

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

Tuesday, August 20, 2024

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.

Starting June 24, 2024 - August 30, 2024 the parking lot at 905 Bethel Circle will be under construction.

Visitors may park in the indicated spaces at Benda Welding (900 Bethel Circle), or Humane Restraint Co. (912 Bethel Circle). There will be very limited parking along Bethel Circle for brief visits. Please follow the signage to enter the building along the mulch path to the right of our driveway. If anyone has handicapped accessibility needs, please contact the district office during business hours at (608)849-2000 and we will accommodate you.

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. APPROVE AGENDA

IV. PUBLIC COMMENTS

V. POLICIES FOR DISCUSSION, REVIEW, AND CONSIDERATION

4

Attached please find the summary spreadsheet for the policies that will be reviewed at the

meeting. These policies have been reviewed by the administration prior to movement to the committee for consideration.

A. 743 R2 - Hazardous Materials Accident/Emergency Plan	10
743 R3 Hazardous Materials Procurement and Use	
B. 751 Student Transportation Services	15
Steve Summers and Allie Dye will review and bring details to the meeting. For your review our current policy and the PRG recommendation is attached.	
C. 751 R1 Student Transportation Services	21
751 R2 Bus Discipline Procedures	

Please note: 751 E was updated and approved in July.

D. 751.1 School Bus Scheduling and Routing.	27
E. 751.2 Bus Transportation Contractors	28
751.21 School Bus Drivers	
751.22 Employee Drivers License/Record	
F. 751.3 School Bus Safety Program	32
G. 751.4 Parent Transportation Contracts	33
H. 751.6 Transportation in Unusually Hazardous Areas	34
I. 751.5 Alternative Transportation	36
751.5 R, 751.5 E1-4	
J. 752 E 1 Transportation Agreement (Parents)	63
752 E2 Transportation Agreement (Private School)	
752 E 3 Transportation Insurance Acknowledgment	
752 E 4 Transportation Area of Unusual Hazard	
752 E 5 Student Transportation Agreement	

VI. POLICY RESOURCE GUIDE (PRG) UPDATES 79

A. 341.1 Reading & Literacy Development	81
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VII. TITLE IX POLICIES 84

The administration will discuss the policy updates. Attached is a spreadsheet that will review the policies being considered.

A. 411 Equal Educational Opportunities	85
B. 411 R 1 Student Discrimination/Harassment Complaint Procedure	90
C. 411.1 Student Harassment	100
D. 443.71 Anti Bullying	105
E. 511 Equal Opportunity Employment and NonDiscrimination	107
F. 511 R Employment Discrimination and Harassment Complaint Procedures	113
G. 512 Harassment Based on Legally Protected Status	124
H. 522.3 Workplace Violence, Threats, Intimidation, and Harassment	128

VIII. TITLE IX POLICIES APPROVED IN JULY 2024

133

At the regular board meeting in July 2024, the board approved policy 413/513 and 413/513 Rule so that WCSD would be in compliance with the updated Title IX requirements. These policies are being brought to the committee for review. The administration will discuss these policies with the committee.

IX. FUTURE MEETINGS

X. 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.”

Proposed Code #	Proposed Title	Current policy code	WASB recommendation	WASB Comment (if any)	Administration Recommendation:
	Hazardous Materials Accident/Emergency Plan	743 R2	Delete current rule	The content of this rule relating to personal accident or injury is covered by policy 722. The "spill accident" portion of this policy should be covered by your district's state mandated school safety plan. Note that while you are required to have a school safety plan, you are not required to have a policy relating to the school safety plan. If you would like a school safety plan policy, review PRG 723 sample policy 1. If you want help customizing that let me know.	Repeal
	Hazardous Materials Procurement and Use	743 R3	Review and delete or incorporate into school safety plan	The content of this rule should be covered by your school safety plan. The rule has not been updated in years and is likely outdated. See the comment for WCSD 743 R2 regarding PRG sample policies on school safety plans.	Repeal

751	Student Transportation Services	751	Replace with PRG 751 sample policy 2	Note that there is considerable overlap in content of the WASB sample policy with content in several of your current transportation policies - you may chose to consolidate some of your current policies into this sample.	revisit separately
751 R1	Student Transportation Services	751 R1	Keep current rule	The rule is acceptable as written. Note that some of the content overlaps the WASB sample policy.	Agree Exec Dir. Of Op 2nd P
751 R2	Bus Discipline Procedures	751 R2	Keep current rule, edit as noted in comments	The policy is generally acceptable as written. It should be edited to make clear that any suspension from bus riding privileges of up to 5 days is a suspension subject to the same rules and processes as a suspension from school. Any longer suspension of bus riding privileges is an expulsion subject to the same rules and process as an expulsion from school.	Keep rule edit as noted
751 E	Fee Schedule for Transportation to and from Babysittters	751 E	Keep current exhibit	The exhibit is acceptable as written.	Keep July version

751.1	School Bus Scheduling and Routing	751.1	Either incorporate content into policy 751 or edit as noted in the comments.	The footnotes I wrote to policy 751 note that there is no clear assignment of responsibility for establishing school bus routes. That should be done in policy 751, this policy or both. The content of this policy can be incorporated into policy 751 or you might choose to maintain a separate policy.	Change Supervisor to Contractor
751.2	Bus Transportation Contractors	751.2	Keep current policy	Note that this policy reads more like a rule and might be converted to Rule 3 under policy 751.	agree.
751.21	School Bus Drivers	751.21	Keep current policy	Note that the legal requirements for school bus drivers is covered in WASB 751 sample policy 2. Your current policies include rules for bus drivers to follow and you can keep this policy to maintain those rules.	Agree
751.22	Employee Driver's License/Record	751.22	Keep current policy	The PRG does not include samples covering this content. The current policy is acceptable as written.	agree

751.3	School Bus Safety Program	751.3	Keep current policy	Note that the third paragraph duplicates content in other policies. The fourth paragraph requiring daily bus inspections is a rule that might be included with the other bus driver rules in 751.21.	agree
751.4	Parant Transportation Contracts	751.4	Keep current policy	The PRG does not include samples covering this content. The current policy is acceptable as written.	agree
751.6	Transportation in Unusually Hazardous Areas	751.6	Keep current policy	You have adopted the PRG sample and your adoption date is after the last revision date, so it appears to be up to date.	agree
751.5	Alternative Transportation	752	Renumber and adopt PRG 751.5 sample policy 1, sample rule 1 and sample exhibits 1 to 4	The sample rule includes guidelines referenced in the sample policy. Exhibits 1 to 3 are checklists for driver and vehicle qualifications for employees driving both district and private vehicles and volunteers driving private vehicles. Exhibit 4 is a fitness to drive medical opinion form.	OK Last exhibi bottom Business office

