

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

Tuesday, December 5, 2023

7:30 AM

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 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.

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. APPROVE AGENDA

IV. PUBLIC COMMENTS

V. POLICIES FOR DISCUSSION, REVIEW, AND CONSIDERATION **3**

Attached please find the summary spreadsheet for the policies that will be reviewed at the meeting. These policies have been reviewed by the administration and the policy committee chair prior to movement to the committee for consideration.

A. 433 Assignment of Students to Classes 7

B. 443 Student Conduct

Still under Administration review. Will be brought to the committee meeting for explanation.

C. 443.1 Student Dress 10

D. 831/443.3/522.2 Restrictions on Tobacco, Nicotine and Vapor Products	12
E. 443.4 Student Alcohol and other Drug Abuse	16
F. 443.5 Care of School Property by Students	19
G. 443.6 Electronic Communications Devices - Students	20
H. 731.1 (Current WCSD 443.6) Privacy in Locker Rooms	23
I. 832 (WCSD Current Policy 443.7/723.5) Weapons on School Premises	25
J. 443.8, 443.8 Rule, 443.8 E1, 443.8 E2 Gangs and Gang Related Activities	28
K. 444 School -Aged Parents and Married Students	35
L. 446 (WCSD Current 445.1 & 445.1 R) Student Search Activities	36
M. 448 (WCSD Current 446) Students of Legal Age	44
VI. <u>FUTURE MEETINGS</u>	
VII. <u>ADJOURN</u>	

“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.”

Proposed Code #	Proposed Title	Current policy code	WASB recommendation	WASB Comment (if any)	Administration Review	Committee review
433	Assignment of Students to Classes	433	Keep current policy	The PRG does not have a sample policy covering assignment of students to classes. Your current policy is acceptable.	Edit to item D	
443	Student Conduct	443	Replace policy with PRG 443 Sample Policy 1 and Sample Rule 1	Your current policy is acceptable. I replaced it with the PRG sample to facilitate future updates. I noted that your district posts student handbooks on the district website. Those handbooks should be aligned with these policies (and/or vice versa) as appropriate.	Administration to review Will be brought to committee Meeting to discuss	
443.1	Student Dress	443.1	Replace policy with PRG 443.1 Sample Policy 2	Your current policy is acceptable. I replaced it with PRG sample 2 to facilitate future updates.	OK Review language to align with Handbk	
831	Restrictions on Tobacco, Nicotine and Vapor Products	443.3	Replace policy with PRG 831 Sample Policy 3 and recode to 831.	Your current policy covers students, employees and visitors and is coded under the WASB Policy Coding System as 831. In the alternative you might have duplicate policies coded 443.3 (students), 522.2 (employees) and 831 (visitors) with cross referencing.	OK with edits as indicated	
443.4	Student Alcohol and Other Drug Abuse	443.4	Replace policy and rule with PRG 443.4 Sample Policy 3	Your current policy covers students and visitors while the PRG sample covers students but not visitors. Visitors to schools is covered in PRG 860.	OK reference Look alike, and field test	

443.5	Care of School Property by Students	443.5	Keep current policy	The PRG does not have a sample on care of school property by students. WASB coding for this policy would be 731.2. Note that WASB uses the code 443.5 for student use of electronic communications devices. You might chose to keep your current coding or modify the coding to aign with WASB coding. Your current policy is acceptable.	OK	
443.6	Electronic Communications Devices - Students	443.6	Replace policy with PRG 443.5 sample policy 1	WASB codes this policy as 443.5, you can choose to keep your current docing or change it to align with PRG coding, see the note above for policy 443.5. Your current policy has some internal inconsistencies, particularly in regard to cell phones being required to be turned off and stored in student lockers the entire school day, yet students can use their phones during passing periods and lunch time.	Review for legal - OK	
731.1	Privacy in Locker Rooms	443.6	Replace policy with PRG 731.1 Sample Policy 1 and recode policy to align with WASB coding	Your current policy is word for word the same as PRG 731.1 Sample Policy 1. I am guessing that Nancy Dorman of our staff may have assisted your district with policies when this policy was adopted and then used this as a sample in the PRG. I suggest recoding the policy to align with the WASB coding system.	OK	

832	Weapons on School Premises	443.7/723.5	Replace policy with PRG 832 Sample Policy 2 and recode policy to align with WASB coding	Your policy covers facsimile weapons and certain physical acts that are not covered by the WASB sample, so I added those into the draft. I think you can prohibit those under this policy, but they may not be covered by the criminal laws that prohibit firearms or dangerous weapons on school policy. I suggest recoding the policy to align with the WASB coding system.	Eliminate language as indicated	
443.8 443.8 R 443.8 E1 443.8 E2	Gangs and gang related activities	443.8 443.8 R 443.8 E1 443.8 E2	Keep current policy, rule and exhibits. Note that exhibit 2 is a rule rather than an exhibit and you might consider recoding it as 443.8 R2.	The PRG does not have a sample policy addressing gangs and gang related activities. Note that someone may raise First Amendment concerns about the regulation of student dress, although I believe the policy, rule and exhibits are defensible because the dress in question causes or is likely to cause a substantial disruption or material interference in school activities. Note that exhibit 2 is more of a rule than an exhibit and you might consider recoding it as a rule.	Keep all as indicated	
	School-Aged Parents and Married Students	444	Delete policy	Delete policy as school-aged parent and married student discrimination is covered in more detail in the student equal educational opportunity and related policies.	Repeal	

446	Student Search Activities	445.1 445.1 R 2	Replace policy with PRG 446 sample policy and recode to align with WASB coding.	The current rule goes into more detail regarding how searches are conducted than is needed or perhaps advisable. Failure to comply with the details of your current rule might cause an otherwise reasonable and lawful search to be in violation of your policy and the results of the search potentially unusable by the district or law enforcement. Note that the paragraph C.1) a) 3) at the bottom of the first page of the current rule ends midsentence - if staff did not notice this, perhaps staff is unfamiliar with the rule which increases risk that staff will not comply with all requirements of the rule.	Repeal Rule - Ok as indicated	
448	Students of Legal Age	446	Recode policy to align with WASB coding and amend current pollicy	The PRG does not have a sample addressing this topic. Your current policy is generally acceptable, but does not adequately address the notices required when a student with disabilities turns 18. You may have addressed this in another policy, though I do not recall seeing anything in the 300 series.	Special Ed. Dir to review	

ASSIGNMENT OF STUDENTS TO CLASSES

- A) Kindergarten Placement Criteria
 - 1) Students will be assigned to kindergarten sections according to attendance area.
 - 2) Students may be assigned to other kindergarten sections upon parent/guardian request if space permits and according to district policies.

- B) Placement Criteria for Grades 1-6
Placement should be based on the following:
 - 1) Random heterogeneous selection.
 - 2) Balance by sex.
 - 3) Avoidance of apparent conflict (i.e. parent/teacher, student/teacher and sibling rivalry).
 - 4) Reduction of conflict between students that is harmful to the learning environment.

- C) Placement Criteria for Grades 7-12
 - 1) A master schedule of class offerings will be produced using summaries of student requests, teacher and facility availability, and a minimum conflict time schedule. Teachers will be assigned to courses and classes by the principal using recommendations from the department chairperson.
 - 2) Students will be randomly placed into specific teacher/class hour assignments as follows:
 - a) Grades 9-12 will be scheduled by computer.
 - b) Middle school students will be scheduled by computer or by principal/counselor hand scheduling following teacher recommendation.
 - c) The principal may modify individual student schedules of classes in order to attain class size balance, sex balance in the class, to avoid student/teacher/parent conflicts, and to promote harmonious peer relationships in class.

