

**WAUNAKEE COMMUNITY SCHOOL DISTRICT  
BOARD OF EDUCATION POLICY COMMITTEE**

Wednesday, January 26, 2022

5:00 PM

Waunakee Community School District  
905 Bethel Circle  
Waunakee, WI 53597

Members of the public may attend Board of Education meetings in-person, and will be asked to check in with District personnel when you arrive.

Public comments will be limited to 3 minutes. The Board will allow 30 Minutes for public comments.

Public comments may be sent to Rebecca McDonough

at [district\\_administrator@waunakee.k12.wi.us](mailto:district_administrator@waunakee.k12.wi.us) up to one hour before the start of the Board meeting. All comments will be reviewed by the Board members. Emailed comments will be reviewed by the board but not read out loud. Emailed comments sent during any part of the board meeting (Board Development, Closed session, Open session) will be forwarded to the board but may or may not be reviewed by the board until after the board adjourns. Comments must include the commentator's name, address, and must identify their connection to the District (if any) and any group they are representing in order to be considered by the Board.

If you would like to address the Board in-person during the public comments section of the meeting, you will be greeted in the lobby of the building, asked to check in with District personnel when you arrive so that you can be recognized and address the Board when your name is called.

A recording of the meeting will be posted on the District webpage within 24 hours of the meeting time.

A quorum of the Board may be present

**AGENDA**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. CLOSED SESSION - ADJOURN TO CLOSED SESSION – PER WISCONSIN  
STATUTES 19.85 (1) (g)**

A. Confer with legal counsel regarding policy language and related possible legal implications or actions.

**IV. RETURN TO OPEN SESSION – BEGIN REGULAR AGENDA**

**V. APPROVE AGENDA**

**VI. PUBLIC COMMENTS**

**VII. FLAG POLICY**

4

Attached please find the DRAFT Flag Policy that was brought to the Committee and created per the request of the School Board. At the last Committee Meeting, the administration was asked to seek advice from our school attorney on this policy. The attached draft was revised by our attorney. There are also some legal matters related to the establishment and management of a policy that I will bring to the meeting on Wednesday for discussion.

**VIII. PUBLIC RECORDS -- POLICY 823**

7

Attached please find the 823 Series of Policies that pertain to Public Records and Public Records Requests. This policy started as a sample policy from the Wisconsin Association of School Boards. I have reviewed this policy with our school district attorney and we made minor language changes and included a few more references to State Statutes, where appropriate.

**IX. SECLUSION & RESTRAINT** **17**

Attached please find the revised policy related to Seclusion and Constraint that was presented to you by Tiffany Loken, Director of Special Education. The Committee asked the administration to consult with our school district attorney on this policy language prior to your action. Tiffany consulted with our attorney and the policy is in line with legal requirements and includes the necessary and recommended language, per his review.

**X. SERVICE ANIMALS IN THE SCHOOLS** **21**

We recently received a request for a service animal to be with a student in school. In reviewing this request, we realized that we did not have any policy on this type of request or accommodation. Tiffany Loken used a draft policy from another school district, and also reviewed this proposed policy with our school district attorney, and we are recommending this new policy to you for your consideration.

**XI. BOARD-SUPERINTENDENT ROLES AND WORKING RELATIONSHIP -- POLICY 224-RULE 1** **26**

Attached please find proposed Board Policy 224-Board Rule 1. This policy is a sample policy from the Wisconsin Association of School Boards that was recommended to the District as part of our policy review process. This policy was discussed at the January 2022 regular school board meeting, and suggestions for clarification were offered by the Board for the last sentence of the policy. Attached please find a revised policy with proposed language in the last sentence, that is based on feedback from the Board.

**XII. WASB - POLICY RESOURCE GUIDE AND NEXT STEPS IN POLICY REVIEW PROCESS**

The administration will update the Committee on the next steps in our policy review process, which is a continuing priority of the Board.

**XIII. FUTURE MEETINGS**

Topics for future meetings that have been discussed or requested:

- Transportation - Hazardous Zones/ A.H. Trans.
- Sale of Equipment/Property Disposal
- Politics/Speech in Schools
- Social Media
- Advertising

**XIV. ADJOURN**

“Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires assistance with access or materials should contact the Waunakee Community School District Office at 849-2000, 905 Bethel Circle Drive Waunakee, WI 53597, at least twenty-four hours prior to the commencement of the meeting so that necessary arrangements can be made to accommodate the request.”

# Flag Policy

It is the policy of the Waunakee Community School District to display flags with dignity and respect at all school buildings and school owned sites.

1. Definitions. The following definitions shall apply to this Policy:

- “U.S. Flag” means the flag of the United States as defined in 4 USC 1.
- “Wisconsin Flag” means the State Flag of Wisconsin as defined in Wis. Stat. § 1.08.
- “Commemorative Flag” refers to any flag other than the U.S. Flag or the Wisconsin Flag. To constitute a Commemorative Flag, the flag must have previously been approved for display and must actually have been displayed by being flown at the United States Capitol or the State of Wisconsin Capitol within the previous ten (10) years before it can be eligible for display by the WCSD under this Policy. Commemorative Flags may not exceed 3’x5’ in size.
- “Flag Laws” means the applicable laws and policies of the United States, the State of Wisconsin, or the WCSD Board of Education as related to the display of the U.S. Flag and the Wisconsin Flag, including, but not limited to, U.S. Code Title 4, Chapter 1, and Wis. Stat. §§ 1.08, 1.14, and 5.35.