752 E1	Transportation Agreement (Parents)	752 E1	Keep current exhibit, review with district legal counsel	<p>The PRG does not include sample transportation contracts. I read the contract and do not have concerns. Review of contracts is beyond the scope of this project. This contract should be reviewed by district legal counsel</p>	agree
752 E2	Transportation Agreement (Private School)	752 E2	Review with district legal counsel	<p>The PRG does not include sample transportation contracts. There are several provisions in the contract that should be reviewed by district legal counsel. Section 6.4 says that parents provide certificates of insurance to the district which presumably are private school insurance policies. More important, there is no signature line for the private school, yet the private school is clearly a party to the contract.</p> <p>Review of contracts is beyond the scope of this project. This contract should be reviewed by district legal counsel.</p>	reviewed agree

752 E3	Transportation - Insurance Acknowledgement	752 E3	Keep current exhibit	The PRG does not include samples covering this content. The current exhibit is acceptable as written.	agree
752 E4	Transportation - Area of Unusual Hazard	752 E4	Keep current exhibit, review with district legal counsel	The PRG does not include sample transportation contracts. I read the contract and do not have concerns. Review of contracts is beyond the scope of this project. This contract should be reviewed by district legal counsel	reviewed agree
752 E5	Student Transportation Agreement	752 E5	Keep current exhibit, review with district legal counsel	The PRG does not include sample transportation contracts. I read the contract and do not have concerns. Review of contracts is beyond the scope of this project. This contract should be reviewed by district legal counsel	Reviewed agree

Policies of the Board of Education

Series 700: Support Services

HAZARDOUS MATERIALS ACCIDENT/EMERGENCY PLAN

743-Rule (2)

These procedures are to be followed in the event that there is an accident or spill involving hazardous material:

A. Personal Accident or Injury

In the event of an accident or injury from the use of or contact with hazardous materials, the following steps should be taken:

1. Prompt and proper medical attention should be administered (~~MSDS~~'s Material Safety Data Sheets (MSDS) located in each school's office have a Section VI entitled Health Hazard Data" which list emergency and first aid procedures).
2. If an ambulance is required, CALL 911 ~~266-4920~~.
3. The principal and District's safety coordinator should be notified immediately.
4. If a student is injured, the parent(s) or guardian or emergency contact person shall be notified as soon as possible.
5. An employee or student accident report should be completed and forwarded to the District's safety coordinator. Please state the hazardous material involved, procedure followed after the accident, etc.
6. The District's insurance company will be notified by the District's safety coordinator.

B. Spill Accident

In the event of a hazardous spill where no injury has resulted, these steps should be followed:

1. All persons in the area should be evacuated. (The size of the area to be evacuated depends on the type and amount of the hazardous material spilled).
2. The principal and District's safety coordinator should be notified immediately.

3. The material shall be cleaned up in accordance with the procedures described in Section VII (special precautions) of the MSDS located in the school's office.
3. If a non-approved hazardous material is spilled into the sewerage system, the District's safety coordinator shall notify the Director of Public Works and the Village of Waunakee.

Adopted: 4/11/88
March 1994

Revised: June 2002

Waunakee Community School District

Policies of the Board of Education

Section 700: Support Services

HAZARDOUS MATERIAL PROCUREMENT AND USE

743-Rule (3)

The Waunakee Community School District is firmly committed to providing each of its employees a safe and healthy work environment.

The District's safety coordinator will have the overall responsibility for hazardous procurement and use with assistance from the maintenance personnel and a high school chemistry teacher.

All, or any part of these written Hazardous Material Procurement and Use procedures are available to employees and their designated representatives. Procedures are available from the District Office for review and copying.

Purchase of Products Containing Hazardous Materials

Any requested product containing a hazardous material (except for custodial/maintenance) **MUST** be reviewed and approved by the district's safety coordinator with the help of one of the high school chemistry teachers. The district safety coordinator is responsible for the review and approval of custodial/maintenance products that contain hazardous materials.

The district will attempt to carry **NO** more than a two year's supply of any product containing a hazardous material.

A. Hazardous Determination

1. The initial hazard determination is coordinated by the safety coordinator, with assistance from maintenance personnel and a high school chemistry teacher.
2. Any substance listed in 29 CFT 1910, Subpart 2, Toxic and Hazardous Substances; The American Conference of Governmental Industrial Hygienist's (ACGIH), Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, the National Toxicology Program's (NPT), the Annual Report on Carcinogens; or the International Agency for Research on Concern's (IARC), monographs will be considered a health or physical hazard, and therefore, hazardous. Furthermore, any substance otherwise known to be hazardous, will be included in the District's Hazardous Material Procurement and Use.
3. The identity of the substance appearing on the "Hazardous Material Inventory" will be the same name that appears on the manufacturer's label and Material Safety Data Sheet (MSDS) for that substance.

B. Labeling

1. No hazardous material(s) will be accepted for use in the District unless labeled with at least the following information:

Identity of the hazardous chemical(s)
Appropriate hazard warnings
Name and address of the manufacturer, distributor, or other responsible party

The safety coordinator, maintenance personnel and the science department are responsible for assuring compliance with the labeling requirement.

2. All containers of hazardous materials must be labeled with at least the following information:

Appropriate hazard warnings

3. No label is to be defaced or removed when a material is received or in use.

C. Material Safety Data Sheets

1. A MSDS containing the information required by the Hazardous Communication Standards and the Employee Right to Know Law will be kept for each substance listed on the "Hazardous Materials Inventory". The MSDS will be the most current one supplied by the chemical manufacturer or distributor. All employees have the right to view these. The safety coordinator is responsible for obtaining and maintaining the file of MSDS's.
2. The MSDS's are filed at the District Office. They are readily accessible to employees at each school during regular working hours.

D. Employee Information and Training

1. All employees working with or potentially exposed to hazardous materials, will be appropriately informed and trained concerning the potential hazards of the materials to which they may be exposed.
2. All employees will be informed of the details of the Hazardous Material Procurement and Use procedure including an explanation of the labeling system and the MSDS, and how employees can use the appropriate hazard information. The safety coordinator is responsible for the overall coordination of the training program.

3. Employees training on the use of hazardous chemicals will be set up through inservices designed by the District's Safety Committee.
4. The extent of the information transmitted to employees during training sessions will be dictated by the degree of hazard presented by the chemicals, the applicable MSDS's, the text of the OSHA Hazard Communication Standard, the Employee's Right to Know Law, the inventory list of hazardous materials, and Board policy and procedures will be used as sources of information during the inservice training.

