

Book Policy Manual

Section Vol. 30, No. 2 - Nondiscrimination and Anti-Harassment, July 2021 Title

Overview

Code 0-

Status From Neola

WISCONSIN OVERVIEW AND COMMENTS

BYLAWS AND POLICIES

After reviewing the proposed revisions included in this update and making any decisions regarding the options presented, the Board should formally adopt the policies to assure compliance with current law and regulations.

If any of the templates in this update have not been previously adopted by the Board, it is recommended that the District consider approval of these policies to assure compliance with Wisconsin and Federal code and/or the law.

Policy 1422 - Nondiscrimination and Equal Employment Opportunity (Revised) Policy 3122 - Nondiscrimination and Equal Employment Opportunity (Revised) Policy 4122 - Nondiscrimination and Equal Employment Opportunity (Revised)

The policies, administrative guidelines and forms related to discrimination and harassment on the basis of a protected class have been revised to comport with the new Title IX regulations. Because of the number of revisions involved, these have been issued as replacement policies.

The Board should adopt these revisions to assure compliance with the regulations as well as consistency with other policies and the grievance process.

Policy 1422.02 - Nondiscrimination Based on Genetic Information of the Employee (Revised)
Policy 3122.02 - Nondiscrimination Based on Genetic Information of the Employee (Revised)
Policy 4122.02 - Nondiscrimination Based on Genetic Information of the Employee (Revised)

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The Board should adopt these revisions to assure compliance with the regulations as well as consistency with other policies and the grievance process.

Policy 1623 - Section 504/ADA Prohibition Against Disability Discrimination in Employment (Revised)

Policy 3123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment (Revised)

Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment (Revised)

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The Board should adopt these revisions to assure compliance with the regulations as well as consistency with other policies and the grievance process.

Policy 1662 - Employee Anti-Harassment (Revised)

Policy 3362 - Employee Anti-Harassment (Revised)

Policy 4362 - Employee Anti-Harassment (Revised)

Policy 5517 - Student Anti-Harassment (Revised)

The policies, administrative guidelines and forms related to discrimination and harassment on the basis of a protected class have been revised to comport with the new Title IX regulations.

A number of provisions/options pertaining to prohibited staff-student relationships have been omitted from the anti-harassment policies listed above, including references to the sexual harassment of students and criminal sexual misconduct with minors. **Because the policies referenced above exclude Title IX matters, which instead are addressed in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, including the sexual harassment of students, those provisions are more appropriately included and referenced in Policy 2266. Neola is developing a new policy regarding staff-student relations to further address this issue that will be included in the next update to be released in the Fall of 2021.**

The Board should adopt the revised policies for consistency with other District policies. **Policy**

2260 - Nondiscrimination and Access to Equal Educational Opportunity (Revised)

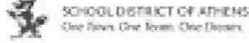
The policies, administrative guidelines and forms related to discrimination and harassment on the basis of a protected class have been revised to comport with the new Title IX regulations. Because of the number of revisions involved, this policy has been issued as a replacement policy.

The Board should adopt the revised policies for consistency with other District policies.

Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability (Revised)

Board Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability places particular emphasis on protections for students who are identified as having a disability under Section 504 and the American with Disabilities Act (ADA). This includes accessibility to qualified individuals with regard to facilities, programs and activities as directed by Federal law. Revisions to this policy are based on recent Office for Civil Rights (OCR) investigations and reviews of compliance issues, particularly related to vocational education/Career-Technical education programs, with particular emphasis on vocational education. Other revisions have been made to address changes in the terminology used to refer to students with disabilities and to revise the Complaint and Grievance Procedure for the processing of complaints of discrimination or retaliation so this procedure is consistent with the other nondiscrimination and anti-harassment policies. Due to the significance of the revisions involved, this policy has been issued as a replacement policy.

The Board should adopt this policy in order to maintain compliance under Section 504 and ADA as well as consistency with other District policies.