~~D) Parent/Guardian Requests~~

- ~~1) Parent/guardian requests for transfer of students into other sections will be considered and decisions will be made according to merit and the unique circumstances surrounding each situation. Requests should be made in writing stating the reasons for the requests.~~
- ~~2) Parent/Guardian requests for assignment of students to specific teachers prior to receiving notice of placement will be carefully reviewed to assure an equal opportunity for all students. Parents/guardians will be notified that they may make requests, but that all requests cannot be honored.~~
- ~~3) Building principals shall make the decision as to whether to approve a transfer or assignment request. Transfers or reassignments should only be made when absolutely necessary.~~
- ~~4) The decision of the principal may be appealed to the superintendent. The superintendent's decision will be final and not appealable to the Board.~~

D) Parent/Guardian Requests

Creating the school schedule is a complex process that requires balancing staffing and student needs. As administrators and counselors craft the schedule, they consider many factors.

1. Because of the complex nature of class placement, parent/guardian requests for specific teachers are not able to be honored.
2. Parent/guardian requests for transfer of students into other sections will be considered and decisions will be made according to merit and unique circumstances surrounding each situation. Requests should be made in writing to the building principal stating the reasons for the requests. While parent/guardian requests may be made, requests may not be honored, depending on the nature of the request and factors at the building level.
3. Building principals shall make the decision as to whether to approve a transfer or assignment request. Transfers or reassignments should only be made when absolutely necessary.
4. The decision of the principal may be appealed to the superintendent. The superintendent's decision will be final and not appealable to the Board.

E) Transfers/Open Enrollment/Tuition/Part Time (Open Enrollment) Students

- 1) Students entering the system after all enrolled/resident students have been placed shall be placed in classes in the same manner as resident students but in only those classes or buildings where space is available.

Cross Ref.: 343.2-Rule, Class Size Guidelines
411, Equal Educational Opportunities
420, School Admissions
420-Rule, Transfer Student Admission
422, Admission of Non-Resident Students (Other Than Open Enrollment Students)
423, Full-time Open Enrollment
432, School Attendance Areas

Adopted: March 1994

Revised: 4/13/98
March 2002

Waunakee Community School District

STUDENT DRESS

Policy 443.1

Waunakee Community School District

Page 1 of 2

(This sample policy gives general authority and responsibility for making personal student dress decisions to the student and his/her parents or guardians, except under limited circumstances.)

The Waunakee Community School District recognizes that each student's mode of dress is an expression of personal style and individual preference. Therefore, responsibility for making student dress decisions will generally rest with the students themselves and their parents or guardians, except when their choices cause a health or safety concern or interfere with the educational program or school operations.

Accordingly, students are prohibited from wearing attire that:

- causes, or is likely to cause, a substantial disruption of or material interference with school activities;
- interferes with the District's educational mission or related policies; or
- endangers the health or safety of the student or others.
- Other student dress related policy as written in the school board approved student/parent handbook.

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This policy applies during the school day, in school vehicles, and at school-sponsored activities.

The building principal will inform staff, students and parents and guardians of this policy annually and provide for the fair and consistent enforcement of the policy.

If there is a disagreement between staff and students and/or their parents or guardians regarding the appropriateness of a student's attire, the principal has the authority to make this decision and determine the actions that will be taken to deal with the matter.

Legal References:

- Wisconsin Statutes**
- [Section 118.035](#) [school uniforms]
 - [Section 118.13](#) [student nondiscrimination]
 - [Section 120.13\(1\)\(a\)](#) [school board power to set rules pertaining to student conduct and dress]

Cross References:

- [440. Student Expression Activities](#)
- [443.8. Gang and Gang-Related Activities](#)
- [WASB PRG 443.1 Sample Policy 2](#)

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Adoption Date: 12/13/82

Revised: 4/22/91
March 1994
6/7/99
March 2002

STUDENT DRESS

Waunakee Community School District

Policy 443.1

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RESTRICTIONS ON TOBACCO, NICOTINE, AND VAPOR PRODUCTS

Policy
831 / 443.3/522.2

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Waukeek Community School District

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(This sample policy is structured in separate sections that independently address (1) students; (2) employees; (3) certain contracted service providers and authorized agents of the school district; and (4) visitors and other persons who are not otherwise addressed. As such, the sample could be either adopted as a single policy with multiple sections or divided into three separate policies, coding the student provisions under topic 443.3, the employee and contractor/agent provisions under topic 522.2, and the remainder under topic 831. The restrictions in this sample go beyond the minimum legal mandates for prohibiting smoking and other tobacco use on school premises and beyond the laws that already prohibit the possession of certain products by minors.)

District Students

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Use and Possession Prohibited: Students are prohibited from any type of smoking and from possessing, distributing, or using tobacco products, nicotine products, non-medical vapor products, and any related items intended to facilitate the ingestion of such substances. These prohibitions apply (1) at all times in all District buildings, in all District vehicles, and on all District premises; (2) while students are attending or participating in a District-sponsored event at any location; and (3) at any other time that a student is under the supervision of a school district authority.

Examples of prohibited items and products include the following: *{Editor's Note: The inclusion of these clarifying examples is optional. If included, the examples may be modified to address specific concerns.}*

1. Cigarettes, chewing tobacco, e-cigarettes, nicotine vaporizers, and similar products.
2. Products that use heat, electricity, or a similar mechanism to create smoke or a vapor that is intended to be ingested, and which may or may not contain nicotine.
3. The components, parts, or accessories of any product or device intended to facilitate the ingestion of tobacco, nicotine, or any non-medicinal ingestible vapor (e.g., rolling paper, pipes, or cartridges or similar refillable/replaceable elements).

Exceptions: Non-tobacco, non-nicotine devices or products that have a medical purpose and that are possessed or used by a student under the advice, supervision, or prescription of a medical professional are not prohibited by this policy but are subject to rules related to medication (to the extent applicable) and to any administrative rules or directives regarding appropriate times and locations for use.

District Employees

Prohibited Use: District employees are prohibited from using tobacco products, nicotine products, and non-medical vapor products (1) in all District buildings, in all District vehicles (owned, leased, or contracted), and on all District premises; and (2) in any non-District location when the employee is acting in the scope of his/her employment and either students are present or the use of the product at the location is separately prohibited by law or by the owner of the property.

RESTRICTIONS ON TOBACCO, NICOTINE, AND VAPOR PRODUCTS

Policy
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Waukegan Community School District

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Restrictions on Possession: To the extent a District employee possesses any otherwise-lawful tobacco, nicotine, or non-medical vapor product on District property or when acting in the scope of their employment, the product shall be stored in the employee's personal vehicle or remain contained at all times within a separate personal item that effectively conceals the product and that serves as a reasonably-effective deterrent to student access.

Exceptions:

1. FDA-approved smoking cessation products that may contain nicotine (e.g., certain chewing gums, lozenges, or patches) that do not have the appearance of a tobacco product, e-cigarette, or nicotine vaporizer are not prohibited by this policy provided that the employee (1) follows the applicable directions for use of the product; (2) observes any District directives relating to the manner of use of the product; and (3) stores the product in a manner that serves as a reasonably-effective deterrent to student access.
2. Non-tobacco, non-nicotine devices or products that have a medical purpose and that are possessed or used under the advice, supervision, or prescription of a medical professional are not prohibited by this policy but may be subject to other policies, rules, or administrative directives regarding use in a school setting.
3. Insert if desired: "Upon the written request of a District employee, the District Administrator or his/her administrative-level designee may grant other specific permissions regarding any non-tobacco product that is otherwise prohibited or restricted under this policy if, in the judgment of the administrator, the request will not jeopardize the health of any person and approval would accommodate an exceptional individualized need or fulfill a compelling educational purpose."

