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## SCHOOL DISTRICT OF SOUTH MILWAUKEE

411

### STUDENT NONDISCRIMINATION AND EQUAL EDUCATIONAL OPPORTUNITIES

The School District of South Milwaukee is committed to provide equal educational opportunities for all District students and to provide a learning and working environment free of discrimination based on a protected class of sex, race, religion, national origin, color, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, or physical, mental, emotional, or learning disability, or handicap. Discrimination, as defined herein, is strictly prohibited.

Discrimination is defined as any action, policy or practice, including bias, stereotyping, and pupil harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or limits or denies opportunities, privileges, roles or rewards or perpetuates the effects of past discrimination, based on the protected class of the individual or group of individuals. Pupil harassment is also a form of discrimination and is defined as behavior towards pupils based on a protected class which substantially interferes with a pupil's school performance or creates an intimidating, hostile or offensive school environment.

No student may be denied admission to any school in this District or be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, student services, recreational, or other programs or activities on the basis of his/her sex, race, religion, national origin, color, ancestry, creed, pregnancy, gender identity, marital or parental status, sexual orientation or physical, mental, emotional, or learning disability, or handicap.

The District shall provide students who have been identified as having a handicap or disability, under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, 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 with regard to examinations and other academic requirements, upon written request, and with approval of the building principal. Accommodations may include, but not necessarily be limited to, exclusion from participation in an activity, alternative assignments, released time from school to participate in religious activities and opportunities to make up work missed due to religious observances. Any accommodations granted under this policy shall be provided to students without prejudicial effect.

The District shall also provide for the reasonable accommodation of a student's confirmed transgender identity with regard to access to single sex-designated school facilities and programs. Requests for accommodations shall be made in writing by a parent/guardian and be approved by the building principal. Accommodations may include, but not necessarily be limited to, use of the restroom designated for the gender with which the student identifies, use of the

locker room designated for the gender with which the student identifies and reasonable access to other single-sex designated school facilities and programs.

The District shall also provide for the reasonable accommodation of a student's confirmed transgender identity with regard to identifying them by their chosen name and gender, and access to single sex-designated school facilities and programs. Requests for accommodations shall be made in writing by a parent/guardian and be approved by the building principal and Director of Pupil Services. Accommodations may include, but not necessarily be limited to, referring to the student by their chosen name as opposed to their legal name, use of the restroom designated for the gender with which the student identifies, use of the locker room designated for the gender with which the student identifies and reasonable access to other single-sex designated school facilities and programs.

Accommodations regarding name preferences refer only to use of the student's name in the school environment. Changes to existing student records will be considered on a case by case basis, taking into account possible legal requirements to refer to a student by their legal name in the records.

The District shall examine existing policies and develop new policies where needed to ensure that it does not discriminate in violation of state and federal laws. Complaints under this policy should be filed in accordance with the established procedures. The Superintendent shall assure adoption of a complaint procedure to resolve complaints under this policy and shall assure that the District's compliance with state law is evaluated and reports are filed in accordance with state law and regulations.

No recipient or other person may intimidate, threaten, coerce, retaliate, or discriminate against any individual for making, filing, or assisting with a complaint.

LEGAL REF.:           Wisconsin Statutes Sections  
                                  118.13 (Pupil discrimination prohibited)  
                                  PI 9, Wisconsin Administrative Code  
                                  PI 41, Wisconsin Administrative Code  
                                  Title VI, Civil Rights Act of 1964  
                                  Title VII, Civil Rights Act of 1964  
                                  Civil Rights Act of 1991  
                                  Title IX, Education Amendments of 1972  
                                  Section 504, Rehabilitation Act of 1973  
                                  Americans with Disabilities Act of 1990  
                                  Individuals with Disabilities Education Act

CROSS REF.:           342.1, Programs for Students with Exceptional Educational Needs  
                                  411-Rule, Student Discrimination Complaint Procedures  
                                  411-Exhibit, Student Discrimination Complaint Procedures Report Form  
                                  511, Employee Nondiscrimination and Equal Employment Opportunities  
                                  511-Rule, Employee Discrimination and Harassment Complaint

Procedures  
511-Exhibit, Employee Discrimination and Harassment Complaint  
Procedures Report Form

APPROVED: September 24, 1987

REVISED: September 12, 2001  
December 3, 2014  
March 20, 2019

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

**411-Rule**

## STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES

If any person believes that the School District of South Milwaukee or any part of the school organization has inadequately applied the principles and/or regulations of Title VI, Title IX, Section 504 or Americans with Disabilities Act or in some way discriminates on the basis of sex, race, religion, national origin, color, ancestry, creed, pregnancy, parental or marital status, sexual orientation, gender identity, physical, learning, mental or emotional disability or handicap in violation of state or federal law, he/she may bring forward a complaint to the Director of Personnel, Administrative & Legal Services at 901 15th Avenue, South Milwaukee, Wisconsin 53172. The phone number of the Director of Personnel, Administrative & Legal Services is 414-766-5000.

### Discrimination and Harassment Informal Complaint Procedure

Any person who believes that he/she has a valid basis for a complaint shall discuss the concern with the school principal and inform the school principal that this is a discrimination and/or harassment complaint. The school principal shall in turn investigate the complaint and reply to the complainant as soon as possible following investigation of the complaint. If the reply is not acceptable to the complainant, he/she may initiate formal procedures according to the steps listed below.

### Discrimination and Harassment Formal Complaint Procedure

- Step 1: The complainant shall prepare and sign a written statement of the complaint and present it to the Director of Personnel, Administrative & Legal Services. The complaint must be in writing, signed, and state the basis of the claim. The Director of Personnel, Administrative & Legal Services shall further investigate the matters of the complaint and reply in writing to the complainant within fifteen calendar days.
- Step 2: If the complainant wishes to appeal the decision of the Director of Personnel, Administrative & Legal Services, he/she may submit a signed statement of appeal to the Superintendent within five calendar days after receipt of the response to the complaint. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the grievance within fifteen calendar days.
- Step 3: If the complainant remains unsatisfied, he/she may appeal through a signed, written statement to the Board of Education within five calendar days of his/her receipt of the Superintendent's response to Step 2. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty calendar days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent by the District secretary to each concerned party within twenty calendar days of this meeting.

Step 4: If, at this point, the complaint has not been satisfactorily settled, further appeal may be made within thirty calendar days to the State Superintendent at the Department of Public Instruction, Equal Educational Opportunity Office, P.O. Box 7841, Madison, WI 53707.

The timelines listed above may be extended upon mutual agreement of the parties.

A complaint or appeal may also be made on some of the above bases (Title IX, Title VI, Section 504, Americans with Disabilities Act) to the Office of Civil Rights, U.S. Department of Education, 300 South Wacker Drive, 8th Floor, Chicago, Illinois, 60606.

### Complaint Procedure – Special Education

The District encourages informal resolution of complaints under this policy. Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a child with disabilities shall be processed in accordance with established procedures outlined in the District's special education handbook, and shall be in accordance with Federal and state laws.

### Maintenance of Complaint Records

The Director of Personnel, Administrative & Legal Services and building principals shall keep records of all formal and informal 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.

December 2014  
Revised September 2018

**SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**411-Exhibit**

**STUDENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES  
RECORD FORM**

1. Name and title/status of complainant:
2. Date complaint was filed or initially brought to respondent's attention:
3. Name and title/status of person responding to complaint:
4. Indicate as formal or informal complaint as described in 411-Rule:
5. Specific allegation made, including facts and names of involved individuals:
6. Investigative actions and facts obtained:
7. Resolution:
8. Dates resolution was discussed with complainant and response of complainant:
9. Statement of final resolution and nature and date(s) of any corrective or remedial action taken:

September 2001



## SCHOOL DISTRICT OF SOUTH MILWAUKEE

411.1

### SEXUAL HARASSMENT - TITLE IX

The District is committed to providing an environment where every student feels supported, welcomed and respect and as such shall not discriminate against any person on the basis of sex in any of its curricular, co-corrucular, student services, crecreational or other programs or activities, or in admission or access to any programs or activities offered by the District.

The Board acknowledges all regulations, requirements and responsibilities defined by federal and state laws regarding sexual harassment.

Sexual harassment is a form of misconduct that undermines the integrity of the District's employment and academic relationships. It is possible for sexual harassment to occur at various levels and this policy applies to any act of sexual discrimination, including sexual harassment and sexual violence, in any form toward students by any student, employee or third part on any school or District grounds, at school or District-sponsored activities, or in transporation to and from any school or District-sponsored activities. In additional this policy will also apply to any act of sexual discrimination, including sexual harassment and sexual violence, in an form by a student toward any District staff member. Retaliation is prohibited again any alleged or affirmed target of sexual violence or sexual harassment or any person reporting an act of sexual violence or sexual harassment.

Any student (or the parent/guardian of a student) who believes he/she has been subjected to sexual harassment or sexual violence by another student, District employee or other person should report the incident in accordance with established complaint procedures. The Complainant may report the alleged sexual harassment or sexual violence to a District Title IX Coordinator, or any principal, teacher, counselor, social worker, or other District employee who shall be responsible for forwarding the complaint to the District's Title IX Coordinator for review and action as necessary.

Any person who has reasonable cause to suspect that a student has been sexually harassed or subjected to sexual violence shall immediately report such suspicion to a District Title IX Coordinator. Any employee who observes student-to-student sexual harassment or sexual violence of any form shall take reasonable action to stop the harassment or violence and shall report the incident immediately to a District Title IX Coordinator.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e., quid pro quo harassment); or
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity (hostile environment); or

- Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Additionally, the allegation of sexual harassment must have occurred in the District's education program or activity in the United States.

The District has the jurisdiction and the formal obligation to implement the rules and regulations specified in Title IX and investigate complaints of sexual violence or sexual harassment against students.

Complaints regarding the interpretation or application of this policy shall be processed in accordance with the District's sexual harassment and sexual violence complaint procedures.

Any questions regarding this policy or the District's Title IX requirement may be directed to the District's Title IX Coordinators, who oversee the school's response to Title IX reports and complaints, or the Office for Civil Rights. The District's Title IX Coordinators are: Leo Eckman, Director of Pupil Services, and Jennifer Sielaff, Director of Personnel, Administrative & Legal Services. They may be contacted at 901 15th Avenue, South Milwaukee, WI 53172

Notice of this policy and the name of the District's Title IX Coordinator(s) will be circulated to all schools and departments in the District on an annual basis, included with job postings, and incorporated in employee and student handbooks.

LEGAL REF.:           Wis. Stat. 118.13 Pupil Discrimination Prohibited  
                              PI 9.03(1)(b), Wis. Admin. Code Pupil Non-discrimination  
                              Title IX, Education Amendments of 1972  
                              Clery Act of 1990, 20 U.S.C. § 1092, et seq.  
                              34 C.F.R. § 668.46  
                              Violence Against Women Act of 1994  
                              24 C.F.R. § 92.359

APPROVED:           September 8, 2021

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

### 411.1 - RULE

#### SEXUAL HARASSMENT - TITLE IX

The District will investigate any report of sexual harassment or sexual violence against District students or staff members received from District staff, students, or parents. The District shall take prompt and effective action to end the sexual harassment or sexual violence and prevent its reoccurrence.

#### **Definitions:**

- A. Complainant –an individual who is alleged to be the victim of conduct that could constitute sexual harassment, which may include parents or legal guardians of a student acting on behalf of the student, including the ability to file a complaint on behalf of the student.
- B. Respondent – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- C. Formal Complaint – a document filed by a complainant or created and signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
  - a. Document Filed by a Complainant - a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- D. Supportive Measures – individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. These services are available without fee or charge to both the complainant and respondent, and confidentiality will be maintained to the extent practicable.
- E. Education Program or Activities – locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

#### **Title IX Coordinators**

The Title IX Coordinators for student concerns are Leo Eckman, Director of Pupil Services, and Jennifer Sielaff, Director of Personnel, Administrative & Legal Services. They may be contacted at 901 15th Avenue, South Milwaukee, WI 53172. This contact information is also available on the district's website.

Any person can report sex discrimination, including sexual harassment (whether or not the person reporting is the alleged target of the conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Applicants for employment, students, parents or legal guardians of students, employees, and all unions must be notified of the name and title, office address, email address, and telephone number of the employee or employees designated as the Title IX Coordinator. This notification shall occur through a listing on the district's website, information in student handbooks, information in employee handbooks, and other available means.

The Title IX Coordinator(s) shall not be the decision-maker or the appeal decision-maker when the district is addressing formal complaints. The Title IX Coordinator(s) shall investigate formal complaints of sexual harassment under Title IX.

### **Summary of Reporting Options**

- A. Actual knowledge - The District will informally respond to complaints that are not written. The Title IX Coordinator or other school administrators may conduct the investigation and/or facilitate informal resolutions.
- B. Formal Complaints - The District will formally investigate written complaints. The Title IX Coordinator may conduct this investigation. If the Title IX Coordinator or designee determines that the issue at hand meets the definition of sexual harassment, there are two options.
  - a. By written agreement, a more informal process may be used.
  - b. The grievance process below will be followed prior to any disciplinary actions occurring. The Title IX Coordinator will not be the decision maker in this process.
- C. Either party may appeal the decision of the grievance process. The Title IX Coordinator will not be the decision maker in this process.

### **Sexual Harassment Allegations Without a Formal Complaint**

The District will respond to incidents or allegations of sexual harassment under the Title IX regulations any time the District has actual knowledge of the relevant circumstances. Under the regulations, "actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator, to any school district official who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. In all cases, the District will respond promptly and in a manner that is not clearly unreasonable in light of the known circumstances (i.e., in a manner that is "not deliberately indifferent").

Informal investigations will also occur for complaints of harassment based in whole or in part on any protected status, including sex, which substantially interferes with a pupil's school performance or creates an intimidating, hostile, or offensive school environment.

Allegations that are not formal written complaints or do not meet the specific definition of sexual harassment may also be eligible for resolution under other District procedures.

### **Filing a Complaint**

If a complainant believes that sexual harassment has occurred, the complainant is encouraged to first attempt to resolve the issue informally. The complainant may also file a formal complaint. At the time of filing, the complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

The complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator within a school's policy, and by any other additional filing methods permitted by a school.

A formal complaint may also be initiated by the Title IX Coordinator by signing and dating a formal complaint. Under this circumstance, the Title IX Coordinator is not a complainant or otherwise a party during the grievance procedure. The Title IX Coordinator must comply with Title IX's requirements throughout and proceedings to be free from conflicts and bias. The Title IX Coordinator must discuss the issue with the Superintendent (or with the Board President if the allegation involves the Superintendent) prior to initiating and signing a formal complaint.

A witness or a person who has second-hand knowledge of an allegation may report the information, however this is not considered a formal complaint.

### **Actions Upon Receiving a Complaint**

The Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. Supportive measures will also be offered to the complainant, or if a formal complaint has not been filed, to the person alleged to be the target of the harassment. Supportive measures may include counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

A school must investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator. A complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. A school cannot restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.

The Title IX Coordinator shall create records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. All records must be kept for seven years.

The Title IX Coordinator shall determine the resolution of the complaint. Resolution is defined as determining if the complaint meets the definition of sexual harassment as defined in this

policy. The Title IX Coordinator shall have the authority to dismiss complaints as allowed under this policy.

- A. If the allegations in a formal complaint do not meet the definition of sexual harassment under Title IX, or did not occur in the school's education program or activity against a person in the United States, the school must dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.
- B. A school district may dismiss a complaint if the complainant seeks to withdraw the complaint, the alleged perpetrator is no longer employed by the school district or a pupil in the school district, or if special circumstances prevent a school district from gathering sufficient evidence to make a determination.
- C. If the allegations in a formal complaint do meet the definition of sexual harassment under Title IX, and did occur in the school's education program or activity against a person in the United States, the school may impose disciplinary sanctions or other actions in any manner the school deems appropriate under the school's own code of conduct. However, if a formal complaint is filed, the school must provide for a legally compliant grievance process before imposing any disciplinary sanctions or other actions that are not supportive measures, against a respondent.

During the time of the investigation or grievance process, the District may remove a respondent student from an education program or activity on an emergency basis. This limited authority applies only when the District determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment that justifies removal.

### **Grievance Process**

The grievance process only applies to sexual harassment allegations as defined in this policy. Disciplinary action will not occur until a grievance procedure has been conducted.

In lieu of the grievance process, the parties may choose informal resolution. This process may also occur upon the filing of a complaint. An informal process requires the parties' voluntary, informed, written consent to initiate the informal resolution process. An informal process is disallowed in circumstances with respect to an employee's alleged sexual harassment of a student. Parties must be permitted to withdraw from an informal resolution process at any time.

The following procedures will be followed during the grievance process.

### **Investigation:**

- A. Selection of Investigator and Decision-Maker. Upon receipt of a formal complaint, the Title IX Coordinator shall select an investigator and a decision-maker. The Title IX Coordinator may serve in the role of investigator if s/he believes s/he may impartially and

objectively investigate the allegations of the formal complaint. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator(s). The Title IX Coordinator has the discretion to designate the investigator and decision-maker as he or she deems appropriate based on the needs of the allegations described in the formal complaint. Possible designees include, but are not limited to, district level or school level administrators, legal counsel, and independent hearing officers.

- B. Notice. All parties will be provided with written notice of the allegations, an opportunity to select an advisor, and an opportunity to submit and review evidence throughout the investigation.
- a. Written notice of the allegations will include:
    - i. Sufficient details regarding the alleged conduct, if known, including the identifies of the parties involved in the incident, the conduct alleged to constitute sexual harassment, and the date, time, and location of the alleged incident;
    - ii. That the respondent is presumed not responsible for the alleged conduct and such determination is made at the conclusion of the grievance process;
    - iii. That the parties may each have an advisor of their choice, who may be, but is not required to be, an attorney, and that the advisor may not answer questions on behalf of the party;
    - iv. That the parties will be given an equal opportunity to inspect and review evidence obtained as a part of the investigation that is directly related to the allegations of sexual harassment; and
    - v. The provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
  - b. All parties will be provided with at least 10 days to inspect, review, and respond to all evidence directly related to the allegations prior to the completion of the investigative report.
- C. Investigation. Trained Title IX personnel will objectively investigate all reports of sexual harassment. Investigators with conflicts or bias are prohibited from being utilized.
- a. The investigator will be a different person than the final decision maker in a formal complaint.
  - b. There must be an objective evaluation of all relevant evidence, inculpatory and exculpatory, and those involved will avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
  - c. The investigation shall include interviews with the Complainant, Respondent, and any other witnesses who may reasonably be expected to have any information relevant to the allegations; and consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.
  - d. Both parties will have an equal opportunity to submit evidence to the investigator.
  - e. Evidence regarding the complainant's sexual predisposition or prior sexual behavior is not relevant and will not be permitted, unless such evidence is offered to prove that someone other than the respondent committed the alleged conduct or

if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.

- f. To the extent that access to a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional are necessary in order to allow the District to conduct the investigation, the District shall request the voluntary, written consent from the parent, or student, to access such records.
  - g. The District shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
  - h. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Prior to a decision being issued, all relevant evidence, inculpatory and exculpatory will be reviewed by the investigator. The investigator shall not make credibility determination based upon a person's status as a Complainant, Respondent or witness.
- D. Report. An investigative report that summarizes the relevant evidence will be created by the investigator. The parties will be provided with at least ten (10) days to review and provide a written response to the investigative report. The written report shall be completed within forty-five (45) calendar days of receipt of the Formal Complaint. Upon completion, the investigatory report shall be provided to the decision-maker. The investigative report shall be provided to the parties and their advisors, if any, at least ten (10) calendar days before a determination regarding responsibility is rendered.
- E. Decision
- a. The investigator will apply a presumption of innocence on the respondent during the grievance process. There will be a preponderance of the evidence standard in making findings. This standard will be used for all formal complaints of sexual harassment.
  - b. The burden of proof and the burden of gathering evidence is required by the district, not the parties.
  - c. An opportunity for each party to submit written, relevant, questions to be answered by the opposite party will be provided. There will not be a live hearing.
  - d. A written determination will be provided, which must be sent simultaneously to both parties, will include
    - i. an analysis as to the findings of fact,
    - ii. conclusions about whether the alleged conduct occurred,
    - iii. rationale for the result as to each allegation,
    - iv. any disciplinary sanctions imposed on the respondent,
    - v. whether remedies will be provided to the complainant, and
    - vi. Applicable appeal rights.



- F. Implementation of decision and supportive measures. The Title IX Coordinator is responsible for effective implementation of any remedies. All discipline will be implemented in accordance with all applicable federal and state law and Board policy.

After a determination of responsibility is made, the Title IX Coordinator shall work with the complainant to determine if further supportive measures are necessary. The Title IX Coordinator shall also determine whether any other actions are necessary to prevent reoccurrence of the harassment.

G. Appeal

- a. Either party may appeal a final determination to the Title IX Coordinator.
- b. An appeal can be filed by either the complainant or the respondent on the following bases:
  - i. procedural irregularity,
  - ii. newly discovered evidence,
  - iii. and/or bias of the Title IX personnel that affected or could affect the outcome of the matter, or
  - iv. The initial decision was substantively erroneous in that the facts did not adequately support the conclusion.
- c. Upon receipt of an appeal, the Title IX Coordinator shall: (1) inform the decision-maker within five (5) calendar days of receipt of the appeal; and (2) notify the parties in writing.
- d. During the appeal process, the parties shall have a reasonable, equal opportunity to submit written statements. Within 20 calendar days of receipt of the appeal, the appeals decision-maker shall issue a written decision describing the result of the appeal and the rationale for the result. The written decision shall be provided simultaneously to both parties.
- e. The Title IX Coordinator shall select the Appeal Decision Maker. The Appeal Decision Maker shall not be an employee of the District. The Appeal Decision Maker may be an employee of another district, a retired school administrator, a lawyer, a professional mediator/arbitrator, or other qualified individual. The cost of the Appeal Decision Maker will be the responsibility of the District.