Cross Ref.: 523.3-Rule, Guidelines for Providing Information/Training to Employees
(Employees Right to Know Law)

Adopted: 4/11/88

Revised: March 1994
June 2002

Waunakee Community School District

751.1, Bus Routes and Schedules
751.2, Bus Contractors
751.3, Bus Safety Program
751.4, Parent Contracts to Transport Students

Adopted: January 1993

Revised: April 1996
March 1994
April 2000
June 2002
May 2005
May 2007
September 2017

Waunakee Community School District

STUDENT TRANSPORTATION SERVICES

Waukeek Community School District

Policy 751

Page 1 of 4

(This sample policy is intended to cover issues unique to school districts that contract for all, or most, of their student transportation services. This general policy does not attempt to specify or list either the situations in which transportation is legally mandated or the situations in which additional non-mandated (but allowable) transportation is provided pursuant to local decisions.)

The District will meet its legal obligations to provide mandated student transportation services to public school students and private school students using the method(s) that the District deems most appropriate to the particular circumstances. To the extent consistent with applicable law and Board policy, the District may provide student transportation services by contracting with third-party entities, or by using District employees, contracts with parents, or other lawful methods.

In addition to providing legally-mandated student transportation, the District shall also provide student transportation services in other situations where permitted by state law and where such transportation has been appropriately authorized by (a) a Board policy; or (b) a motion or resolution of the Board include if applicable: "or (c) the school district annual meeting" or (c) the school district annual meeting, whichever may be applicable. To the extent permitted by law, the District may charge fees related to such additional transportation.

The Board, at its discretion, has determined that the district shall provide transportation to students in grades Kindergarten through fourth grade who reside more than 1.0 miles from their assigned school. The district shall provide transportation to students in grades 5-6 who live more than 1.75 miles from the intersection of Aldora Lane and Woodland Drive in the Village of Waukeek. The district shall provide transportation to students in grades 7-12 who live more than 1.75 miles from the intersection of Knightsbridge and South Street in the Village of Waukeek.

The identify the appropriate staff position – e.g., District Administrator shall direct and manage the transportation services the District provides to public and private school students and coordinate such services among relevant parties in the interest of the students' safety and welfare. The designated position may delegate responsibility for the oversight of operational issues related to transportation services to another administrator or supervisory employee. The designated position shall also ensure that the District develops any administrative guidelines that may be necessary or advisable for the implementation of the School Board's transportation policies, and the designated position shall approve such guidelines and any revisions thereto.

At this time, the District neither owns nor leases any school busses, and no District employee operates a school bus as part of his/her regular duties. Accordingly, all student transportation via school bus involves a contracted service provider.⁴ The following provisions concern contracted service providers (not including individual parent contracts) that provide student transportation services for the District:

1. For daily student transportation to and from school using school busses, the District will contract with one or more service providers as the Board determines is in the best

¹ The yellow highlighted text is from your current 751. You are not required to include this in your policy. If you do, it should be reviewed to make sure it reflects the current practice of the district.

² I assume this is an accurate statement, but if not, edit as appropriate.

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STUDENT TRANSPORTATION SERVICES

Waukeek Community School District

Policy 751

Page 2 of 4

interests of the District. The contracting process will involve the periodic solicitation of bids or requests for proposals.

2. Each contract shall require the service provider to ensure that the drivers and vehicles used for student transportation meet the requirements established under state or federal law, Board policy, or the contract itself. Such requirements shall include but are not limited to ensuring proper licensure, verifying all aspects of operator eligibility, providing operator training, maintaining appropriate insurance, conducting vehicle inspections, and monitoring vehicle operation.
3. Subject to approval of the [position designated above or his/her designee], the contracted provider shall initially determine and schedule regular bus routes³ and bus stops, taking into account factors such as the number and location of children, the safety of students, and the cost efficiency of the route. Changes to routes and schedules may be required during the school year, and the contracted provider shall provide advance notification of District-approved changes to affected families.
 - a. The [designated position] shall obtain Board approval if he/she and the contractor's representative determine that it may be necessary for any student to spend more than [insert number of minutes – e.g., 45], 60 minutes on the bus on the way to or from school. *There could be an occasion where the riding time of some students may exceed this time depending on the weather.*⁴
 - b. In connection with formulating routes and schedules, the contracted provider may designate pick-up/drop-off points along a proposed route that require one or more students to walk to the common pick-up/drop-off points. Absent extenuating circumstances, as approved in advance by [the designated position], the contractor shall not create routes and stops that would require a student to walk more than [insert distance or distances if you intend to differentiate by age/grade level] from his/her dwelling to a common pick-up/drop-off point.⁵
4. A contracted provider (via the contracted party, the contractor's driver, and/or any other employee of the contractor who may be assigned to provide services under the contract) shall have responsibility to supervise the students who are being transported and shall have the authority to enforce rules and directives and to monitor and appropriately respond to student conduct, except that the contractor is not delegated final authority to suspend or revoke a student's ability to receive/use District-provided transportation services. Further, nothing in this paragraph prevents the District from choosing to exercise concurrent supervisory authority through its officers or employees in any situation.
5. If a student or parent or guardian has a concern about a third-party contractor or any other individual involved in the provision of student transportation services who is not a

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³ This paragraph may require further editing as it is not clear to me from your current policies and rules if routes are determined by the business office, the contract or both. Your current policy 751.1 says that the bus transportation supervisor shall conduct studies of routes but does not explicitly assign the duty of establishing bus routes to anyone.

⁴ The added text is from your current 751 Rule 1.

⁵ See FN 3.

STUDENT TRANSPORTATION SERVICES

Policy 751

Waukeek Community School District

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District employee, the student/parent/guardian is expected to notify and work with the building principal, the District business official, or the District Administrator to resolve the concern with the third-party contractor or individual.

Student Conduct

To the fullest extent that state law considers a student who is utilizing the District's transportation services to be (1) at school; (2) under the supervision of a school authority; or (3) otherwise subject to the District's disciplinary jurisdiction or oversight or control, the student must abide by all applicable policies, procedures, rules, and directives that govern student conduct. Rules and directives may be established and enforced that are specific to the context of transportation and/or transportation-related safety. Students using transportation services are subject to appropriate discipline or other consequences or interventions related to their conduct, up to and including loss of transportation services, suspension or expulsion from school.