2. General Rule. Every school within the Waunakee Community School District shall fly the Flag of the United States of America and the Flag of the State of Wisconsin on an outside flagpole. All flags displayed at WCSD sites shall comply with all Flag Laws, including, but not limited to, laws and regulations addressing the order in which flags shall be displayed on a flagpole and laws and regulations addressing the lowering of flags to half-mast.

3. Dignity of the Flag of The United States of America:

- The flag of The United States of America will always take a position of prominence when displayed with other flags. The way that the National Flag shall be flown is governed by Federal and State guidelines.
- No flag shall be larger than the Flag of the United States of America.
- No flag shall fly higher than the Flag of the United States of America.
- Where there are multiple flags displayed together, the Flag of the United States of America shall always be displayed in a position of prominence:
  - If there are multiple flag poles, The Flag of the United States of America shall be displayed in the center of three flag poles, where the other secondary flags are displayed on separate flag poles.
  - When facing the front of a building, the Flag of the United States of America shall be to the left of an observer facing the flags when there are two flags, with the secondary flag displayed on the flagpole to the right.

4. Display At Half-Mast. Displaying flags at half-mast: Flags will be flown at half-mast as directed by the Governor of Wisconsin or at the direction of the President of the United States.

5. Commemorative Flags:

These procedures address the display of commemorative flags at WCSD schools.

All flags that are secondary to the Flag of the United States of America and the Wisconsin State Flag, and that are considered for display by the WCSD shall support and align with WCSD policies and shall support and be consistent with safe and inclusive learning and working environments for all students, staff, and community members. The District and the Board of Education shall have the sole discretion to determine whether a flag being considered for display meets this standard and its decision concerning display of the flag shall be final.

#### Consideration of Commemorative Flags:

- The WCSD may choose to display a Commemorative flag at WCSD sites when approved by the School Board and in accordance with this policy.
- Any member of the School Board may ask the School Board to authorize the display of a Commemorative Flag in accordance with this Policy.
- Commemorative Flags requests are to be submitted to the WCSD School Board no less than 2 full board meetings in advance of the date requested for display of the flag.
- A picture of the actual flag and description of the meaning and purpose for displaying the flag shall be submitted at time of request.
- The only WCSD Facilities at which a Commemorative Flag can be displayed is at a flagpole in front of the school buildings. Display of Commemorative Flags in other places is not permitted
- No more than one Commemorative Flag shall be displayed at a time at each authorized WCSD Site.
- Where a school has only one flagpole, the school may fly no more than one additional flag below the Flag of the United States of America and the State Flag of Wisconsin, on the same flagpole, for an approved period of time.
- Where a school has more than one flagpole, the Flag of the United States of America shall be displayed alone on its own flagpole. The school may fly up to two flags on each additional flagpole for an approved period of time.
- The dates for display of a Commemorative Flag shall be reasonably related to the event or cause to be commemorated.
- The WCSD shall be responsible for informing their school community about any additional flags that the District has approved for display. Such communications must include an explanation of the meaning and purpose for displaying the flag on the school website, including the time period that the flag will be displayed, on the school website.
- The WCSD retains the authority and discretion under this Policy to display a Commemorative Flag for a shorter period of time than requested and may also remove a Commemorative Flag to allow a different Commemorative Flag to be displayed, or for any other purpose deemed appropriate by the WCSD Board, including disruption caused by the flag impacting the school's educational environment, cultural or popular changes in the flag's originally reported meaning or message, or discovery of other meanings or messages that are not consistent with District policy, or state or federal law, any moratorium on or break in displaying Commemorative Flags declared by the Administration and subsequently approved by the Board, and/or any other non-discriminatory reason for removing a Commemorative Flag.
- The Board of Education may also order the flying of a flag in support of community awareness initiatives that align with the Board's values and supports the District's initiatives and are consistent with the mission of the Waunakee Community School District.



The various records authorities of the Waunakee Community School District shall maintain and provide access to public records in accordance with applicable laws and the policies and procedures of the District. In addition, all officials, employees, and authorized agents of the District shall, to the extent appropriate to the particular record, safeguard the confidentiality of personally-identifiable information in their possession and in the records created or maintained by any school District authority. The District's public records notice, as adopted by the Board, shall be posted in the District's buildings, and the notice may also be made available to the public on the District's website.

### Legal Custodian of the Records of School District Authorities

The District Administrator shall serve as the legal custodian of records for the following District records authorities:

1. The District, including the School Board as the governing body;
2. All committees which are subunits of the Board;
3. Other District records authorities created by law or by rule or order;
4. The individual members of the School Board, including the officers of the Board (i.e., President, Vice President, Clerk, Treasurer). However:
  - a. Each Board member remains a records custodian of the records of their public office.
  - b. As to any records of his/her office that a Board member may create or maintain solely at any location or on any computer system that is not owned or controlled by the District, the Board member shall have responsibility for the proper maintenance and retention of such records.
  - c. A Board member shall cooperate with the Board-designated custodian of records in responding to a request for any public records or in complying with District record retention policies.