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Contracted Service Providers and Authorized Agents of the District

Any contracted service provider, employee of a contracted service provider, or authorized agent of the District (e.g., an authorized District volunteer) who provides services to the District on District premises, in District vehicles, or when students are present in other settings is subject to the same prohibitions, restrictions, and exceptions regarding tobacco, nicotine, and vapor products as apply to District employees. To the extent relevant to the application of those policies and rules, any such person and the District shall consider whether the service provider or agent is (or was) acting within the scope of the applicable contractor or agency relationship.

Visitors and Other Individuals

Prohibited Use: Although additional restrictions apply to students, District employees, and other designated contractors and agents of the District, no person may smoke or otherwise use any tobacco product, any type of e-cigarette, any nicotine product that is not an FDA-approved smoking cessation product, or any vapor product that contains (or may sometimes contain)

¹ This is optional language. I do not see similar language in your current policy, wanted to let you make the choice regarding including or deleting this.

RESTRICTIONS ON TOBACCO, NICOTINE, AND VAPOR PRODUCTS

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Waukeek Community School District

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nicotine while the individual is on any premises owned, rented/leased, or controlled by the District or in any vehicle that is owned, rented/leased, or contracted by the District.

Exceptions:

1. This policy is not intended to prohibit the use of a non-nicotine, vapor-producing device that is designed and appropriately used for a medical purpose.
2. ~~A person who is renting District-owned property for a noneducational purpose, excluding any indoor or other enclosed space where educational services are normally provided, may submit a written request asking the District to approve an exception to the prohibitions established by this policy. [Choose either: "At its sole discretion, the School Board" or "On behalf of the School Board, the District Administrator or his/her administrative level designee"] may approve or deny an otherwise lawful exception for such a renter. (Editor's Note: The potential application of this exception is limited primarily to outdoor facilities because state and federal law would prohibit any such exception with respect to smoking in any enclosed school building/facility where educational services are provided. If the current board does not intend to entertain granting any such exceptions, the exception could be deleted from the policy, or the sample could be modified to expressly direct the administration to deny all such requests on behalf of the board.)~~

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Notice and Enforcement

~~[Insert if desired: "The administration shall make efforts to inform the public of the conduct prohibited by this policy, including by posting signs and by providing other appropriate information (e.g., in verbal, written, and/or electronic formats)."] (Editor's Note: With respect to smoking, such notice is required under section 101.123(2m)(c) of the state statutes, but the mandate does not need to appear in a board policy as long as the district is in compliance.)~~

Administrators and other facility/event/activity supervisors shall enforce District policies and rules prohibiting the use or possession of tobacco products, nicotine products, vapor products, and related products/devices by, for example: (1) directing an individual to cease prohibited conduct or to remove themselves from the premises; (2) applying disciplinary and other consequences; and/or (3) referring a situation (including refusals to cooperate) to law enforcement. **(Editor's Note: If a district separates this single policy into multiple policies (as described in the introductory note, above), the district may wish to repeat this sentence about enforcement in each such policy.)**

Legal References:

Wisconsin Statutes

[Section 101.123](#)

[smoking prohibited in certain enclosed places; notice and enforcement required]

² The language in yellow would allow your district to create exceptions to the tobacco prohibition for third party users of outdoor school facilities on a case-by-case basis. You have nothing similar in your current policy and you might decide to delete the entire paragraph.

RESTRICTIONS ON TOBACCO, NICOTINE, AND VAPOR PRODUCTS

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[Section 111.321](#)

[prohibited employment discrimination on the basis of the use of lawful products off the employer's premises during nonworking hours]
[school board duty to prohibit tobacco use on school premises]

[Section 120.12\(20\)](#)

Federal Laws

[20 U.S.C. §§7971-7974](#)

[smoking prohibited in certain indoor facilities providing education services to children; see also [20 U.S.C. §§6081-6084](#)]

Cross References:

[447.3, Student Suspensions](#)

[447.5, Discipline of Students with Disabilities](#)

[WASB PRG 831 Sample Policy 3](#)

Adoption Date: [12/13/82](#)

Revised: [5/14/84](#)

[10/13/87](#)

[4/22/91](#)

[5/11/92](#)

[March 1994](#)

[March 2002](#)

[September 2018](#)

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STUDENT ALCOHOL AND OTHER DRUG ABUSE

Waukegan Community School District

Policy 443.4

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(This sample policy is identical to 443.4 Sample Policy 2 in the PRG except that this sample (1) expressly addresses the use/possession of medications, hazardous inhalants and other controlled substances (and their analogs); and (2) does not include the list of supplemental directives found on the second page of 443.4 Sample Policy 2 which illustrate how a board can use policy or policy-related guidelines to set additional expectations to reinforce the district's anti-alcohol and anti-drug use messages for students.)

The following apply whenever a student is on school premises or otherwise subject to the supervision of a school authority, including whenever a student is using District-provided transportation or participating in or attending any District-sponsored activity:

1. No student shall possess, use, distribute, sell, purchase, or be under the influence of alcohol or illegal drugs, ~~or look alike substances.~~
2. No student may possess, use, distribute, sell, or purchase drug paraphernalia.
3. Students may possess and use prescription drugs and over-the-counter medications only as permitted under the District's student medication policies, and students are prohibited from selling, purchasing, and distributing such medications to the same extent as applies to illegal drugs.
4. A student may possess and use a product or substance that could improperly be used as a hazardous inhalant only (a) for a school-authorized purpose; and (b) in a manner that is consistent with the intent of the manufacturer and any cautionary labeling/instructions. Students may not be under the influence of a hazardous inhalant.
5. No student may possess, use, distribute, sell, purchase, or be under the influence of any controlled substance or controlled substance analog that is an intoxicant and that is not more specifically addressed by this policy, except to the extent any such possession or use is for a school-authorized purpose (e.g., a chemical used in an approved lab).

Students are expected to comply with this policy. Failure to comply shall result in school-imposed consequences which may include the provision of behavioral interventions and supports, appropriate referrals, sanctions under any applicable District's student activity code, and/or other disciplinary actions up to and including suspension or expulsion from school. Referrals may also be made to law enforcement officials.

(Editor's Note: A school district should include the next paragraph of this sample (below) if the district wishes to establish and retain the authority to require a student to submit to a breath test for alcohol based upon reasonable suspicion. If the district includes the paragraph regarding breath tests in its policy, it is strongly recommended that the District establish/review further written AODA procedures for students that detail the extent to which discipline and referrals for screening, services, or treatment will be made following a failed test or a refusal. This recommendation follows from the requirement found in section 118.45 of the state statutes that "no school board may require a pupil to provide one or more samples of his or her breath for the purpose of determining the presence of alcohol in the pupil's breath until the school board has adopted written policies regarding disciplines or treatments that will result from being under the influence of alcohol while on school premises or from refusing to submit to breath testing to determine the presence of alcohol in the pupil's breath.")