Legal References:

Wisconsin Statutes

Section 115.76	[students with disabilities; definitions]
Section 118.15(2)(d)	[technical college attendance for children at risk of not graduating from high school; transportation requirement]
Section 118.51(14)	[full-time public school open enrollment; transportation provisions]
Subchapter IV of Chapter 121	[student transportation and transportation aid]
Section 340.01(56)	[state law definition of school bus]
Section 345.05	[municipal liability for motor vehicle accidents]

Wisconsin Administrative Code

PL 7	[unusually hazardous areas; parent contracts]
TRANS 300	[state rules governing the transportation of school children, including driver and passenger requirements]

Federal Law

Section 504 of the Rehabilitation Act of 1973	[programs/services for handicapped students]
20 U.S.C. Chapter 33	[Individuals with Disabilities Education Act (IDEA); programs and services for students with disabilities; IDEA regulations at 34 C.F.R. Part 300]
McKinney-Vento Homeless Assistance Act	[equal access for homeless students; includes transportation provisions]
Omnibus Transportation Employee Testing Act of 1991	[alcohol and controlled substances use and testing requirements for individuals holding commercial drivers' licenses]
49 C.F.R. Part 40	[federal procedures for transportation workplace drug and alcohol testing programs]
49 C.F.R. Part 382	[federal regulations governing controlled substances and alcohol use by drivers and related testing]

STUDENT TRANSPORTATION SERVICES

Waukeek Community School District

Policy 751

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Cross References:

- WASB PRG 751 Sample Policy 2
- [423, Admission of Full-time Open Enrollment Students](#)
- [423.1, Admission of Part-time Open Enrollment Students](#)
- [751-Rule \(1\), Student Transportation Services](#)
- [751-Rule \(2\), Bus Discipline Procedures](#)
- [751-Exhibit, Fee Schedule for Transportation to and from Babysitters](#)
- [751.1, Bus Routes and Schedules](#)
- [751.2, Bus Contractors](#)
- [751.3, Bus Safety Program](#)
- [751.4, Parent Contracts to Transport Students](#)

Adoption Date: January 1993

- Revised:**
- ~~April 1996~~
 - ~~March 1994~~
 - ~~April 2000~~
 - ~~June 2002~~
 - ~~May 2005~~
 - ~~May 2007~~
 - ~~September 2017~~

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Policies of the Board of Education

Series 700: Support Services

STUDENT TRANSPORTATION SERVICES

751-Rule (1)

1. Drivers may, after consulting with the bus transportation supervisor, refuse to enter roads which may endanger the safety of the riders or cause the District unusual expenses.
2. Buses will not deviate from assigned routes unless permission is granted by the ~~business manager~~ **Executive Director of Operations**.
3. Students must be let off at assigned locations and no one shall be allowed to ride a bus other than the assigned passengers without the permission of the building principal.
Procedure for obtaining permission:
 - a. A note signed by a parent or guardian must be provided to the building principal no less than 24 hours before the student may ride on the bus.
 - b. The building principal will approve or deny the request.
 - c. The building principal will notify the driver if the request is approved.
 - d. No bus will be allowed to transport more students than what the law allows to be transported by that bus.
 - e. Regularly assigned students take precedence.
4. Students are to be assigned pick-up locations at the time designated by the bus driver, and no driver is to wait more than one minute for students not at assigned locations unless they receive permission from the **Executive Director of Operations** ~~business manager~~. This may be done by way of the two-way radios. For safety reasons, only two (2) pick-up/drop-off locations (including home) per student will be permitted and that schedule must be consistent week to week. Varying schedules will not be allowed, (i.e. one week Mon., Wed., Friday drop-off/pick-up and following week Mon., Tues., Thurs., etc.) except in emergencies as approved by the **Executive Director of Operations** ~~business manager~~.

For safety reasons, pick-up or drop-off locations other than home must be requested in writing by parents/guardians via a district form. This request must be submitted to the bus contractor before the routes are finalized for the school year or summer session. The routes are finalized no later than five business days prior to the start of the school year or summer session. Bus routes and pick-up/drop-off locations will not change during the first week of the school year or summer sessions.

Requests received after the bus routes are finalized will be reviewed for consideration after the first week of the school year or summer session is finished.

5. Maximum Riding Time - Regular Route

The maximum riding time for any one student shall not exceed two (2) hours each day. There could be an occasion where the riding time of some students may exceed this time depending on the weather. Any other exceptions need to be approved by the Board.

6. Non-Resident Transportation

A. The district shall not provide transportation of nonresident students who are accepted under the open enrollment program with the exception of CWD students as outlined in their IEP. and for students who qualify for and follow the procedures and approvals outlined in paragraph 6B of this policy. Transportation shall be provided by the parent to and from the assigned school. Parents may contract with the district for transportation services from a scheduled district bus stop.

B. A non-resident open enrolled student may request in writing a transportation contract to pay for services to the district administrator or designee and may be granted approval, if:

- The residence is located on an existing Waunakee Community School District bus route.
- Approval is granted by the resident school board for the non-resident district to provide transportation to and/or from the designated residence. (Per Wisconsin State Statute 121.54(10))
- If the residence is located in a location that is approved as a safe pick-up and drop-off location, as determined by the non-resident district bus company.

7. Extra-Curricular Trips

- a. Students are to ride to and from a field trip location or a co-curricular event in school district provided vehicles with the exception that they may be transported by their own parent/guardians with a written request provided to the principal. The principal may make alternative arrangements, with parent approval, for unique or unusual circumstances. High school students may drive to activity sites within the Village of Waunakee with the permission of the principal. Students and their parents/guardians will be required to enter into an Agreement with the District in order to transport themselves.

- b. Only parents/guardians/volunteers serving as chaperones may ride on school provided vehicles in addition to staff members and the students involved with the trip.
- c. Parent chaperones may not bring other children on school-sponsored trips. Chaperones are expected to assist with supervision of the students on the trip and caring for other children can interfere with that responsibility.
- d. Parent chaperones may drive their own vehicles on school trips if sufficient supervision is provided on school vehicles. However, they may only transport other parent chaperones or their own child involved in the group activity.
- e. Only students, staff, and designated chaperones are part of the official field trip/co-curricular group. Others attending the same event on their own initiative are not part of the official group.

The District's **Executive Director of Operations** ~~Business Manager~~ may make exceptions to the above guidelines after consultation with the bus contractor and the district's insurance carrier. A possible exception would be to transport students from another district along with Waunakee students to a regional or national conference. Others might include allowing a child of a driver, a sibling of a student, or parents of team members to ride school buses in unique or unusual circumstances.