The Executive Director of Operations shall serve as a deputy custodian of records in the event that the District Administrator is absent or otherwise temporarily unavailable to perform the duties of the legal custodian of records. In addition, each principal employed by the District shall serve as a deputy custodian concerning the pupil records of the students presently attending school in their building(s) or programs, as well as those pupil records that are otherwise maintained at their respective building(s).

The legal custodian of records is vested with full legal power to render decisions and carry out the duties of each school District records authority designated above, as such duties are identified under the Wisconsin Public Records Law. For example, the legal custodian shall:

1. Receive, evaluate, and respond to requests to inspect or copy records;
2. Compel the prompt assistance of other District employees in responding to requests for access to public records, to the extent the custodian deems necessary;
3. Take an active role, either personally or via a designee or via written procedures, in supervising the proper maintenance and retention of records by District employees; and

4. Ensure that all employees who are entrusted with the records that are subject to the legal custodian's supervision are notified of the identity of the legal custodian and provided with a description of the legal custodian's duties under applicable law.

The District Administrator, or his/her designee, working in conjunction with the individual school official who has been assigned specific responsibility for ensuring the confidentiality of all personally-identifiable data, information, and records collected or maintained by the District under the Individuals with Disabilities Education Act (IDEA), shall (1) develop rules of conduct for District employees who are involved in collecting, maintaining, using, providing access to, sharing or archiving personally-identifiable information; and (2) ensure that all such employees know their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws.

Neither the designation of a legal custodian of records nor any other provision of this policy shall be interpreted to affect the powers and duties of any District records authority under the Public Records Law.

### Authorized Fees under the Public Records Law

Fees may be charged for costs associated with locating and/or reproducing requested records and for related postage/shipping costs in accordance with the fee schedule adopted by the Board. The fee schedule shall be included in the public records notice posted in District buildings and on the District's website.

The legal custodian of records may provide copies of a record without charge or at a reduced charge where the custodian determines that a waiver or reduction of the fee is in the public interest. These situations include, but are not necessarily limited to, situations where the records custodian determines that the costs the District would be likely to incur in processing a payment would be likely to exceed the amount of the payment itself; or where the requester is an elected official, the records in question are reasonably necessary for the proper performance of official duties, and the location costs associated with the request are negligible. The legal custodian shall apply any such waiver or reduction of fees with reasonable uniformity and without discrimination as to any status protected by law (e.g., race, sex, disability, etc.).

In a situation where any fees differing from the fees approved by the Board are established by law, or are authorized to be established by law, those other fees may be charged.

### Assistance from Legal Counsel

When the legal custodian of records, or a deputy custodian in the absence of the legal custodian, determines that it is necessary or prudent to do so, he/she is authorized to seek specific legal advice from and engage the assistance of District legal counsel.

### Local Public Offices

Several positions within the District constitute local public offices for purposes of the Wisconsin Public Records Law, including the following positions:

1. Seats held by individual Board members
2. Officers of the School Board

3. District Administrator
4. Elementary School Principal
5. Intermediate School Principal
6. Middle School Principal
7. High School Principal
8. Associate Principals
9. Executive Director of Operations

### Legal References:

#### Wisconsin Statutes

- [Sections 19.21 – 19.39](#) [Public Records Law and related statutes]  
[Section 120.13\(28\)](#) [board authority to designate legal custodians]

#### Federal Laws

- [34 C.F.R. §300.623](#) [confidentiality safeguards regarding IDEA-related records]

### Cross References:

*[Insert appropriate cross references to the policy as applicable to your district.]*

### Adoption Date:

**XX/XX/2022**

# GENERAL PROCEDURES FOR HANDLING PUBLIC RECORD REQUESTS

823-Rule

Page 1 of 3

Individuals may have access to records maintained by the Waunakee Community School District and the various District records authorities in accordance with applicable law, District policy, and the additional procedures outlined below.

## **A. Accessibility of Records**

1. Members of the public may request access to public records by submitting a request to the records custodian during the regular business hours of the District's main Administrative Office, which are Monday through Friday from 7:30 AM to 4:00 PM, except for holidays and such other exceptions as may be established by the school calendar.
2. A requester will be permitted to use facilities comparable to those available to District employees to inspect or copy a record.
3. The legal custodian of records or his/her designee may require supervision of the requester during inspection or may impose other reasonable restrictions to maintain the security and/or integrity of the record(s).

## **B. Record Requests under the Wisconsin Public Records Law**

1. All requests to inspect or copy a public record shall be made to the legal custodian of records or his/her designee.
2. All requests must be reasonably specific as to the subject matter and time period of the records covered by the request.
3. Record requests may be made orally or in writing. Requesters may, but are not required to, contact the District to ensure receipt of the request.
4. The records custodian, may promptly contact the requester to seek clarification of any request prior to locating responsive records or providing a formal response.
5. Neither any records authority nor any legal custodian of records is required to create new records that do not presently exist in response to any request for information from the authority.
6. The records custodian is authorized by applicable law to reject "standing requests" or "continuing" requests, except as provided in Wisconsin Statutes 19.84(1)(b) for access to records that do not exist at the time of the request, but that may be created at a later date.