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STUDENT ALCOHOL AND OTHER DRUG ABUSE

Waukegan Community School District

Policy 443.4

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~~A school principal, designee, or a law enforcement officer, authorized by the school board, [insert authorized positions/persons—e.g., A licensed administrator who has responsibilities related to student conduct or student services, a school resource officer, or a law enforcement officer designated by the District Administrator or a building principal]~~ may require a student to submit to a breath test to determine the presence of alcohol in the student's system whenever the person requiring the test has reasonable suspicion that the student is under the influence of alcohol on school premises, in a motor vehicle used for District-provided transportation, or while participating in a District-sponsored activity. Such test shall be administered by a law enforcement officer or by a trained school district employee and shall meet state law requirements. **A field sobriety test or field observation assessment may also be used to determine if a student is under the influence of a controlled substance.** A student may be subject to school disciplinary action for refusing to submit to such a test, and a refusal may give rise to an adverse inference in school disciplinary proceedings. The District shall refer a student to appropriate alcohol and drug intervention services whenever the District has determined that (1) the student has been under the influence of alcohol in violation of this policy; or (2) a student has refused to submit to a required breath test as provided in this paragraph.¹

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The Board expects the administration and other District employees, to the extent consistent with the employee's specific role, to provide instruction, structure District-sponsored activities, and conduct District operations in a manner that provides students with consistent messages regarding the dangers of alcohol and drug use.

Staff, students, and parents and guardians shall be informed of this policy via student handbooks and/or through other appropriate means.

Legal References:

Wisconsin Statutes

Section 118.01(2)(d)	[instruction on the effects of alcohol and controlled substances use, including prescription drugs, and drug abuse awareness and prevention]
Section 118.126	[privileged communication related to student alcohol/controlled substances use]
Section 118.24(2)(f)	[dissemination of information regarding alcohol and drug abuse services and related referrals]
Section 118.257	[liability exemption for referral to law enforcement officials and removal from school premises/activities for alcohol and other controlled substances]
Section 118.45	[tests for alcohol; policy required]
Section 120.13(1)	[school board power to adopt student conduct rules and discipline students]
Section 125.09(2)	[possession of alcohol on school grounds prohibited]
Section 939.22(15)	[defining hazardous inhalant]
Chapter 961	[controlled substances laws]

Cross References:

WASB PRG 443.4 Sample Policy 3

STUDENT ALCOHOL AND OTHER DRUG ABUSE

Waukegan Community School District

Policy 443.4

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[347-Rule \(1\), Procedures for the Maintenance and Confidentiality of Student Records](#)

[347-Rule \(2\), Law Enforcement and Other Agency Record Information](#)

[377.2, Random Drug Tests and Co-Curricular Participants](#)

[443.1, Student Dress Code](#)

[447.3, Student Suspension](#)

[447.4, Student Expulsion](#)

[447.4-Rule, Early Reinstatement for Expelled Student](#)

[447.5, Discipline of Students with Disabilities](#)

[522.1, Drug Free Workplace](#)

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Adoption Date:

Policies of the Board of Education

Series 400: Students

CARE OF SCHOOL PROPERTY BY STUDENTS

443.5

All students and/or their parents/guardians will be required to pay for damage to school property that results from rule violations, negligence, malicious mischief, etc. If payment is not made, the Board of Education may file this claim with the proper authorities.

Damage to school property due to accident through the instructional or extra-curricular program will not be billed.

Legal Ref.: Section 895.035 Wisconsin Statutes

Cross Ref.: 443.8, Gangs and Gang-Related Activities
731.1, Vandalism

Adopted: 12/13/82

Revised: March 1994
March 2002

Waunakee Community School District

STUDENT USE AND POSSESSION OF ELECTRONIC COMMUNICATION DEVICES

Policy 443.6

Waukeek Community School District

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~~(This sample policy authorizes student possession of cell phones and other electronic communication devices during the school day and during school activities, and allows their limited use as authorized by the building principal in line with the policy.)~~

This policy is intended to apply to students when they are at school, participating in any school-sponsored activity, and at all other times when the student is subject to the authority and supervision of District officials. At such times and under the conditions established in this policy, students may possess an electronic communication device such as a cellular telephone or other personal electronic device with communications functions or with recording, photographic, or video-imaging capabilities. Students may also use portable media players when they do not interfere with the learning environment and have the specific permission of the supervising teacher.¹ Students may use such devices only with school permission that has been granted pursuant to this policy.

Building principals are authorized to establish school rules and acceptable use guidelines for students' limited and non-disruptive use of electronic devices for educational, safety, medical, vocational, or other legitimate reasons.

The rules shall permit students at all grade levels to use a personal electronic device as needed (e.g., to contact a responsible adult) in any emergency situation that involves an immediate threat to the health, safety, or property of any person. However, when carrying out school emergency response plans an administrator or other staff member may direct students to turn off their personal electronic devices so that emergency communication networks are not overwhelmed and so that emergency response efforts are not jeopardized.²

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Students shall not use electronic communication devices:

- To engage in bullying or harassment.
- To communicate test answers, photograph tests, or engage in any other conduct that constitutes or facilitates academic dishonesty.
- To take, disseminate, transfer, or share any images, recordings, or other content that is obscene, lewd, illegal, sexually-explicit, or otherwise inappropriate for the school setting.
- In areas where other people have a reasonable expectation of privacy, including all locker rooms, bathrooms, or other changing areas (except in an emergency).
- To create, communicate, share, or post recordings or images of any other student or staff member without permission from that student or staff member (except in an

¹ This sentence is from your current policy.

² The highlighted language is not required by law. Your current policy requires that students keep their cell phones in their locker during the school day and you might continue to require that if you wish (in which case you should delete the highlighted language).

STUDENT USE AND POSSESSION OF ELECTRONIC COMMUNICATION DEVICES

Policy 443.6

Waukeek Community School District

Page 2 of 3

emergency).

- In violation of the District's rules surrounding students' acceptable use of technology.

Possession and use of an electronic communication device by a student under this policy is a privilege. A student who chooses to exercise this privilege does so subject to the following conditions:

- Students are allowed to use electronic communication devices during passing times and lunch periods, excluding classrooms, restrooms and locker rooms, except where specifically permitted by instructors³.
- The District is not responsible for the safety or security of personal electronic equipment that students possess or use at school or at a school-related activity. Students who possess or use such device(s) do so at their own risk with regard to possible theft, damage, misappropriation of data/equipment, or other loss.
- If the District determines that a student has possessed or used such a device in violation of the law, this policy, or a school rule or directive, the student is subject to appropriate school-imposed consequences, such as the possible loss of privileges, suspension, and/or expulsion. The District may also refer certain matters to law enforcement.
- If a District official has reason to suspect or determines that a student has possessed or used an electronic device in violation of the law, this policy, or a school rule or directive, a District official may temporarily confiscate the device and/or turn the device over to law enforcement.

{Editor's Note: The next paragraph of this sample, below, addresses searches of students' personal electronic devices. The general legality of and the limits on such searches remain evolving areas of the law. While such searches have not been absolutely prohibited and while it is likely preferable to give students notice of this possibility within this type of policy, school officials are advised to exercise the authority to search with extreme caution and to avoid conducting such searches whenever it is practical to do so. A district that has specific protocols in place for such searches (e.g., only a building principal or the District Administrator may conduct the search of a cell phone) may wish to modify the more general language of the next paragraph.}

- A device possessed or used by a student may be subject to an appropriately limited search by a District official when the official has reason to suspect that such a search may lead to evidence of a crime or a violation of Board policy or school rules. The scope of any such search will be limited to the suspected violation.

³This sentence is from your current policy. Note that your current policy has other language requiring that cell phones be kept in lockers during the school day, which seems inconsistent with this sentence. This is a local policy decision—you can ban cell phones, allow them in school but require that they be kept in lockers all day or allow students to be in possession of cell phones subject to the acceptable use policy.