**No Retaliation**

No District or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation.

- The exercise of rights protected under the First Amendment does not constitute prohibited retaliation.

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

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination.

### **Remedies, Sanctions**

The District will respond to Complainants of sexual harassment, sexual violence or retaliatory conduct with compassion. In addition to interim measures, if the allegations are substantiated the District may offer remedies to the Complainant including, but not limited to, providing an escort to ensure the Complainant can move safely between classes; providing the Complainant with comprehensive services such as counseling, medical assistance or academic support; moving the Complainant to another school at the Complainant's request; and arranging for the Complainant to have extra time to complete or retake a class or withdraw from a class without academic penalty.

The potential disciplinary sanctions that could be imposed upon a respondent student include all disciplinary actions included in the student handbook/agenda, up to and including expulsion of the student.

### **Training**

Title IX personnel are required to be trained on the definition of sexual harassment, the scope of the school's education program or activity, how to conduct an investigation and the grievance process, including appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These training materials will be posted on the school's website.

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except: or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder:

- as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99; or
- as required by law; or
- to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

The District will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the school district to provide the supportive measures. (This provision appears in the definition of "supportive measures" within section 106.30(a).)

The District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the school district obtains that party's voluntary, written consent to do so for a Title IX grievance process. If a party is not an "eligible student," as defined under FERPA (e.g., the party is a minor), then the recipient must obtain the voluntary, written consent of a parent or authorized guardian. (section 106.45(b)(5)(i)).

**Maintenance of Records**

The Title IX Coordinator shall keep records of all formal 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: the name of the Complainant, the date the complaint was filed, the specific allegations and requested corrective action, a summary of facts and evidence presented, a statement of final resolution, including the nature and dates of any corrective or remedial action. Records shall be maintained in accordance with the Department of Public Records Retention schedule.

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

411.2

### HARASSMENT

The School District of South Milwaukee is committed to maintain and provide a learning and working environment free of any form of harassment or intimidation toward personnel and students.

Harassment is a form of misconduct that undermines the integrity of the District's employment and academic relationships. Harassment can be verbal, non-verbal and/or physical. It is possible for harassment to occur at various levels: among peers or co-workers, between supervisors and subordinates, between employees and students, or between students.

Harassment is prohibited. It is outside the scope of employment to harass an employee or a student. In fulfilling its obligation to maintain a positive and productive working and learning environment, the District shall make every reasonable effort to halt any harassment of which it becomes aware. Any employee who engages in any form of harassment may be disciplined, including dismissal by the Board. Any student who engages in any form of harassment shall be disciplined in accordance with established procedures.

Any person who believes he/she has been harassed may file a written or oral complaint in accordance with established procedures. There shall be no retaliation against individuals who file complaints under this policy. Any person who engages in retaliatory conduct against a complainant shall be subject to disciplinary action, including dismissal by the Board.

LEGAL REF.:           Titles VI and VII of the Civil Rights Act of 1964  
                          Civil Rights Act of 1991  
                          Title IX of the Educational Amendments of 1972  
                          29 C.F.R. - Part 1604.11  
                          Sections 111.32(13), 111.36, 118.13, 118.20 Wisconsin Statutes  
                          PI 9, Wisconsin Administrative Code

CROSS REF.: 111-Rule, Discrimination Complaint Procedures  
                  411-Rule, Student Discrimination and Harassment Complaint Procedures  
                  511, Employee Nondiscrimination and Equal Employment Opportunities  
                  511-Rule, Employee Discrimination and Harassment Complaint  
                          Procedures  
                  511-Exhibit, Employee Discrimination and Harassment Complaint  
                          Procedures Report Form  
                  511.2, Employee Harassment

APPROVED:           March 20, 1991  
REVISED:            September 12, 2001

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

411.3

### BULLYING PROHIBITED

The District strives to provide a safe, secure and respectful learning environment for all students in school buildings, on school grounds, and school buses and at school-sponsored activities. The expectation is that everyone will treat each other with consideration and respect. Bullying has a harmful social, physical, psychological and academic impact on bullies, victims and bystanders. The District consistently and vigorously addresses bullying so that there is no disruption to the learning environment and learning process. Therefore, all types of bullying, hazing and harassment are prohibited.

#### **Definition**

Bullying is systematically or persistently inflicting physical hurt or psychological distress on one or more students. It is intentional written, spoken, nonverbal or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture or communication (including spreading rumors) that has the effect of doing any of the following: substantially interfering with any student's education, creating a threatening or fearful environment in a school setting for any student or group of students, or substantially disrupting the orderly operation of the school.

Cyberbullying is bullying that involves the use of digital technologies, including but not limited to email, cell phones, text messages, instant messages, chat rooms and social websites.

Hazing is any intentional or reckless act which endangers the physical health or safety of a student, or is meant to induce pain or humiliation, or that results in property damage or theft and is directed against another student or students, for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any organization, class, club or team sponsored or supported by a school or the District regardless of the students' willingness to participate.

Throughout the policy and during conversations with students, bullying by definition includes bullying, cyberbullying and hazing.

#### **Prohibition**

Bullying, cyberbullying and hazing is prohibited behavior in the following settings and/or circumstances:

- In all District property including all schools, buildings, grounds, and property.
- During any educational program, activity or environment, including every activity under school supervision or sponsored in whole or in part by the school or District.
- While being transported in any vehicle owned, leased or used by the District including while being transported on a District provided van, bus or other vehicle.
- Accessed, created, expressed or communicated using any District-owned computer, digital technology or system network.

- Sent or passed on through any type of non-District owned technology or personal electronic device while on school grounds, at any school-related or sponsored activity, or on any District provided transportation.
- Any type of threat indicated to be carried out in a school setting. This includes threats made outside of school hours that communicate intent to be carried out during any school-related or school-sponsored program or activity or on District provided transportation.
- Activity while not at school or while not under the supervision of a school authority and endangers or negatively impacts others at school or under the supervision of a school authority.

### **Procedure for Reporting/Retaliation**

Students, parents, guardians, staff members or others who observe or become aware of acts of bullying are required to report these acts to the classroom teacher or activity supervisory for resolution. If the issue is not resolved, the concern may be submitted directly to the building principal or associate principal.

Reports of bullying may be made verbally or in writing and may be made confidentially. (Please note that while all efforts will be made to keep matters confidential there are legal limits to the use of confidentiality. Anonymous reports may receive less attention and investigation.) All such reports, whether verbal or in writing, will be taken seriously.

If a student, parent, guardian or other reporting complainant is not satisfied with the outcome of the informal investigation at the building level, the complainant may present a complaint in writing to request formal investigation of the complaint under the District's discrimination complaint procedures. (See Policy 411)

There shall be no retaliation against individuals making such reports. Individuals engaging in retaliatory behavior will be subject to serious disciplinary action.

### **Procedure for Investigating Reports of Bullying**

The person assigned by the district to conduct an investigation of the bullying report shall, within three school days of the report, interview the person(s) who are the victim(s) of the bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report.

Parents and/or guardians of each pupil involved in the bullying will be notified 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.

### **Sanctions and Supports**

If it is determined that students participated in bullying behavior or retaliated against anyone due to the reporting of bullying behavior, the District administration and Board may take disciplinary action, including suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate. Remedial action will also be taken and may include restitution, meetings involving school staff, implementing a safety plan, separating the students, providing

staff support for the students, and parent conferences. Pupil services staff will provide support for the identified bullied student(s).

**Disclosure and Public Reporting**

The policy will be distributed annually to all students enrolled in the District, including their parents and/or guardians. The District will also provide a copy of the policy to any person who requests it.

Records will be maintained on the number and types of reports made, and sanctions imposed for incidents found to be in violation of the bullying policy.

An annual summary report shall be prepared and presented to the school board, which includes trends in bullying behavior and recommendations on how to further reduce bullying behavior. The annual report will be available to the public.

CROSS REF.:           411     Student Nondiscrimination and Equal Educational Opportunities  
                          411.1   Sexual Harassment  
                          411.2   Harassment

LEGAL REF.:           Wisconsin Statutes Sections  
                          118.01(2)(d)8 (Protective Behaviors Instruction)  
                          118.02(9t) (Bullying Awareness Day)  
                          118.46(2) (Bullying prohibited)  
                          947.013 (Harassment prohibited)  
                          947.0125 (Computerized communication prohibitions)  
                          948.51(2) (Hazing prohibited)

APPROVED:           September 22, 2010

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

412

## FULL TIME STUDENTS

A student in the District shall be considered full time if he/she:

1. Carries a minimum program as follows:
  - a) High School students must be scheduled for more than two blocks, which is more than half of the school day, exclusive of lunch.  
  
OR  
  
Are involved in off-campus work/study and scheduled for one block of credit per term.  
  
OR  
  
Are in approved work/experience programs scheduled for two blocks of credit per term.
  - b) Middle School students must be scheduled for more than two core area classes, which is more than half of the school day, exclusive of lunch.
  - c) Elementary students must be in attendance for the full day course of study.
2. Is a resident student attending public school in another school district.
3. Is a student with disabilities and has been programmed for less than a minimum program as determined by the individualized education program (IEP) team.

LEGAL REF.: Sections 121.004(5), (7) Wisconsin Statutes  
118.33(1)(b)

CROSS REF.: 322, School Day  
423, Public School Open Enrollment  
431, Student Attendance  
431-Rule, Student Attendance Procedures

APPROVED: September 12, 2001

REVISED: November 20, 2007



## SCHOOL DISTRICT OF SOUTH MILWAUKEE

413

### PARENTAL ACCESS TO INFORMATION

Consistent with the intent of the district to promote the best interests of each student enrolled in its schools in partnership with parents of the student, the district shall maintain strict neutrality between parents, unless otherwise directed by a court order.

Unless otherwise expressly curtailed or restricted by a provision of a court order with which the principal or designee has been provided, neither parent shall be deemed to have rights superior to the other parent with respect to any minor student. A parent that has physical placement rights shall, upon request, be provided all grade reports, notices of school activities, disciplinary action, or teacher or principal conference appointments or summaries that are provided to the custodial parents or joint custodial and residential parent. The parent with physical placement rights shall be entitled to participate in all school activities, including scheduled conferences involving the custodial or joint custodial and residential parent.

In the absence of a court order to the contrary, a parent with physical placement rights shall be permitted to visit his/her student enrolled in a school and to confer with the student's teacher(s) subject to district and school policies and procedures.

LEGAL REF.:           Wisconsin Statutes Sections:  
                                  118.125(2) (Parent access to school records)  
                                  767.24 (Custody and physical placement)

CROSS REF.:       347    Student Records  
                          815    Relations with Parents  
                          861    School Visitors

APPROVED:         November 20, 2007



252.04 (Immunization program)

Wisconsin Administrative Code

PI 9.03(1) (Pupil nondiscrimination)

CROSS REF.: 420-Rule, Placement of Transfer Students

420-Exhibit, Determination of Residency Status

411-Rule, Student Discrimination Complaint Procedures

423, Public School Open Enrollment

453.2, Student Immunizations

APPROVED: February 19, 1992

REVISED: September 12, 2001

December 3, 2014

## **SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**420-Rule**

### **PLACEMENT OF TRANSFER STUDENTS**

Determination for appropriate grade level placement of transfer students (including the placement of students transferring from home-based private schools) shall be the responsibility of the receiving building principal. The building principal shall take into consideration the School District's promotion/retention/graduation policies.

The parent/guardian may appeal the decision of the building principal to the Director of Instruction. The decision of the Director of Instruction shall be final.

Placement of students with disabilities shall be the responsibility of the Individual Education Program team and will follow pertinent state and federal guidelines.

November 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

421

### ENTRANCE AGE

#### Four-Year-Old Kindergarten

In order to enter four-year-old kindergarten, a child must be four years old on or before September 1 of that school year. Children who turn four years old between September 2 and October 1 of that school year are eligible to be tested for early admission to four-year-old kindergarten. A child who is found to be superior in the full range of abilities and needs including social, emotional, physical and mental maturity may be admitted early to four-year-old kindergarten in accordance with established procedures.

#### Five-Year-Old Kindergarten

In order to enter five-year-old kindergarten, a child must be five years old on or before September 1 of that school year. Children who turn five years old between September 2 and October 1 of that school year are eligible to be tested for early admission to five-year-old kindergarten. A child who is found to be superior in the full range of abilities and needs including social, emotional, physical and mental maturity may be admitted early to five-year-old kindergarten in accordance with established procedures.

#### First Grade

In order to enter first grade, a child must be six years old on or before September 1 of that school year and have completed 5K.

A child may be considered for early admission to first grade if he/she either has successfully completed a year of kindergarten or if he/she turns six between September 2 and October 1 of that school year and is tested for early admission for first grade. A child may be admitted early to first grade in accordance with established procedures.

A child may be considered for admission to first grade without attending 5K if the child is found to be proficient in the full range of abilities and needs including social, emotional, physical and mental maturity in accordance with established procedures.

#### Special Education Programs

The individualized education program (IEP) team shall, upon written parental approval, examine any child who: (1) has attained the age of three years and who as a result of screening is believed to have a disability, or (2) is referred by a parent as a result of an individual's report by the governing body of a state or county residential facility or by a school board. If it is determined that the child has a disability, with the parent's written consent, the child will be placed in an appropriate special education program.



## SCHOOL DISTRICT OF SOUTH MILWAUKEE

**421-Rule(1)**

### PROCEDURES FOR EARLY ADMISSION TO FOUR AND FIVE-YEAR-OLD KINDERGARTEN

1. The parent/guardian shall submit a written application to the Superintendent. The letter will include reasons for requesting entrance prior to the legal age. The deadline for submission of this letter to the Superintendent is May 1 of the year prior to early entry.
2. The Superintendent shall forward the written application to the Pupil Services Coordinator for assignment.
3. A school psychologist shall hold a personal interview with the parent/guardian to discuss his/her reasons for requesting early entrance, family background, medical history, summary of developmental milestones, general behavior at home and pre-school experiences and to inform the parent/guardian of the early admission criteria. The parent/guardian will sign the permission to evaluate forms.
4. Prior to a formal evaluation, the child will be screened using the District's regular screening instrument. If the child scores in the above average range, the District shall complete a formal evaluation to determine whether the child can demonstrate superior mental ability, superior visual and auditory perceptual skills, superior visual motor skills and superior social and emotional skills. A school psychologist, with other special services staff as appropriate, shall conduct the individual evaluation.
5. After the evaluation has been completed, the school psychologist shall hold a conference with the parent/guardian to consider the appropriateness of early admission. The school psychologist shall make a recommendation either for or against early admission which is acted upon by the Pupil Services Coordinator.

September 2010

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

421-Rule(2)

### PROCEDURES FOR NON-STANDARD ADMISSION TO FIRST GRADE

#### Early Admission of Children Who Have Not Successfully Completed a Full Year of Kindergarten

1. The parent/guardian shall submit a written application to the Superintendent no later than May 1 prior to the requested school year. The letter will include reasons for:
  - a. requesting entrance prior to the legal age; or
  - b. requesting entrance without having attended or completed a 5K program
2. The Superintendent shall forward the written application to the building principal for assignment.
3. The school psychologist shall hold a personal interview with the parent/guardian to discuss his/her reasons for requesting early entrance, family background, medical history, summary of developmental milestones, general behavior at home and pre-school experiences and to inform the parent/guardian of the admission criteria. The parent/guardian will sign the permission to evaluate forms.
4. Prior to a formal evaluation, the child will be screened using a first grade readiness test. If the child scores in the average range, the District shall complete a formal evaluation.

The evaluation process will concentrate on obtaining information regarding skills and behavioral characteristics that are correlated with success in first grade. The areas evaluated may include: cognitive or intellectual development; math, reading and writing skill development; adaptive skill development; social/emotional maturity; communication skills and sensory motor/physical development. Staff shall use a combination of behavioral observation and teacher-made assessment tools to assess developmental and skill levels of the child.

The staff members completing the evaluation shall meet with the building principal to analyze the results of the evaluation and any other data available to determine the appropriateness of the child's admission to first grade. In order to be admitted to first grade, the child must demonstrate the academic and developmental readiness skills expected for successful participation in first grade and there must be evidence that the child's educational welfare will best be served by first grade placement.

5. After the evaluation has been completed, the school psychologist and building principal shall hold a conference with the parent/guardian to consider the appropriateness of admission. The principal shall make a decision either for or against a non-standard early admission.



6. Any non-standard admission shall be considered to be on a trial basis and students may be required to enter 5K.
7. Appeals may be made to the Superintendent, or designee, with ten (10) days, whose decision will be final.

#### EXEMPTIONS TO MANDATORY 5K REQUIREMENT

1. Before either commencing or completing first grade, the child moved into Wisconsin from a state, country, or territory in which completion of 5K is not a prerequisite to entering first grade.
2. Before either commencing or completing first grade, the child moved into Wisconsin from a state, country, or territory in which completion of 5K is a prerequisite to entering first grade and the child was exempted from the requirement to complete 5K in the state, country or territory from which the child moved.

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

422

### ADMISSION/CONTINUED ATTENDANCE OF NONRESIDENT STUDENTS (Other than Open Enrollment Students)

#### Tuition Waivers

The District shall permit a student to complete the current school year without payment of tuition if the student was a resident of South Milwaukee on either the third Friday in September or the second Friday in January of the current school year and was enrolled in South Milwaukee School District for at least twenty (20) days of the current school year.

The District shall permit a student to attend an additional school year without payment of tuition if the student: 1) was a resident of South Milwaukee on the second Friday in January that immediately precedes the school year for which the tuition waiver is requested; 2) the student moved out of South Milwaukee after the first Monday in February that immediately precedes the school year for which the tuition waiver is requested; 3) the student was enrolled continuously in South Milwaukee School District from the second Friday in January to the end of the school year that immediately precedes the school year for which the tuition waiver is requested; and 4) the student continues to be a Wisconsin resident.

The Superintendent may permit a student to complete the current school year if the student was a resident of South Milwaukee and enrolled in South Milwaukee School District on July 1 of the current school year.

All requests for tuition waivers must be made through the Superintendent's office.

The District shall permit a student who has gained 12th grade status and is a resident at the time of gaining such status to complete 12th grade at the High School without payment of tuition, even though the student is no longer a resident of the District.

Tuition shall be waived for foreign exchange students approved in accordance with Board policy and established procedures.

#### Home School Students

Home school students participating in a home-based private educational program may take up to two courses during a semester in the District, provided the following conditions are met:

- (1) the student has met the standards for admission to the course at that grade level including meeting grade level standards;
- (2) there is sufficient space in the classroom; and
- (3) the student takes no more than two courses in any public school in the state during any semester.

If accepted, the student is responsible for following all school rules and regulations, including all

behavior and attendance rules.

Transportation is the responsibility of the student and parent/guardian.

### Private School Students

A private school student residing in the city of South Milwaukee may take up to two courses during a semester at the high school, provided the following conditions are met:

- (1) the student has met the standards for admission to the course at that grade level including meeting grade level standards;
- (2) there is sufficient space in the classroom; and
- (3) the student takes no more than two courses in any public school in the state during any semester.

If accepted, the student is responsible for following all school rules and regulations, including all behavior and attendance rules.

Transportation is the responsibility of the student and parent/guardian.

### Tuition

Students residing in areas outside the District's legal and established boundaries may attend school in the District. These students may be accepted on a tuition basis, subject to the availability of space.

The Superintendent shall have the authority to regulate the enrollment and re-enrollment of nonresident tuition students on either an elementary, middle school or high school level.

Nothing in this policy shall prevent the District from denying the admission of a student during the term of his/her expulsion from another school District.

The District shall not assume responsibility for the transportation of nonresident special education or regular education students beyond the District boundaries. The general transportation policies of the District apply within its boundaries.

LEGAL REF.:           Wisconsin Statutes Sections  
                                  118.53 (Attendance by home enrolled payments)  
                                  121.75 - 121.84 (Tuition payments)  
                                  121.845 - 121.86 (Tuition and transfer payments)

CROSS REF.: 423, Public School Open Enrollment  
                  425, Admission of InterDistrict Transfer Students (Chapter 220)

APPROVED:           November 9, 1989  
                              February 19, 1992

REVISED:

September 12, 2001

December 3, 2014

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

422.1

### FOREIGN EXCHANGE PROGRAMS

The Board encourages participation with American Field Services (AFS) or other qualified, certified groups that plan and execute programs of student exchange between foreign countries and South Milwaukee High School.

A maximum of six exchange students may be enrolled at South Milwaukee High School during each academic year. The Superintendent may allow additional foreign exchange students on a case by case basis. The District reserves the right to refuse placement of a foreign exchange student.