## **C. Responses to Records Requests**

1. All requests will be processed as soon as practicable and without delay. The time it takes the custodian to respond to the request can depend on several factors, including the

# GENERAL PROCEDURES FOR HANDLING PUBLIC RECORD REQUESTS

823-Rule

Page 2 of 3

nature and extent of the request and the availability of staff and other resources necessary to process the request. Access to inspect or copy records on the same day that the request is submitted is available only in exceptional circumstances.

2. Not all records created or maintained by the District are subject to inspection or copying by the public. Examples of records to which access may be prohibited or restricted include, but are not limited to, certain pupil records and certain records concerning applicants for positions, district employees, or public officers. In some cases, only a portion of record is subject to public inspection, while the remaining portion must remain confidential.
3. If the legal custodian decides to permit access to certain types of records concerning employees or individuals who hold a local public office, the custodian shall first determine whether the law requires the custodian to provide the record subject with advance notice of the decision to release the records. If such notice is required, it shall be provided prior to any release of the records, and the record subject shall be afforded the rights further outlined in state law. Including at Wisconsin Statute 19.356.
4. In the event a records custodian denies a records request, either in whole or in part, the custodian shall state the reasons for denying access to the records and shall be given information required by State Statutes 19.35(4)(b).
5. If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for the denial. Verbal requests may be denied verbally unless the requester makes a demand for a written statement of the reasons denying the request within five business days of the oral denial.
6. If the records custodian issues a written denial of a request, the custodian must also expressly notify the requestor within the response that the denial is subject to review in an action for mandamus under section 19.37(1) of the Wisconsin Statutes, or by application to the district attorney or attorney general.
7. The legal custodian of records or his/her designee shall not sell or rent a record containing an individual's name or address of residence, unless specifically authorized by state law. The collection of general fees applicable to a records request is not a sale or rental under these procedures.

## D. Fees

The fees that the District may charge in connection with a public records request are determined under Board policy and the fee schedule that appears in the District's posted public records notice.

# GENERAL PROCEDURES FOR HANDLING PUBLIC RECORD REQUESTS

**823-Rule**

Page **3** of **3**

**Adoption Date:**  
XX/XX/2022

# ACCESS TO PUBLIC RECORDS: PUBLIC RECORDS NOTICE AND FEE SCHEDULE

823-Exhibit

Page 1 of 4

The Waunakee Community School District is a common school district providing education to students in grades 4K through 12. The School Board, consisting of seven members, is the governing body of the District. Individual members of the School Board are elected or appointed to their office as provided by state statutes.

The District's schools are comprised of the following:

1. Arboretum Elementary School, 1350 Arboretum Dr., Waunakee, WI 53597  
Heritage Elementary School, 501 South St., Waunakee, WI 53597  
Prairie Elementary School, 700 N. Madison St., Waunakee, WI 53597
2. Waunakee Intermediate School, 6273 Woodland Dr., Waunakee, WI 53597  
Waunakee Middle School, 1001 South St., Waunakee, WI 53597
3. Waunakee High School, 301 Community Dr., Waunakee, WI 53597

The main administrative office of the District is located at:

1. 905 Bethel Circle, Waunakee, WI 53597

Several positions within the District constitute local public offices for purposes of the Wisconsin Public Records Law, including the following positions:

1. Seats held by individual board members
2. Officers of the School Board
3. District Administrator
4. Elementary School Principal
5. Intermediate School Principal
6. Middle School Principal
7. High School Principal, if applicable
8. Associate Principals
9. Executive Director of Operations
10. *[Identify other positions within the District that are identified as local public offices.]*

# ACCESS TO PUBLIC RECORDS: PUBLIC RECORDS NOTICE AND FEE SCHEDULE

823-Exhibit

Page 2 of 4

The District Administrator serves as the legal custodian of records for the District, pursuant to Wisconsin Statute 19.33(4).

Members of the public may request access to the public records that are under the supervision of the legal custodian by submitting a request to the custodian during the regular business hours of the District's main Administrative Office, which are Monday through Friday from 7:30 am to 4:00 pm, except for holidays and such other exceptions as may be established in connection with the school calendar. A request may also be submitted, in writing, to the following address:

Waunakee Community School District  
Custodian of Public Records  
905 Bethel Circle  
Waunakee, WI 53597

All requests must be reasonably specific as to the subject matter of and time period covered by the request.

All requests will be processed as soon as practicable and without delay. The time it takes the custodian to respond to the request will depend on factors including the nature and extent of the request and the availability of staff and other resources necessary to process the request.

## **FEE SCHEDULE APPLICABLE TO REQUESTS FOR ACCESS TO PUBLIC RECORDS**

The following fees are authorized to be charged to persons who request to inspect or copy the records of a District authority, to the extent such request is submitted, or responded to, under the Wisconsin Public Records Law:

***{Editor's Note: The district will have to determine the extent to which, for example, a per-page fee that is charged for making copies of records includes applicable staff time, or if staff time charges will be separate from the per-page copy rate or the cost of the physical medium that is used. The fee schedule example listed below lists them as separate charges.}***

### 1. Hard Copies of Records:

- (Black and White) - \$0.05, or other per-page amount per side of a page for each paper copy that is made of any standard-size paper record or printed copy of an electronic record, not including any applicable costs of staff time as referenced below.
- (Color) – \$0.10, or other per-page amount per side of a page for each paper copy that is made of any standard-size paper record or printed copy of an electronic record, not including any applicable costs of staff time as referenced below.