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STUDENT USE AND POSSESSION OF ELECTRONIC COMMUNICATION DEVICES

Policy 443.6

Waukegan Community School District

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To the extent prohibited by law, school employees shall not request or require a student to disclose the access information for any of the student's personal Internet account(s), including those that may be accessible through a student's personal electronic communications device.

Neither this policy nor any school rules shall be construed to limit a student's ability to possess and appropriately use an electronic device that functions as assistive technology that is necessary for a student's education and that is required or authorized under an individualized education program (IEP) or a Section 504 plan.

Students shall be informed of this policy annually via student handbooks.

Legal References:

Wisconsin Statutes

- [Section 118.258](#) [student use and possession of electronic communication devices]
- [Section 120.13\(1\)](#) [school board power to set conduct rules and discipline students]
- [Section 175.22](#) [locker room privacy statute and policy requirement]
- [Section 947.0125](#) [unlawful use of computerized communication device]
- [Section 995.50\(2\)](#) [intrusion on the privacy of another]
- [Section 995.55](#) [access to personal Internet accounts]

Cross References:

WASB PRG 443.5 Sample Policy 1

Adoption Date: March 1994

Revised: March 2002

May 2004

February 2009

July 2011

May 2014

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Privacy in Locker Rooms

Policy 731.1

Waunakee Community School District

Page 1 of 2

(This sample policy restricts all interviews of individuals in locker rooms and all use of recording devices, including cell phones with photographic capabilities, in locker rooms.)

The District shall observe measures intended to protect the privacy rights of individuals using school locker rooms. The following provisions outline the extent to which that protection can and will be provided:

- (1) Locker rooms are provided for the use of physical education students, athletes and other activity groups and individuals authorized by the building principal or by District policy. No one will be permitted to enter into the locker room or remain in the locker room to interview or seek information from an individual in the locker room at any time. Such interviews may take place outside of the locker room consistent with applicable District policies and/or school rules.
- (2) No cameras, video recorders or other devices that can be used to record or transfer images may be used in the locker room at any time.
- (3) No person may use a cell phone to capture, record or transfer a representation of a nude or partially nude person in the locker room or to take any other photo or video image of a person in the locker room.

Students and staff violating this policy shall be subject to school disciplinary action and possible legal referral, if applicable. Other persons violating the policy may be subject to penalties outlined in state law. The building principal or his/her designee shall be responsible for enforcing this policy.

This policy shall be publicized annually and posted in each locker room in the District.

Legal References:

Wisconsin Statutes

- [Section 120.13\(35\)](#) [access to school buildings]
- [Section 175.22](#) [privacy in locker room policy]
- [Section 942.08](#) [invasion of privacy]
- [Section 942.09](#) [representations depicting nudity]
- [Section 995.50](#) [right of privacy]

Cross References:

- WASB PRG 731.1 Sample Policy 1
- [822, News Media Relations](#)
- [830-Rule, Use of Facility regulations](#)
- [830-Exhibit \(1\), Facility Use Rental Fee Exemption Request](#)
- [830-Exhibit \(2\), Community Use of Recreational Facilities](#)
- [832, Public Conduct on School Property](#)
- [833, Facility Use – Pet Restriction](#)
- [833 – Exhibit, Facility Use – Pet Restriction](#)

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Privacy in Locker Rooms

Policy 731.1

Waunakee Community School District

Page 2 of 2

[851. Advertising in the Schools](#)

Adoption Date: October 2008

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WEAPONS ON SCHOOL PREMISES

Policy 832

Waukegan Community School District

Page 1 of 3

(This sample policy defines prohibited dangerous weapons by reference to state law and allows weapons possession and use on school premises under certain specified conditions. Especially as applied to students, districts may find that additional provisions in separate policies or rules may be helpful to, for example, clarify expectations regarding possession of certain knives, look-alike weapons, etc., not all of which would necessarily be covered under the state-law definition of "dangerous weapon.")

No person, including someone with a state-issued concealed carry license, shall use or possess a firearm, whether loaded or unloaded, any destructive device, or other dangerous weapon (as defined under [section 948.61](#) of the state statutes or as defined as a weapon in this policy below) in school buildings and other buildings owned, occupied or controlled by the school district, on school premises, in school-provided transportation, or at any school-supervised and school-controlled activity, except as otherwise specifically authorized in this policy.

A weapon is any object that by its design and/or use can cause bodily injury or property damage, or any component of such an object. This includes, but is not limited to guns, including BB and pellet firing guns, firearm silencers, knives, razors, karate sticks, nunchaku, metal knuckles, chains, pepper spray/mace and other similar propellants, and similar items or destructive devices such as explosives or fire bombs. A weapon is also defined as any facsimile or look-a-like of a weapon or firearm such as a toy, starter pistol, or other object that can be perceived as an actual firearm. A weapon also may include physical actions or oral or written statements, which lead others to reasonably believe, or are calculated to induce a belief, that a weapon is present.

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The following are exceptions to the policy prohibition:

- This prohibition does not apply where state law prohibits a school district from restricting any individual's right to possess a firearm or other weapon in a location covered by this policy ~~(e.g., a law enforcement officer who is acting in his/her official capacity and who possesses a firearm or other weapon that was issued and approved by the officer's employing agency; certain individuals 21 years of age or older who are licensed to carry a concealed weapon who have stored a licensed handgun that is unloaded and encased in their motor vehicle parked on school grounds).~~
- Any qualified current law enforcement officer who is off duty or any qualified former law enforcement officer may possess a properly licensed firearm provided that the individual meets all applicable conditions specified in the state and federal gun-free school zone laws. Include if desired: "Although permitted, the Board generally discourages the intentional presence of such firearms, and strongly encourages such individuals to notify the District Administrator, building principal, or other activity supervisor of their possession of any such firearm in order to avoid misunderstandings should the presence of the weapon be identified by another person."1

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¹ The highlighted language is from your current policy. Your current policy covers weapons that may not meet the definition of dangerous weapons in Wisconsin Legislature: 939.22(10). The second sentence covers some dangerous weapons covered in the first paragraph and also cover facsimile weapons and physical actions not covered by the first paragraph.

² This highlighted language is optional.

WEAPONS ON SCHOOL PREMISES

Policy 832

Wauwaukee Community School District

Page 2 of 3

- The building principal may allow a weapon on school premises for purposes of demonstration or educational presentations. This approval must be in writing and granted prior to the weapon being brought to the school. The weapon shall be maintained in the possession of the principal except during the actual demonstration or presentation.
- Firearms or other weapons used for hunting may be allowed on school property for hunter safety classes, but only during non-school hours and after approval, in writing, from the District Administrator. The person(s) conducting the hunter safety class will assume responsibility for the safe handling and care of the firearms/weapons, and see to it that all firearms/weapons are removed from the premises promptly after the class.

~~Hunting may be allowed in the school forest when school or rental groups are not using the property and with written permission from the District Administrator. Hunting for a wild animal will not be permitted in the school forest when there is not an open season for that animal on land adjacent to the school forest. All persons authorized to hunt in the school forest shall abide by state and federal laws while hunting on school forest property including, without limitation, laws applicable to firearms and hunting, and shall abide by all District rules regarding the use of the school forest.~~

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Any student who possesses a firearm or destructive device in violation of this policy shall be suspended from school, referred for an expulsion hearing and expelled from school for not less than one year. The School Board may modify this expulsion requirement on a case-by-case basis. Students possessing other weapons in violation of this or any other policy or rule shall be subject to appropriate school disciplinary action, up to and including suspension and expulsion from school. A parent or guardian with access to student records will be notified of student weapons violations in all cases. When required by federal law, a law enforcement or juvenile justice referral shall also be made for any student who violates this policy.

