judge of any court of Wisconsin or the United States shall, upon request, be provided by the Board Clerk or designee with a copy of the progress records of a student who is the subject of any proceeding in such court. A reasonable effort shall be made to notify the adult student or parent(s)/guardian of a minor student in advance of compliance.

b. Names of dropouts shall be provided to a court in response to an order under the state law governing municipal school dropout ordinances.

c. If school attendance is a condition of a student's dispositional order under section 48.355(2)(b)7 or 938.358(2), the county department that is responsible for supervising the student shall be notified within five days after any violation of the condition by the student.

d. A law enforcement agency shall be provided a copy of a student's attendance record if the law enforcement agency certifies in writing that the student is under investigation for truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the student's attendance record information except as permitted by law. If a student's attendance record is disclosed to a law enforcement agency for purposes of a truancy investigation, the student's parent/guardian shall be notified of that disclosure as soon as practicable after that disclosure.

e. A fire investigator shall be provided a copy of a student's attendance record if the fire investigator certifies in writing that: (a) the student is under investigation for arson, (b) the student's attendance record is necessary for the fire investigator to pursue his/her investigation, and (c) the fire investigator will use and further disclose the student's attendance record only for the purpose of pursuing that investigation.

f. Student records shall be made available to persons employed in the District which the student attends who are required by the state to hold a license and to other school district officials who have been determined by the Board to have legitimate educational interests, including safety interests, in the student records. A "school official" is a person employed by the District who is required by the

Department of Public Instruction (DPI) to hold a license; a person who is employed by or working on behalf of the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and police-school liaison personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a specific task (such as attorney, auditor, medical consultant, therapist, outreach worker or CLC coordinator); or a parent or student serving on an official committee such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks. A school official has a "legitimate educational interests" if the official needs to review a student record in order to fulfill his/her professional or District responsibility.

(1) Law enforcement records received by the District may be made available to those school officials with legitimate educational interests, including safety interests, in the information. If law enforcement record information obtained by the District relates to a District student, the information may also be disclosed to those District employees who have been designated by the Board to receive that information for the purpose of providing treatment programs for District students. The information may not be used as the sole basis for suspending or expelling a student from school, or as the sole basis for taking any other disciplinary action against a student, including action under the District's athletic code.

(2) Court records obtained by the District must be disclosed to District employees who work directly with the juvenile named in the records or who have been determined by the Board to have legitimate educational interests, including safety interests, in the information. An employee cannot further disclose the information, and the information cannot be used as the sole basis for suspending or expelling a student from school.

g. Upon the written permission of an adult student, or the parent(s)/guardian of a minor student, the school shall make available without unnecessary delay to the person named in the permission form a copy, at cost, of the student records requested. The form for requesting the release of records must include the following information: (1) the specific records that are authorized to be released, (2) the reasons for such release, and (3) the parties or person to whom the information shall be released. Law enforcement officer records may not be made available under this exception unless specifically identified by the adult student or by the parent/guardian of a minor student in the written permission.

h. Student records shall be provided to a court in response to a subpoena by parties to an action, or in compliance with a judicial order, to be used only for purposes of impeachment of any witness who has testified in the action. After an in-camera inspection, the court may turn said records or parts thereof over to parties in the action or their attorneys if said record would be relevant and material to a witness' credibility or competency. A reasonable effort shall be made to notify the adult student, or parent(s)/guardian of a minor student in advance of compliance with the order.

i. The Board shall disclose a student's records in compliance with a court-ordered educational plan after making a reasonable effort to notify the student's parent(s) or guardian.

j. The Superintendent of Schools or designee may provide the Department of Public Instruction (DPI) or other public officer with any information required under chapters 115 to 121 of the state statutes. Upon request, the DPI shall be provided with any student record information that relates to an audit or evaluation of a state-supported program or that is required to determine compliance with state law provisions. Information reported shall be kept confidential by the DPI.

k. Notwithstanding their confidentiality, student records may be used in suspension and expulsion proceedings and by an IEP team.

l. Information from a student's immunization records shall be made available to state and local health officers to carry out immunization requirements.

m. The district board of the technical college district in which the school district is located or, for verification of eligibility for public assistance, the department of health and family services, the department of workforce development or a county department under sections 46.215, 46.22 or 46.23 of the state statutes shall, upon request, be provided with the names of students who have withdrawn from the public school prior to graduation.

n. The District shall, upon request, provide another public school district in Wisconsin student disciplinary records necessary for purposes of public school open enrollment. These records include: (1) a copy of any expulsion findings and orders or records of any pending disciplinary proceedings involving the student; (2) a written explanation of the reasons for the expulsion or pending disciplinary proceedings; and, (3) the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

o. Copies of student records shall be provided without unnecessary delay at cost to the person or agency who is authorized to inspect them.

3. Release of Student Patient Health Care Records.

Except as otherwise provided, student patient health care records may only be released to persons specifically designated in the state patient health care records laws or to other persons with the informed consent of the patient or a person authorized by the patient. Any part of a student health care record that concerns the results of a test for the presence of HIV or antibody to HIV (the virus which causes acquired immune deficiency syndrome - AIDS) shall be confidential and may be disclosed only with the informed written consent of the test subject.