LEGAL REF.:           Wisconsin Statutes Section  
                                  121.84(1)(c) (Tuition waiver)

CROSS REF.:           422.1-Rule     Foreign Exchange Program Guidelines

APPROVED:           February 19, 1992

REVISED:             September 12, 2001  
                                  November 20, 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

422.1-Rule

### FOREIGN EXCHANGE PROGRAM GUIDELINES

1. The student must satisfy the same age and other general requirements of citizen students. Students shall have reached the age of 16 prior to September 1 of the attendance year and may not turn 20 prior to the end of their first semester.
2. The student must provide a transcript and validation of academic accomplishments prior to the time the student starts school.
3. Students must have been in good academic standing in their native country and must have been screened for maturity and the ability to receive maximum benefit from an exchange program.
4. The student must possess and provide evidence of functional speaking ability and written understanding of the English language.
5. The student will be entered only at the beginning of a semester and for a minimum of one semester of attendance.
6. The student will be evaluated and graded on the same basis as all other students.
7. The student will be subject to the same policies, rules, conduct, transportation and attendance requirements that apply to all students.
8. Tuition fees shall be waived for students participating in an approved exchange program. However, the host family, organization or student assumes all of the financial responsibilities associated with attendance at the high school. Exchange students are eligible for free or reduced price lunches if the host family meets income guidelines.
9. Exchange students will be awarded a certificate of attendance for completion of a year abroad in an exchange program that meets standards set by the Council on Standards for International Educational Travel (CSIET).
10. The local program representative or host family must provide the school with the following information concerning the student: a) insurance (medical and accident coverage); b) permission to participate in athletic and co-curricular activities; c) physical examination form with required immunizations; and d) other requested information.
11. Students will be allowed to participate in co-curricular activities. Eligibility requirements of the Wisconsin Interscholastic Athletic Association (WIAA), South Milwaukee all-school code and rules of the organization will apply.

June 2008

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

423

### OPEN ENROLLMENT POLICY

The District will participate in the Wisconsin Public School Open Enrollment Program in accordance with applicable law and the relevant policies and rules of the District, all as amended from time to time.

#### **Full-Time Open Enrollment**

- I. Application Procedures – The District will accept open enrollment applications from nonresidents for the next school year for public school, including a pre-kindergarten, early childhood or school operated day care program, if the non-resident school district offers the same type of program. Applications must be submitted on the form provided by the Department of Public Instruction (“DPI”) and received between the first Monday in February and the last weekday in April. Untimely applications will not be processed, nor will the review process be delayed by failure to submit supporting documentation.
- II. Acceptance Criteria – Acceptance of nonresident and resident open enrollment applications will occur no later than the first Friday following the first Monday in June.

In order for a pupil to participate in open enrollment, both the resident School Board and the nonresident School Board must approve the application.

- A. Nonresident Acceptance Criteria – The District may guarantee acceptance to currently attending students, even if the District has otherwise decided that it does not have space. The District shall grant preference to currently-attending students and/or siblings of currently-attending students. However, currently-attending students and siblings of currently-attending students may be denied based on the criteria listed below in II(A)(2-8), as well as due to lack of space in the applicable school, program, class or grade. Currently attending students includes students currently attending District schools as a resident or other means.

The District will then determine which open enrollment applications it will deny based upon the criteria which follow. Applications denied under any of the criteria will be removed from the pool of eligible applications.

If, after removing the denied applications, there are more applications than there are spaces available, the District will give first priority to nonresident pupils already attending District schools and to the siblings of nonresident pupils already attending District schools, including pupils who are

currently attending the nonresident school district under the full-time open enrollment program, pupils for whom tuition is paid to the nonresident school district under subch. V of ch. 121, Stats., pupils who currently reside in the nonresident school district but plan to move prior to the beginning of the following school year, and pupils who have moved out of the nonresident school district during the current school year but have remained in public school in the nonresident school district under s. 121.84(1)(a), Stats.

Any remaining applications will be selected on a random basis by grade level (grade level order is selected by a random basis first). “Random basis” is defined as placing each pupil’s name on a piece of paper, placing all of the pieces of paper in a container, drawing each piece of paper one at a time, and writing the number of the order in which the pupil’s name was drawn on each piece of paper. All of the pupil’s names will be drawn at this time, not only the number of places available at each grade level. The order in which the pupil’s names are drawn will determine the order in which available seats are assigned and the order of the waiting list.

If, in the random selection process one pupil from a family is chosen, preference shall be given to the remaining siblings in the family for whom the parent applied at the same time. This preference shall not be provided if the family member already has a spot on a wait list due to the drawing for that grade level having already occurred.

There shall be at least two District representatives during the random basis drawing.

The District may consider only the following criteria for nonresident applications; the nonresident applicants may be denied for any one or more of the following criteria:

1. Space Available For Nonresident Transfer Students. No later than the last day of January of each school year the Superintendent will report to the School Board the space available for the next school year in the schools, programs, classes and grades (including regular education and special education designated spaces) of the District for Open Enrollment students. In determining such space available, the Superintendent shall consider any or all of the following:
  - a. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
  - b. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes or buildings.



- c. Enrollment projections for the schools of the District which consider other factors, including, but not limited to, short and long-term economic development in the community, historical trends of student movement, preference requirements for siblings of nonresident Open Enrollment students, the required length of K-12 attendance opportunities for Open Enrollment students and current and future space needs for special programs, laboratories (e.g. technology or foreign languages) or similar district educational initiatives. All currently attending students shall be considered in enrollment projections.
  - d. The number of nonresident students currently attending the Schools of the district for whom tuition is paid by another District under § 121.78(1)(a), Wis. Stats.
  - e. The number of resident home schooled or private school students likely to attend the schools of the District in accordance with § 118.145, Wis. Stats.
  - f. The maximum number of District Open Enrollment transfers allowed by Wisconsin law.
2. Whether the nonresident pupil has been expelled from any public school district or independent Wisconsin Charter School within the current school year or the two (2) preceding school years.

Conditional enrollment may be offered to an expelled student during the term of his/her expulsion. The enrollment conditions may be instead of or in addition to any early reinstatement conditions that have been imposed within the student's expulsion order. The enrollment conditions established must relate to the reasons for the student's expulsion and may not extend the term of the student's expulsion. The term of the expulsion may be reinstated if the enrollment conditions are not met.

3. Whether any disciplinary proceeding involving the nonresident pupil which is based on any of the following activity is pending:
- a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt to destroy school property by means of explosives;
  - b. Engaging in conduct while at school or under school supervision which endangers the health, safety or property of others;
  - c. Engaging in conduct while not at school or while not under school supervision which endangers the health, safety or property of

others at school or under school supervision or any school employee or School Board member; or

- d. Possessing a dangerous weapon (as defined in §939.22(10), Wis. Stats.) while on school property or under school supervision.
4. Whether the special education program or related services described in the nonresident pupil's individualized education program ("IEP") are available in the District.
5. Whether there is space available in the District's special education program identified in the nonresident pupil's IEP, including class size limits, pupil-teacher ratios, and enrollment projections. (See paragraph II(A)(1) above).
6. Whether the nonresident pupil has been screened by the resident District to determine if there is reasonable cause to believe that he/she is a child with a disability.
7. Whether the nonresident pupil has been reported to the resident District as having possible disability, but not yet evaluated by a multi-disciplinary team.
8. Whether the Board determined that the pupil was habitually truant from the nonresident school district during any semester of attendance at the nonresident school district in the current or previous school year.

If a nonresident pupil's IEP is developed or changed after starting in the District, and it is then discovered that the District does not have necessary programs available or does not have space in the special education program, the nonresident may be returned to the resident District.

Notwithstanding the District's acceptance of a nonresident pupil's application, the District may withdraw acceptance if, prior to the beginning of the first school year in which the nonresident pupil will attend a school in the District, he/she is determined to fall under paragraphs II(A)(2) or II(A)(3).

The District may request a copy of a nonresident pupil's disciplinary records and IEP records from the resident District. The resident district must provide this information by the first Friday following the first Monday in May.

- B. Resident Application Criteria – The District shall initially determine approval of applications by District residents seeking to attend other school districts based upon the criteria specified below. The applications of District residents denied under the criteria shall be removed from the

pool of eligible applications. The remaining District pupil applications shall be approved.

The District will consider only the following criteria for resident applications; resident students may be denied based any one or more of the following criteria:

1. Whether or not the District has a comparable 4K or Pre-K program.
2. If the move to the non-resident district is in the best interest of the student.

- III. Notice of Decision – Written notice of acceptance or denial must be sent to all applicants no later than the Friday following the first Monday in June. Notice of denial shall include a reason for the determination. If a pupil has been denied due to lack of available seats, the notice of denial shall include the pupil's number on the waiting list.
  - A. Nonresident Pupil Applications – In addition to sending a Notice of Decision to the applicant, if the District approves an open enrollment application of a nonresident pupil, it must also notify the applicant of the specific school or program that the applicant may attend at the same time. Notice must be given to the resident school board no later than July 7 containing the name of the pupil. The parents or guardians of an accepted nonresident pupil must, in turn, notify the District no later than the last Friday in June of the pupil's intent to attend school in the District in the following year.
  - B. Resident Pupils Applying To Other Schools – In addition to sending notice of decision to the District pupil, if the District denies approval, it shall send a notice with reasons for denial to the nonresident School Board initially receiving the application by the second Friday following the first Monday in June.
- IV. Reapplication Procedures – The District may require nonresident pupils to reapply under the open enrollment policy when the nonresident pupil enters middle school or high school. A nonresident pupil may not be required to reapply more than once.
- V. Waiting List – The District will maintain a waiting list of all non-resident applicants whose applications have been rejected solely because of lack of space. This waiting list may include applications submitted in a timely manner for the next school year, but will not include applications submitted for prior school years.

The waiting list order shall be determined by the initial random basis drawing when assignments are made for available seats by grade level. If a pupil is accepted from the waiting list a written notification shall be sent to the parents. The notification shall include the notice of acceptance, the school or program to

which the pupil has been assigned, and the date by which the parents must notify the District of acceptance of the placement.

The District shall give the parents at least ten (10) days after mailing the notification of acceptance to respond to the District. If the parents do not respond within the time specified in the written notice the District may offer the placement to the next pupil on the waiting list.

The District shall not offer a placement to a pupil on the waiting list after the third Friday in September. A student may not be accepted from the waiting list if the student attended a school or program in a nonresident district in the current school term.

- VI. Transportation – The parents or guardians of a pupil attending in a nonresident school district will be solely responsible for providing transportation, unless transportation is required by the nonresident pupil’s IEP.
- VII. Rights and Privileges of Nonresident Pupils – Nonresident pupils attending school in the District on a full-time basis will have all of the rights and privileges of resident pupils and will be subject to the same rules and regulations as resident pupils.

The School Board may revoke the open enrollment status of a student at the end of a semester if the student has been determined to be habitually truant. All open enrollment students will be notified of the Board’s truancy policy, including the open enrollment consequences of habitual truancy, at the beginning of each school year. If the student or parent believes the student was erroneously marked truant, the parent or student should first discuss the situation with the building principal. If a further appeal is necessary, a written appeal should be sent to the District’s Open Enrollment Coordinator, Jennifer Sielaff, at 901 15<sup>th</sup> Avenue, South Milwaukee, WI 53172.

- VIII. School Board Designee – The School Board appoints the Director of Personnel, Administrative & Legal Services to act on open enrollment decisions on behalf of the Board.

### **Alternative Open Enrollment**

Open enrollment applications may be submitted outside of the regular annual application period if the student meets one of the following criteria and the parent describes the criteria that the student meets in the application:

1. The resident school board determines that the student has been the victim of a violent criminal offense in a school in the resident school district. The application must be made within 30 days of the resident school board's determination.
2. The student is or has been a homeless student in the current or immediately preceding school year.
3. The student has been the victim of repeated bullying and harassment and all of the following apply: (a) the student's parent or guardian must have reported the bullying or harassment to the school board (or designee) and (b) in spite of action taken by the board (or designee) the repeated bullying and harassment continues.
4. The place of residence of the student's parent and of the student has changed as a result of military orders. The application must be made within 30 days of the date on which the military orders changing the place of residence were issued.
5. The student moved into Wisconsin. The application must be made within 30 days after moving into the state.
6. The student's residence has changed as a result of a court order or custody agreement or because the student was placed in or removed from a foster home or with a person other than the student's parent. The application must be made within 30 days after the student's change in residence.
7. The student's attendance in a school in the nonresident school district is considered to be in the best interests of the student. The application must explain the reasons for requesting this exception and why attendance at the nonresident school district is in the best interests of the student.

A resident school district may deny an application of a resident student if it determines that the criteria relied on by the parent to submit the application does not apply to the student.

The non-resident school district may deny an application of a nonresident student as follows: (1) for the same reasons it may deny an application submitted during the regular annual application period (e.g., space availability); or (2) if the application relies on the "best interests of the student" criteria and the nonresident school district determines that open enrollment is not in the student's best interests.

The District may not accept a nonresident student under alternative open enrollment prior to the 3<sup>rd</sup> Friday in September if the District did not approve all applications for the student's grade that were submitted in the regular applications period for the same school year.

The District may not accept a nonresident student under alternative open enrollment after the School Board meeting in January where open enrollment seats are approved for the following year if the Board limited the number of available open enrollment spaces at that grade level.

A nonresident district must notify the applicant, in writing, whether the application has been approved or denied no later than 20 days after receiving the application. If the application is approved, the notification must also identify the specific school or program that the student may attend. A nonresident student accepted for enrollment may immediately begin attending the assigned school or program in the nonresident school district and shall begin attending the school

or program no later than the 15<sup>th</sup> day following receipt of the notice of acceptance. If the student has not enrolled in or attended school in the nonresident school district by that date, the district may notify the student's parent, in writing, that the student is no longer authorized to attend the school or program in the nonresident school district.

LEGAL REF:           Wisconsin Statutes Sections:  
                            Chapter 115, Subchapter V (Children with disabilities)  
                            118.13 (Pupil discrimination prohibited)  
                            118.51 (Full-time open enrollment)  
                            118.52 (Part-time open enrollment)

                            Wisconsin Administrative Code Section:  
                            PI 36 (Open Enrollment)

CROSS REF:           411    Student Nondiscrimination and Equal Education  
  Opportunities  
                            412    Fulltime Students  
                            420    School Admissions  
                            421    Entrance Age  
                            431    Student Attendance

APPROVED:           September 12, 2001  
REVISED:            January 28, 2004  
                            January 19, 2005  
                            December 13, 2006  
                            November 20, 2007  
                            September 22, 2010  
                            November 7, 2012  
                            December 3, 2014  
                            January 13, 2016

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

423.1

### PART-TIME OPEN ENROLLMENT

The Board recognizes the value participation in courses offered through other Districts has for students and the District. Any high school student in the District may participate in the Part-Time School Open Enrollment program in accordance with the established procedure, and as set forth in Wisconsin state law. The Board shall determine the criteria for accepting and rejecting a student's application for participation in this program. The Board shall make the criteria equal for students within its District and for students in Non-Resident Districts. The student cannot take more than two courses at once while enrolled in a course under this program.

#### **Incoming Students**

If the student comes from a Non-Resident District or another school within the School District of South Milwaukee (SDSM) and seeks enrollment into the program, the parent of the student shall submit an application to the Board or its designee, no later than 6 weeks prior to the start of the course. The Board shall notify the Non-Resident Board of this submission. No later than one week before the start of the course, the Board shall notify the parent of the student's admittance or rejection into the course. The Board may give preference to its students in taking the courses it offers over the student for a Non-Resident District.

If rejected, the Board shall notify the parent of the student from the Non-Resident District of the reason for the rejection. If the course applied for does not meet a graduation requirement as set by the Non-Resident District, the Board shall notify the parent of the student seeking admittance into the course. The parent may appeal the rejection within 30 days of the decision. The decision is to be affirmed unless it can be proven to be arbitrary or unreasonable.

#### **Outgoing Students**

To apply for this program, the parent of a student shall submit an application to the Non-Resident Board that the student is seeking to take the course in no later than 6 weeks prior to the start of the course. The Non-Resident Board shall then notify SDSM of the submission. No later than one week before the start of the course, the Non-Resident Board shall notify the parent and SDSM of the student's admittance or rejection into the course. If the student is rejected, the Non-Resident Board shall notify the parent with a reason for the rejection. If the course applied for does not meet a graduation requirement as set by SDSM, SDSM shall notify the parent of the student seeking admittance into the course.

A student can receive a denial as follows:

1. If the course conflicts with the students Individualized Education Program ("IEP").
2. If allowing the student to take the course would cause undue financial burden on the District.

If the student is accepted into the program, the Non-Resident Board must notify the parent of the student of the acceptance and the school which the student was accepted to enroll into the course. The parent of the student shall inform the Board of the acceptance, prior to the student beginning the course.

A student attending a course in a public school in a Non-Resident District under this enrollment, has all of the rights and privileges of students in that District. The student is also subject to the same rules and regulation of the other students within that District.

The Board shall provide to the Non-Resident Board that the student has been enrolled into this program under, if requested, a copy of the student's disciplinary records. A student's disciplinary records include:

1. A copy of any expulsion findings and orders.
2. A copy of records of any pending disciplinary proceeding involving the student.
3. A written explanation of the reasons for the expulsion or pending disciplinary proceeding.
4. The length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

The parent of the student enrolled in this program in a Non-Resident District is responsible for transporting the student. However, a parent who needs low income assistance can apply for reimbursement. Preference is given to parents of students who receive free or reduced lunch. Reimbursement amount will be determined by the department.

The Board shall pay the Non-Resident Board for each student attending a course in a public school of the Non-Resident District under this program. The amount shall be equal to the cost of providing the student with the course and shall be calculated by the department.

LEGAL REF:           Wisconsin Statute Section:  
  118.52 (Part-time Open Enrollment)

APPROVED:           September 19, 2018



**SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**424**

**ADMISSION OF STUDENTS 21 YEARS OF AGE OR OLDER**

The enrollment of adult residents 21 years of age or older in the District shall be subject to Board approval.

Admission shall be on a space available basis and may be subject to a fee.

LEGAL REF.:           Section        118.14 Wisconsin Statutes

APPROVED:           September 12, 2001

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

426

## HOMELESS STUDENTS

The District will ensure that homeless children and youth are provided with equal access to its educational programs, have an opportunity to experience the same Wisconsin and District academic standards, are not segregated on the basis of their status as homeless, are protected from discrimination on the basis of their homelessness and are not stigmatized by school personnel.

The Director of Pupil Services will serve as the local educational liaison for homeless students, children and youth. The liaison will serve as one of the primary contacts between homeless families and school staff, and other service providers. The liaison will coordinate services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically.

Homeless children and youth will be assigned to a grade level and school based on the best interests of the homeless child or youth, using District policies and procedures as a guideline. If the District assigns a school other than the school of origin or the school requested, the District will provide a written explanation of the reasons for the decision. The written explanation will also include information regarding the right to appeal the decision to the Coordinator for Education of Homeless Children and Youths in the Wisconsin Department of Public Instruction.

Homeless children and youth will be allowed to enroll in the District immediately, even if records normally required for enrollment are not immediately available.

LEGAL REF.: Wisconsin Statutes Sections:  
118.125 (Pupil Records)  
118.13 (Student Nondiscrimination)  
118.17 (Compulsory School Attendance)  
119.18 (Board Powers)  
120.12 (School Board Duties)  
121.77 (Admission of non-resident pupils)  
McKinney-Vento Homeless Assistance Act (42 USC 11431)

CROSS REF.: 411 Student Nondiscrimination  
420 School Admissions  
420-R Placement of Transfer Students  
432 Elementary School Attendance Areas  
433 Assignment of Students to Elementary Schools

APPROVED: November 20, 2007  
November 7, 2012

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

427

### CHILDREN IN OUT OF HOME CARE

The School District of South Milwaukee shall collaborate with the county child welfare agency in ensuring the educational stability of children in out-of-home care (foster care). “Foster care” refers to 24-hour substitute care for children placed away from their parents and guardians and for whom the child welfare agency has placement and care responsibility. This includes but is not limited to, placement in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. To the extent required under applicable law, a child in foster care under this policy also includes children who an appropriate child welfare agency indicates are awaiting a foster care placement.

Children in foster care shall have equal access to the same free, appropriate public education as provided to other children in the School District of South Milwaukee. They shall be provided the services and have access to the programs and activities that are offered to other children attending School District of South Milwaukee schools, including educational services for which the children meet eligibility criteria (e.g., special education, Title I programming, programs and services for English Learners, gifted and talented programming, etc.), career and technical education programs, and school nutrition programs.

The Director of Pupil Services has primary administrative-level oversight of the services for children who are in foster care. He/she, or a qualified administrative-level designee, shall be responsible for (1) providing any required assurances to applicable state and federal agencies that the District is complying with applicable state and federal requirements related to ensuring the educational stability of children in foster care; and (2) reasonably monitoring compliance with such assurances.

The Director of Pupil Services or designee will be the primary liaison for the representatives of child welfare agencies who also have responsibility for ensuring the educational stability of children in foster care.

The Director of Pupil Services or designee for the education of children in foster care will work with administrators and other School District of South Milwaukee personnel to periodically review existing policies, procedures, practices, and data to identify and develop proposals to remedy and remove barriers that children in foster care may face in the school enrollment and admission processes, in regularly attending school, in accessing applicable support services (such as guidance counselors), in accessing academic programs, academic activities, or extracurricular activities, or in receiving appropriate credit for prior academic work.