Book Policy Manual

Section Vol. 30, No. 2, July 2021

Title Overview & Comments

Code 01

Status From Neola

WISCONSIN OVERVIEW AND COMMENTS

Volume 30, Number 2 July 2021

Bylaws and Policies

The following policies and guidelines were revised to include language either prohibiting or requiring permission for the use of District name, logo, mascot, or any other property or assets of the District in connection with fundraising, except where such permission is implicit because it is conducted by a District organization:

Bylaw 0100 - Definitions (Revised)

The definitions for "Personal Communication Devices" and "Relative" have been modified to update the language used and make sure that current legal standards were reflected.

The definition of "Social Media" was updated to reflect optional language in the definition and that selection of the option should be consistent with the choice made in Policy 7544 - Social Media.

Legal Custodian of Records has been revised to reflect that the District Records Custodian (DRC) is designated in Policy 8310 - Public Records.

Bylaw 0143 - Authority of Individual Board Members (Revised)

The policy has been revised to include an option for including a cross-reference to Policy 0143.2 - Board Member Information Requests. The revision is recommended but not required.

Bylaw 0144.2 - Board Member Ethics (Delete)

This policy has been updated to reflect current legal standards with regard to Board member conflict of interest standards.

Bylaw 0144.3 - Conflict of Interest (Revised)

The language that has been modified regarding a Board member utilizing their position to obtain financial gain to add the language *or anything of "substantial value"* is derived directly from 19.59(1) (a) Wis. Stats. Whereas, the language added about no Board member being permitted to accept anything of value is also derived directly from statute, 19.59(1)(b), however, it does not utilize the qualifier "substantial" and thereby it is presumed that the legislature wanted to put a broader obligation on Board member's official actions.

Since a court would need to presume that the legislature intended the distinctions, the Board should adopt policy that recognizes such differences.

This policy has been updated to reflect current legal standards with regard to Board member conflict of interest standards.

Bylaw 0144.5 - Board Member Behavior and Code of Conduct (Revised)

The standards from Bylaw 0144.2 - Board Member Ethics have been incorporated into this policy. In addition, the legal standard in Wisconsin Statute 946.12 has been included.

Bylaw 0145 - Board Member Anti-Harassment (Revised)

This policy has been revised to bring the language regarding the prohibition of harassment by a Board member from the conclusion of the policy to a more appropriate placement at the beginning of the policy. In addition, unnecessary language was removed. It is strongly recommended that the revisions to this policy be adopted.

Bylaw 0167.3 - Public Comment at Board Meetings (Revised)

The policy language has been clarified to separate optional board-directed recording of board open meetings from the access required to be given to third parties to record meetings under the Open Meetings law. This revision is recommended for consistency with law.

Bylaw 0171.1 - President (Revised)

This policy has been modified to more clearly differentiate the source of authority between common/union high school districts and unified districts. These revisions are recommended for adoption.

Bylaw 0174.2 - School Performance Report (Delete)

This policy is recommended for deletion, as the required, necessary and up-to-date material is included in Policy 2700.01 - School Performance and Accountability Reports.

Policy 1130/Policy 3230/Policy 4230 - Ethics and Conflict of Interest (Revised)

These policies have been revised to clarify that no member of the District staff should have a personal or financial interest where a question of conflict with their duties could be raised. Further, the revisions reflect the specific pecuniary interest provision of the Wisconsin statute that applies to members of the District staff. These revisions are recommended for adoption.

Policy 1210 - Board-District Administrator Relationship (Revised)

The policy is revised to incorporate reference to the District Administrator's handling of complaints regarding board member conduct and cross-references to applicable policies. These revisions are recommended for adoption.

Policy 2240 - Controversial Issues in the Classroom (Revised)

This policy has been updated to reflect the recent increase in discussion regarding the inclusion of potentially controversial issues within the school setting. The proposed revisions are intended to limit discussion of controversial issues to topics related to the curriculum and to remind teachers of the importance of maintaining the role of exemplar when expressing personal opinions in the classroom.

These revisions are recommended for adoption.

Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (Revised)

This policy has been revised to include the recognized definition of "Rape" as of January 2021. The revised definition is that provided by the National Incident-Based Reporting System (NIBRS). The original reference to the definition was required by the Clery Act at the time of the release of the regulations in May 2020. Also, there is a suggested revision in the Appeals section of the policy. While the current regulation does not specifically address the implementation of remedies during the appeals process, it seems to be inappropriate to impose disciplinary sanctions while an appeal is pending.

These revisions are recommended for adoption.

Policy 2430 – District-Sponsored Clubs and Activities (Revised)

The policy is revised to better reflect the scope of district-sponsored student clubs and activities that are not strictly curricular-related.

These revisions are recommended for adoption.

Policy 2700.01 – School Performance Reports and Accountability Report Cards (Revised)

This policy is revised to more accurately reflect the current structure of performance reports and accountability report cards, as well as the publication and distribution requirements for each.

These revisions are recommended to have policies that accurately reflect current requirements.

Policy 3120 - Employment of Professional Staff (Revised)

Policy 3170/Policy 4170 – Substance Abuse (Delete)

These policies should be deleted as the content is outdated and is already incorporated into Policy 3122.01/Policy 4122.01.

Policy 3215/Policy 4215/Policy 7434/Policy 5512 – Use of Tobacco and Nicotine (Revised)

These policies have been revised to add a definition of "tobacco products retailer" to avoid inadvertently including retailers who sell tobacco products, but whose business is not primarily related to tobacco or nicotine products (e.g. a local gas station as compared to a vape store).

These revisions are recommended for adoption.

Policy 3216/Policy 4216 - Staff Dress and Grooming (Revised)

The policies have been updated to be more consistent with prevailing legal standards, as well as the diversity of district staff. These revisions are recommended for adoption.

Policy 4120 - Employment of Support Staff (Revised)

Policy 4120.04 - Employment of Substitutes (Revised)

Other bylaws and policies establish the legal standards for Board members with regard to employment of staff. For purposes of consistency, it is strongly recommended that the revisions to these policies be adopted.

Policy 4161 – Unrequested Leaves of Absence (Revised)

The policy is revised to more accurately reflect the process and to align the language with Policy 3161 – Unrequested Leaves of Absence.

These revisions are recommended for adoption.

Policy 5112 – Entrance Age (Revised)

The policy is revised to remove enrollment information that is not statutorily required.

These revisions are recommended for adoption.

Policy 5500.01 – Conduct in Virtual Classroom (New)

This new policy has been developed in an effort to assist Districts with issues related to student conduct that may have arisen over the past year and a half of virtual instruction. Many districts may choose to continue to offer virtual instruction as an option to students. This policy may assist in establishing appropriate rules and controls for that environment.

Policy 5520 - Disorderly Conduct (Revised)

The policy has been revised to more closely align with disciplinary options under Wisconsin law. The revision is recommended for clarity of potential consequences for student misconduct.

Policy 6152 - Student Fees, Fines, and Charges (Revised)

This policy has been revised to clearly identify that no student shall be denied participation in any educational opportunity due to their inability to pay any fee or charge imposed.

Specific provisions regarding students experiencing homelessness and the requirements pursuant to the McKinney-Vento Act have been incorporated into the policy.

These revisions reflect the current state of the law and should be adopted.

Policy 7440.01 - Video Surveillance and Electronic Monitoring (Revised)

Due to the significant increase in the use of virtual/online learning, this policy has been revised to allow a District to use prerecorded lessons or observations of online or virtual learning sessions as part of an employee's evaluation.

These revisions are recommended for adoption.

Policy 7455 - Accounting System for Capital Assets (Revised)

In December 2014, the U.S. Department of Education (ED) released the newly updated Education Department General Administrative Regulations (EDGAR). This major rewrite of the regulations was issued after nearly 40 years of very little change in the compliance measures that federally funded programs must meet. The regulations covered the application process, financial management, procurement, inventory management, time and effort accountability, cost allowability, record retention, and program oversight.