# ACCESS TO PUBLIC RECORDS: PUBLIC RECORDS NOTICE AND FEE SCHEDULE

823-Exhibit

Page 3 of 4

2. Electronic Copies of Records (includes any electronic records provided by email, PDF, DVD, flash drive, or other electronic format):

- The cost of the physical medium used will be charged when copying records already in a digital format onto a physical medium, as well as any applicable costs of staff time as referenced below.

*[List the physical mediums used by the district for copying electronic records and the actual cost of the physical medium to the district and charged to the person requesting the copy of the record(s). For example:*

*Email for small record volume (each) – \$.15, or other actual amount (4.7 GB)*

*Flash drive (each) – \$5.00, or other actual amount (8GB)*

*\$6.50. or other actual amount (16 GB)]*

- Except for any applicable costs of staff time as referenced below, there will be no charge for copying records from one digital format to another for electronic distribution

*(e.g., email) or for scanning physical documents and saving them into a digital format (e.g., PDF) for electronic distribution.*

3. The actual, necessary and direct cost of photographing and photographic processing, including applicable costs of staff time in excess of one – ½ hour, as referenced below, will be charged for providing a photograph of a record when the record does not permit standard copying.

4. If, based on the quantity or type of records requested, the copying or other reproduction of the records requires more than one – ½ hour of a staff member's time, then the requester will be charged the hourly rate of total compensation of the lowest-paid employee capable of performing the copying/reproduction. *{According to the Attorney General's Public Records Compliance Guide, as a general rule, the rate for an actual, necessary, and direct charge for staff time should be based on the pay rate of the lowest-paid employee capable of performing the task and that would have clearance to review the body of records likely to include the records requested. The law recognizes that specialized personnel (e.g., a computer programmer or an instructional technology professional) with higher hourly rates of pay may be needed to formulate and effectuate certain types of record location and copying tasks. However, authorities should limit the amount of time spent by specialized personnel to only that time required to perform the specialized portion of the local task, thereby minimizing the time spent using specialized and more costly personnel.}*

5. There shall be no charge for the costs associated with locating a record unless the actual, necessary and direct location costs associated with the request exceed \$50, in which case the entire actual cost shall be imposed upon the requester. "Locating" a record means to find it by searching, examining, or experimenting. The cost of staff time required for the location of records will be charged at the hourly rate of total compensation of the lowest-

# ACCESS TO PUBLIC RECORDS: PUBLIC RECORDS NOTICE AND FEE SCHEDULE

823-Exhibit

Page 4 of 4

paid employee who is reasonably capable of performing the task *and that would have clearance to review the body of records likely to include the records requested.*

6. If records are mailed to the requester, the actual, necessary and direct postage/shipping costs will be charged.
7. Prepayment of authorized fees may be required for any request where the total fees for reproduction of records exceeds \$5, the cost of location exceeds \$50, or both.
8. Notwithstanding other provisions of this fee schedule, if a record is produced or collected by a person who is not a records authority pursuant to a contract entered into by that person and the District, the fee charged for copying the record shall be the actual, direct and necessary cost of reproduction incurred by the person making the reproduction or transcription of the record, unless a different fee or basis for computing fees is otherwise authorized or established by law.
9. In a situation where any fees differing from the fees identified in this Notice are established by law, or are authorized to be established by law, such other fees may be charged under this policy.

Requesters shall make checks for fees payable to Waunakee Community School District.

## **SPECIAL NOTICE REGARDING RECORDS CONTAINING PERSONALLY-IDENTIFIABLE PUPIL INFORMATION**

A parent, guardian or adult student who, pursuant to applicable state or federal law, wishes to inspect or copy personally-identifiable pupil records maintained by the District should submit such requests to the office of the student's current building principal, provided that the student in question is still enrolled in the District. Requests for records of former students should be submitted to the District Registrar, except that requests for a copy of an individual's own high school transcript should be submitted to the High School Counseling Office. For more information regarding pupil records and accessing pupil records, see the District's pupil records policies and the student handbook. Fees other than those fees applicable to access to public records may apply to requests for pupil records.

### **Adoption Date:**

XX/XX/2022

**USE OF ~~SECLUSION AND RESTRAINT~~PHYSICAL FORCE,  
RESTRAINT, AND SECLION**

**A. Definitions.**

1. “Physical restraint” or “restraint” means personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely. ~~The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil who is acting out to walk to a safe location. It also does not include briefly holding a child in order to calm or comfort the child or intervening in a fight.~~
2. “Seclusion” means the involuntary confinement of a child ~~alone~~ in a room or area from which the child is physically prevented from leaving. ~~It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the child in a non —locked setting, and is implemented for the purpose of calming. Seclusion In addition, It does not include such things as in-school suspensions; detention; or a child requested break in a separate setting. ; or the child is instructed to return to his/her desk and/or sit on the sidelines.~~

**B. Policy**

Maintaining a safe and productive environment for pupil learning is a high priority of the School Board. The Board recognizes that there may be times when a pupil will engage in dangerous or disruptive behavior that requires immediate attention and intervention. In such cases, designated school personnel shall use the least restrictive intervention appropriate ~~for~~ the situation.