The Director of Pupil Services or designee for the education of children in foster care will also:

1. Coordinate with the points of contact and other appropriate representatives of child welfare agencies and of other educational agencies on the implementation of the Title I provisions related to ensuring the educational stability of children in foster care.
2. Ensure that before a child placed in out of home care is enrolled in or exited from SDSM, that a Best Interest Determination is held to determine whether it is in the child's best interest to remain in his/her school of origin or to enroll in a new school. This includes training staff regarding enrollment and exit practices for students placed in out of home care.
3. Assist appropriate child welfare agency representatives in making "best interest of the child" education decisions, including particularly the determination of whether or not it is in a child's best interest to remain in his/her school of origin or to enroll in a new school. As examples, the Director of Pupil Services or designee may (a) be involved in defining a process for making such decisions; (b) coordinate input from, or other participation by, other District staff; and (c) make or assist in making, the District's evaluation of the available and relevant information in a specific case. The determination of a child's best interest in relation to school enrollment involves giving consideration to all factors relating to a child's best interest, including but not limited to the appropriateness of the current educational setting and the proximity of the child's placement to the school(s).
4. Facilitate the continued enrollment of a child in foster care in his/her school of origin; or, if remaining in the school of origin is determined not to be in the child's best interest, facilitate the child's immediate enrollment in a new school even if the child is unable to produce records normally required for enrollment.
5. Request, facilitate, and confirm, as applicable, the timely transfer of student records any time a child in foster care will be enrolling in a school (within or outside of the District) other than the school the child is currently attending (or most recently attended).
6. Coordinate the implementation of local transportation procedures related to children in foster care and the resolution of any transportation cost disputes in consultation with the District Administrator and in accordance with established procedures.
7. Facilitate the sharing of student record information with child welfare agency personnel in a manner that is consistent with applicable legal requirements, any applicable record sharing agreements, and established District policies and procedures regarding the maintenance and confidentiality of student records.
8. Have shared responsibility for ensuring that children in foster care attending schools in the District have access to and receive the educational services and supports and specialized programming for which they are eligible.

9. Assist, as needed, with addressing concerns that may arise regarding the regular school attendance of a child in foster care.
10. Collaborate with other District staff and, if appropriate, with child welfare agency representatives, to assist children in foster care with their educational transitions (e.g., from early childhood education to elementary school, elementary school to middle school/junior high school, middle/junior high school to high school, and from high school to post-secondary options).
11. Coordinate professional development activities and resources and serve as a local resource, as needed, for other District staff related to the Title I provisions and the educational needs of children in foster care.
12. Working with administrators and other District staff as needed, coordinate the collection and appropriate reporting of any data that is needed to meet the established legal requirements related to children in foster care.

When such transportation is required by federal law and when the School District of South Milwaukee is the particular child's school of origin, the District's procedures addressing the transportation of children in foster care to their schools of origin are included in the administrative procedures.

LEGAL REF.:           Wisconsin Statutes Sections  
                          48.38(4)  
                          48.383  
                          48.64(1r)  
                          48.78  
                          115.298(1)(b)  
                          118.125(2)(q)  
                          938.78

APPROVED:            May 6, 2020

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

431

## STUDENT ATTENDANCE

The District shall abide by and implement student compulsory attendance laws. State law requires each child between the ages of six and eighteen residing in the District and those who are 5 years of age and enrolled in Kindergarten to be in school attendance (religious holidays excepted) unless he/she:

1. Is excused temporarily for physical or mental reasons;
2. Has graduated;
3. Has been authorized to attend an alternative educational program;
4. Has been excused by his/her parent/guardian prior to an absence in accordance with state law; or
5. Has been excused by the building principal or his/her designee.

Any violator of the compulsory school attendance law shall be subject to penalties outlined in state law.

LEGAL REF.:           Wisconsin Statutes Sections  
                                  118.15 (Compulsory school attendance)  
                                  118.153 (Children at risk of not graduating high school)  
                                  118.16 (School attendance enforcement)  
                                  118.162 (Truancy committee and plan)  
                                  118.165 (Private schools)  
                                  118.33(1)(b) (High school diploma)

CROSS REF.:           412, Fulltime Students  
                                  431-Rule, Student Attendance Procedures  
                                  431-Exhibit, Habitual Truancy Referral Form  
                                  District Truancy Plan

APPROVED:           June 22, 1989

REVISED:            September 12, 2001  
                                  December 3, 2014

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

431-Rule

## STUDENT ATTENDANCE PROCEDURES

### A. Daily Attendance Procedures

1. The principal or his/her designee shall determine daily which students are absent from school and whether the absence is excused.
2. Except as provided in B-1 below, when a student is absent from school, the principal or his/her designee should receive notification from the parent/guardian explaining the reason for the absence by 9:00 a.m. on the same day the student is absent.
  - a. Failure to contact the principal or his/her designee in regard to an absence shall result in a telephone call to the parent/guardian at home or place of employment.
  - b. If the school or parent/guardian has not been contacted, upon returning to school, the student must bring a written note signed by the parent/guardian stating the reason for the absence.
3. All questions regarding excused or unexcused absences should be directed to the school administration.

### B. Absences

#### 1. Parent/Guardian-Excused Absences

Parents are authorized to excuse their child from school attendance for any reason, up to a maximum of 10 days in a school year, provided they notify the school prior to the absence.

A student so excused may be required, and should have the opportunity, to complete the coursework missed during the absence.

#### 2. Principal-Excused Absences

Except as noted in item B-1 above, the school, not the parent/guardian, excuses student absences from school. The Board recognizes the following as excused absences:

- a) personal illness (The principal may request a written doctor's excuse, stating the time period for which it is valid, not to exceed 30 days, in accordance with state law.);
- b) funerals;
- c) required legal appearances;
- d) designated religious holidays;
- e) family emergencies;
- f) quarantine;
- g) inclement weather;
- h) approved District sponsored activities;
- i) suspension; and
- j) absence for good reason as permitted by the principal.

Students with principal-excused absences are entitled to make up work and are responsible for doing so.

### 3. Excessive Excused Absences

- a) When a student has recorded five excused absences in a nine-week period, a referral shall be made to the appropriate school personnel and an attendance notification letter may be sent to the parent/guardian. This does not include absences for illness, surgery or hospitalization.
- b) When a student has received ten excused absences in a semester, the procedure in step B-3-a above shall be repeated. In addition, a conference may be scheduled to review the situation. The following may be present at this conference:
  - 1) the student and his/her parent/guardian;
  - 2) the principal or his/her designee;
  - 3) the student's school counselor and/or school social worker;
  - 4) a representative from social services;
  - 5) school nurse; and
  - 6) other appropriate staff.

### 4. Unexcused Absences

All absences not indicated in numbers 1 and 2 above are unexcused and the student is considered truant. The school may not deny a student credit in a course or subject based solely on the student's unexcused absence(s). Students with unexcused absences must fulfill all course requirements and shall be given the opportunity to do so. It is the sole responsibility of students with unexcused absences to make arrangements to obtain and complete makeup work.



5. Tardiness

A student not in his/her assigned place at the required time shall be considered tardy. If the amount of time is excessive (see individual school handbooks for details) tardiness may also be considered truancy.

- C. Truancy - "Truancy" means any absence of part or all of one or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent student, and also means intermittent attendance carried on for the purpose of defeating the intent of the compulsory student attendance law.

Truancy Follow-Up Procedures

1. When a student is truant, the principal or his/her designee shall notify the parent/guardian and direct the parent/guardian to return the student to school no later than the next school day or provide an acceptable excuse. (The student must report to the principal/designee.) This notice shall be given before the end of the second school day, by personal contact, mail or telephone call, except that notice by personal contact or telephone shall be attempted before notification by mail can be given. A written record of the truancy and home contact shall be placed on file.
  2. Detentions may be assigned to the truant student for the purpose of making up lost school time.
  3. If a student has five unexcused absences within a semester, a conference with the student and parent/guardian should be conducted to discuss possible causes and recommended interventions as required by state law (See "Legal Referrals" below). The following may be present at this conference:
    - a) the student and his/her parent/guardian;
    - b) the principal or his/her designee;
    - c) the student's school counselor and/or school social worker;
    - d) a representative from social services;
    - e) school nurse; and
    - f) other appropriate staff.
- D. Habitual Truancy - "Habitual Truant" means a student who is absent without an acceptable excuse for part or all of five or more days on which school is held during a school semester.

Habitual Truancy Follow-up Procedures

1. When a student becomes a habitual truant, the school shall notify his/her parent/guardian by registered or certified mail, or through U.S. Mail with a simultaneous electronic notice. This notice shall include all of the following:
  - a. A statement of the parent's/guardian's responsibility under state law to cause the student to attend school regularly.
  - b. A statement that the parent/guardian or student may request program or curriculum modifications for the student and that the student may be eligible for enrollment in a program for children at risk under state law.
  - c. A request that the parent/guardian meet with appropriate school personnel to discuss the student's truancy. The notice shall include:
    - 1) The name of the school personnel with whom the parent/guardian should meet.
    - 2) A date, time and place for the meeting.
    - 3) The name, address and telephone number of a person to contact to arrange a different date, time or place.
    - 4) The date for the meeting must be within five school days after the date that the habitual truancy notice has been sent to the student's parent/guardian. With the consent of the student's parent/guardian, however, the date for the meeting may be extended for an additional five school days.
  - d. A statement of the penalties under state law that may be imposed on the parent/guardian if he/she fails to cause the student to attend school regularly as required by state law.

E. Legal Referral

If a student becomes an habitual truant, a legal referral to the appropriate local or county authority may be initiated. Prior to any proceeding being brought against a student or his/her parent/guardian, the principal or his/her designee shall provide evidence that appropriate school personnel in the school or District have, within the school year during which the truancy occurred:

1. Met with the student's parent/guardian to discuss the student's truancy, or have attempted to meet with the student's parent/guardian and received no response or were refused. (This does not apply if the required parent meeting is not held within 10 days after the date that the habitual truancy notice was sent.)

2. Provided an opportunity for educational counseling to the student to determine whether a change in the student's curriculum would resolve the student's truancy and have considered curriculum modifications.
3. Evaluated the student to determine whether learning problems may be a cause of the student's truancy and, if so, have taken steps to overcome the learning problems, except that the student need not be evaluated if tests administered to the student within the previous year indicate the student is performing at his/her grade level.
4. Conducted an evaluation to determine whether social problems may be a cause of the child's truancy and, if so, have taken appropriate action or made appropriate referrals.

Items 2, 3 and 4 above do not apply if the principal or his/her designee provides evidence that appropriate school personnel were unable to carry out the activity due to the student's absences from school.

Following receipt of evidence that activities in E-1-4 were completed or were not required to be completed, the principal or his/her designee may file information on any student who continues to be truant with the court assigned to exercise jurisdiction.

F. Request to be Excused from Regular School Attendance

1. Upon the student's request and with the written approval of the student's parent or guardian, any student who is 16 years or older and a child at risk may attend technical college in lieu of high school or on a part-time basis. The student and his/her parent must agree, in writing, that the student shall participate in a program or curriculum modification leading to the student's high school graduation.
2. Upon the student's request and with written approval of the student's parent/guardian, any student who is 16 years or over may be excused by the Board from regular school attendance if the student and his/her parent/guardian agree, in writing, that the student shall participate in a program or curriculum modification leading to the student's high school graduation. A student who is 17 may pursue high school graduation or a high school equivalency diploma.

Any student's parent/guardian, or the student if the parent/guardian is notified, may request the District to provide the student with program or curriculum modifications, including but not limited to:

- a) modifications within the student's current academic program;
- b) a school/work training or work study program;
- c) enrollment in an alternative public school or program located in the District;

- d) enrollment in any nonsectarian private school or program located in the District. (Such enrollment shall be pursuant to a contractual agreement which provides for the payment of the student's tuition by the District.);
  - e) home-bound study, including nonsectarian correspondence courses or other courses of study approved by the Board or nonsectarian tutoring provided by the school in which the student is enrolled; or
  - f) enrollment in any public educational program located outside the District. (Such enrollment may be pursuant to a contractual agreement between school Districts. If a student is participating in any of the District's special education programs, completion of the Revocation of Placement form is required.)
3. Upon the student's request and with the written approval of the student's parent or guardian, a high school student with senior (12th grade) status may be granted a regular one period late arrival/early release if the following considerations are met:
- a) a cumulative GPA of 3.0 or better from the previous semester.
  - b) 90% attendance from the previous semester.
  - c) maintenance of a schedule leading to a timely graduation with peers.
  - d) no discipline referrals resulting in a suspension from the previous semester.
  - e) enrolled in three (3) courses per term.

Students granted a regular one period late arrival/early release are required to leave campus in a timely manner unless permission to remain on campus has been granted by the building principal or his/her designee.

Students age 18-20 may continue to attend school provided they meet school attendance requirements and are making progress toward achieving a diploma. The failure to demonstrate good faith effort in attendance and achievement may be cause for their dismissal from school.

Individual school rules and regulations relating to attendance procedures are printed in student handbooks and are considered to be Board policy.

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

432

### ELEMENTARY SCHOOL ATTENDANCE AREAS

Elementary schools are organized on a neighborhood basis in accordance with boundaries established by the Board except for district-wide programs such as 4K, early childhood and moderate/severe CD. Additionally the elementary schools have established buffer zones. New students that move into the buffer zones may be assigned to a school assigned to the buffer zone. Families do not have the option to select schools while living in a buffer zone. All street names listed include both sides of the street unless otherwise noted.

#### Blakewood School Boundaries

Chicago and Northwestern railroad tracks on the east; Nicholson Avenue on the west (city limits); Forest Hill Avenue on the south (city limits); and including the south side of Marquette Avenue on the north.

#### Lakeview School Boundaries

Lake Michigan on the east (city limits); Edgewood Avenue on the south (city limits); Chicago and Northwestern railroad tracks on the west; to and including both sides of Michigan Avenue on the north.

#### E.W. Luther School Boundaries

College Avenue on the north (city limits); Lake Michigan on the east (city limits); Chicago and Northwestern railroad tracks on the west; to and including both sides of Madison Avenue on the south.

#### Rawson Boundaries

College Avenue on the north (city limits); Nicholson Avenue on the west (city limits); Chicago and Northwestern railroad tracks on the east; to and including the north side of Marquette Avenue on the south.

#### **Buffer Zones:**

##### Buffer Zone #1: Blakewood/ Rawson

Madison Avenue to the north; Nicholson Avenue to the west (city limits); Menomonee Avenue to the South; and the Chicago and Northwestern Railway to the East.

Buffer Zone #2: Lakeview/ Luther

Manitoba Avenue to the north; 9<sup>th</sup> Avenue to the west; Marquette Avenue to the south; and Lake Michigan to the east (city limits).

Buffer Zone #3: Lakeview/Luther/Rawson

Manitoba Avenue to the north; the Chicago and Northwestern Railway to the west; Marquette Avenue to the south; 9<sup>th</sup> Avenue to the east.

Buffer Zone #4: Luther/Rawson

Oak Creek Parkway to the north; the Chicago and Northwestern Railway to the west; Rawson Avenue to the south; Highway 32 to the east.

APPROVED: November 21, 1985

REVISED: May 22, 1986  
September 12, 2001  
July 11, 2007  
September 19, 2018

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

433

### ASSIGNMENT OF STUDENTS TO ELEMENTARY SCHOOLS

Parents/guardians may enroll their child(ren) in the elementary school located in the attendance area in which they reside.

Application for and approval of transfers to a District elementary school outside a student's attendance area shall be in accordance with established guidelines.

All transfers shall be voluntary with parents assuming the responsibility for the student's transportation.

CROSS REF.: 433-Rule, Guidelines for Elementary School Transfers

APPROVED: September 12, 2001  
July 11, 2007

REVISED: September 18, 2018

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

433-Rule

## GUIDELINES FOR ELEMENTARY SCHOOL TRANSFERS AND ASSIGNMENTS

### Guidelines for Transfers:

1. Parent(s)/guardian(s) shall file a written request for transfer of their child to an elementary school other than the one in which he/she resides with the elementary school Principal of the requested school.
2. Placement of transfer students shall be made by the principal of the accepting school.
3. Transfers may be revoked upon the recommendation of the principal.
4. If requests for transfers exceed available space, consideration shall be given to the date of the request, with all other qualifications taken into account.

### Guidelines for Buffer Zone Assignments:

1. New students that move into a buffer zone will go to the home school to register. Administration reserves the right to assign the new student to one of the schools in the buffer zone based on actual and/or projected class sizes. Parent requests will be taken into consideration and families will remain together.
2. Once a student is assigned an elementary school the student will remain at the elementary school assigned, unless the student/parent complete the transfer request as defined herein, or unless the class sizes are too large, or other school-related reasons.
3. Siblings of students assigned to an elementary school will remain at the same elementary school if the family remains in the same residence.
3. Administration will assign a school as soon as possible, but no later than five (5) days after the student completes all required registration documents.

July 2007

REVISED: September 19, 2018



## SCHOOL DISTRICT OF SOUTH MILWAUKEE

434

### STUDENT DISMISSAL PRECAUTIONS

Elementary school students shall not perform errands which require them to travel away from school.

Only parents/guardians or persons designated by parents/guardians of elementary school students may sign-out their child for release from school. Students in other grade levels shall not be released from any school under any circumstances unless it is determined by the teacher in charge of the student and the principal or other school administrator that the request has been made by an appropriate person (the student if 18 years old or older) and then only for a good and sufficient reason.

APPROVED:           September 12, 2001

**STUDENT CONDUCT**

District students shall act in such fashion that their behavior will reflect favorably on the individual student and on the school, show consideration for fellow students, and create a harmonious school atmosphere. To accomplish this, each student must recognize individual responsibilities and obligations and discharge them in accordance with school regulations.

Students are expected to abide by the conduct rules as outlined in the student handbook, in the rules and regulations established by building principals for each school and by the Classroom Code of Conduct approved by the Board.

All employees shall share responsibility for supervising the behavior of students and for seeing that they meet the standards of conduct established by the building principal and the Board-approved Classroom Code of Conduct. Students may be subject to removal from class and/or discipline for disruptive conduct outlined in the Classroom Code of Conduct. In enforcing rules for student conduct, staff members shall place particular emphasis on educating students in the ability to control themselves.

The District shall not discriminate in standards and rules of behavior, including student harassment, on the basis of sex, race, religion, national origin, color, ancestry, creed, pregnancy, marital or parental status, sexual orientation, physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

LEGAL REF.:           Sections       118.13 Wisconsin Statutes  
  118.164  
  120.13(1)  
  121.52(2)  
  PI 9.03(1) of the Wisconsin Administrative Code

CROSS REF.:           411-Rule, Student Discrimination Complaint Procedures  
  443.1, Classroom Code of Conduct  
  447, Discipline of Students

APPROVED:           September 12, 2001

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

443.1

## CLASSROOM CODE OF CONDUCT

### **I. Philosophy Statement**

Human beings are more alike than they are different. We share the same basic needs which tend to be arranged hierarchically. Failure to meet those needs at the bottom of the hierarchy creates an inability to meet those at the top. We all have the basic need to belong. When we belong, we are accorded acceptance, attention, and affection. We become significant to others and to ourselves. Students need to be connected in nurturing and caring relationships in order to belong, to behave, to learn, and to achieve. Caring is a way of creating a healthy relationship.

To support children in belonging, behaving, learning and achieving, schools must have clear rules and policies, demonstrate consistent staff support and administrative follow through, make allowances for individual student differences, both academic and social, and be nurturing and non-punitive.

The district has a legal duty to make its schools as free as possible from violence, weapons, drugs and other behaviors harmful to the educational environment. This duty is enforced through District policy, which provides procedures by which students may be removed from the school community either temporarily or, in the case of certain expulsions, for extended periods of time.

Other behaviors, while not necessarily so serious as to warrant suspension or expulsion, but which continue despite previous interventions, can be destructive to the educational environment. Removal for these behaviors serves the multiple purposes of eliminating the disruption, reinforcing the District's strong commitment to an appropriate educational environment and allowing the opportunity for students, staff and parents to work together to identify and solve problems.

### **II. Removal**

Beginning August 1, 1999, a teacher employed by the District may temporarily remove a K-12 pupil from the teacher's class if the pupil violates the terms of the Code of Student Conduct (the "Code"). In addition, long-term removal of a student will be possible if the building administrator upholds a teacher's recommendation that a student be removed from the class for a longer period of time. Removal from class under this Code does not prohibit the District from pursuing or implementing other disciplinary measures, including but not limited to detentions, suspension or expulsion, for the conduct for which the student was removed.

Removal is a serious measure and should not be imposed in an arbitrary, casual or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed when their terms are communicated as clearly as possible to students and staff. However, it is

neither possible nor necessary to specify every type of improper or inappropriate behavior or

every inappropriate circumstance that would justify removal under this Code. A teacher's primary responsibility is to maintain an appropriate educational environment for the class as a whole. Therefore, notwithstanding the provisions of this Code, in every circumstance the teacher should exercise his or her best judgment, in accordance with school procedures, in deciding whether it is appropriate to remove a student temporarily from class.

### **Reasons for Removal**

1. A student may be removed from class for conduct or behavior typically addressed by the District's policies on suspension and expulsion. It should be noted that building administrators make decisions regarding suspensions and recommendations for expulsion are made by the District's central administration. Thus, a teacher's decision to remove a student from class for behavior that violates the District's policies regarding suspension and expulsion may, but does not necessarily, mean that the student will also be suspended or expelled.
2. A student may be removed from class for conduct which violates the rules and expectations outlined in student handbooks. Student handbooks contain behavioral expectations for students which may differ from school to school. These rules and expectations are explained and discussed with the students. Such discussions should include an explanation of this Code and the District's policy regarding removal.
3. A student may be removed from class for conduct which is disruptive, dangerous or unruly. For the purposes of this Code the following behavior, by way of example, may be determined to be disruptive, dangerous or unruly so as to warrant removal from class:
  - Inappropriate physical contact intended or likely to hurt, distract or annoy others such as hitting, kicking, biting, pushing, shoving, poking, pinching or grabbing.
  - Inappropriate verbal conduct intended or likely to upset, distract or annoy others and likely to disrupt the educational environment.
  - Throwing any object, particularly one likely to cause harm or damage, such as books, pencils, scissors, etc.
  - Inciting other students to act inappropriately or to disobey the teacher or school or class rules including inciting others to walk out.  
Destroying the property of the school or another student.  
Threatening teacher, students or buildings.  
Public displays of affection.