Employees violating this policy shall be disciplined in accordance with employee policies, agreements and handbooks and referred to law enforcement officials for prosecution.

Any other person violating this policy shall be referred to law enforcement officials for prosecution.

The District Administrator or designee shall determine the appropriate means of informing students, employees and the public of this policy, including any specific notice(s) that are required under applicable law.

Legal References:

Wisconsin Statutes

Section 118.07	[school safety plans]
Section 118.31	[use of reasonable force to obtain weapon]
Section 120.13(1)(bm)	[state law suspension mandate for possession of a firearm]
Section 120.13(1)(c)2m	[state law expulsion mandate for possession of a firearm]
Section 120.13(1)(g)	[board authority to modify expulsion mandate on case-by-case basis]

³ I am guessing you do not have a school forest or may not allow hunting in a school forest – you can delete this paragraph if it is not relevant.

WEAPONS ON SCHOOL PREMISES

Policy 832

Waukegan Community School District

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- [Section 120.13\(38\)](#) [board authority to permit hunting in the school forest]
- [Section 175.32](#) [mandatory reporting of threats of school violence]
- [Section 175.60](#) [license to carry a concealed weapon]
- [Section 941.23](#) [carrying a concealed weapon]
- [Section 943.13](#) [criminal trespass law, includes provisions related to carrying firearms]
- [Section 948.60](#) [possession of dangerous weapon under 18 years of age]
- [Section 948.605](#) [gun-free schools zones]
- [Section 948.61](#) [dangerous weapons other than firearms on school premises]

Federal Laws

- [Gun-Free Schools Act](#) [student possession of firearms prohibited; student referral to law enforcement/juvenile justice system required in policy]
- [18 U.S.C Sec. 921\(a\)](#) [federal definition of "firearm" (including destructive devices) that is used within the Gun-Free Schools Act and within section 120.13(1)(c)(2m)]
- [Individuals with Disabilities Education Act](#) [programs and services for students with disabilities; includes authority to order change of placement for weapons possession]

Cross References:

WASB PRG 832 Sample Policy 2

- ~~[447.3, Student Suspension](#)~~
- ~~[447.4, Student Expulsions](#)~~
- ~~[447.5, Discipline of Students with Disabilities](#)~~
- ~~[723-Rule, Emergency Plan Procedures](#)~~

Adoption Date: ~~March 1994~~
~~September 1994~~

Revised: ~~12/11/95~~
~~March 2002~~
~~July 2006~~
~~July 2012~~

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Policies of the Board of Education

Series 400: Students

GANGS AND GANG-RELATED ACTIVITIES

443.8

The Waunakee Community School District Board of Education recognizes that the commission of antisocial acts or criminal acts by individual students or groups of students interferes with the mission of the District.

The Board further recognizes that the presence of gangs, gang symbols, gang activities, and gang affiliations can cause a disruption of or interfere with school and school activities.

As a result, student(s) antisocial or criminal activities as monitored by school employees will not be tolerated and will be reported to school administrators for appropriate action.

Violation of this policy will subject students to appropriate disciplinary action which may include suspension, expulsion, and/or criminal charges filed with police agencies.

Adopted: March 1994

Revised: March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

GANGS AND GANG-RELATED ACTIVITIES

443.8-Rule **1**

Students enrolled in the Waunakee Community School District shall not be involved in antisocial or criminal activities which disrupt school or school sponsored activities.

Student "gang" activities that cause or may cause a disruption of school or school-sponsored activities are prohibited.

It will be the responsibility of school staff to monitor and document the existence of gang activity in the schools.

If the school principal records student involvement for monitoring purposes, the parents/guardians of the student will be informed in writing by the principal

The Director of Student Services will coordinate all efforts related the Board's gang policy and any other gang abatement activities undertaken by the district.

Related Definition:

A "gang" as defined by this policy, is a group of three or more individuals with a unique name, identifiable marks or symbols, whose members claim turf or territory, associate on a regular basis, and engage in antisocial or criminal activity.

The Board lists the following criteria for identifying youths as gang members. School administrators shall monitor student behavior by using the criteria to identify gang involvement as follows:

The criteria includes:

- 1) Having gang tattoos
- 2) Wearing gang garb that could include the color of clothing, head covering or methods of grooming.
- 3) Displaying gang markings or slogans on personal property or clothing.
- 4) Possessing literature that indicates gang membership.
- 5) Admitting gang membership.
- 6) Being arrested with known gang members.
- 7) Attending functions sponsored by the gang or known gang members.
- 8) Obtaining information from a reliable informant.
- 9) Getting statements from relatives identifying the youth as a gang member.
- 10) Receiving information from other law enforcement agencies that a youth is a gang member.
- 11) Exhibiting behavior fitting police profiles of gang related drug dealing.
- 12) Being stopped by the police with a known gang member.
- 13) Loitering, riding or meeting with a gang member.
- 14) Selling or distributing drugs for a known gang member.
- 15) Helping a known gang member commit a crime.

Legal Ref.: Section 118.13 Wisconsin Statutes
 120.13
 121,92(1)(i)
 121.52 (2)
 895.035

PI 9.03(1), Wisconsin Administrative Code

Cross Ref.: 347-Rule (2), Law Enforcement and Other Agency Records
 447-Rule, Procedures for Management of Student Aggressive Behavior
 447.1, Corporal Punishment/Use of Physical Force
 447.3, Suspension of Students
 447.4, Expulsion of Students
 447.5, Discipline of Students with Disabilities
 443.8 Exhibit (2), Disciplinary Actions for Specific Gang-Related Activities

Adopted: March 1994

Revised: March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

**DISCIPLINARY ACTIONS FOR SPECIFIC
GANG-RELATED ACTIVITIES**

443.8 ~~Exhibit (2)~~ **Rule 2**

Insignia/Gang Clothing/Gang Signs:

Students are prohibited from wearing gang clothing or using gang insignias or signs in school or at school functions.

Students in violation of this policy will be suspended from school for up to five (5) school days or until such time as the offensive insignia/clothing is either disposed of or removed. A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Students who refuse to remove or dispose of the insignia/clothing will be suspended for up to five (5) school days. A repetition of this offense may result in a recommendation for expulsion.

Graffiti:

Any student discovered to have been responsible for gang graffiti on school buildings or property will be suspended from school for up to five (5) school days. A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Any student discovered to be with another student at the time of the graffiti is applied will also be suspended from school for up to five (5) school days.

Any students suspected of applying gang graffiti will be prosecuted to the fullest extent of the law.

Parents/guardians and students will be held liable for the damage and are responsible for paying any costs of having the damage professionally removed and/or repaired.

Attacks:

Any student who is involved in or participates in any gang-related attack upon the person of a student or students or school employee during school hours, on the way to/from school, at any school-sponsored event, or (in the case of a school employee) at any time if connected with the employee's school responsibilities, will be suspended from school for up to fifteen (15) school days and will be recommended for expulsion.

Students involved in a gang-related attack will be prosecuted for the attack to the fullest extent of the law.

Any threat of attack will be considered an attempt to intimidate and will result in a suspension from school for up to fifteen (15) school days with a possible recommendation for expulsion.