The Office of Management and Budget (OMB) has now revised sections of OMB Guidance for Grants and Agreements, also known as Uniform Grant Guidance (UGG). Proposed changes to 2 C.F.R. Part 200 were published in the Federal Register in January 2020, comments closed on March 23, 2020, and Final Revisions were published in August 2020. Despite the intervening pandemic, OMB released its final revisions to the Uniform Grant Guidance (2 C.F.R. Part 200) right on schedule! The revisions continue the OMB's push for results-oriented accountability for grants, significantly rewrite the sections on procurement, and attempt to clarify prior requirements, including provisions related to period of performance and indirect costs. The revised rules became effective November 12, 2020.

These revisions reflect changes outlined in the President's Management Agenda (PMA). This guidance is intended to focus on improved stewardship and ensuring that the American people are receiving value for funds spent on grant programs. The revisions are limited in scope to support the implementation of statutory requirements, alignment of these provisions with other Federal requirements, and clarification of existing requirements to minimize risk in financial transactions.

These revisions are recommended for adoption.

Policy 8500 - Food Services (Revised)

This policy has been revised to add the emphasis being sought by the United States Department of Agriculture (USDA) to prohibit stigmatizing of students who lack the funds to pay for their meals or have unpaid meal charges. Other revisions have been made with regard to dietary modifications and negative account balances as well as the inclusion of a nondiscrimination statement.

This revision is recommended for adoption.

Policy 9270 - Home-Based, Private, or Tribal Schooling (Revised)

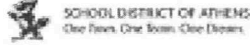
The language in this policy has been revised to clarify the options private school or tribal school students have for participating in certain athletic and extracurricular activities.

This revision is recommended for adoption.

Policy 9700 - Relations with Non-School Affiliated Groups (Revised)

This policy has been modified to reflect that there shall be no advertising without the prior approval of either the Board or the District Administrator. Further, the section of this policy regarding crowdfunding is being recommended for deletion with a cross-reference to the stand-alone crowdfunding policy and AG being identified as the place where all such activities would be managed.

These revisions are strongly recommended.



Book Policy Manual

Section 1. Volume 30, No. 2 For the Board

Title NEW POLICY - VOL. 30, NO. 2 - CONDUCT IN VIRTUAL CLASSROOM

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Status

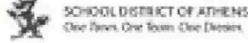
NEW POLICY - VOL. 30, NO. 2

5500.01 – CONDUCT IN VIRTUAL CLASSROOM

Students engaged in classes conducted in a virtual/online environment are considered, for conduct purposes, to be in attendance at school. Policies, rules, and expectations for student conduct while at school, or under the supervision of school authorities while at a school-sponsored activity, also apply to students when engaged in online learning activities.

Conduct that is not permitted at school is also not permitted during online learning in a virtual classroom setting. This includes, but is not limited to, the following prohibited behaviors:

- A. Use or display of a weapon;
- B. Use or display of tobacco or related products such as electronic/vaping instruments;
- C. Use or display of alcohol or illegal drugs;
- D. Dress or attire in violation of the student dress code;
- E. Language or gestures in violation of the student code of conduct;
- F. Display, including as a background, of images or artifacts in violation of nondiscrimination policies or otherwise inappropriate;
- G. Use of cell phones unless authorized by the teacher as part of class activities, including use of cell phone or any other recording device to record or photograph class;
- H. Leaving the virtual classroom during class without the teacher's permission



Book Policy Manual

Section Vol. 30, No. 2, Technical Corrections, July 2021

Title Overview & Comments

Code 1

Status From Neola

BYLAWS & POLICIES

Neola will issue an update of only technical corrections, as necessary. With this change, the Regular Update will contain the more substantive policy issues for review that would require consideration by and approval of the Board. Importantly, these technical changes do not materially alter the policy's intent but rather provide minor changes that improve the quality and/or consistency of the policy or guideline. If the Board has adopted the language noted below in Bylaw 0131.1, these technical corrections may be made without approval by the Board. However, as noted, the Board should be informed of these technical corrections at the next regular Board meeting. It is our belief that this change will help to streamline the process of review and adoption.