4. In addition, there may be grounds for removal for behavior which, though not necessarily in violation of the provisions of (1) through (2) (above), is inconsistent with basic classroom decorum. Such behavior may, in the determination of the teacher, warrant removal because of its interference with the ability of others to learn effectively. Such behavior may include, without limitations, sleeping in class, blatant inattention or other overt or passive refusal or inability to engage in class activities. A teacher may believe that a student should be removed from the class for the good of the student and in the best interests of the class as a whole. Such reasons may be disciplinary in nature and include, by way of example, irreconcilable personality differences or issues between the student and other students or between the student and teacher.

### **Procedures for Removal**

Except where the behavior is extreme, a teacher should generally warn a student that continued misbehavior might lead to temporary removal from class. When the teacher determines that removal is appropriate, the teacher should do one of the following:

1. Instruct the student to report to the principal/designee who will send the student to the designated area for the period of removal. In such case, the teacher will communicate this removal to the appropriate responsible adult per building procedures.
2. When necessary, seek assistance from the main office or other available staff. When assistance arrives, the teacher or other adult should accompany the student to the appropriate area.

When the student arrives at the designated area, the building principal or designee should give the student an opportunity to explain the conduct which resulted in removal. For the purposes of short-term removal, it is not necessary to obtain witnesses or to otherwise verify the student's or teacher's accounts of the situation.

Within twenty-four (24) hours or one business day of the removal, whichever is longer, the teacher shall submit to the building principal or designee a short and concise written explanation of the basis for the removal. Such information may be submitted on a form provided by the building administrator or designee.

In ordinary circumstances and in practical terms, a teacher's decision to remove a student temporarily from class will stand. However, there may be circumstances when the building administrator may exercise his or her discretion, overrule the teacher's decision to remove the student and return the student to class.

Students with disabilities may only be removed from class and placed in an alternative educational setting to the extent authorized by state and federal law.

### **III. Placement Procedures**

All placement decisions should be made consistent with laws and regulations (e.g., IDEA) and other district policies and building procedures. All placement decisions should also be made on a nondiscriminatory basis. The district does not discriminate on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability as required by Wisconsin Statute 118.13. It is not

considered student discrimination under state law to place a student in a school, class, program or activity based on objective standards of individual performance or need.

A principal, his/her designee or a team which consists of, but is not limited to, administrators, teachers, student, guidance counselor, parent, social worker, and/or other informed staff is required by law to place a student who has been removed from a class by a teacher in one of the following four ways:

1. An alternative education program as defined by law. According to state statutes, an alternative education program is defined as an instructional program approved by the School Board that utilizes successful alternative or adaptive school structures and teaching techniques that are incorporated into existing, traditional classrooms or regularly scheduled curricular programs which are offered in place of regularly scheduled curricular programs. (Ex: PASS Program.)
2. Another class in the school or appropriate place in the school as determined by the principal or his/her designee. This can include but is not limited to an Alternative Learning Center (Middle School and High School) and/or designated work area.
3. Another instructional setting, correspondence course work, online course work and/or alternate site instruction.
4. The classroom from which the student was removed if, after weighing the interests of the removed student, the other students in the class and the teacher, the principal or his/her designee determines that readmission to the class is the best or only alternative.

The principal, his or her designee or a team assembled by an administrator will consider the following factors when establishing placement:

- The reason the student was removed from class and the severity of the offense.
- The type of placement options available for particular schools and any limitations on such placements (e.g., costs, availability, location, space, staff, resources).
- Students' individual needs and interests.
- The estimated length of time for the placement (i.e., remainder of the class period or school day vs. remainder of the school year).

- Whether the student has been removed from a teacher's class before (repeat offender).
- The relationship of the placement to any disciplinary action (e.g., if the student's suspension from the school is required as a result of the student's conduct, is the placement applicable before and/or after the suspension is served?).
- All state laws and guidelines.
- Compliance with IDEA and Section 504.

### **Parent Notification Procedures**

The school district will notify the parent/guardian whenever a minor student engages in such conduct that necessitates removal of the student from the classroom.

Responsibility to notify the parent/guardian will lie with the teacher, the building principal or the principal's designee.

Notification should be made by telephone, written notice and/or personal contact. Method of notification will depend on immediate nature of the situation and the availability of the parent/guardian by telephone.

Attempts to notify parent/guardian should be made on the same day as the conduct occurred. Contact should be made as soon as possible or within a twenty-four hour period. Contact may include a request that the parent/guardian attend a conference at school.

Notification to parent/guardian of a minor student will include:

- Reasons for the removal from class and placement in another setting.
- Delineation of any disciplinary action for the particular classroom conduct.
- If the disciplinary action includes suspension or a move to expulsion, parent/guardian notification shall be made consistent with Board policy.
- If the removal from class and change in educational placement involves a student with a disability, parent/guardian notification shall be made consistent with state and federal laws and regulations.

Documentation of the parent/guardian notification will be maintained.

### **Definitions of Terms Used in Code of Classroom Conduct**

For the purpose of this Code, "student" means any student enrolled in the District, exchange student or student visitor to the District's schools.

For the purposes of this code a “class” is any class, meeting or activity which students attend or in which they participate while in school under the control or direction of the District. This definition of “class” includes, without limitation, regular classes, special classes, resource room sessions, labs, library time, counseling groups, assemblies, study halls, lunch or recess. “Class” also includes regularly scheduled District sponsored extracurricular and co-curricular activities, either during or outside of school hours, before and after school clubs, performances and events. Such activities include, by example and without limitations, District sponsored field trips, after-school clubs, and sporting activities.

“Removal” is transferring the responsibility for the student who has violated the Code of Conduct from the teacher to another responsible adult.

A “teacher” is any certified instructor, counselor, nurse, aide or administrator in the employ of the District.

A “teacher of that class” means the regularly assigned teacher of the class or any teacher assigned to teach, monitor, assist in or oversee the class. This definition includes, without limitation, any assigned substitute teacher, aide, proctor, monitor, or supervisor. Where there is more than one teacher in a class, any teacher may remove a student from that class upon informing the other teacher(s) of his/her intent to do so. It is advisable, though not absolutely required, that all teachers of a class assent to the removal of the student.

A “building administrator” means a principal of a school, other individual duly designated by the building administrator or Superintendent.

LEGAL REF.:           Wisconsin Statute Sections  
                                  118.164 (Removal of pupils from class)  
                                  120.13(1)(a) (School board powers)

APPROVED:           September 12, 2001  
                                  November 20, 2007



# SCHOOL DISTRICT OF SOUTH MILWAUKEE

443.2

## STUDENT CONDUCT ON SCHOOL BUSES

The school bus is considered school property and the time students are on the bus is an extension of the school day. Bus riders shall follow established school conduct guidelines while on the bus.

The school bus driver shall be primarily responsible for maintaining order on the bus while it is in motion and during pickup/discharge periods. The driver shall report any misconduct to the local school official using the designated form supplied by the bus company.

Students may be suspended from the school bus without being suspended or expelled from school. All regular school guidelines will be followed regarding student behavior on the bus. Students may be subject to all levels of discipline, up to and including expulsion, for misconduct that occurs on the school bus. Such disciplinary action shall be carried out in accordance with state law and established procedures.

LEGAL REF.:           Sections       120.13(1) Wisconsin Statutes  
  121.52(2)

CROSS REF.: 443.2-Rule, Bus Rider Conduct Rules and Disciplinary Procedures  
                  447.2 Student Suspension  
                  447.2-Rule, Suspension Procedures  
                  447.3 Student Expulsion  
                  447.3-Rule, Expulsion Procedures

APPROVED: February 23, 1989

REVISED:   September 12, 2001

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

443.4

### STUDENT ALCOHOL, TOBACCO, AND OTHER DRUG ABUSE

The School District of South Milwaukee recognizes that chemical abuse, addiction or dependency is a behavioral and/or medical problem. No moral or social stigma should be attached to such personal problems. It is acknowledged that chemical problems are found in all socio-economic groups and in all age groups.

Therefore, the District believes that it has an educational role to play in helping students make responsible decisions concerning their use of alcohol and other drugs. It has a responsibility to strive to maintain schools that are free of chemical abuse and to take action necessary to achieve that goal. The District intends that, with parents and other segments of the community, it will play an appropriate role in making a comprehensive program of education and support available to all students.

It is the position of the District that the use of illicit drugs and unlawful possession and use of alcohol is wrong and harmful. Therefore, in order to provide a school environment free of chemical abuse, and in order to meet the needs of all students, the school district provides both interventions and disciplinary sanctions. A continuum of possible actions and interventions are available, and the steps offered and disciplinary actions taken will depend upon individual circumstances.

Students shall not carry/bring, consume, be under the influence of, deliver, sell or have in their possession controlled substances, look-alike drugs, or drug paraphernalia while in school, on school property or attending a school activity on or off campus, while under the supervision of school personnel, or on school buses. "Controlled substances" as used in this policy includes, but is not limited to the following: alcohol, marijuana, narcotics, amphetamines, barbiturates, or any other controlled substance or chemical. Smoking and possession and/or use of tobacco in any form (including electronic cigarettes or look-a-like tobacco products), and possession or use of ignition devices is also forbidden under this policy. Students are also prohibited from any other use that constitutes a violation as defined by the school district's activity code.

The school district will work closely with the police liaison officers in investigating violations, and the policy will be used in accordance with state and federal laws. The District will comply with all state and federal laws concerning privileged communications.

Students may be required to submit to a breath test (i.e. breathalyzer) to determine the presence of alcohol if a school official or law enforcement officer has reasonable suspicion that the student is under the influence of alcohol in violation of this policy. Such test shall be administered by a law enforcement officer in the presence of a school administrator or designee or by a trained school administrator or designee and shall meet state law requirements. The results of the breath test or the fact that a student refused to submit to breath testing may be used in any hearing or proceeding regarding the discipline, suspension or expulsion of a student due to

alcohol use. All reasonable attempts will be made to notify the parent/guardian of the administration of such test at the time of the test or as soon as possible thereafter.

The District will not administer any urine analysis or other such tests to students. However, the district may require such analysis or tests and require the student to disclose the results of such tests as provided under this or other school board policies, or under state and federal laws.

When enforcing this policy, it may be necessary to conduct searches from time to time at school or at school-related activities. Students, their lockers, their automobiles on school property, and/or their possessions may be searched under reasonable circumstances as allowed by state law. In conducting such searches, the district policies governing searches and seizures will be followed.

Violations of this policy or refusal to submit to required alcohol breath testing may result in disciplinary action, up to and including expulsion, notification of parents, referral to the PAWS Core Team (PAWS: Prevention and Wellness Services) and/or in appropriate cases, referral to the proper legal authority.

LEGAL REF:            Wisconsin Statute Sections   118.01  
  118.126  
  118.127  
  118.13  
  118.24  
  118.257  
  118.325  
  118.45  
  120.13  
  121.02  
  125.02  
  125.09  
  938.396  
  
  Chapter 961 of the Wisconsin State Statutes  
  City of South Milwaukee Ordinance 24.08

CROSS REF:           443.1 Student Code of Classroom Conduct  
  443.2 Student Conduct on School Buses  
  443.3 Tobacco Use on School Premises  
  443.7 Possession and Use of Inhalers  
  446.1 Student Searches  
  446.2 Locker Searches  
  447.2 Student Suspension  
  447.2-Rule, Suspension Procedures  
  447.3 Student Expulsion  
  447.3-Rule, Expulsion Procedures  
  453.4 Administering Medication to Students  
  School Safety & Crisis Intervention Policies

APPROVED:           September 12, 2001                                   REVISED:                                   October 9, 2013

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

443.6

### STUDENT USE/POSSESSION OF WEAPONS

Students may not possess, use, sell or distribute weapons while at school, on school grounds or at school-sponsored activities. For purposes of this policy, “weapons” includes mace, pepper spray, ignition devices, firearms, facsimile firearms or any object or substance that could be used to cause bodily harm.

A student who violates this policy shall be referred to law enforcement officials for prosecution under applicable laws and shall be subject to discipline including suspension and/or expulsion in accordance with local, state and federal laws and established District procedures.

LEGAL REF.:           Sections       120.13(1) Wisconsin Statutes  
  948.60  
  948605  
  948.61  
  Gun-Free Schools Act of 1994  
  City of South Milwaukee Ordinance 1641

CROSS REF.:           447.2, Student Suspension  
  447.3, Student Expulsion  
  832, Use of Weapons

APPROVED:           September 12, 2001

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

443.7

### POSSESSION AND USE OF INHALERS

An asthmatic pupil (or pupil with a proper order from a physician) may possess and use a metered dose inhaler or dry powder inhaler while in school, at a school-sponsored activity or under the supervision of a school authority if all of the following are true:

- a. The pupil uses the inhaler before exercise to prevent the onset of asthmatic symptoms, uses the inhaler to alleviate asthmatic symptoms, or needs the inhaler with the pupil for a medical condition per a current order from a physician;
- b. The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the pupil's parent or guardian; and
- c. The pupil has provided the school principal with a copy of the approval or approvals under paragraph b. above.

LEGAL REF.:           Wisconsin Statutes Section:  
  118.291 (Asthmatic Pupils)

APPROVED:           September 12, 2001

REVISED:            November 20, 2007

**SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**443.8**

**POSSESSION AND USE OF LASER POINTERS**

No student may use or possess a laser pointer while on premises owned, rented by, leased by or under the control of the District or while at a school-sponsored activity or event.

APPROVED:           September 12, 2001

STUDENT INTERROGATIONS/INTERVIEWS BY NON-SCHOOL PERSONNEL

This policy applies to the questioning of members of the student body regarding issues that are not school offenses. With the exception of circumstances involving alleged child abuse, conferences with or the questioning of members of the student body will be permitted by legal representatives of other agencies such as law enforcement officers and social service agencies within the following guidelines:

I. Law Enforcement Interviews

A. Types of Student/Law Enforcement Interviews

1. A student suspect interview is an interview with a student who is suspected of some violation of the law or some other offense.
2. A student witness interview is an interview with a student who is thought to have some information that would be helpful to law enforcement officials in investigating some crime or other offense.
3. A student victim interview is an interview with a student who is the victim of a crime.

B. General Requirements Regarding Student/Law Enforcement Interviews on School Premises

Except as otherwise specifically provided, all student interviews with law enforcement officers on school premises shall be governed by the following guidelines:

1. Law enforcement officers should make every reasonable attempt to interview students outside of the school setting except in cases where the school has requested law enforcement assistance, emergencies or as specifically required by law.
2. All student interviews with law enforcement officers on school premises shall be conducted in such a way as to minimize school disruptions.
  - Interviews should be coordinated with the student's schedule if at all possible.
  - Interviews should not be allowed during an exam, except in an emergency
  - The principal, or his/her designee, should summon the student from his/her class rather than the law enforcement officer, unless the police department and school administration feel the situation warrants personal contact by the officer.
  - When possible, law enforcement officers should wear plain clothes when visiting the schools.
  - Interviews should be conducted in a closed setting so as to promote

confidentiality.

3. For student victim or witness interviews, parent notification will be attempted when law enforcement officers are involved.
4. If a student or his/her parent/guardian does not wish a student interview with a law enforcement officer on school premises, the student may be dismissed from school or removed from school premises for the interview.
5. If the student is asked to leave the building and accompany the officer to the police station, the police department is responsible for contacting the student's parent or guardian. If there are any complaints regarding the removal of a student from school or the related notification, they should be directed to the county's district attorney or the appropriate police department.

C. **Special Requirements Regarding Student Suspect Interviews**

1. School officials shall attempt to notify a student's parent/guardian prior to allowing a student suspect interview with law enforcement officers on school premises. A student suspect interview may be conducted without such prior parent notification if an emergency exists as determined by the building principal or designee and the police department. The student's age and situation will be taken into consideration when making this determination. Some instances that might constitute an emergency are as follows: A delay may result in the flight of a suspect, destruction of evidence, opportunity to cover up the crime or an unacceptable threat to the community.
2. A student's parent/guardian will be given an opportunity to be present during a student suspect interview when possible.
3. A school official shall be present during any student suspect interview with law enforcement officers on school premises unless the student or his/her parent/guardian requests otherwise.

School officials present during a student suspect interview with law enforcement officers shall not participate in the questioning.

II. **Social Services Interviews**

Social services personnel from agencies other than the school may not remove a student from the school building while the student is properly in attendance without the permission of the parents or guardians or unless the student is under the legal custody of the agency represented. Social services personnel may speak to students without parent notification if the purpose of the meeting is related to child abuse or neglect investigation purposes. Social services personnel from agencies outside the school may counsel with a student upon presentation of permission to do so either by the parents or guardians or the agency holding legal custody.

All questioning of students shall be done in such a manner as to minimize disruptions to the school or individual.



LEGAL REF.:           Sections     48.19 Wisconsin Statutes  
  48.981  
  118.257  
  120.12(1)  
  120.13(1)(a)  
  120.44

APPROVED:           September 12, 2001  
                          September 7, 2011

**SEARCHES OF STUDENTS**

The Board recognizes that the privacy of students and their possessions should not be violated by unreasonable search and seizure. Therefore, the Board directs that no search of a student or his/her personal possessions (including student vehicles parked on school property) be conducted without reasonable suspicion that the search will turn up evidence that a particular law, school policy or rule has been or is being violated. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age and gender, the student's disciplinary history and any other relevant circumstances or information.

The authorization to search a student or his/her possessions shall apply to all situations in which the student is under the jurisdiction of the Board.

Except as otherwise provided, a request for the search of a student or a student's possessions shall be directed to the building principal or designee. Whenever possible, a search will be conducted by the building principal or designee in the presence of the student and a staff member other than the principal or designee. A search prompted by reasonable suspicion that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property. (Reasonable attempts should be made to inform parents of student searches as soon as possible relative to the event.)

Search of a student's person shall be conducted by a person of the student's gender, in the presence of another staff member or liaison officer of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened. Under no circumstances may a school official, employee or agent conduct a strip search of any student.

The principal or designee may request the assistance of a law enforcement agency in conducting a search.

Building principals shall be responsible for maintaining a written record of any search of a student or his/her possessions. The record shall include: The reason(s) for the search; information received that established the need for the search and the name of the informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition of them; and any subsequent action taken. The principal shall be responsible for the custody, control and disposition of any illegal or dangerous substance or object taken from a student.

### Use of Canines

In order to maintain a drug-free/safe school environment, canines that have been specifically trained to detect the odor of controlled substances or explosives will be used to search the buildings and grounds at the discretion of administration. The canines will be used when:

- There is reasonable suspicion that controlled substances or explosives may be hidden on school premises.
- There is a reasonable suspicion that controlled substances or explosives may be hidden in the vehicles parked on school property.
- There is a belief that a random preventive search will be beneficial to the ongoing drug prevention effort or the safety of students or staff.

### Use of Metal Detectors (Magnetometers)

Weapons of any nature on school property or at school functions are prohibited by school policy and state and federal law. The presence of weapons is inherently dangerous to all persons in the school setting. When the administration has reason to believe that weapons are in the possession of persons at school or when violence involving weapons has occurred or is threatened at a school, the administration is authorized to use stationary or mobile metal detectors.

### Search of Cell Phones or Social Media Accounts

The contents of a student's cell phone will not be searched unless there exists a potential significant threat to the safety of a particular student, group of students, or school as a whole. Contents of cell phones may also be searched with student or parental permission.

The District may view, access or use information obtained from a student or prospective student that can be obtained from a social media account without access information or that is available in the public domain.

The District may not:

- (1) Request or require a student or prospective student, as a condition of admission or enrollment, to disclose access information for the personal Internet account of the student or prospective student or to otherwise grant access to or allow observation of that account.
- (2) Expel, suspend, discipline or otherwise penalize any student for refusing to disclose access information for, grant access to, or allow observation of the student's personal Internet account, opposing a prohibited practice with respect to personal Internet accounts, filing a complaint or attempting to enforce a right protected by the statute, or testifying or assisting in any action or proceeding to enforce such right.
- (3) Refuse to admit a prospective student because the prospective student refused to disclose access information for, grant access to, or allow observation of the prospective student's personal Internet account.

The District may request or require a student to disclose access information to the District in order for the District to gain access or to operate an electronic communications device supplied or paid for in whole or in part by the District, or in order for the District to gain access to an account or services provided by the District, obtained by virtue of the student's admission to the

District, or used for educational purposes.

Seizure of Items Found During a Search

Anything found in the course of a search pursuant to this policy which constitutes evidence of a violation of a particular law, school policy or rule or which endangers the safety or health of any person, shall be seized and utilized as evidence if appropriate. Seized items shall be returned to the owner if the owner may lawfully possess the items. Seized items that may not be lawfully possessed by the owner shall be referred to appropriate legal authorities or destroyed.

LEGAL REF.:           Wisconsin Statutes Sections:  
                                  118.32 (Strip Search by School Employee Prohibited)  
                                  118.325 (Locker Searches)  
                                  948.50 (Strip Search by School Employee Prohibited)  
U.S. Constitution, 4th Amendment  
U.S. Supreme Court – New Jersey v. T.L.O. (105 S. Ct. 733)  
Wisconsin Supreme Court – In the Interest of Angelia D.B.; State of Wisconsin v. Angelia D.B. (Case No. 95-3104)

CROSS REF.:           446.1 Locker Searches  
                                  734, Surveillance Cameras on District Property

APPROVED:            September 12, 2001  
                                  November 20, 2007  
                                  December 3, 2014

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

446.1

### LOCKER SEARCHES

All school lockers (including hall, physical education, industrial technology) are the property of the school. At no time does the District relinquish its exclusive control of lockers provided for the convenience of students. Periodic general inspections of lockers may be conducted by school authorities as determined necessary or appropriate at any time, without notice, without student consent and without a search warrant.