Chaperones of all extra curricular trips are responsible to help the driver with discipline of students on the bus and be concerned with the general safety of students.

8. Shuttle Service

The district shall provide a shuttle service between elementary schools. Only students who are approved for shuttle service and appearing on the shuttle roster shall ride the shuttle bus. This service shall be provided for the following students; students with disabilities, intra-district transfer students, and students whose approved child care provider is in another attendance area or other students as approved by the **Executive Director of Operations** ~~business manager~~.

- a. Shuttle service is not to be used as a "taxi" service for transporting non-shuttle students to after school meetings or to a friend's house.
- b. Should a student not be eligible for transportation in his/her attendance area the approved shuttle service will transport that student to the "home" attendance area school and the student shall walk to his/her home.
- c. Should a student be eligible for transportation in his/her attendance area the student will be transferred from his/her shuttle bus to his/her regular bus for transportation home.

9. Child Care Transportation Fees

If a student is not eligible for transportation in his/her transportation area a fee shall be charged, as approved by the Board, for transporting that student to or from his/her child care provider on regular bus routes. However, no fee would be charged for the shuttle service should its use be necessary.

Adopted: 2/13/84
5/14/84
4/14/86

Revised: 9/9/85
March 1994
September 1994
12/11/95
6/8/98
June 2002
May 2006
May 2007
February 2010
April , 2020

Waunakee Community School District

Policies of the Board of Education

Series 700: Support Services

BUS DISCIPLINE PROCEDURES

751-Rule (2)

Students riding buses are subject to state laws dealing with bus transportation. Board of Education policies, rules and procedures established by the bus transportation supervisor, and reasonable rules and procedures as determined by the drivers.

Students who do not cooperate or conduct themselves in a manner conducive to the safety of themselves or others shall be disciplined by their building principal and/or bus driver according to the following guidelines:

MAJOR VIOLATION CONSEQUENCES

1ST VIOLATION - The incident will be documented by the driver with copies sent to the parents/guardians, principal and Lamers Bus Lines within 24 hours. In cases involving severe incidents, the driver and school officials reserve the right to start discipline procedures at steps 3 or 4 (see below). A permanent suspension from the bus may be invoked. Law enforcement officials may issue lawful penalties. The school may impose additional consequences.

MINOR VIOLATION CONSEQUENCES

1ST VIOLATION – A verbal warning will be given to the student. The bus company / bus driver will promptly notify parents/guardians of the incident by phone within 24 hours. The incident will be documented by the driver with copies sent to the parents, principal and Lamers Bus Lines within 24 hours. The school principal will give a verbal warning to the student and may impose additional consequences.

2ND VIOLATION - The incident will be documented by the driver with copies sent to the parents/guardians, principal and Lamers Bus Lines within 24 hours. A 1-3 day suspension from the bus will be imposed. Parents will be responsible for transporting the student. The principal will speak with the student and may impose additional consequences. The principal must speak with the parent(s)/guardian(s) before the student will be allowed to ride the bus again.

3RD VIOLATION - The incident will be documented by the driver with copies sent to the parents/guardians, principal and Lamers Bus Service within 24 hours. A minimum five (5) day suspension from the bus will be imposed. Parents will be responsible for transporting the student. The principal will speak with the student and may impose additional consequences. A meeting with the student, parent(s)/guardian(s), bus driver/bus company and principal must take place before the student will be allowed to ride the bus again

4TH VIOLATION - The incident will be documented by the driver with copies sent to the parents/guardians, principal and Lamers Bus Service within 24 hours. The student will be suspended from the bus for the remainder of the year – the decision will be made in conjunction with the school. Parents will be responsible for transporting the student. The principal will speak with the student and may impose additional consequences. A meeting with the student, parent(s)/guardian(s), bus driver/bus company and principal must take place before the student will be allowed to ride the bus again.

SEVERE CLAUSE

The bus driver and the District reserve the right to initiate discipline proceedings at steps 3 or 4, provided parents/guardians are notified.

The bus driver has the right to assign a seat to any or all students if deemed necessary. Students may be required to pay for damages in cases of vandalism.

Students may be suspended from bus rider privileges permanently following a due process for continued refusal to follow rules or for serious actions which endanger the health and safety of the students and/or driver.

Any suspension from bus riding privileges of up to 5 days is a suspension subject to the same rules and processes as suspension from school. Any longer suspension of bus riding privileges is an expulsion subject to the same rules and processes as an expulsion from school.

No student shall be forced off a school bus when enroute unless his/her behavior is dangerous to the safety of himself/herself or other riders.

Legal Ref.: Sections 120.13(1) Wisconsin Statutes
121.52(2)

Adopted: 1/15/90

Revised: March 1994
June 2002
May 2007
January 2008

Waunakee Community School District

Policies of the Board of Education

Series 700: Support Services

SCHOOL BUS SCHEDULING AND ROUTING

751.1

The bus transportation ~~supervisor~~ **contractor** shall conduct studies of bus routes to provide the safest, shortest routes which will get all eligible riders to school and back in the most economical way. Routes shall be arranged in such a way as to equalize as nearly as possible, the length of routes and bus loads to provide for the efficient utilization of buses. Arrangements shall strive to provide each rider transportation to school and back in as short a time as possible.

Provided satisfactory turnarounds and roadways exist, the Board may provide additional bus transportation for students to the home if the home is located in satisfactory circle turnarounds. The Board may provide a different pick-up point so that a student will not have to walk over .5 of one mile to a pick-up point, when possible and convenient. In any case, private roads must be provided and maintained according to the specifications of the bus transportation ~~supervisor~~ **contractor**.

Legal Ref.: Section 121.56 Wisconsin Statutes

Cross Ref.: 751-Rule (1), Student Transportation Procedures
751-Rule (2), Bus Discipline Procedures

Adopted: 1/10/83

Revised: March 1994
June 2002

Waunakee Community School District

BUS TRANSPORTATION CONTRACTORS

751.2

The Waunakee Board of Education may contract with private contractors (owners) for student bus transportation. Bus contractors shall be responsible for ensuring that bus drivers follow all rules and regulations adopted by the federal government, Wisconsin Department of Transportation, Wisconsin Department of Public Instruction and the Board of Education when transporting students. They shall also be responsible for ensuring that all vehicles meet all state and federal laws and regulations and are maintained in a safe and efficient operating condition. Bus contractors shall utilize the business manager as their first line of contact with the District regarding transportation matters.