4. Release of Directory Data.

Directory data will be released as outlined below, unless the parent/guardian or adult student informs the principal of any or all items he/she does not wish to have released

without prior written consent of the parent/guardian or adult student. The District will give annual written notice to adult students and parents/guardians of the categories of information that the Board has designated as directory data with respect to each student and inform them that they have 14 days to inform the school that all or any part of the directory data may not be released without the prior consent of the parent/guardian or adult student. The District will not release directory data earlier than 14 days after the initial written notice to the adult student or parent/guardian, or after the District has been restricted from doing so by any of those parties.

a. If a school has followed the notification procedure outlined above, and the adult student or parent/guardian does not object to the directory data being released, the building principal may release student directory data.

b. If a school has followed the notification procedure as outlined above, and the adult student or parent/guardian does not object to the directory data being released, the Board Clerk or designee shall, upon request, provide a technical college district board with the name and address of each such student who is expected to graduate from high school in the current school year.

c. If the school has followed the notification procedure outlined above, and the adult student or parent/guardian does not object to the directory data being released, the Board Clerk or designee shall, upon request, provide any representative of a law enforcement agency, district attorney, city attorney or corporation counsel, county department under sections 46.215, 46.22 or 46.23 or a court of record or municipal court with such directory data information relating to any such student enrolled in the District for the purpose of enforcing that student's school attendance, to respond to a health or safety emergency or to aid in the investigation of alleged criminal or delinquent activity by a student enrolled in the District.

5. Transfer of Records.

The District shall transfer to another school or school district all student records relating to a specific student if it has received written notice: (a) from an adult student or the parent/guardian of a minor student that the student intends to enroll in the other school; (b) from the other school district that the student has enrolled; or (c) from a court that a student has been placed in a secured correctional facility, secured child caring institution or a secured group home. Student records requested must be transferred within five working days.

6. Modifying Official Student Records.

The District shall modify a student's official record to reflect a change in a student's legal name and/or gender/sex upon receipt of a court order requiring such a modification. The District shall utilize a student's preferred name (e.g., nickname) in other settings and circumstances without modification of the official record upon written request from the student and his/her parent(s)/guardian(s). In situations where the District is required by law to use or to report a transgender/gender non-conforming student's legal name or gender/sex, such as for purposes of standardized

testing, the District shall make a reasonable effort to avoid disclosure of such information in a way that could create discomfort for the student.

C. APPEALING THE CONTENT OF STUDENT RECORDS

1. An adult student or the parent/guardian of a minor student who believes that information contained in the student's records is inaccurate, misleading or violated the privacy rights of the student may request that the principal amend these records. If the principal does not amend the records as requested by the parent/guardian or adult student, the principal shall notify the parent/guardian or adult student of this decision and advise him/her of the right to a hearing in order to challenge the contents of the student records.

2. If the adult student or the parent/guardian of a minor student is not satisfied with the principal's decision, the decision may be appealed to the Superintendent or designee, within 10 days from receipt of the principal's decision.

3. A request for a hearing should be in writing and include a specific statement of which records and how such records are inaccurate, misleading or otherwise in violation of the privacy rights of the student.

4. After the hearing, the parent/guardian or adult student will receive a written decision. If the decision is that the challenged information is not inaccurate, misleading or otherwise in violation of the privacy rights of the student, the parent/guardian or adult student shall be informed of the right to place in the student records a statement commenting upon the information in the records and/or setting forth any reasons for disagreeing with the decision.

D. RECORDS MAINTENANCE AND DESTRUCTION

1. While students are attending school in the District, their records shall be maintained in the school of attendance. Upon transfer of the student to another school operated by the District, the records shall be transferred to that school. Special education student records shall be maintained as outlined below.

2. Student records shall be contained on and in the printed folder adopted by the District for such purpose. Each student record folder shall be examined at least annually for the purpose of eliminating extraneous or outdated materials contained therein. The principal will be responsible for having student records current and designating professional staff to review the student record folder.

3. A record of each request for access to and each disclosure of personally identifiable information from a student's record folder shall be maintained with such student's records, except when the request is from or the disclosure is to the following person/party:

the parent/guardian or adult student;
a school official;
a party with written consent from the parent/guardian or adult student;
a party seeking directory data; or

a party seeking or receiving the records as directed by a federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information in response to the subpoena not be disclosed.

4. Special Education Records - Student special education records will be maintained by the ~~Executive Director of K-8 Instruction~~ **Chief of Special Education and Student Support** in accordance with District policy, rules and regulations. The District shall maintain a listing of employees and their positions who are authorized to have access to records of special education students. This listing shall be posted in an area accessible to the public. All persons collecting or using personally identifiable information from student special education records shall receive training or instruction regarding the policies and procedures that the District has undertaken to ensure the confidentiality of any personally identifiable information maintained or collected by the District.

5. When the student ceases to be enrolled in a school operated by the District, within six months from the time that the student left the District, his/her records will be transferred to the Office of Student Support. Records that are transferred to the Office of Student Support when the student ceases to be enrolled shall be maintained as follows:

   a. All behavioral records will be destroyed one year after the date the student graduated from or last attended the school unless the student and his/her parent/guardian if the student is a minor gives permission that the records may be maintained for a longer period of time. All behavioral records not previously destroyed will be maintained on microfilm. Where such written permission is received, behavioral records generally will be destroyed five years after the date the student graduated from or last attended school.

   b. Five years after the student ceases to be enrolled in the school system, all progress records will be maintained on microfilm or computer and the original progress records (permanent record card) destroyed. A student's progress records will be destroyed after the person reaches the age of 75.