Further, reasonable searches among the personal belongings of the student contained within the locker may be conducted where there is reasonable suspicion to believe that the search will provide evidence that the student has violated or is violating the law or school rules.

Locker searches may be conducted by the Superintendent, a building principal, an assistant principal, a police-school liaison officer or a school employee designated by the Superintendent or building principal.

The District shall include a copy of this policy in student handbooks that are distributed annually to each student enrolled in the District.

LEGAL REF.:           Section 118.325 Wisconsin Statutes

APPROVED:           September 12, 2001

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

446.2

### SURVEILLANCE CAMERAS ON DISTRICT PROPERTY

The Board expressly authorizes the use of surveillance cameras in all areas under the supervision of the District, as well as buildings in the District, including school buildings. The surveillance cameras may record sounds and images and such sounds and images may be stored electronically, in printed form or in recorded form. The stored images are the property of the District. The District reserves the discretion to refuse to provide copies to students, parents, staff members, community members or other individuals or groups. The primary purpose for using surveillance cameras in the District is to provide a safe and secure environment for all students, staff and visitors. The District does not guarantee that the cameras will be monitored at all times. Should surveillance recordings become part of a student disciplinary action, the recording shall become part of that student's record and shall be dealt with consistent with the District's student records policy and procedures. Disciplinary action may be taken based on video documentation. The student agendas shall indicate that areas of all school buildings and grounds may be monitored by surveillance cameras.

LEGAL REF.:           Wisconsin Statutes Sections  
                                  118.125(2) (Pupil Records)  
                                  118.325 (Locker searches)

CROSS REF.:       553    Surveillance Cameras  
                      734    Surveillance Cameras on District Property

APPROVED:        November 20, 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

447

### DISCIPLINE OF STUDENTS

Sound disciplinary measures shall be maintained in the District. All teachers are responsible for doing as much as possible to ensure that proper student conduct is maintained in classrooms, in halls, on school premises, on scheduled field trips and during school-sponsored activities.

Teachers shall use a positive disciplinary approach taking into account the dignity of the student, the seriousness of the infraction and the need for positive motivation of students.

When a teacher is unable to adequately handle a behavior situation alone, he/she should contact the building principal immediately.

The building principal shall develop appropriate rules to promote desirable student behavior and discipline.

The District shall not discriminate in standards or rules of behavior or disciplinary measures, including suspensions and expulsions, on the basis of sex, race, religion, national origin, color, ancestry, creed, pregnancy, marital or parental status, sexual orientation, physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

LEGAL REF.: Sections 118.13 Wisconsin Statutes  
120.13(1)  
121.52(2)  
PI 9.03(1) of the Wisconsin Administrative Code

CROSS REF.: 411-Rule, Student Discrimination Complaint Procedures

APPROVED: September 12, 2001

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

447.1

### CORPORAL PUNISHMENT/USE OF PHYSICAL FORCE

School District employees and officials may not use corporal punishment in any of its forms. School officials and employees are not prohibited, however, from using reasonable and necessary force:

1. To quell a disturbance or prevent an act that threatens physical injury to any person;
2. To obtain possession of a weapon or other dangerous object within a student's control;
3. For the purpose of self-defense or the defense of others or for the protection of property in accordance with state statutes;
4. To remove a disruptive student from school premises, a motor vehicle or school-sponsored activity;
5. To prevent a student from inflicting harm on him/herself; or
6. To protect the safety of others.

Further, school officials and employees are not prohibited from using incidental, minor or reasonable physical contact designed to maintain order and control.

The building principal shall be notified immediately after any application of force. Parents/guardians of the student(s) involved shall be contacted by school officials and informed as to why their child was restrained.

LEGAL REF.:           Sections       118.31 Wisconsin Statutes  
  939.48

APPROVED:           February 19, 1992

REVISED:            September 12, 2001



## SCHOOL DISTRICT OF SOUTH MILWAUKEE

447.2

### STUDENT SUSPENSION

The building principal or his/her designee may suspend a student for not more than five school days or, if a notice of expulsion hearing has been sent, for not more than a total of 15 consecutive school days in accordance with state law.

A student may be suspended for:

1. Noncompliance with school or Board rules or teacher rules made with the Board's consent;
2. Knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
3. Conduct by the student while at school or while under the supervision of a school authority that endangers the property, health or safety of others which includes making a threat to the health or safety of a person or making a threat to damage property; or
4. Conduct while not at school or while not under the supervision of a school authority that endangers the property, health or safety of others at school or under the supervision of a school authority or endangers the property, health or safety of any District employee or Board member which includes making a threat to the health or safety of a person or making a threat to damage property.

Repeated violations may lead to expulsion. In addition, students shall be suspended when required by law. Suspensions may be in-house or out-of-school as determined by the administration.

A suspended student shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete coursework missed during the suspension period.

#### Students with a Disability

Students with a disability are normally subject to the same rules regarding suspension as regular education students. It is strongly recommended that suspension as a disciplinary tool be discussed with parent(s)/guardian(s) of students with a disability during the individualized educational program (IEP) conference so that it is understood in advance that the student with a disability is subject to suspension.

A suspension of five days or less that occurs on an infrequent basis that is consistent with the student's IEP may be carried out pursuant to this policy and the accompanying procedures. Repeated suspensions of a student with a disability may constitute a change in his/her

educational placement and may be subject to the due process requirements of state and federal law. The Pupil Services Coordinator and special education teacher should be notified of all suspensions of students with a disability so that the frequency of suspensions may be monitored in conjunction with the building administrator. Parental concerns or questions concerning the use of suspension for students with a disability should be directed immediately to the special education teacher or the Pupil Services Coordinator. When any doubt arises as to the appropriateness of a suspension, the Pupil Services Coordinator should be contacted immediately.

LEGAL REF.:           Wisconsin Statutes Sections:  
                                  120.13(1) (School government rules, suspension)  
                                  Chapter 115, Subchapter V (Children with disabilities)  
                                  Gun Free Schools Act of 1994  
                                  Individuals with Disabilities Education Act

CROSS REF.:           447.2-Rule    Suspension Procedures  
                                  431-Rule     Student Attendance Procedures

APPROVED:           November 15, 1995

REVISED:            September 12, 2001  
                                  November 20, 2007

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

447.2-Rule

## SUSPENSION PROCEDURES

1. Prior to any suspension:
  - a) The student shall be advised of the reason for the proposed suspension.
  - b) It is to be determined that the student is guilty of noncompliance with a school or Board rule or the conduct charged and that the student's suspension is reasonably justified.
2. The parent or guardian of a suspended student shall be given prompt notice of the suspension and the reason for the suspension.
3. Length of suspension, within legal limitations, will be determined by the principal/designee and will reflect the offense committed.
4. The parent/guardian will be notified in writing of the action taken and will have complete custody and jurisdiction of his/her child during the period of suspension. (The exception is in-house suspension.) A suspended student may not loiter or appear on school property or at any school-sponsored activity at or away from school except when the right of the suspended student to be on school premises is guaranteed by law.
5. Appeal

The suspended student or his/her parent/guardian may, within five school days following the commencement of the suspension, have a conference with the Superintendent or his/her designee, who shall be someone other than a principal, administrator or teacher in the suspended student's school. If the Superintendent or his/her designee finds that the student was suspended unfairly or unjustly or that the suspension was inappropriate given the nature of the alleged offense or that the student suffered undue consequences or penalties as a result of the suspension, reference to the suspension on the student's school record shall be expunged. Such finding shall be made within 15 days of the conference.
6. The administration may require a conference with the student and, if the student is a minor, with his/her parent/guardian prior to readmittance.

September 2001

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

447.3

### STUDENT EXPULSION

The Board may expel a student from school whenever it finds that the interest of the school demands the student's expulsion and finds the student:

1. Guilty of repeated refusal or neglect to obey the rules;
2. Knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
3. Engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others;
4. While not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority or endangered the property, health or safety of any District employee or Board member; or
5. Is at least 16 years of age and has repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and such conduct does not constitute grounds for expulsion under Wisconsin Statute Section 120.13(1)(c)1.

The Board shall commence expulsion proceedings and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921(a)(3). (Firearm is defined in 18 USC 921(a)(3) as a) any weapon, including a starter gun, which will or is designated to or may readily be converted to expel a projectile by the action of an explosive, b) the frame or receiver of any such weapon, c) any firearm muffler or firearm silencer, or d) any destructive device. This definition does not include an antique firearm.) In addition, students shall be expelled when required by law.

The length of the expulsion shall be determined by the Board.

#### Students with a Disability

For an appropriately placed student with a disability, expulsion is just as available as for any other child. Before a student with a disability may be expelled, however, it must be determined

whether the disability is the cause of the student's propensity to disrupt. Expulsion of a student

with a disability shall be in accordance with state and federal law and established procedures.

LEGAL REF.: Section 120.13 Wisconsin Statutes  
Chapter 115, Subchapter V, Wisconsin Statutes  
Gun Free Schools Act of 1994  
Individuals with Disabilities Education Act  
18 USC 921 (a)(3)

CROSS REF.: 447.3-Rule, Expulsion Procedures  
447.3-Exhibit, Notice of Expulsion Hearing

APPROVED: February 19, 1992

REVISED: September 12, 2001

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

447.3-Rule

## EXPULSION PROCEDURES

When expulsion is being contemplated as a disciplinary action, the principal shall inform the Superintendent and Administrative Review Team as soon as possible. The Administrative Review Team may include the principal, associate principal(s), Superintendent, Pupil Services Coordinator, Director of Personnel, Administrative & Legal Services, police liaison officer, and others as appropriate. The information submitted to the Administrative Review Team concerning the recommendation for expulsion should include a description of the behavior causing the expulsion request, a list of the actions taken to date by the school staff to resolve the problem, and the entire student record.

After reviewing the information, the Administrative Review Team shall determine the disposition of the expulsion recommendation.

Prior to expulsion, the Board shall hold a hearing in accordance with the following procedures:

### Prior to the Hearing

#### A. Explanation of Hearing Procedures

The Superintendent or legal counselor shall meet with the student, parent and their representative to explain the hearing process before the Board as follows:

##### 1. Charges

The administration will present the charges for the expulsion.

##### 2. Hearing

The hearing will consider two areas. The first area will concern the evidence relating to the alleged misconduct. The Board will then proceed to the second area of the hearing to consider evidence relating to the appropriate penalty. At the conclusion of the hearing, the Board will deliberate in closed session.

##### 3. Hearing Procedures

The administration will present its evidence to be followed by the evidence of the parent, student or their legal representative. All parties have the right to fully cross-examine all witnesses. The Board or its legal representatives may ask questions. The student has the right to refrain from giving self-incriminating testimony as to matters which could give rise to a criminal sanction.

4. Findings, Conclusion and Order of Board

The Board will notify the parent(s)/guardian(s) and/or student of its decision as soon as possible following the conclusion of the hearing. The administration will notify the parents and student by letter that will state the findings of fact, conclusions of law and order of the Board.

5. Minutes

Minutes of the meeting will be taken. The Board reserves the right to substitute a tape recorder.

6. Rules of Evidence

The hearing before the Board is not a hearing before a court of law. The rules of evidence will not be strictly enforced. Hearsay will be allowed. The Board will consider all testimony presented and will attach the appropriate weight thereto.

At the Hearing

- A. Inform the student, parent and their legal representatives that the hearing will be closed unless they have previously requested the hearing be open to the public.
- B. Identify the purpose of the hearing (e.g. to consider the recommendation of the administration that (name of student) be expelled for (cite reasons from statute and letter)).
- C. Identify the individuals present at the hearing. The presiding Board member shall introduce the Board members and administrators. The presiding Board member shall introduce the student, parent, and their representative.
- D. Confirm that the notice was sent at least five days prior to the hearing to the student and his/her parents if the student is a minor.
- E. Ask the parties if they understand the procedures discussed and outlined prior to the hearing. Ask the parties if they have any objections to those procedures.
- F. Ask the following question of the Board members:  
  
Will the Board members make their decision regarding the issue before them solely based upon the evidence presented at the hearing?  
  
Record the response to this question.
- G. Proceed with the hearing (Outline)

1. The administration will present the charges.
2. The Board will consider the evidence presented by the administration and the student, parent, guardian or representative of the student.
  - a. Procedure
    - (i) The administration presents evidence concerning the student's alleged misconduct. The Administration may also present evidence to support its recommendation for expulsion, including information about the student's grades, attendance, prior disciplinary record with the District, family circumstances or other relevant information.
    - (ii) Cross-examination by representatives of the student.
    - (iii) Examination by Board members or Board legal counsel.
    - (iv) The student/representative presents evidence.
    - (v) Cross-examination by members of the administration.
    - (vi) Examination by Board members or Board legal counsel.
    - (vii) The student/representative may present witnesses.
    - (viii) Rebuttal information may be presented by the administrative and/or student/representative.
    - (ix) The administration will present its final recommendation.
    - (x) The Board will deliberate in closed session, and may vote in executive session to determine whether the administration has proven the allegations of misconduct against the student and whether the student should be expelled from school if the misconduct is proven.
    - (x) The administration will mail to all interested parties the findings of fact, conclusions and order of the Board.

## H. Adjournment

### Appeal

The expelled student or, if the student is a minor, the student's parent or guardian may appeal the expulsion to the State Superintendent at the Department of Public Instruction (DPI). An appeal



from the decision of the DPI may be taken within 30 days to the circuit court of the county in which the school is located.

### Students with a Disability

In the event of an expulsion consideration for a student identified as having a disability, an individualized educational program (IEP) team shall meet immediately to determine whether or not the student's disciplinary problems are a manifestation of the student's disability or the past placement.

- a. If it is determined that the disciplinary problems are a manifestation of the disability, the school may provide an interim placement, consistent with state and federal law, but may not expel or suspend long-term.
- b. If it is determined that the disciplinary problems are a manifestation of the disability, the expulsion proceeding may be held. The district must provide continued services to expelled students with disabilities consistent with state and federal law.

August 2007

**SCHOOL DISTRICT OF SOUTH MILWAUKEE**

**447.3-Exhibit**

**NOTICE OF EXPULSION HEARING**

**NOTE: This notice should be sent/mailed separately (both via US Mail and Certified Mail) to the parent or guardian and minor student (or to the student only if the student is an adult). The notice must be sent so that the student and his/her parents/guardians have at least five days notice of the hearing. Thus, for an expulsion hearing on a Wednesday, the notice must be mailed to the student on the prior Friday. If there is any question on the receipt of this notice, consider hand delivery of the notice.**

(Specific School Letterhead)

(Student)  
(Address)

(Parent/guardian)  
(Address)

*NOTE: Mailed to separately to the student and parent, both receiving one copy via US Mail and one copy via Certified Mail.*

Re: Notice of Expulsion Hearing

Dear (parent/guardian) and (student's name):

This letter is to advise you that (student's name) has been referred to the School Board of the School District of South Milwaukee for expulsion proceedings pursuant to Section 120.13(1)(c) of the Wisconsin Statutes. A hearing has been scheduled before the School Board for (date), at (time) in the Board Room located at 901 15<sup>th</sup> Avenue, South Milwaukee, Wisconsin. This hearing may result in expulsion of (student's name) from the School District of South Milwaukee, which may extend at a maximum to (his/her) 21<sup>st</sup> birthday.

The expulsion proceeding is based upon (student's name) alleged acts which include (Insert or attach alleged misconduct -- be specific -- misconduct, date, location. Enumerate specific charges and dates violations occurred as well as any previous disciplinary action that occurred for which the student is being brought to expulsion. If for repeated refusal the entire discipline log should be attached in lieu of listing everything. All should conform to the statutory provision involving conduct that can lead to expulsion.)

The school administration believes proof of the above misconduct supports a finding that (student's name): (check or include appropriate ground(s).)

\_\_\_\_\_ is guilty of REPEATED refusal or neglect to obey the rules (Please see attached discipline log for details of the offenses, including the misconduct involved and

dates of the misconduct;

\_\_\_\_\_ knowingly conveyed or caused to be conveyed a threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by means of explosives;

\_\_\_\_\_ engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health, or safety of others;

\_\_\_\_\_ while not at school or while not under the supervision of a school authority, engaged in conduct which endangered the property, health, or safety of others at school or under the supervision of a school authority;

\_\_\_\_\_ engaged in conduct which endangered the property, health or safety of an employee or a Board member of the District;

\_\_\_\_\_ is at least age 16 and repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and such conduct does not constitute other grounds for expulsion under Section 120.13(1)(c)l of the Wisconsin Statutes; and/or:

\_\_\_\_\_ while at school or while under the supervision of a school authority, possessed a firearm (as defined by 18 U.S.C. 921(a)(3)).

The administration believes proof of the above misconduct would establish that the interest of the school demands (student's name) expulsion.

The hearing before the Board will consist of two areas: The first to hear evidence regarding whether (student's name) committed the alleged actions and the second to hear evidence to help determine what penalty should be given. The Board may hear and consider information relative to (student's name) grades, attendance, disciplinary problems, family circumstances, or other information which may help the Board in determining the appropriate penalty or length of expulsion.

At the expulsion hearing, the student and, if the student is a minor, the student's parent or guardian may be represented by legal counsel, may present evidence (including present witnesses), cross examine witnesses, and review and obtain copies of evidentiary materials.

The hearing shall be closed to the public. The School Board shall keep written minutes of the hearing or may tape record the hearing.

If the School Board orders expulsion, the District will mail a copy of the expulsion order to the student and, if the student is a minor, to his/her parent(s) or guardian(s). If expelled by the School Board, the student, or, if a minor, the student's parent(s) or guardian(s), may appeal the School Board's decision to the State Superintendent at the Department of Public Instruction. If

the School Board's decision is appealed to the State Superintendent, within 60 days after the date on which the State Superintendent receives the appeal, the State Superintendent shall review the decision and shall, upon review, approve, reverse or modify the decision. The decision of the School Board shall be enforced while the State Superintendent reviews the School Board's decision. An appeal from the decision of the State Superintendent may be taken within 30 days to the circuit court for the county in which the school is located.

The state statute related to student expulsions is 120.13 for all public school districts except Milwaukee Public Schools.

PLEASE TAKE FURTHER NOTICE that if the Board may consider (student's name) complete disciplinary and academic records during the expulsion hearing. These records are available for your review as outlined in Section 118.125, Wisconsin Statutes.

Should you have any questions in regard to this letter or the hearing, please feel free to contact the undersigned.

Sincerely,

Cc:

November 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

447.4

### USE OF SECLUSION AND PHYSICAL RESTRAINT

It is the policy of the School District of South Milwaukee to promote safety and to prevent harm to students and staff. The District supports the use of preventative measures to decrease the likelihood of aggressive and/or threatening behaviors. Seclusion and restraint can only be used when the appropriate procedures have been followed in accordance with Wisconsin State Statute and within the parameters set forth by this policy. Prone restraint by school personnel is prohibited in all circumstances.

Seclusion is defined as the involuntary confinement of a student, apart from other students, in a room or area from which the student is physically prevented from leaving. Individuals covered under the provisions of this policy include employees of the District, student teachers, School Resource Officers (SRO), and individuals contracted to provide services, such as CESA employees. Law enforcement officers who are not SROs are not covered by these provisions. Covered individuals may use seclusion with a pupil only if all of the following apply:

1. The student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and it is the least restrictive intervention available.
2. The seclusion lasts only as long as necessary to resolve the risk to physical safety.
3. A "covered individual" maintains constant supervision of the student.
4. The seclusion room or area is free of objects or fixtures that may injure the student.
5. The student has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.
6. No door connecting the seclusion room or area to other rooms is capable of being locked.

Physical restraint is defined as a restriction that immobilizes or reduces the ability of a student to freely move his or her torso, arms, legs, or head. An individual covered under this act may use physical restraint on or with a student only if all of the following apply:

1. The student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and it is the least restrictive intervention available.
2. The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the risk.
3. There are no medical contraindications to the use of physical restraint.

4. Maneuvers or techniques that do not give adequate attention and care to protecting the student's head; that cause chest compression; that place pressure or weight on the student's neck or throat; that constitute corporal punishment are prohibited.
5. Mechanical and chemical restraints are prohibited.

The following would not be considered seclusion or physical restraint: if a student is not confined to an area from which he or she is physically prevented from leaving; directing a disruptive student to temporarily separate himself or herself from the general activity in the classroom to allow the student to regain control or for the teacher to maintain or regain classroom order; directing a student to temporarily remain in the classroom to complete tasks; or briefly touching or holding a student's hand, arm, shoulder, or back to calm, comfort, or redirect the student.

Any time that seclusion or physical restraint is used, the principal or his or her designee must notify the parent of the incident as soon as possible and no later than one business day after the incident. Parents must also be alerted as to the availability of a written report. The date and method of notice to the parent shall be documented on the incident report. Each time an incident of seclusion or physical restraint occurs, the principal or designee is responsible for preparing a written report. This report must be completed within two business days following the incident. The principal or designee must consult with school staff present during the incident before completing the report. This report must include the student's name; date, time and duration of the incident; a description of the incident, including details of the student's behavior before, during, and after the incident; and the names and titles of all staff present during the incident. The report must be retained as a record by the District and must be made available for parent review within three business days of the incident. In addition, principals or designees are required to prepare and present an annual report to the School Board of the number of incidents involving seclusion or physical restraint, the total number of students involved, and the number of students with disabilities involved in such incidents.