A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Meetings:

Students found to be congregating or meeting with gangs on school grounds are subject to suspension from school for up to fifteen (15) school days and a possible recommendation for expulsion. A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Recruiting:

Any student found to be recruiting a student for gang membership or threatening a student for either not joining a gang or wishing to withdraw from a gang shall be suspended for five (5) school days and recommended for expulsion. A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Weapons:

Lockers, book bags, gym bags, coats or jackets or other containers which are brought into the school may be searched at any time by school personnel pursuant to Board policy or should they have a reasonable suspicion of the presence of a weapon, mace, tear gas, chemical weapon, or other object deemed dangerous.

Students found to have such weapon on school property or at school-related activities or while under the supervision of school personnel at any time or threatening to bring a weapon onto school grounds will be immediately suspended from school for up to fifteen (15) school days and will be recommended for expulsion.

Cross Ref.: 443.6, Electronic Communication Devices-Students
443.7, Weapons on School Premises
447.3, Student Suspension
447.4, Student Expulsion
447.5, Discipline of Students with Disabilities
445.1, Searches

Adopted: March 1994

Revised: 12/11/95
March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

PARENT/GUARDIAN NOTIFICATION LETTER

443.8 Exhibit (1)

Dear (Parent)

The Waunakee Community School District has joined with other community agencies, in an effort to encourage a school environment free from gangs and gang-related problems. Based upon this effort, it is felt important to communicate to you a concern about your child.

Based on information we have gathered relative to your child's activities we suspect that he/she has been involved in gang type activity. We have documented the following*:

The purpose of this letter is to inform you of what is occurring with your child so that you can be aware of our concern(s) and help deter your child from possible criminal activity. We would like to encourage you as a parent/guardian to deliver a clear message to your child that antisocial or gang type activity will not be tolerated by you nor allowed to be part of your home environment.

It is urgent that you, as a member of our community and as a parent/guardian, do your part to help stop gangs and gang-related behavior in the Waunakee community. If you have any questions, want further information, or would like to schedule a meeting with me or other school staff, please call me at (school phone number).

Sincerely,

Building Principal

*(using a "street name", using gang language and/or displaying graffiti; associating with known gang members; an admitted gang member; mimicking the actions and clothing of known gang members; frequenting a gang area; identified by a reliable informant as a gang member).

Legal Ref.: Section 118.13 Wisconsin Statutes
120.13
121.52
PI 9.03(1), Wisconsin Administrative Code

443.8 Exhibit (1) continued

Cross Ref.: 447, Student Aggressive Behavior
447.1, Corporal Punishment
447.3, Suspension of Students
447.4, Expulsion of Students
443.8, Exhibit - Disciplinary Actions

Adopted: March 1994

Revised: March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

SCHOOL-AGE PARENTS AND MARRIED STUDENTS

444

Students shall not be discriminated against because of marital or parental status. Such students shall not be restricted from receiving a public education nor from taking part in any extracurricular school activities.

School-age parents shall be permitted to continue in school in all instances. The superintendent and administrative staff are authorized to make special arrangements for the instruction of school-age parents and to provide an educational program designed to meet their needs. Arrangements shall be in accordance with state law.

Legal Ref.: Section 118.13 Wisconsin Statutes
118.15(4)(m)
118.153
115, Subchapter VI
PI 9, Wisconsin Administrative Code

Cross Ref.: 411-Rule (1), Student Discrimination/Harassment Complaint Procedures
411, Equal Educational Opportunities

Adopted: 12/13/82

Revised: March 1994
March 2002

Waunakee Community School District

It is the policy of the District to provide a safe and healthy environment for all persons in school buildings and on school premises. School officials have a duty to investigate any suspicion that items or materials harmful to the health and safety of students, school personnel, or property are present within the school or on school premises. This includes, but is not limited to, conducting search activities as outlined in this or other Board policies.

- Locker Searches – A school locker is provided for the convenience of the student to be used solely and exclusively for the storage of the student’s wearing apparel and school-related materials during the time the student is attending school. No student shall use the locker for any other purpose. The locker is assigned to a student but remains the property of the District. At no time does the District relinquish its exclusive control of the lockers. Locker searches may be conducted as determined necessary or appropriate without notice, without student consent, and without a search warrant. Locker searches under this policy may be conducted by the District Administrator, a building principal or assistant principal, a school employee specifically designated by the District Administrator or building principal, a school liaison officer, or other law enforcement official who is acting at the request of or in conjunction with school authorities.
- Search of Students and/or Their Personal Belongings – District staff may conduct a search of a student or the student’s personal belongings (e.g., backpacks) when the student voluntarily consents to the search or where there is reasonable suspicion that the student has in his/her possession items that violate the law, Board policies or school rules. The search shall be conducted in a reasonable manner and must not be overly intrusive in light of the age and sex of the student and nature of the infraction. Searches of a student’s person or personal belongings should generally be conducted outside the presence of other students. No District official, employee, or person acting as an agent of the District shall conduct a strip search of a student.
- Vehicle Searches – The District may search student-operated vehicles parked on school premises when there is reasonable suspicion of a violation of the law, Board policies or school rules or the student has given consent to the search of the vehicle. *[Include if applicable: “A student’s privilege of obtaining a permit to park a vehicle on school premises during the school day is conditioned on him/her signing a written acknowledgment that the vehicle is subject to any such search supported by reasonable suspicion.”]¹*
- Use of Canine Units in Safety and Search-Related Activities – The School Board authorizes the use of trained canine units to detect the presence of drugs, explosive devices, or other illegal items/substances on school property under the following conditions: (1) the presence of the canine unit on school property is authorized in advance by the District Administrator or designee or is pursuant to a court order or warrant; (2) a law enforcement officer specifically trained to work safely and competently with the canine unit must handle the canine; and (3) the canine unit is represented by the sheriff or chief of the law enforcement agency providing the service as capable of accurately detecting specific contraband. The District shall not use trained canine units to sniff a student’s person, including articles of clothing a student is wearing or a bag while the student is holding it. A positive reaction by a trained

¹ Note the highlighted language is optional.

canine unit will provide reasonable suspicion for a search of a student's locker, vehicle or other property in accordance with this policy.²

{Editor's Note: The above paragraph authorizing and placing conditions on the use of trained canine units could be deleted in its entirety, covered in a procedural rule rather than in policy, or modified to reflect specific local practice (e.g., to expressly prohibit the use of canine units). In addition, at a district's discretion and as specific sub-categories of searches of a student's person or personal belongings, the list above could be expanded to include provisions addressing (1) the collection and evaluation of student breath samples based upon reasonable suspicion of the student's use of alcohol (which may alternatively be addressed under topic 443.4); and/or (2) the possible search of a student's personal electronic devices (which may alternatively be addressed under topic 443.5).}³

To the extent prohibited by law, school employees shall not request or require a student to disclose the access information for any of the student's personal Internet accounts.

To the extent permitted by law, a school official conducting student-related search activities under this or any other Board policy may request the active assistance of a school liaison officer or other law enforcement official. School officials may remove any unauthorized item found as a result of a search. Items belonging to the student but removed or temporarily confiscated by the District will generally be held by the school for return to the student's parent or guardian (for students who are minors) or, if appropriate, turned over to law enforcement. The student and his/her parent or guardian shall be notified of any unauthorized item belonging to the student/family that has been found and turned over to law enforcement officials.

Students and their parents and guardians shall be informed of this policy and the specific provisions related to locker searches through the student handbook.

Legal References:

Wisconsin Statutes

Section 118.32	[strip search by school employees]
Section 118.325	[locker searches]
Section 118.45	[testing students for the presence of alcohol; policy required]
Section 948.50	[criminal penalties; strip search by school employees]
Section 995.55(3)	[access to personal Internet accounts of students]

Federal Laws

[U.S. Constitution, 4th Amendment](#) [protection from unreasonable search and seizure]

Cross References:

WASB PRG 446 Sample Policy 2

² The highlighted language on canine searches is optional. You do not have it in your current policy or rule.