Seclusion and physical restraint shall only be used by designated school personnel when the physical safety of the pupil or others is in immediate danger. Use of such behavior interventions as seclusion and physical restraint shall be for the shortest time possible. Verbal outbursts and threats do not constitute a threat to physical safety unless the pupil also demonstrates a means to carry out the threat. The purpose for using seclusion or physical restraint is to defuse a physically dangerous situation, protect the pupils and others from injury, and regain a safe ~~and productive~~ learning environment. ~~Neither physical restraint nor seclusion should be used as a punishment or as a substitute for appropriate educational/behavioral intervention and support. Only designated staff who have received proper training may implement seclusion and physical restraint interventions.~~

To help ensure its appropriate use, the Board sets forth the following ~~procedures~~ guiding principles for ~~the~~ use of seclusion and physical restraint in the ~~D~~istrict:

**A. General Procedures for Use of Seclusion**

1. Seclusion may only be used when a student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others and when less restrictive or alternative approaches have been considered, attempted or deemed inappropriate.
2. Seclusion shall be administered in a humane, safe and effective manner, considering known medical or psychological limitations of the student. Seclusion shall not be used as an intervention when it is known that the use of the intervention would involve an inappropriate risk to the student's health or safety due to the student's personal medical issue(s) or medical condition(s).
3. The duration of the student's seclusion can only be as long as necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others.
4. Constant supervision of the student is maintained, either by remaining in the room or area with the student or by observing the student through a window that allows for the student to be seen at all times.
5. The room, or area, in which the student is secluded must be free of objects or fixtures that may injure the student. ~~The door-No door connecting the room, or area in which the student is secluded, cannot be locked or have a locking mechanism, is capable of being locked.~~
6. The student has adequate access to bathroom facilities, drinking water, necessary medication, and regularly scheduled meals.

#### **B. General Procedures for Use of Physical Restraint**

1. Physical restraint may be used on students at school only when a 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 feasible.
2. No district employee may use physical restraint on a student without having received appropriate training, as required by state law, with one exception:- Physical restraint may be used by non-trained school personnel in an emergency situation, but only if an individual who has received training on the use of physical restraint is not immediately available due to the unforeseen nature of the emergency.
3. The degree of force used and the duration of the physical restraint cannot exceed the degree and duration that are reasonable and necessary to resolve the risk.
4. Physical restraint is applied in a humane, safe, and effective manner considering known medical or psychological limitations of the student.
5. There must not be any medical contraindications for the use of physical restraint.
6. The restraint must not constitute corporal punishment, which is the intentional infliction of physical pain as a means of discipline.
7. Neither mechanical nor chemical restraints are used.
8. A student cannot be restrained in a prone position. Only restraints/holds taught in Non-Violent Crisis Intervention (NVC) training may be used to restrain a student.

#### **C. Student with Disabilities**

1. After the second incident of seclusion or physical restraint is used for a student with a disability, the District will ask the student's Individualized Education Program (IEP) team toshall convene within 10 school days to consider the following:of the incident to:
  - a. Conducting a Functional Behavioral Assessment (FBA) if one has not been completed already for the behavior of concern;

Formatted: Font color: Black

Formatted: Indent: Left: 0.5", Space After: 0 pt, Font Alignment: Baseline

- b. Developing or determining an appropriate Behavior Support Plan (BSP) based upon the FBA addressing the behavior or concern;
- c. Reviewing the student's IEP to ensure that it contains appropriate positive behavioral interventions and supports to address the behavior of concern; and
- d. Revising the IEP if necessary.

**D. Documentation and Notification/Reporting**

- 1. The building principal, or their designee, is required to complete all of the following whenever seclusion or physical restraint is used on a student by covered individuals or by law enforcement:
  - a. Notify the student's parent(s)/guardian(s) of the incident on the same day the incident ~~occured~~ occurred.
  - b. Notify the student's parent(s)/guardian(s) that they will receive a written report with the details of the incident within 3 business days. This also includes notifying parent(s)/guardian(s) of all incidents of seclusion or physical restraint involving law enforcement officers.
  - c. Facilitate a debriefing meeting with all covered individuals who participated in the incident to discuss the events preceding, during, and following the use of seclusion or physical restraint and how to prevent the need for seclusion and restraint in the future. This conversation must include factors that may have contributed to the escalation of the student's behaviors, alternatives to physical restraint such as de-escalation techniques and possible interventions, and other strategies that the school principal, or designee, determines are appropriate.
  - d. Complete a seclusion/restraint report no later than two business days after the incident that includes all of the following information:
    - i. The student's name
    - ii. The date, time, and duration of the use of seclusion or physical restraint.
    - iii. A description of the incident, including a description of the actions of the student before, during, and after the incident.
    - iv. The names and titles of the covered individuals present during the incident, including law enforcement.
  - e. The principal, or designee, is required to retain the written report and within three business days of the incident, send the report to the student's parent/guardian by first class mail or by electronic transmission, or hand deliver the report to the student's parent or guardian.
  - f. Share a copy of the seclusion/restraint report with the Director of Special Education.
  - g. Annually, by October 1st, the principal, or designee must submit to the Board of Education a report that includes data disaggregated as follows:
    - 1. The number of incidents of seclusion and physical restraint during the previous school year;
    - 2. The total number of students involved in incidents of seclusion during the previous school year;
    - 3. The number of students with disabilities who were involved in incidents of seclusion during the previous school year;

4. The number of incidents of physical restraint during the previous school year;
5. The total number of students who were involved in incidents of physical restraint during the previous school year.