The bus contractor shall:

1. By virtue of the contract with the District, provide the number of buses contracted for in proper condition for student transportation.
2. Attend all meetings conducted by the business manager.
3. Cooperate with the business manager with respect to safety and route recommendations.
4. Provide adequate spare buses to insure normal operation in the event of the breakdown of a regular bus.
5. Provide spare bus drivers to ensure normal operation in the event of the regular bus.
6. Be able to transport students during the school day should an emergency be necessary.

Such contracts between the Board and contractors shall be individual contracts and include the following provisions:

1. Drivers shall be licensed and/or certified by the Wisconsin Department of Transportation and be subject to the approval of the business manager.
2. All vehicles shall meet the specifications and regulations prescribed by all applicable governing agencies.
3. Bus contractors shall insure each bus at amounts designated by the contract and consistent with legal requirements. A certificate of insurance currently in force shall be filed with the/ business manager prior to the start of school.

School buses shall be limited to a rated capacity not to exceed 80 passengers, except by special authorization of the business manager where need might justify greater capacity.

Legal Ref.: Sections 110.075 Wisconsin Statutes
 121.52
 121.53
 121.55

Cross Ref.: 233, Business Manger (Job Description)
 751.21, Bus Drivers
 751.3, Bus Safety Program

Adopted: 1/10/83

Revised: March 1994
 June 2002
 May 2007

Waunakee Community School District

SCHOOL BUS DRIVERS

751.21

Drivers employed by contractors providing transportation services for the District shall maintain a valid school bus drivers' license and meet all requirements for school bus drivers set forth by the Wisconsin Department of Transportation and the Wisconsin Department of Public Instruction. Drivers shall also be subject to a criminal background check.

The District also expects drivers to observe the following rules when transporting students:

1. Bus drivers are required to abide by such standard of conduct which is in keeping with the community morals, to encourage good citizenship, and to be an example of self-discipline for their students. Further, bus drivers are required at all times not to engage in misdeeds which may lose them the respect and appreciation of the parents/guardians of students and the community.
2. Bus drivers shall accept a proportionate share of the responsibility for discipline, health, and safety of their bus riders. They shall endorse all rules governing the conduct of students as such rules may be prescribed by the principal or superintendent of schools; they shall maintain hygienic conditions and practices on their buses as these may affect the physical or mental health of the students and they shall report promptly to the District any accident or illness affecting students in their charge.
3. Bus drivers are expected to refer questions regarding the interpretation of school policy to the transportation director.
4. Bus drivers shall furnish to no one, other than school personnel, any list of names or addresses of students.

Legal Ref.: Section 121.52 Wisconsin Statutes

Cross Ref.: 443.2-Rule, Bus Discipline Procedures

Adopted: 1/10/83

Revised: March 1994
June 2002
May 2007

Waunakee Community School District

Policies of the Board of Education

Series 700: Support Services

EMPLOYEE DRIVER'S LICENSE/RECORD

751.22

All employees of the Waunakee Community School District who have a school bus driver's license or CDL must submit a copy of their school bus driver's license to the District office. They must submit a copy before they are eligible to drive District vehicles.

The District will require a copy of the employee's driver record from the Wisconsin Department of Motor Vehicles or any other state motor vehicle department if applicable. This will be done on an annual basis.

Adopted: 2/13/89

Revised: March 1994
June 2002

Waunakee Community School District

SCHOOL BUS SAFETY PROGRAM

751.3

The safety and welfare of student riders shall be the first consideration in all matters pertaining to transportation. Emergency evacuation drills shall be held early in the school year in grades K-8 to thoroughly acquaint student riders with procedures in emergency situations.

The bus transportation supervisor shall provide the rider, parent/guardian, and staff member with the rules and policies of the bus program. These are to be placed in the student/parent handbooks at each building. The bus transportation supervisor shall conduct such other activities as deemed necessary to promote bus transportation safety.

All vehicles used to transport children shall meet the requirements of the Wisconsin Department of Transportation and Wisconsin Department of Public Instruction. All vehicles used to transport children shall be maintained in such condition so as to provide safe and efficient transportation service with a minimum of delays and disruption of such service due to mechanical or equipment failure.

Each school bus shall be inspected by the driver prior to the start of any trip, to ascertain that it is in safe condition, equipped as required by all provisions of law, and that all equipment is in good working order.

Legal Ref.: Sections 110.06 Wisconsin Statutes
110.075
121.52

Cross Ref.: 723-Rule, Emergency Plan Procedures

Adopted: 1/10/83

Revised: March 1994
June 2002
May 2007
July 2011

Waunakee Community School District

Policies of the Board of Education

Series 700: Support Services

PARENT TRANSPORTATION CONTRACTS

751.4

Under specific circumstances, it may be desirable and/or advantageous to contract with parents or their designees to transport Waunakee students to or from educational programs which are required or provided by the District. Generally, these programs relate to specific individual educational needs identified by the District.

In such cases, the District may enter into a contract with the parents or their designee to provide transportation. The contract will outline the specific provisions of the agreement and specify that the parents agree to the arrangement in lieu of other transportation alternatives.

The payment to the parents or their designee for transporting the student(s) will be negotiated between the parents and the business manager and will be in compliance with legal requirements.

Legal Ref.: Section 121.55 Wisconsin Statutes

Adopted: 10/9/89

Revised: March 1994
 June 2002

Waunakee Community School District

TRANSPORTATION IN UNUSUALLY HAZARDOUS AREAS

Policy 751.6

Sample Policy 1

Page 1 of 2

Under the ultimate direction of the District Administrator, the Executive Director of Operations shall have primary administrative responsibility for periodically reviewing and making recommendations for possible amendments to the District plan that (1) identifies areas of unusual hazard (if any) that students must face in walking to and from school; and (2) identifies procedures or other remedies that are intended as safeguards that will sufficiently remove or diminish the applicable hazard(s). District-provided transportation is a possible remedy for addressing an unusual hazard, but it is not the only possible remedy.

The District's plan shall address (1) unusual hazards in the areas surrounding any applicable public or private school, within which area the District does not provide student transportation to the students who are enrolled in that school; (2) any areas of unusual hazard that one or more students is required to traverse on the student's walking route to the student's District-designated bus stop.

