



Book Policy Manual

Section Vol. 31, No. 2, July 2022

Title Overview & Comments

Code 01

Status From Neola

## **WISCONSIN OVERVIEW AND COMMENTS**

### **Volume 31, Number 2**

### **July 2022**

#### **Bylaws and Policies**

##### **Policy 0100 - Definitions (Revised)**

Further clarification has been added to the definition of “administrator” by indicating they are employed with an administrator contract. In addition, further explanation for the definition of “school official” is provided by including the previous drafting note information in the definition.

These revisions are recommended but not required.

##### **Policy 1213/3213/4213 – Student Supervision and Welfare (Revised)**

The policy is revised to account for staff posting photos of students who are their own children or relatives on social media as an exception to the general prohibition of posting photos of students. The revision applies both to direct connections on social media (i.e. friends/followers) as well as to posting content involving students.

The revision is recommended.

##### **Policy 1421/3121/4121 - Criminal History Record Check and Employee Self-Reporting Requirements (Revised)**

These policies are revised to add clarification to the reference to “minor traffic offenses”. It should be noted the policy does not require the imposition of discipline or penalty for every violation reported but is designed to require reporting by the employee so that administration is in a position to assess the matter.

The revision is recommended.

**Policy 2260.02 - Services for Bilingual Students/English Learners (Revised)**

This policy has been revised to reflect state statutes and administrative code, use updated terminology as well as recommendations from professionals in the field.

These revisions are recommended but not required.

**Policy 2460.03 - Independent Educational Evaluation (IEE) (Revised)**

This policy is revised to clarify the procedures when the cost of an IEE is in excess of the district's maximum allowable cost in order to align with current legal standards.

This revision is required for legal compliance.

**Policy 2522 - Instructional Technology Literacy Centers (Revised)**

This policy is revised to reflect the process for requests relative to materials available in the District's library that are not part of the District's classroom instructional materials. The process for communicating with the Board regarding classroom instructional materials is covered in Policy 9130 - Public Requests, Suggestions, or Complaints. The revisions to this policy separate the review process for different types of materials available for students. This policy provides options for the procedures including the option for the Board to delegate the responsibility to the District Administrator to develop procedures through guidelines, or for the Board to implement procedures itself. Note that the more extensive process option will require adherence to open meetings law mandates and should be carefully considered before selecting.

The revisions are recommended.

**Policy 2700.01 - School Performance and State Accountability Report Cards (Revised)**

This policy is revised to reflect statutory language.

The revision is recommended for statutory compliance.

**Policy 3120.04/Policy 4120.04 - Employment of Substitutes (Revised)**

Policy 3120.04 is revised to reflect the distinction between regular employed teachers hired to serve as substitute teachers on a permanent basis.

Both policies have been revised to clarify the reasonable assurances process for unemployment compensation purposes.

These revisions are recommended.

**Policy 3425/4425 - Benefits (Revised)**

AG 1421/AG 3421/AG 4421 regarding COBRA rights has been deleted. As such, a reference has been added to the Benefits policy to acknowledge potential continuation rights.

This revision is recommended.

**Policy 5113 - Open Enrollment Program (Inter-District) (Revised)**

This policy has been reorganized to make it easier for District's to use when evaluating open enrollment applications and to include clarification regarding preferential processing of applications for siblings of any student selected in the random selection process, provided that there is space in the sibling's grade level.

Adoption of the revision is recommended.

### **Policy 5340 - Student Accidents/Illness/Concussion (Revised)**

The policy has been revised to reference sudden cardiac arrest notification requirements added into law by 2021 Wisconsin Act 210 as identified in 118.2935, Wis. Stats. The law requires that the Department of Public Instruction, in coordination with WIAA and two pediatric cardiologists (one at the Medical College of Wisconsin and the University of Wisconsin) develop information on sudden cardiac arrest. The information is to be included in the notifications concerning concussions prior to student athletic participation. The requirement is effective for sports beginning four (4) months after passage, which was March 30, 2022. The Department of Public Instruction has not yet released the required communication; however, information is available from the WIAA: [Sudden Cardiac Arrest | Health | Wisconsin Interscholastic Athletic Association \(wiaawi.org\)](#); [A Fact Sheet for Parents \(wiaawi.org\)](#).

Revision of this policy is recommended to be compliant with state law. The inclusion of information on sudden cardiac arrest is required for any sport beginning after July 31, 2022.

### **Policy 5517.01 - Bullying (Revised)**

This policy has been revised to reflect the Wisconsin statutory provisions. Further, the requirement for an annual bullying report has been made optional, as it is not required by State law, but was part of the Department of Public Instruction's model policy. If this report is not completed annually the language should not be included in the Board policy.

### **Policy 7440.01 - Video Surveillance and Electronic Monitoring (Revised)**

This policy is revised to add options regarding the storage of and access to video footage. In addition, a note is added regarding the creation of an access log that all districts should review along with this revision. The policy language refers to a log that documents access to video footage, which has been revised into an option. If the maintenance of a log is in policy, then it is important that it be maintained. This is best practice, but need not be in policy as a requirement.

In addition, language regarding audio recording is made optional.

However, if audio surveillance is enabled, districts should be aware of potential legal considerations that should be evaluated before doing so. Specifically, Wisconsin requires the consent of at least one party in a communication in order to create an audio recording of the conversation. Whether notice that persons present in the school will be recorded, including audio recordings, is sufficient to constitute consent is not a clearly settled area of law. Courts have found that jail telephone notice of audio recordings is sufficient to constitute consent to the recording, but such analysis has not been expressly extended to audio recording in a school where notice of surveillance is given and none of the surveillance occurs in locations where a reasonable expectation of privacy is present (e.g. bathrooms, locker rooms, etc.).

Review of the policy is recommended.

### **Policy 8146 - Notification of Educational Options (Revised)**

This policy has been revised to include the new 2021 Act 83 requirements regarding a Class 1 notice of the educational options available to children who reside in the district as well as the district's and each school's most recent report card performance category.

The revision is recommended for statutory compliance.