Formatted: Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1.75" + Tab after: 2" + Indent at: 2"

**E. Staff Training Requirement and Documentation**

WCSD has implemented Non-Violent Crisis Intervention Training (NVCI) from the Crisis Prevention Institute. This training meets and/or exceeds all legal requirements for training under state law.

Formatted: No bullets or numbering

Seclusion and restraint shall be implemented only by Covered Individuals who have a valid training status.

a. A Covered Individual who is not trained or who has an invalid training status may use physical restraint on a student only in an emergency and only if a trained Covered Individual with a valid status is not immediately available due to the unforeseen nature of the emergency.

b. All building-level administrators will be trained in each school building and will maintain a valid training status.

c. The Director of Special Education, or designee, shall maintain a list of all Covered Individuals who have completed NVCI Training and the period of time for which the training is considered valid.

- a. ~~Positive behavioral interventions and supports shall be considered and utilized to address behavior that interferes with the pupil's learning or the learning of others. School personnel should only use seclusion or physical restraint when less restrictive or alternative approaches have been considered and attempted, or considered and deemed inappropriate for the current situation.~~

LEGAL REF.: Sections 115.787(3) Wisconsin Statutes  
118.13  
118.164  
118.31

Individuals with Disabilities Education Act (IDEA)  
No Child Left Behind Act

CROSS REF.: District Procedures for Using Seclusion and Physical Restraint Interventions  
Pupil Conduct and Discipline Policy  
Reporting Child Abuse or Neglect Policy  
School Safety Policy  
Pupil Code of Classroom Conduct (Removal of Pupils from Class)  
Response to Intervention Plan/Policy  
School Emergency Response Plans  
Special Education Policy and Procedure Handbook

ADOPTED: February 2019

Book	Policy Manual
Section	300 - Instruction
Title	Service Animals in the School
Code	
Status	Active
Adopted	
Last Revised	January 2022

## Service Animals in the School

No.

The Waunakee Community School District recognizes its responsibility to permit students and staff with disabilities to be accompanied by a "service animal" in its buildings, classrooms and at school functions as required by Title II of the Americans with Disabilities Act, its accompanying regulations, and any other applicable laws and/or regulations.

Procedures and a request form to allow a student's service animal accompany them at school may be found on the School District's policy and procedure web page or by contacting the Director of Student Services.

### **Definitions**

#### Service Animal:

A service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. For the purpose of this definition, other species of animals, whether wild or domestic, trained or untrained, are not service animals. See 28 C.F.R §35.104.

#### Work or tasks performed:

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of the work or tasks that can be provided by a service animal may include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, pulling a wheelchair, alerting a person who is deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purpose of this definition. See 28 C.F.R §35.104. The animal must be individually trained to do work or a task for the individual with a disability. A "therapy animal" is not a service animal for the purposes of these policies and procedures.

### **Guidelines**

#### Appropriate questions about the service animal:

If an individual requires the assistance of a service animal in order to effectively participate in the educational programs of the Waunakee Community School District, the school staff may ask:

1. If the animal is required because of a disability; and
2. What work or task(s) the animal has been trained to perform

School staff should not ask about the nature or extent of the person's disability. In addition, school staff should not make additional inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform task(s) for an individual with a disability. (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair or providing assistance with stability or balance to an individual with an observable mobility disability.) See 28 C.F.R §35.136

#### Documentation:

School staff shall not require documentation, such as proof that the animal has been certified, trained or licensed as a service animal. However, the District may make such inquiries where permitted by law.

#### Access to areas of the school:

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, participants in services, programs or activities or invitees, as relevant, are allowed to go.

#### Surcharges:

The District shall not require an individual to pay a surcharge to permit the service animal to accompany the person with the disability, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. An individual may be charged the ordinary charges assessed for participation in a program or activity, e.g., tickets to an event. If the District normally charges individuals for the damage they cause, an individual with a disability may be charged for damages caused by his or her service animal.

#### Animal under handler's control:

A service animal shall be under the control of its handler at all times. A service animal shall have a harness, leash or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. If a service animal is controlled with a harness, leash or other tether, the service animal must otherwise be under the handler's control (e.g., voice control, signals or other effective means.).

The owner/handler must ensure that the service animal is not aggressive towards others. The owner and/or handler, shall be liable for any harm or injury caused by the service animal.