³ I left this editor's note in for your review, it should be deleted from the final draft of the policy.

STUDENT SEARCH ACTIVITIES

Policy 446

Waunakee Community School District

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Adoption Date: 12/13/82

Revised: 9/9/85

5/11/92

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2/12/96

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SEARCH PROCEDURES

445.1-Rule

A. Cooperation with Law Enforcement Agencies

If law enforcement personnel seek permission from school authorities to search a student or the student's property or locker to obtain evidence related to criminal activities, the school officials shall require the police to obtain a valid search warrant unless: 1) there is uncoerced consent by the person whose interests are involved, 2) probable cause and circumstances are such that taking the time to obtain a warrant would frustrate the purpose of the search or, 3) a valid arrest has been made and the search is incidental to the arrest. School officials shall make a good faith effort to notify parents/guardians when a request is made to search a student or the student's property.

B. Law Enforcement Officials May conduct searches at the request of school officials.

C. Search by School Authorities

1) Who May Conduct a Search

- a) A school official or his/her designee and one additional person may conduct a search. Under no circumstances will school staff conduct or be party to a strip search.
 - 1) A school official is defined as a Board member, a superintendent, an assistant superintendent, a principal, or an assistant principal.
 - 2) A designee is defined as any District employee designated by a school official for the purpose of conducting a search. If there is a certified school employee present, that individual shall be the designee.
 - 3) On a field trip, during an extra-curricular activity, or on a school bus, any school official or his/her designee, male or female, may conduct a search without an additional person. Any search must be conducted within the guidelines of the procedures covered under

2) Documentation

For all searches in which the student refuses to cooperate, the individual doing the search shall maintain a written record of all actions leading up to and including the search. In all other searches, records will be maintained at the discretion of the individual doing the search.

3) Search of Students

In the interest of the welfare of the students and the school community, it may be necessary to search a student or the student's property. The search may be conducted if the school official or his/her designee has a reasonable suspicion that the student has obtained, or has in his/her possession, items in violation of school regulation, local ordinance or state law.

No school official may conduct such search unless he/she suspects, from reliable information or personal observation, that a student is in violation of school rules, local ordinance or state law.

In such cases, the following procedure will be used:

- a) The student will be informed of the reason for conducting the search.
- b) Permission of the student to conduct the search will be requested.

- 1) Conducting the search with the student's consent.

The school official or his/her designee who is conducting this search has the right to request a student to empty pockets, purses, backpacks, or other articles used to carry personal effects; to remove hats, shoes, and/or to roll socks down. The school official or his/her designee can also request a student to remove outer garments, such as sweatshirts, sweaters, jackets or vests if worn over blouses, shirts or t-shirts. No school official or school employee has the right to request the removal of any other clothing or to conduct a strip search as defined under Section B) 3, b) 2 c).

If the student cooperates, the school official or his/her designee may notify the student's parent or guardian of the reason for such search.

- 2) Procedure if a student refuses to cooperate.
If a student refuses to cooperate, the school official or his/her designee has the authority to proceed, subject to the limitations described below.

a) Pre K-8 Students

An attempt will be made to contact the student's parent or guardian in order to request him/her to encourage the student to cooperate. If the parent or guardian cannot be reached or if the student continues to refuse to cooperate, the school official or his/her designee may turn the matter over to law enforcement officials for appropriate action. The student may be detained until the law enforcement official arrives.

If the parent or guardian has not been contacted and the law enforcement officials are involved, the school official or his/her designee will notify the parent or guardian as soon as possible as to the reason for such search.

b) 9-12 Grade Students

The school official or his/her designee may involve a parent/guardian or to turn the matter over to law enforcement officials. The student may be detained until the law enforcement official arrives. If the matter is turned over to the law enforcement officials, the school official or his/her designee will notify the parent or guardian as soon as possible of the search and the reason for the search by law enforcement officials.

c) Danger to Students or Other Individuals (K-12)

If a school official or his/her designee has reason to suspect that a student is carrying a dangerous or illegal item or substance and if a school official or his/her designee believes that an immediate search is necessary, he/she may search a student's pockets or belongings and conduct a pat-down search. The student may be detained until such time as a law enforcement official arrives.

At no time will a strip search be conducted by a school official or his/her designee. A strip search as defined in state law means "a search in which a detained person's genitals, pubic area, buttocks

or anus or a detained female person's breast is uncovered and either is exposed to view or touched by a person conducting a search."

d) Involvement of Law Officials

Rather than conduct a search, a school official or his/her designee may contact a law enforcement official to take appropriate action.

4) Search of Lockers

The Board of Education has provided school lockers for the purpose of providing students with a convenient receptacle for clothing, books, and other articles necessary or convenient for a student's use during the school day. The student has no property interest in any locker. The Board retains the ownership and possessory control of all student lockers. Lockers and their contents are subject to search by the administration to protect the health and welfare of the student body. A search will be conducted only when appropriate and necessary. Whenever practicable, the search will be made in the presence of the student concerned, although this is not required. Authorization to search a locker will be given only by the principal or a designee. The search will be made in the presence of two school officials as outlined in B) a), 1), 2). A record will be kept by the school of all locker searches, including the reason for the search and the findings. It is recognized that all lockers are opened and/or inspected for housekeeping and repair purposes periodically. This locker search policy shall be provided to students annually in their handbook.

445.1-Rule continued

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Waunakee Community School District

Policies of the Board of Education

Series 400: Students

STUDENTS OF LEGAL AGE

446-448

Every student 18 years of age or older is an adult and shall be dealt with as such by the schools. Such students, however, shall comply with the school rules, pursue the prescribed courses of study, and submit to the authority of teachers and others ~~in authority over them~~ school staff. Procedures, records disclosure and relationships with parents shall be identical to those established for all students regardless of student residence, except where the adult student has requested specific changes in writing in accordance with state law.

Field Trips/Athletic Programs - Approved forms for participation shall be required of all students. The form should indicate that the signature is that of the parent or of the adult student. Sponsors and/or coaches shall be required to confirm the ages of those students signing their own forms.

Absence-Lateness-Truancy - Absence notes, normally signed by parents or guardians, may be signed by students who are of legal age.

Supervision/Exclusion - Notification shall continue to be sent to parents or guardians of all such suspension or expulsions. Students of legal age, however, are permitted to represent themselves upon reinstatement to school following a suspension

Withdrawal from School - Students of legal age may withdraw from school under their own cognizance. Counselors shall continue to guide and counsel potential school dropouts at risk students and encourage their continued attendance

Permission to Inspect Student Records - Students of legal age may request permission to inspect their personal school record but may review same ~~it~~ only in accordance with state and federal laws.

Financial Responsibility – All students can be held financially responsible for damage to school property.

Students with Disabilities: Prior to a student with a disability turning 18, their parent(s)/guardian(s), will receive a notification that all rights will transfer to the student once they turn 18. At age 18, the student will be responsible for making all decisions related to future educational services, unless a legal guardian has been appointed. The parent(s)/guardian(s) will continue to receive any future notices required by state and federal laws and rules regarding educational programming.

Legal Ref.: Sections 118.125 Wisconsin Statutes
118.15
120.13(1)
895.035

Cross Ref.: 347-Rule (1), Student Record Procedures

435, Student Dismissal Precautions

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Waunakee Community School District