In evaluating and identifying possible unusual hazards, the School Board and its designees will use the Department of Public Instruction's definition of "unusual hazard" and consider at least the following criteria:

- The ages of affected students, with the possibility that certain areas may be designated as unusually hazardous for certain age levels
- The availability of sidewalks, pedestrian paths, or similar walking space outside of the road/highway
- The availability and width of any pedestrian-use shoulder area of a road/highway
- Traffic counts/rates, to the extent reasonably available from the state, county, or applicable municipality (including at normal school arrival and dismissal times)
- Speed limits
- The presence or absence of designated pedestrian crosswalks
- The type of traffic control signs or devices (if any) at relevant areas of the road/highway
- The presence or absence of crossing guards
- If applicable, railroad crossings and the types of crossing controls that are in place
- If applicable, temporary hazards such as construction projects or street repairs

The above-listed criteria are not arranged in priority order, and no single factor is necessarily determinative of a designation. Rather, unusual hazards will be designated based on a holistic assessment of relevant facts and circumstances, which may include consideration of additional conditions/criteria not expressly listed in this policy. The District will make reasonable efforts to treat areas with materially the same circumstances in a consistent manner

TRANSPORTATION IN UNUSUALLY HAZARDOUS AREAS

Policy 751.6

Sample Policy 1

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Legal References:

Wisconsin Statutes

[Section 121.54](#)

[state mandated transportation, generally; authority of annual meeting to elect to provide additional transportation]

[Section 121.54\(9\)\(a\)](#)

[mandate to have a district plan for areas of unusual hazard; procedures for filing and review of the plan by the county sheriff and DPI]

[Section 121.54\(9\)\(am\)](#)

[complaints by aggrieved persons alleging an area of unusual hazard exists that has not been identified by the district]

[Section 121.54\(9\)\(b\)](#)

[aggrieved persons may request the state superintendent to conduct a hearing on a district plan or plan amendment]

Wisconsin Administrative Code

[Ch. PI 1](#)

[submission and processing of complaints and appeals to the state superintendent]

[Ch. PI 7](#)

[state regulatory definition of unusually hazardous areas]

Cross References:

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

Adoption Date:

April, 2022

USE OF ALTERNATIVE VEHICLES TO TRANSPORT STUDENTS

Waukegan Community School District

Policy 751.5

Page 1 of 2

~~(This sample policy (1) permits the use of alternative vehicles for student transportation in a manner consistent with state law; (2) requires contracts with any of the district's school bus contractors to expressly address the use of any alternative vehicles prior to their use; and (3) directs the development of administrative procedures to address scenarios involving employees and volunteers. Sample administrative procedures that could be adapted to coordinate with this policy can be found in PRG 751.5 Sample Rule 1.)~~

Although transportation by school bus is the District's primary method of providing student transportation services, the District Administrator, or his/her designee, may approve the District's provision of student transportation services via the use of a vehicle other than a school bus, provided that the use of such vehicles is done in a manner that is consistent with state law and applicable Board policies.

Under no circumstances shall the District authorize a District employee or volunteer to provide student transportation using an alternative vehicle that (1) is manufactured to accommodate more than nine passengers, in addition to the driver; (2) does not have a sufficient number of permanently-mounted and forward-facing seats for each passenger; (3) was manufactured more than identify the applicable number of years – e.g., 20 model years ago; or (4) is a homemade, street modified, or replica vehicle.

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- **Alternative Vehicles Owned or Leased by a School Bus Contractor**

The District's contract with any school bus contractor(s) shall account for the possible use of vehicles other than school busses that are owned (or leased) and operated by the school bus contractor. The contract shall specifically address how the contractor and the District will ensure compliance with applicable state law, and with any additional requirements (e.g., upward adjustments to minimum insurance levels) that the District determines are in its best interest. If any District contract with a school bus contractor does not address the possible use of alternative vehicles as required by this paragraph, the contractor shall not use alternative vehicles to provide student transportation services on behalf of the District until a written addendum to the contract is executed.

- **District Employees Authorized to Drive an Alternative Vehicle to Transport Students**

Specific administrative procedures shall be developed which shall be used to authorize a District employee to drive a privately-owned, District-owned, or District-leased motor vehicle to transport students within the scope of the individual's employment. No District employee who has not been authorized to do so under the District's procedures shall use a motor vehicle to transport students in carrying out, or in connection with, any job-related duty.

- **Non-Student, Adult Volunteer Drivers who Use a Personal Vehicle and Receive No Compensation**

Specific administrative procedures shall be developed which shall be used to authorize a non-student volunteer driver who is at least identify the applicable age – 18 or any higher age years old to transport students under the conditions that (1) the driver uses a specifically-identified, privately-owned vehicle; and (2) the driver is not receiving any compensation from the District for his/her volunteer services.

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USE OF ALTERNATIVE VEHICLES TO TRANSPORT STUDENTS

Policy 751.5

Wauaukee Community School District

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This policy is not intended to apply to any situation where (1) a parent or guardian is providing transportation solely to his/her own child(ren) by means selected entirely by the parent or guardian; or (2) students and/or parents or guardians otherwise make their own, voluntary arrangements for transportation (i.e., the transportation in question is not District-provided transportation).

Legal References:

Wisconsin Statutes

- [Section 110.075](#) [motor vehicle inspection]
- [Section 121.52](#) [vehicle, operator and driver requirements]
- [Section 121.53](#) [school bus insurance]
- [Section 121.54](#) [transportation by school districts]
- [Section 121.55](#) [methods of providing transportation]
- [Section 121.555](#) [alternative methods of providing transportation]
- [Section 346.89](#) [inattentive driving; includes prohibitions related to the use of electronic devices while driving]
- [Chapter 347](#) [equipment of vehicles]

Wisconsin Administrative Code

- [Trans 305](#) [standards for vehicle equipment]

Cross References:

WASB PRG 751.5 Sample Policy 1

Adoption Date: ~~1/10/83~~

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Revised: ~~March 1994~~
~~June 2002~~
~~May 2007~~

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AUTHORIZATION OF ALTERNATIVE VEHICLES AND DRIVERS TO TRANSPORT STUDENTS

751.5-Rule

Waukegan Community School District

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(This sample rule is intended to coordinate with PRG 751.5 Sample Policy 1. Other than the scenarios identified within the procedures, the sample states that any additional arrangements that might make use of alternative drivers (such as using volunteers who receive compensation) are "disfavored.")

These procedures address the authorization and use of a District employee or any non-student volunteer, who is at least [identify age, consistent with policy - 18 or any higher age] years old, as the driver of any alternative vehicle that is used to transport students, provided that the vehicle (1) is manufactured to transport a maximum of nine or fewer passengers, in addition to the driver; (2) has a sufficient number of permanently-mounted and forward-facing seats for each passenger; (3) was manufactured within the last [identify number of years, consistent with policy - e.g., 20] model years; (4) is not a homemade, street modified, or replica vehicle; and (5) meets all applicable requirements established under state law or under District policies and rules.