Additional documentation of the use of seclusion and physical restraint is necessary for students with disabilities. If, at any time, a student's IEP team determines that the use of seclusion or restraint may be reasonably anticipated for the student, the student's IEP must include: appropriate positive interventions and supports and other strategies that address the behavioral concerns based on a functional behavioral assessment (FBA); and clear statements that the use of restraint and/or seclusion may be used as an intervention. The first time that seclusion or physical restraint is used on a student with a disability, the student's IEP team must meet as soon as possible after the incident. The IEP team must review the student's IEP to make sure that it contains appropriate positive behavioral interventions, supports, and other strategies to address the behavior, and revise if necessary. The IEP must be updated after the second incident to reflect revised appropriate positive behavioral interventions, supports, and other strategies to address the behavior.

Any school staff member using physical restraint must be trained in the following required

topics: methods of preventing the need for physical restraint; identification and description of dangerous behavior indicating the need for physical restraint and methods for evaluating the risk of harm to determine whether physical restraint is needed; experience in administering and receiving various types of physical restraint; the effects of physical restraint on the person restrained, methods of monitoring signs of physical distress, and techniques for determining

when medical assistance may be needed; documenting and reporting incidents of physical restraint; and demonstration of proficiency in administering physical restraint. At least one staff member in each school must be trained. Schools are responsible for maintaining training logs. School staff who have not received the prescribed training in physical restraint may use physical restraint on a student at school only in an emergency and only if school staff members who have received training are not immediately available.

LEGAL REF.:           Sections 115.787(2)(i)           Wisconsin Statutes  
                                  118.305  
                                  118.31

APPROVED:           November 7, 2012

REVISED:            September 8, 2021

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

451

### STUDENT INSURANCE PROGRAM

#### Athletic Benefit Plan (Voluntary)

All student athletes in grades 9-12 who have parents/guardians permission to participate may be covered by this plan. The cost for the plan is stipulated by the carrier and is paid by the student. A student shall be covered for preparation for, or participation in, interscholastic competition when his/her fee has been paid to the insurance company.

Protection is provided for injuries occurring while the student is engaged in practice or participation in interscholastic athletics. It is not health protection and the plan will not accept the responsibility for treatment that is not the direct result of an accident. It provides enrolled student athletes scheduled indemnity benefits to assist in meeting the cost of medical care in the event of accidental injury.

The maximum benefit for any accident is only that which is provided in the schedule of benefits included in the information that is given by the insurance company to all students enrolled in the plan.

LEGAL REF.:           Wisconsin Statutes Section  
                                  120.13(2) (School Board powers)

APPROVED:           September 19, 1990

REVISED:            September 12, 2001  
                                  November 20, 2007  
                                  September 7, 2011  
                                  December 3, 2014



## SCHOOL DISTRICT OF SOUTH MILWAUKEE

453.1

### EMERGENCY NURSING SERVICES

The District shall provide emergency nursing services, including first aid services, during the school day and at all school-sponsored activities in accordance with state law and regulations. The District shall cooperate with the South Milwaukee Public Health Department to provide nursing services, as available, and shall make arrangements with a physician to serve as medical advisor.

Each school shall have a designated health area which is equipped with the supplies necessary to provide emergency care. Emergency information shall be obtained and maintained for each student.

Procedures for dealing with accidental injury, illness and medication shall be established.

A record system shall be maintained in the district including accident reports and a log of services performed.

Emergency nursing services shall be reviewed annually.

LEGAL REF.: 118.07 Wisconsin Statutes

118.125

118.29

118.291

121.02(1)(g)

PI 8.01(2)(g), Wisconsin Administrative Code

CROSS REF.: 347, Student Records

453.4, Administering Medication to Students

722.1, Accident Reports

APPROVED: September 12, 2001

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

453.2

### STUDENT IMMUNIZATIONS

State law requires students admitted to the District to present immunization records for all diseases as required in the state statutes and any other disease that the Department of Health and Family Services designates by rule, except as otherwise provided.

A student may be waived from the immunization requirement when he/she, if an adult, or the student's parent/guardian or legal custodian submits a written statement objecting to the immunization for reasons of health, religion or personal conviction.

The building principal in conjunction with the Public Health Department shall be responsible for notifying the student, parent or guardian of the immunization requirements and of the right to an immunization waiver. In addition, the building principal and the Public Health Department shall work together to maintain a complete and up-to-date immunization record for each student attending school in the District.

The District shall cooperate with the South Milwaukee Public Health Department to encourage compliance with state immunization requirements.

LEGAL REF.: 118.125 Wisconsin Statutes  
120.12(16)  
252.04  
DHS 144, Wisconsin Administrative Code

CROSS REF.: 347-Rule, Guidelines for the Maintenance and Confidentiality of Student  
Records  
School District Immunization Plan

APPROVED: September 12, 2001

REVISED: September 8, 2021

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

453.3

### COMMUNICABLE DISEASES

The District, pursuant to federal, state and county laws and regulations, and in cooperation with state and local public health agencies, shall establish and maintain appropriate health standards for the school environment to promote the good health of students and staff and to educate students and staff in disease prevention methods and sound health practices.

In an effort to maintain a safe and healthful school environment, the District shall provide educational opportunities to students and staff regarding measures that can be taken to reduce the risk of contracting or transmitting communicable diseases (including HIV infection) at school and in school-related activities.

In recognition that an individual's health status is personal and private, the District shall handle information regarding students and staff with suspected or confirmed communicable diseases in accordance with state and federal laws and Board policies regarding the confidentiality of student and staff records while at the same time complying with applicable public health reporting requirements.

Students and staff may be excluded from school and/or school-related activities if they are suspected of or diagnosed as having a communicable disease that poses a significant health risk to others or that renders them unable to adequately pursue their studies or perform their work. This information shall be readily available to the parent(s)/guardian(s) of the student. Students and staff excluded from school pursuant to this policy may appeal their exclusion in accordance with established procedures.

LEGAL REF.:           103.15 Wisconsin Statutes  
                          111.31 - 111.395  
                          118.01(2)(d)2c  
                          118.125  
                          118.13  
                          118.195  
                          121.02(1)(i)  
                          146.81-146.83  
                          252.15  
                          252.19  
                          252.21  
                          SPS 332 and DHS 145, Wisconsin Administrative Code  
                          Americans with Disabilities Act of 1990  
                          Section 504, Rehabilitation Act of 1972  
                          29 CFR, Part 1910 - Subpart Z

CROSS REF.: 453.3-Rule, Communicable/Infectious Disease Guidelines  
347-Rule, Guidelines for the Maintenance and Confidentiality of Student  
Records  
411, Equal Educational Opportunities  
511, Equal Employment Opportunities  
Bloodborne Pathogens Exposure Control Plan

APPROVED: September 12, 2001

REVISED: September 8, 2021

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

453.3-Rule

## COMMUNICABLE/INFECTIOUS DISEASES GUIDELINES

District personnel (principals, teachers, counselors, nurses and other support staff) are responsible for reporting communicable diseases to the local health department. The parents/guardians of students suspected of having a communicable disease are notified by the principal or other designated personnel. These students may be isolated and sent home for purposes of diagnosis and/or treatment.

1. For purposes of District policy, infectious/communicable diseases include, but are not limited to, the diseases found within Wisconsin Administrative Code DHS 145, Appendix A.
2. The contamination source of most infectious/communicable disease is body fluids, and should be considered to contain potentially infectious agents (e.g. bacteria and viruses). The term “body fluids” includes:

Drainage from scrapes, cuts and lesions	Vomit
Respiratory secretions/mucus (e.g. nasal discharge)	Semen/Vaginal Discharge
Blood	Saliva
Feces	G-Tube secretions
Urine	

Contact with body fluids presents a risk of infection with a variety of infectious agents. In general, the risk is dependent on a variety of factors, including the type of fluid and the type of contact. Individuals carrying a disease may be at various stage of infection: incubating disease, mildly infected without symptoms, and chronic carriers of infectious agents.

3. Careful handwashing is extremely important at all times by all personnel and students to prevent the transmission of infectious/communicable diseases.
4. Records and information, both oral and written, on students and staff with suspected or confirmed infectious/communicable diseases are confidential and handled in accordance with state law and Board policy on student and staff records.

CREATED: September 2001

REVISED: September 8, 2021

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

453.4

### ADMINISTERING MEDICATION TO STUDENTS

#### Prescription Medication

Prescription medication may be administered to students at school under the following conditions:

1. A signed parent/guardian request form for this service is completed and on file;
2. A written statement and appropriate instructions are supplied by the physician. The physician must state either on the prescription or in his/her letter, the specific conditions under which he/she should be contacted regarding the condition or reactions of the student receiving the medication; and
3. The medication is in the original container with appropriate dosage information.

#### Over the Counter Medication

Over the counter medications (non-prescription drugs) may be administered to students with his/her parent's/guardian's written consent and in accordance with his/her parent's/guardian's written instructions. Parent(s)/guardian(s) may also give permission by telephone directly to the District nurse for administration of over the counter medication.

Written instructions for both prescription and over the counter medication shall be reviewed on a periodic basis by a licensed registered nurse. The District shall provide appropriate instruction to individuals authorized to administer medication to students. Administration of medication to students at school shall be in accordance with established procedures.

#### Epinephrine Auto-Injector

A student may carry, possess, and use an epinephrine auto-injector if all of the following are true:

1. The student uses the epinephrine auto-injector to prevent the onset or alleviate the symptoms of an emergency situation. An "emergency situation" under this law means a situation in which a student reasonably believes that he/she is experiencing a severe allergic reaction, including anaphylaxis, that requires the medication of epinephrine to avoid severe injury or death.
2. The student has the written approval of the student's physician and, if the student is a minor, the written approval of the student's parent or guardian.
3. The student has provided the school principal with a copy of the approval(s).

#### Cannabidiol Oil

Cannabidiol Oil (CBD Oil) may be administered to students at school if it meets the

requirements under “Prescription Medicine.”

The product may not be administered in a manner that, in the opinion of the District or school, would create a disruption to the educational environment or cause exposure of the product to other students.

Discipline of a student for being administered a product by a designated caregiver, or by a school nurse or administrator, or who self-administers a product under the direct supervision of a school nurse or administrator pursuant to this policy is prohibited.

The District may not deny a student attendance at a school solely because he or she requires administration of the product during school hours.

#### Narcan

Members of the health team in each building and the School Nurse will be trained to administer Narcan. Before being authorized to administer Narcan, individuals must: Complete the Wisconsin DPI approved medication training program that includes recognizing opioid related overdoses, administering Narcan, and promptly activating the emergency medical system for drug overdoses. A list of SDSM individuals who have successfully completed the training will be maintained by the District Nurse.

LEGAL REF.: 118.29 Wisconsin Statutes  
118.291

CROSS REF.: 453.4-Rule, Procedures for Administering Medication to Students

APPROVED: September 12, 2001

REVISED: September 7, 2011  
November 7, 2012  
September 8, 2021  
September 20, 2023

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

### 453.4-Rule

#### PROCEDURES FOR ADMINISTERING MEDICATION TO STUDENTS

##### Prescription Medication

1. The parents/guardians of students requiring prescription medication administration at school shall supply a properly labeled bottle of medication for school authorities. The prescribed medication shall be kept in a safe place at school. The label on the bottle shall contain the name and telephone number of the pharmacy, the student's name, the name of the physician, the name of the medication, the effective date, the dosage to be given and the directions in a legible format. The prescribed drug must be kept in the original container, the label of which indicates the prescribed dosage.
2. Designated school personnel shall supervise the student's taking of the prescription medication at the appropriate times. Only the amount prescribed by the doctor shall be distributed. The student shall take the prescribed drug in the presence of the adult that administers the medication.
3. A record shall be made of each distribution using the medication record.
  - a. Initials are sufficient for the distributor when making record entries on the medication record.
  - b. An exact count shall be made of the number of pills in each initial and/or refilled supply. This number should be indicated in the appropriate place on the medication record.
  - c. An exact documentation of the administration of each dose, including errors. In addition, parents shall be notified of any medication errors.
4. A parent's/guardian's request for a change in dosage shall only be considered after the authorizing doctor indicates the change authorization in writing. This authorization should also be filed in the student's folder. Parent(s)/guardian(s) request for termination and/or release of the authorization must be shown by the parents signature on the bottom of the original authorization form.
5. Refills must be provided to the school in an original container. If distribution is to be discontinued when the present supply has been dispensed, this fact should be noted on the Medication Administration Consent/Instructions form by indicating on the Medication Sheet that the medication is discontinued and this is initialed by the person receiving the information from the parent(s)/guardian(s).



6. School employees (other than a health care professional) must have received the required DPI-approved training to administer a prescription drug or non-prescription drug product to a student that must be injected, inhaled, rectally administered, or administered into a nasogastric, gastrostomy, or jejunostomy tube.

#### Over the Counter Medication

1. The parents/guardians of students requiring over the counter medication administration at school shall supply a properly labeled bottle of medication for school authorities. The medication shall be kept in a safe place at school. The drug must be kept in the original container the label of which indicates the ingredients and appropriate dosage in a legible format.
2. Designated school personnel shall supervise the student's taking of the over the counter medication at the appropriate times. Only the amount designated on the medication label shall be distributed. The student shall take the medication in the presence of the adult that administers the medication.
3. A record shall be made of each distribution using the Authorization Form.
4. The parent(s)/guardian(s) may notify and approve the District nurse by telephone to administer over the counter medication.

#### Emergency Glucagon and Epinephrine Auto-Injector Administration

Glucagon and epinephrine must be administered in accordance with the written instructions and consent as outlined above. In addition, school employees or volunteers may administer a) glucagon to any student who the school employee or volunteer knows is diabetic and who appears to be experiencing a severe low blood sugar event with altered consciousness, or b) an injector using an epinephrine auto-injector if the student appears to be experiencing a severe allergic reaction, if the school employee or volunteer reports the event by calling 911 (or the telephone number for an emergency medical service provider if 911 service is not available).

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

453.5

### STUDENT PHYSICAL EXAMS

The Board may recommend a physical examination of any District student when deemed necessary or upon the request of the city health officer, school nurse or Superintendent.

The District may, on occasion, provide physical examinations or screenings to students. The District will provide notice to parents at the beginning of the year of the approximate dates during the school year that non-emergency physical examinations or screenings may take place. Parents will have the ability to opt their child out of the physical examinations or screenings.

LEGAL REF.:           Wisconsin Statutes Section  
                          118.25(3) (Health examinations)

APPROVED:           September 12, 2001

REVISED:            November 20, 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

453.6

### STUDENT HIV/AIDS STATUS

The Board shall strive to protect the health and safety of children in the schools, as well as our employees and visitors to the schools. Staff members shall cooperate with public health authorities to promote these goals.

The evidence is overwhelming that the risk of transmitting human immunodeficiency virus (HIV) is extremely low in school settings when current guidelines are followed. The presence of a person living with HIV infection or diagnosed with acquired immunodeficiency syndrome (AIDS) poses no significant risk to others in schools or school athletic settings.

All employees are required to consistently follow infection control guidelines in all settings and at all times. Schools will operate according to the standards promulgated by the U.S. OSHA for the prevention of blood-borne infections. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept reasonably accessible. The Pupil Services Coordinator or designee shall be responsible for implementation of the guidelines, including investigating, correcting and reporting on neglect or violation of the guidelines.

A school staff member is expected to alert the person responsible for health and safety issues if a student's health condition or behavior presents a reasonable risk of transmitting infection.

If a situation occurs at school in which a person might have been exposed to an infectious agent, such as an instance of blood-to-blood contact, school authorities shall counsel that person (or, if a minor, alert a parent or guardian) to seek appropriate medical evaluation.

A student with HIV infection has the same right to attend school and receive services as any other student and will be subject to the same rules and policies. HIV shall not factor into decisions concerning class assignments, privileges or participation in any school-sponsored activity.

School authorities will determine the educational placement of a student known to be infected with HIV on a case by case basis by following established policies and procedures for students with chronic health problems or student with disabilities. Decision-makers must consult with the student's physician and parent/guardian, respect the student's and family's privacy rights and reassess the placement if there is a change in the student's need for accommodations or services.

Pupils or staff members are not required to disclose HIV infection status to anyone in the education system. HIV antibody testing is not required for any purpose.

Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the HIV status of a student or other staff member. Violation of medical privacy is

cause for disciplinary action, criminal prosecution and /or personal liability for a civil suit. No information regarding a person's HIV status will be divulged to any individual or organization without a court order or the informed, written, signed and dated consent of the person with HIV infection (or the parent or guardian of a child under 14). The written consent must specify the name of the recipient of the information and the purpose for disclosure.

All health records, notes, and other documents that reference a person's HIV status will be kept confidential. Access to these confidential records is limited to those named in written permission from the person (or parent/guardian) and to emergency medical personnel. Information regarding HIV status will not be added to a student's permanent educational or health record without written consent.

LEGAL REF.: Wisconsin State Statutes Sections:  
101.055 (Health and safety standards)  
Chapter 115 (Children with disabilities)  
118.125 (Student patient health care records)  
118.13 (Pupil discrimination prohibited)  
146.81-84 (Patient health care records confidential)  
252.05 (Reporting communicable disease)  
252.15 (HIV confidentiality)  
29 CFR, Part 1910, Blood Exposure on the Job  
CPL 2-2.69, Exposure Control Plan  
Section 504, Rehabilitation Act of 1972, Discrimination Prohibited  
Americans with Disabilities Act of 1990  
Civil Rights Act of 1991  
Individuals with Disabilities Act (IDEA)  
Family Education Rights and Privacy Act (FERPA)

CROSS REF.: 347 Student Records  
453 Student Health Services  
453.3 Communicable Diseases

APPROVED: November 20, 2007

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

453.7

### ALLERGY MANAGEMENT

The School District of South Milwaukee cannot guarantee an allergy-free environment for our students. The District will make every reasonable effort to reduce exposure to any allergen (insect, food or natural rubber latex) that a family indicates a concern. An allergy is an abnormal response to something triggered by the body's immune system. Since each student's allergy and situation is different, an individual Health Care Plan may be created for some students and this information shared with school staff who need to know about the student's health concern.

#### Implementation:

1. The parent/guardian must provide the school with signed, written medical documentation from the health care provider of any allergy. This will include the severity of the allergy, symptoms of typical reaction; instructions as to care; current medication used for the allergy and under what circumstances it is to be used.
2. The school nurse, in conjunction with the student's parent/guardian and health care provider will prepare an individual emergency plan. This plan will be distributed to all staff and lunchroom workers who have daily contact with the student, and updated as needed if the situation changes.
3. The school nurse will provide the necessary training which may include prevention tactics and emergency procedures.
4. At the elementary level, parents/guardians of the allergic student are responsible for providing a supply of safe food/objects for their child with the allergy.
5. Common allergens, such as peanut butter, shall be avoided in lesson plans and projects.
6. Every effort will be made by the District to purchase allergy-free items: balloons, gloves and other classroom equipment, etc.
7. A "no-food trading" rule will be encouraged.
8. Students must take an active role in assessing and assuring their environment is not contaminated with an allergen and report suspicions to a staff person.
9. School personnel shall discuss field trips with the family to decide appropriate strategies for management of the student's allergy. If at all possible, a parent/guardian will be encouraged to accompany his/her child. If this is not possible, a trained staff member will be assigned to monitor their student's welfare and respond appropriately to an emergency.

CROSS REF.:           443.7 Possession and Use of Inhalers  
                          453.1 Emergency Nursing Services  
                          453.4 Administering Medication to Students

APPROVED:           September 7, 2011

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

455.1

### SAFETY CADETS

The safety cadet director in each elementary school shall organize safety cadets for the purpose of controlling traffic of students at street crossings near school. Students shall obtain their parent's/guardian's written consent in order to serve as a safety cadet. Safety cadet members shall be instructed carefully in the duties, procedures and purposes of handling student traffic.

The principal shall appoint a teacher to serve as safety cadet director to be responsible for overseeing the entire cadet operation in accordance with established procedures. Directors shall meet with the principal on a periodic basis. The principal will be a source of support and counsel for the safety cadet director.

The central office shall act as a liaison between the police department and safety cadet directors.

LEGAL REF.: Section 118.10 Wisconsin Statutes

CROSS REF.: 455.1-Rule, Safety Cadet Program Guidelines  
455.1-Exhibit, Safety Cadet Contract

APPROVED: September 12, 2001

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

455.1-Rule

## SAFETY CADET PROGRAM GUIDELINES

### Safety Cadet Directors

Safety cadet directors are responsible for:

1. Selecting students to serve as safety cadets.
  - a) Students should display a positive attitude, be dependable and physically capable and be a good citizen at all times.
  - b) Although academics should not be the sole basis for selecting safety cadets, it should be a definite factor, especially in choosing those students that must miss periods of the school day in performance of their duties.
  - c) Fifth grade students shall be used as safety cadets. They should be selected prior to the beginning of the student school year. Safety cadet members shall be instructed carefully in the duties, procedures and purposes of handling student traffic.

2. Training cadets and administering the program.

It is recommended that safety cadet meetings be held periodically. Items which could be discussed at cadet meetings include the following:

- a) Problems observed by safety cadets as they perform their duties.
  - b) Duties, responsibilities and rules of conduct of cadets.
  - c) An update by the safety cadet director on changes and new developments in safety cadet activities.
  - d) A review of appearance, promptness and behavior of safety cadets as they perform their duties.
  - e) Reports on problem students to the safety cadet director.
  - f) Any special traffic problems that may have developed.
  - g) Correction of deficiencies reported to or directly observed by the safety cadet director.
3. Making decisions regarding cadet removal when necessary.

Students who volunteer and/or are chosen for safety cadet patrol should be good citizens in school as well as good students. Students will be removed from the patrol if work completion or citizenship in school becomes a concern. If a cadet misses his/her posted assignment, leaves early or is late more than once he/she will be suspended from cadets. If he/she is suspended twice, he/she will be removed from the cadet list.