#### Care or supervision:

The District is not responsible for the care or supervision of a service animal, including walking the service animal or responding to the animal's need to relieve itself. The District will provide a location for the animal to relieve itself. The owner/handler of a service animal is responsible for anticipating and identifying when the animal needs to relieve itself to avoid accidents in classrooms, but should be equipped to clean up an in classroom accident promptly. The owner/handler is responsible for cleaning up after the animal in a sanitary manner.

The owner/handler is responsible to keep the service animal from disrupting the educational environment. For example, the service animal is to remain quiet and should generally stay within 24 inches of the handler unless needed to go further to perform work or a task and does not block aisles or doorways.

#### Vaccinations and licenses:

The owner/handler shall provide evidence prior to each school year that all service animal vaccinations are current and service animals must wear a rabies vaccination tag as required pursuant to Wis. Stats. § 95.21(2)(f).

The owner/handler is responsible for all licenses of the service animal. Service animals are to be licensed at no cost pursuant to Wis. Stats. § 174.055.

#### Removal of Service Animal:

The District may ask an individual to remove a service animal from the premises if it is not unlawful to do so and if: (1) the animal is out of control and the handler does not take effective action to control it; (2) the animal is not housebroken or if the animal has an accident (urine or bowel); (3) the service animal "whose behavior or history evidences" a direct threat to the health and safety of those present; or (4) the animal's presence would





**Waunakee Community School District  
Service Animals in the School**

**Request for Service Animal and Service Animal Agreement**

Parent/Guardian/Caregiver Name: \_\_\_\_\_

Student's Name: \_\_\_\_\_

Grade: \_\_\_\_\_

What specific work or task(s) has the animal been trained to perform?

What academic, or access need, is served by having the animal perform this work or task(s)?

**Please attach documentation of proper vaccination vaccination.**

I have read and understand Board Policy ###, Service Animals in the School and:

- I agree to provide annual evidence that the service animal's vaccinations are current.
- I understand that an individual's service animal shall be under the control of its handler at all times and that the District is not responsible for the care or supervision of an individual's service animal.
- The District may ask an individual to remove a service animal from the premises if it is not unlawful to do so and if: (1) the animal is out of control and the handler does not take effective action to control it; (2) the animal is not housebroken or if the animal has an accident (urine or bowel); (3) the service animal "whose behavior or history evidences" a direct threat to the health and safety of those present; or (4) the animal's presence would "fundamentally alter" the nature of the program, service or activity. Examples may include, but are not limited to, science labs, areas requiring protective clothing, technical education shops with power tools, and food preparation areas.

Parent/Guardian: \_\_\_\_\_

Signature

Date

Received by: \_\_\_\_\_

Name and Title

Date

# BOARD-SUPERINTENDENT ROLES AND WORKING RELATIONSHIP

Waukegan Community School District

224-Board  
Rule 1  
Page 1 of 2

In addition to other responsibilities or expectations that the Board of Education may identify, the Board's expectations for its working relationship with the Superintendent include the following:

1. The Superintendent shall be prepared to provide the Board with a timely recommendation and supporting rationale regarding decisions that are presented for Board action. Such recommendations are intended to promote the Board's understanding of the relevant issues and to encourage a robust, professional dialogue regarding such decisions.
2. Once the Board makes a decision, it becomes the decision of the Board and the administration. The Superintendent, along with other administrative and managerial-level employees, will support lawful Board decisions by carrying out the decisions to the best of their ability and by not engaging in conduct that serves to undermine a decision, notwithstanding any professional or personal disagreement with the decision.
3. The Superintendent shall exercise sound professional judgment in identifying issues, incidents, and other information of which all members of the District's leadership team need to be aware, and in deciding when and how to appropriately communicate such information to the Board.
4. The Superintendent shall treat all members of the Board even-handedly.

The Board's further expectations for itself, and for which the community should hold its elected representatives accountable, include the following:

1. Through its policies, the Board recognizes that the sound functioning of the District and the achievement of the District's goals require shared responsibility for leadership and the delegation of significant responsibility to (and through) the Superintendent. Should the Superintendent raise a concern to the Board regarding the Board's performance of its primary leadership role or a concern that the Board is intruding too far into the administrative role, the Board owes a duty to the community to give such concerns due consideration.
2. The Board should use its authority as a governing body to limit and diffuse actions by individual Board members that contravene the will of the Board majority and that, in the judgment of the Board, are serving to inappropriately undermine the effectiveness of the District's leadership team.
3. In the event of a disagreement with an administrative recommendation or decision, the Board expects that the interaction among the Board members and administrators will remain respectful.
4. The Board will work with the Superintendent to achieve a resolution to complaints, concerns, or controversies that may arise in a manner that is consistent with each other's respective roles and with established policies and procedures. Individual Board members, in particular, have a responsibility to ensure that they are referring complaints, concerns, or controversies through appropriate channels and not attempting to investigate and resolve such issues in a manner that exceeds their individual authority. An individual Board Member will not investigate or seek to resolve a concern on their own, other than asking clarification

# BOARD-SUPERINTENDENT ROLES AND WORKING RELATIONSHIP

Waukeke Community School District

224-Board  
Rule 1

Page 2 of 2

questions of a complainant who contacts them. A Board Member may request that the administration provide an update to the Board on any issue.

## Adoption and Revision Dates:

##/##/2022

WASB PRG 224 Sample Rule 1