Pursuant to optional language offered in Bylaw 0131.1 -, T Bylaws and Policies:

The District Administrator is authorized to review and make technical corrections to policies that have already been adopted through normal rulemaking procedures. Technical corrections are those corrections to policy language or construction that do not reflect a policy decision or substantive consideration by the Board, such as correction of a typographical or grammatical error, inclusion or correction of a statutory citation, renumbering of sections, combining of policies, or similar actions. The District Administrator shall inform the Board of any such changes at the next regular Board meeting.

Bylaw 0122 - Board Powers

This policy is revised to add a legal citation.

Bylaw 0131.1 - Bylaws and Policies

This policy has been modified to clarify the existing options provided within the template. **Bylaw 0151 - Annual School District Meeting**

This policy has been revised to clarify the meeting dates as appropriate for common districts and union high school districts.

Bylaw 0165.2 - Change of Regular Meetings

This policy was revised to add a cross-reference to Policy 0166 - Agenda.

Policy 1460/3160/4160 – Physical Examination

The policy is revised to correct in a legal citation.

Policy 2260.02 - English Language Proficiency

This policy was revised to update the terminology and modify the abbreviations used to reference English Language (EL) proficiency.

Policy 2414 - Human Growth and Development

This policy is revised to add a legal citation.

Further, a drafting note to provide clarification was added.

Policy 2421 – Career and Technical Education Program

The policy update revises options for technical education program elements referencing external programs, such as Start College Now, Early College Credit, apprenticeship programs, etc.

Policy 3217/Policy 4217/Policy 5772/Policy 7217 - Weapons

These policies were revised to add a statutory reference in the definition of

weapons. **Policy 3340/4340 – Grievance Procedure**

The grievance procedures are revised to incorporate a definition of “business days” to avoid confusion. The change is not substantive and therefore appropriate to handle as a technical correction.

Policy 5111 – Eligibility of Resident/Nonresident Students

This policy has been revised to update legal citations.

Policy 5513 - Care of District Property

This policy has been modified to add additional items of equipment for which a fee or fine could be imposed if there has been loss, damage or destruction of the District-owned, borrowed or leased items.

Further, this policy has added in an optional cross reference to Policy 6152 - Student Fees, Fines and Charges that further delineates the process for collection and permissible disciplinary actions that may be taken.

Policy 5540.01 - Investigations Involving Suspected Child Abuse

This policy has been revised to make the notification of a student's parents after being advised by the agency conducting the investigation that the contact would not impede their investigation permissive, not mandatory. Further, we have removed the language specifying that the investigating agency was law enforcement when the investigation involved allegations involving the student's parent(s), because in some cases, the investigating agency may be social services or another investigating agency, and the District needs to be able to not contact parent(s) in all such cases until they are authorized to do so.

Policy 5630.01 - Use of Seclusion and Physical Restraint with Students

The language was revised to remove the use of a double negative and identify that manuevers or techniques that constitute corporal punishment as defined by State law are impermissible and not appropriate uses of physical restraint.

Policy 6114 - Cost Principles - Spending Federal Funds

This policy has a grammatical correction and now correctly identifies the Wisconsin Department of Public Instruction.

Policy 6147 - Debt Management

This policy has a grammatical correction.

Policy 6151 - Returned Checks

This policy has been re-titled to accurately reflect the content of the policy.

Policy 6330 - Leasing School Property

The policy is revised to incorporate the requirements of the Government Accounting Standards Board's declaration, GASB 87, regarding reporting of lease assets on audited financial statements. These standards change from time to time and therefore the policy language is revised to require that the lease assets be reported to the auditors and the auditors are then required to apply the accounting standards in place at the time.

Policy 7300 - Disposition of Real Property

This policy is revised to add a legal citation.

Policy 7310 - Disposition of Personal Property

This policy is revised to add a legal citation.

Policy 7430 - Safety Standards

This policy is revised to remove unnecessary language regarding requirements. Since any such requirements are already embedded in the Department of Safety and Professional Services (DSPS) regulations and other safety protocols, placing only some of the requirements in policy may lead to confusion.

Policy 8330 - Student Records

This policy is revised to remove reference to an outdated form and outdated terminology, as well as to update the military recruiter access requirements to include district-supplied email addresses.