## Safety Cadets

Safety cadets shall be instructed to:

1. always wear a cadet belt while on duty;
2. report for duty on time;
3. perform their duties conscientiously;
4. obey their teachers and officers of the patrol;
5. strive to earn the respect of fellow students by doing a good job;
6. arrange for a substitute if they cannot perform their duties on a given day;
7. be kind and courteous at all times;
8. strive to prevent accidents;
9. report dangerous practices of students and/or motorists to the safety cadet director;
10. always hold students on corners until traffic has cleared the intersection before allowing them to cross;
11. never go into the roadway to stop or direct traffic;
12. be on the alert at all times for changing conditions.



## SCHOOL DISTRICT OF SOUTH MILWAUKEE

455.2

### CONCUSSION PREVENTION

Because of the health risks associated with concussions and other head injuries and the frequency at which such injuries occur in youth athletic activities, the Board has created this policy that is intended to ensure that coaches, parents and athletes are provided with important concussion-related information and that athletes receive appropriate attention when a concussion occurs or is suspected.

This policy applies to all youth athletic activities. A “youth athletic activity” is defined as an organized athletic activity in which the participants, a majority of whom are under 19 years of age, are engaged in a athletic game or competition against another team, club or entity, or practice or preparation for an organized athletic game or competition against another team, club or entity. This includes school-sponsored sports as well as other organized youth athletic activities in the schools that meet the definition, including recreation department youth athletic activities.

At the beginning of an athletic activity season, the person operating the youth athletic activity must distribute a concussion and head injury information sheet to (1) each person who will be coaching that youth athletic activity and (2) each person who wishes to participate in the activity.

No person may participate in a youth athletic activity unless the person returns the concussion and head injury information sheet signed by the person (e.g., student athlete) and, if he/she is under the age of 19, by his/her parent/guardian. If the person does not return this signed information sheet, he/she cannot participate in the youth athletic activity.

An athletic coach, official involved in a youth athletic activity, or health care provider is required to remove a person from a youth athletic activity if the coach, official or health care provider determines that the person exhibits signs, symptoms, or behavior consistent with a concussion or head injury or the coach, official or health care provider suspects the person has sustained a concussion or head injury.

A person who has been removed from a youth athletic activity may not participate in a youth athletic activity until he/she is evaluated by a healthcare provider and receives a written clearance to participate in the activity from the health care provider.

LEGAL REF.: Wisconsin Statutes: Section 118.293 (Concussion and Head Injury)

APPROVED: November 7, 2012

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

456

## STUDENT WELLNESS POLICY

### Student Nutrition and Physical Activity

The District promotes healthy schools by supporting wellness, good nutrition and regular physical activity as part of the total learning environment. The District supports a healthy environment where children learn and participate in positive dietary and lifestyle practices. By facilitating learning through support and promotion of good nutrition and physical activity, schools contribute to the basic health status of children. This is a coordinated effort by the entire community, which includes parents, students, school administrators, teachers, school board members, City Health department members, food service professionals and the business community.

The Board adopts the following wellness beliefs and policies for the District, to be implemented in accordance with the attached Rule:

- A. **Provide a comprehensive learning environment for developing and practicing lifelong wellness behaviors.** The entire school environment, not just the classroom, shall align with healthy school goals to positively influence a student's understanding, beliefs and habits as they relate to good nutrition and regular physical activity.
- B. **Support and promote proper dietary habits contributing to students' health status and academic performance.** **All foods** available on school grounds and at school-sponsored activities during the school day should meet or exceed the District Nutrition Standards. (District standards are set by the USDA. These guidelines are found at <https://fns-prod.azureedge.net/sites/default/files/cn/allfoods-summarychart.pdf>.) Emphasis should be placed on foods that are nutrient dense per calorie. Foods should be served with consideration toward variety, appeal, taste, safety and packaging to ensure high quality meals.
- C. **Increase the amount of time students are engaged in physical activity.** A quality physical education program is an essential component for all students to learn about and participate in physical activity. Physical activity should be included in a school's daily education program from grades pre-K through 12. Physical activity should include regular instructional physical education, co-curricular activities, recreation activities and recess. Substituting any one of these components for the others is not appropriate. Students should be encouraged to be physically active outside the school day.
- D. **The South Milwaukee School District is committed to the optimal development of every student.** Educators, administrators, parents, health practitioners and community members must all acknowledge the critical role student health plays in academic stamina and performance and adapt the school environment to ensure students' basic nourishment and activity needs are met. Research shared with staff and parents should highlight the positive relationship between good nutrition, physical activity and the capacity of students to develop and learn, to ensure widespread understanding of benefits of healthy

school environments. The diversity of the student population (e.g., economic, religious, minority, cultural and medical) should be considered at all times to ensure that all students' needs are being met.

LEGAL REF.: Federal Laws  
The Healthy, Hunger Free Kids Act of 2010

APPROVED: July 19, 2006  
July 20, 2016

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

456-Rule

## STUDENT WELLNESS POLICY

### I. Hot Lunch/Breakfast Program and Nutrition Promotion

- A. The district goal is to reduce student access to foods of minimal nutritional value. In keeping with the contractual obligations to the National School Lunch/Breakfast programs, ensure the integrity of the school lunch program by prohibiting food and beverage sales that are in direct conflict with the lunch/breakfast program.
- B. The Food Service Program will continually expand and explore menu offerings based on nutritional content and student preferences by:
- Striving to exceed the minimum nutrition guidelines required by the National School Lunch Program.
  - Assisting consumers in making healthy choices and educating them on proper nutritional value.
  - Offering, promoting and displaying food items deemed high in nutritional value.
  - Discouraging the sale and/or distribution of foods of minimal nutritional value (as defined by federal regulations) during the school day.
  - Foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards,
- C. The lunchroom environment that provides students with a relaxed, enjoyable climate should be encouraged. It is encouraged that the lunchroom environment be a place where students have:
- Adequate space to eat and pleasant surroundings.
  - Adequate time for meals, usually 10 minutes for breakfast and 20 minutes for lunch from the time they are seated).
  - Convenient access to handwashing facilities before meals and where no coats, hats, or gloves are allowed in the lunch lines.
  - Drinking water will be available to all students throughout the school day and throughout every school campus, including during meal times.
- D. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs.

## II. Food Sale – Non-breakfast/lunch program

The District strongly encourages the sale or distribution of nutrient dense foods for all school functions and activities. Nutrient dense foods are those foods that provide students with calories rich in the nutrient content needed to be healthy. In an effort to support the consumption of nutrient dense foods in the school setting the District has USDA Smart Snacks in School nutrition standards for foods and beverages sold outside of the school meal programs on school grounds..

### A. Food, Beverages, Candy and Vending Guidelines

#### 1. During the school day.

- Any given food item for sale throughout the school day will have no more than 35% of its total calories derived from fat.
- Any given food item for sale throughout the school day will have no more than 10% of its total calories derived from saturated fat and 0% trans fat.
- Any given food item for sale will meet the sodium guidelines outlined by USDA and be less than or equal to 35% weight from total sugar.
- Nuts and seeds are exempt from these standards because they are nutrient dense and contain high levels of monounsaturated fat. Foods high in monounsaturated fat help lower “bad” LDL cholesterol and maintain “good” HDL cholesterol.
- It is recognized that there may be rare special occasions when the school principal may allow a school group to deviate from these guidelines.
- The sale of soda to students will not be permitted during the school day.
- Food or beverages of minimal nutritional value may not be sold during the school day as defined below by the USDA.

### B. Fundraising/Concessions

1. All fundraising projects are encouraged to follow the District Nutrition Standards.
2. All fundraising projects for sale and consumption will be expected to make every effort to follow the District Nutrition Standards when determining the items being offered. (This include before, during or after school.) 25% of the items offered should comply.
  - a. Items being sold that do not meet the District Nutrition Standards may be acceptable for student consumption within moderation.
  - b. Items sold that do not meet District Nutrition standards may be acceptable when offered on an intermittent basis.

### C. List of “Healthier Choice Snacks”

Unsweetened Fruit Juices  
Vegetable Juices  
Skim or 1% Milk

Pretzels  
Air-Popped Popcorn  
Baked Chips

Fresh Fruits	Graham Crackers
Fresh Vegetables (cut-up)	Animal Crackers
Canned Fruits/Fruit Cups (in juice)	Saltines
Yogurt (low fat or fat free)	Whole Wheat Bread
Go-Gurt	Reduced-Fat Peanut Butter
YoJ	Nuts
String Cheese	
Low-fat Cottage Cheese	
Single Sliced Cheese	

D. Teacher-to-Student Incentive

Strong consideration should be given to nonfood items as part of any teacher-to-student incentive programs. Should teachers feel compelled to utilize food items as an incentive, they are encouraged to adhere to the District Nutritional Standards. (i.e., pens, individual 100% fruit juice snacks, raisins, craisins, sunflower seeds, peanuts, animal crackers, graham crackers).

**III. Education and Evaluation**

A. Student Nutrition Education

The District has a comprehensive curriculum approach to nutrition. All instructional staff will integrate nutritional themes into daily lessons when appropriate. The health benefits of good nutrition should be emphasized. These nutritional themes include but are not limited to:

- |                                  |                                  |
|----------------------------------|----------------------------------|
| *Knowledge or food guide pyramid | *Healthy diet                    |
| *Healthy heart choices           | *Food labels                     |
| *Sources and variety of foods    | *Major nutrients                 |
| *Guide to a healthy diet         | *Multicultural influences        |
| *Diet and disease                | *Serving size (moderation)       |
| *Understanding calories          | *Proper sanitation               |
| *Healthy snacks                  | *Identifying and limit junk food |
| *Healthy breakfast               |                                  |

The District Nutrition Policy reinforces nutrition education to help students practice these themes in a supportive school environment.

B. Parent Nutrition Education:

1. Nutrition education will be provided to parents beginning at the elementary level. The goal will be to continue to educate parents throughout the middle and high school levels.

2. Nutrition education may be provided in the form of handouts, postings on the District website, or presentations that focus on nutritional value and healthy lifestyles.
3. Nutrition education may be provided for 4K parents.

C. South Milwaukee School District Nutrition Committee:

With the purposes of monitoring the implementation of the District's policy, evaluation policy progress, serving as a resource to school sites, and revising the policy as necessary, it is recommended that a District-wide nutrition committee be established. The committee would meet a minimum of two times annually with committee membership as follows:

- District Food Service Coordinator
- Parent representative from each level
- Student representative from each school level
- Staff member representative from each school level
- Administrative representative, Co-Chair (Athletic Director, Orbit Store)
- Physical Education and Health Program Leader, Co-Chair

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

460

### STUDENT AWARDS AND SCHOLARSHIPS

District students shall be informed annually of available scholarships and awards.

Literature concerning available scholarships shall be posted in the High School building. The High School guidance department shall maintain records of available scholarships and shall notify students of such scholarship opportunities.

The School District of South Milwaukee shall not discriminate in acceptance and administration of gifts, grants and/or bequests, scholarships and other aids, benefits or services to students from private agencies, organizations or persons on the basis of sex, race, religion, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

#### Academic Excellence Scholarship

The District shall annually designate an academic scholar for purposes of the Wisconsin Academic Excellence Scholarship.

#### Wisconsin Technical Excellence Scholarship

The District shall annually designate a scholar(s) for purpose of the Wisconsin Technical Excellence Scholarship.

LEGAL REF.: Sections 39.41 Wisconsin Statutes  
118.13  
PI 9.03(1), Wisconsin Administrative Code  
HEA 9

CROSS REF.: 460.1, Procedure for Selecting the Recipient of the Wisconsin Academic Excellence Scholarship

APPROVED: November 29, 2000

REVISED: September 12, 2001  
February 4, 2015



## SCHOOL DISTRICT OF SOUTH MILWAUKEE

460.1

### WISCONSIN ACADEMIC EXCELLENCE SCHOLARSHIP

The Wisconsin Academic Excellence Scholarship is to be awarded to the student(s) with the highest grade point average(s) in a graduating class. This scholarship award shall be designated by February 25 of each year.

In the case of ties, the following procedure will be used to identify recipients:

1. Students must have applied, been accepted and committed to attend a university, four-year college or technical college in the State of Wisconsin which participates in the Academic Excellence Scholarship Program.
2. If the tie is not broken by step one (1), the student with the highest composite ACT score will be selected. If students have taken the ACT more than once, the highest composite score will be used. (If a student has only taken the SAT, the score will be converted using the method as directed by the Wisconsin All State Academic Scholars Program's Byrd Scholarship.)
3. If the tie is not broken by step (2), the total number of credits earned toward graduation will be computed for each student, plus .50 credits for each term of Advanced Placement (AP) coursework as certified by the College Board.
4. If the tie is not broken by step (3), a random selection process will be used as follows:
  - a. Students' names will be typed on uniform slips of paper.
  - b. Slips will be folded and placed in a container.
  - c. In the presence of the students' counselor(s) and a building administrator, one name at a time will be drawn by the administrator. All names will be drawn and the list will be used as alternative recipients in the order drawn in the event that a student cannot receive the scholarship.

Courses taken prior to grade nine or in summer school will not be used in any tabulation for consideration of this scholarship or for the purpose of breaking ties.

The process will be followed to create a list of five (5) alternates each year.

In order to be eligible for the Wisconsin Academic Excellence Scholarship (WAES) in the South Milwaukee School District, a student must:

Be a member of a specific graduating class since the beginning of the junior year in high school. A South Milwaukee High School student participating in an approved foreign study program during grades 11 or 12 will be considered a South Milwaukee High School

student during that time for the purpose of this scholarship.

Senior Status: A student will be recognized as having attained senior status if he/she has completed six (6) semesters of high school and accumulated eighteen (18) credits toward graduation.

Grade Point Averaging/Ranking Procedure:

High School level courses taken prior to grade nine will appear on the student history but will not be computed in the grade point. Courses taken and awarded credit at other schools may be listed on the student record and used in determining the grade point average (including Youth Option courses). In such cases, the principal will have the authority to determine which courses will be accepted. Grade points will be determined by assigning four (4) points to an A, three (3) points to a B, two (2) points to a C, one (1) point to a D, and zero (0) points to an F. The total grade points will be divided by the credits attempted to determine the grade point average. Pluses, minuses and incompletes will not be taken into account when determining the grade point average. If a course is repeated, each attempt will appear on the permanent record. Both grades will be counted in the grade point average; however, credit to complete graduation requirements will be given only once.

The actual calculation of the grade point average will be rounded to the third place following the decimal point (thousandth place). The calculations will be determined by the computer system currently being used by the high school.

LEGAL REF.: Wisconsin Statutes Sections:  
39.41 (Academic excellence higher education scholarship)  
118.13 (Pupil discrimination prohibited)  
Wisconsin Administrative Code  
PI 9.03(1) (Pupil discrimination prohibited)  
HEA 9 (Wisconsin academic excellence scholarship)

CROSS REF.: 460 Student Awards and Scholarships

APPROVED: November 29, 2000

REVISED: September 12, 2001  
November 7, 2007  
June 18, 2008  
September 7, 2011

## SCHOOL DISTRICT OF SOUTH MILWAUKEE

460.2

### WISCONSIN TECHNICAL EXCELLENCE SCHOLARSHIP

Annually, by February 25, the recipients of the Wisconsin Technical Excellence Scholarship shall be selected by a High School Scholarship Committee. If the initial criteria outlined below fails to identify the recipients, the Scholarship Committee shall use the ranking criteria as established by this policy. The number of recipients will be statutorily determined based on high school enrollment.

#### Initial Criteria

1. An eligible candidate is a high school senior.
2. An eligible candidate must exhibit interest in and planning for a technical career as evidenced by
  - a. An academic and career plan leading to a technical career.
3. An eligible candidate must meet at least one of the following eligibility items.
  - a. Qualified as a CTE (Career and Technical Education) Concentrator, defined as completing at least three (3) high school CTE courses in program area(s) in the student's chosen pathway. The candidate may be enrolled in their third course at the time of their nomination.
  - b. Participated in a Youth Apprenticeship Program under the supervision of the Wisconsin Department of Workforce Development.
  - c. Participated in a Technical High School Diploma program as certified by the Wisconsin Department of Public Instruction.
  - d. Participated in a Career and Technical Training pathway as defined by the Wisconsin Department of Public Instruction.
  - e. Participated in a Skills Standards Program offered by the Wisconsin Department of Public Instruction.
  - f. Completed or be on track to complete an industry recognized certification program approved under Wis. Stats. 115.367 (2).
  - g. Participated in a Career and Technical Student Organization (CTSO) in Wisconsin: DECA, FBLA, FCCLA, FFA, HOSA, or SkillsUSA.
  - h. Completed a technical training program for high school students if the program is offered by a UW System school, a Wisconsin Technical College System school, a tribal college in Wisconsin, or a private nonprofit college or university located in Wisconsin.

#### Ranking of Eligible Candidates

1. Candidates will be ranked based on the following point system reflective of course work and technical education experience.
  - a. One point is given to a student for each credit earned in high school in CTE courses.
  - b. One point is given to a student for each year of activity in a Career and Technical Student Organization in Wisconsin (For activity in multiple CTSOs,

one point is to be given for each year of participation in each of the six CTSOs.) The District will determine the points awarded.

- c. For the purpose of assigning a ranking among eligible candidates, credit hours in process at the time of nomination should be counted toward the number of credits the student has earned.
- d. If students are tied on points, students with equal points will be ranked on their GPA in CTE courses. This will be the first tiebreaker.
- e. Should students be tied after the first tiebreaker, the student with the highest composite score on the ACT shall be designated as the recipient or alternate. This will be the second tiebreaker.
- f. Should any recipients or alternates be tied after the first two tiebreakers, the High School Scholarship Committee shall select the recipients or alternate based on the number of school leadership positions held by the student. School leadership positions shall be defined as an officer position in an established, District approved activity, including athletic captains, co curricular officers, club and activity officers, and student government officers. The decision of this committee in interpreting this provision shall be final.
- g. In the event any remaining tie has not been broken after the first three tiebreakers, the scholarship shall be awarded to the student who has attended South Milwaukee High School for the longest period of time.
- h. In the event any remaining tie has not been broken after the first four tiebreakers, the scholarship shall be awarded based on a random selection process as follows:
  - i. Students' names will be typed on uniform slips of paper.
  - ii. Slips will be folded and placed in a container.
  - iii. In the presence of the students' counselors and a building administrator, one name at a time will be drawn by the administrator. All names will be drawn and the list will be used as alternative recipients in the order drawn in the event that a student is determined to be not eligible for the scholarship.

#### Qualifications

1. The recipient must be a resident of Wisconsin and the United States who is either a citizen or an alien lawfully admitted for permanent resident by the INS.
2. The recipient must be enrolled in the South Milwaukee High School for the last four (4) continuous full semesters prior to graduating from South Milwaukee High School. The seventh semester for computing GPA could be the third semester of continuous enrollment for the recipient.

#### Other Information

1. No scholarship shall be reallocated after February 25th.
2. In the event a student qualifies for both the Academic Excellence and Technical Excellence scholarships, the student shall identify which award they intend to accept.
3. The school recipients and alternates are final.
4. The recipient and alternates' GPA's shall include the same number of places past the decimal that the high school normally uses on the official high school transcript.
5. Students participating in the full time public school open enrollment program shall

compete for the scholarship at the high school they actually attend.

LEGAL REF.: Wisconsin State Statute Sections  
39.415  
118.13  
118.51(13)  
Wisconsin Administrative Code Sections  
HEA9  
PI 9.03(1)

CROSS REF.: 460 Student Awards and Scholarships  
460.1 Academic Excellence Higher Education Scholarship

APPROVED: February 4, 2015

REVISED: February 24, 2016  
September 8, 2021

# SCHOOL DISTRICT OF SOUTH MILWAUKEE

470

## STUDENT FEES, FINES AND CHARGES

### Elementary Schools

The necessary instructional materials shall be furnished to each student upon payment of an instructional materials fee as indicated in the schedule of fees.

### Middle and High Schools

The instructional materials fee for each student in the middle and high schools shall be the fee indicated in the schedule of fees for each school year. The fee is for textbooks, towels, and other consumable supplies.

An additional fee may be charged for a lock at the first registration at either the middle or high schools.

Locks for physical education and athletic lockers shall be given to students for use without charge. If a lock is lost or damaged, the student shall be assessed for replacement at the current replacement cost.

### All Schools

When a student withdraws from school, refunds shall be made as follows:

- 1st nine weeks – 75% of fee
- 2nd nine weeks – 50% of fee
- 3rd nine weeks – 25% of fee
- 4th nine weeks – 0% of fee

For new students enrolling after the first nine-week period, the following pro-rated fee shall be collected in accordance with which nine-week period the student enrolled:

- 2nd nine weeks – 75% of fee
- 3rd nine weeks – 50% of fee
- 4th nine weeks – 25% of fee

Students shall be responsible for all textbooks that are lost or damaged beyond reasonable use at an amount to be determined by the principal.

### Summer School

Fees associated with summer school shall be outlined in the appropriate student bulletin.

### Books and Supplies for Indigent Students

The principal shall report to the Superintendent the name of any student needing financial help in securing books and supplies in accordance with state law.

If investigation shows a student to be definitely indigent, the school shall supply necessary books and supplies to the student.

Athletic shoe purchase shall be made only for students who find such purchases to be a financial burden.

LEGAL REF.:           Sections       118.04(4) Wisconsin Statutes  
  120.12(11)

APPROVED:           September 12, 2001

REVISED:            September 18, 2013