Time Requirements for Seeking/Verifying Authorization

The process of authorizing an individual to provide student transportation services via an alternative vehicle can take several weeks. In most cases, both the individual driver and the specific vehicle must be qualified and authorized under these procedures. Because of the complexity of the process, and the possibility that follow-up steps may need to be taken after the initial submission of information, staff members are encouraged to begin the process of qualifying a driver and/or vehicle as soon as possible once the need to do so has been identified. The following are general guidelines under which the District should normally be able to complete the processing of an application for the authorization of an alternative vehicle and/or driver:

1. **Employees who are expected to maintain continuous authorization.** [identify relevant staff, e.g., "Each building principal or his/her designee"] shall identify and notify each District employee under the administrator's supervision who is expected to remain continuously eligible to transport students using an authorized alternative vehicle.
 - a. Annually between [identify time period - e.g., July 1 and September 15], the [identify appropriate staff] [Each building principal or his/her designee] shall ensure that all requirements have been met for the driver and his/her designated vehicle(s) to remain authorized throughout the entirety of the upcoming school year.
 - b. The [identify appropriate staff] [the Business Office] shall notify the employee of any required items that (1) have already expired; or (2) are due to expire prior to [identify date - e.g., September 15] of the subsequent school year.
 - c. Between [identify time period - e.g., August 1 and September 1] of each school year, and always before driving any students during that school year, the employee shall provide the building principal with (1) verification of his/her current motor vehicle insurance policy, and (2) a copy of written documentation of a satisfactory vehicle inspection that was completed between [identify time period - e.g., July 1 and September 15].

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AUTHORIZATION OF ALTERNATIVE VEHICLES AND DRIVERS TO TRANSPORT STUDENTS

751.5-Rule

Waukegan Community School District

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- d. At the beginning of each school year and prior to transporting any student that school year, each employee who is required to maintain continuous eligibility to transport students using an alternative vehicle shall confirm with the building principal that all requirements have been satisfied and that they have been authorized to serve as such a driver for that school year.
- e. Each employee who is required to maintain continuous authorization as a driver of an alternative vehicle will be notified of the scope of his/her authorization, and he/she shall avoid transporting students in circumstances that are unrelated to that authorized scope.

2. **Temporary authorization for an employee to transport students using an alternative vehicle (single event or current school year only).** The ~~identify relevant staff – e.g., Executive Director of Operations or the District Administrator or designee~~ must give preliminary approval to a transportation plan for which it is proposed that a District employee (who does not maintain continuous authorization as an alternative vehicle driver) will temporarily provide student transportation services for a school-sponsored purpose via an alternative vehicle. Once preliminary approval of the transportation plan is received, the proposed employee-driver and the administrator (or other staff member) assigned to coordinate the transportation plan should start the process of obtaining formal driver and vehicle authorization at least ~~identify time period – e.g., six weeks~~ prior to the date that the employee will initially transport any student. If approved, the approval shall be for the specific event(s) for which approval was sought, or for a specific time period not to extend beyond ~~identify date – e.g., the next July 1~~.

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3. **Temporary authorization for a volunteer who will be driving a privately-owned motor vehicle and who will not receive compensation for his/her volunteer services.** The ~~identify the appropriate staff position – e.g., The Executive Director of Operations or the District Administrator or designee~~ must give preliminary approval to a transportation plan for any school-sponsored event or activity for which it is proposed that the District will provide student transportation using one or more authorized volunteers who will be driving a privately-owned motor vehicle. Once preliminary approval of the transportation plan is received, the volunteer applicant(s) and the administrator (or other staff member) assigned to coordinate the volunteer transportation should start the process of obtaining final driver and vehicle authorization at least ~~identify time period – e.g., four weeks~~ prior to the date that the volunteer will initially transport any student. If approved, the approval shall be for the specific event(s) for which approval was sought, or for a specific time period not to extend beyond ~~identify date – e.g., the next July 1~~.

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4. **All other types of arrangements involving the use of employees or volunteers as possible drivers of alternative vehicles for District-provided student transportation are disfavored.** If a building principal wishes to propose an arrangement involving the use of an employee or volunteer driver, other than those expressly addressed in these procedures, the proposal shall be presented to the District Administrator for preliminary approval, and, if approved, the District Administrator will identify the specific driver and vehicle requirements that must be satisfied in order for the proposed driver and vehicle to receive final authorization.

**AUTHORIZATION OF ALTERNATIVE
VEHICLES AND DRIVERS TO
TRANSPORT STUDENTS**

Waunakee Community School District

751.5-Rule

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AUTHORIZATION OF ALTERNATIVE VEHICLES AND DRIVERS TO TRANSPORT STUDENTS

751.5-Rule

Waukeek Community School District

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Main Process Steps to Request Authorization for a District Employee or Volunteer to Provide Student Transportation via an Approved Alternative Vehicle

Employee Driver	Volunteer Driver (personal vehicle; no compensation)
<p>1. Request preliminary approval of a transportation plan that involves any temporary authorization of any employee driver(s) (submit request to <u>identify relevant staff – e.g., the Executive Director of Operations or the District Administrator or designee</u>)</p>	<p>1. Request preliminary approval of a transportation plan that involves the use of any volunteer driver(s) (submit request to <u>identify relevant staff – e.g., the Executive Director of Operations or the District Administrator or designee</u>)</p>
<p>2. If preliminary approval is received, complete <u>all</u> components of the appropriate Alternative Driver Authorization Checklist (Employee Driver—Personal Vehicle; or Employee Driver—District Vehicle)</p>	<p>2. If preliminary approval is received, complete <u>all</u> components of the applicable Alternative Driver Authorization Checklist (Volunteer Driver-Personal Vehicle and No Compensation)</p>
<p>3. District makes formal decision to reject or approve the application for authorization as an alternative vehicle driver; District ensures a contract with the employee has been properly executed.</p> <p><i>Any proposed driver shall not transport students unless he/she has received direct confirmation from the <u>identify relevant staff – e.g., the Executive Director of Operations or the District Administrator, the Building Principal, or the Director of Pupil Services</u> that he/she has been fully authorized.</i></p>	<p>3. District makes formal decision to reject or approve the application for authorization as an alternative vehicle driver.</p> <p><i>Any proposed driver shall not transport students unless he/she has received direct confirmation from the <u>identify relevant staff – e.g., the Executive Director of Operations or the District Administrator, the Building Principal, or the Director of Pupil Services</u> that he/she has been fully authorized.</i></p>
<p>4. Parents or guardians of students involved in the transportation are to be informed of the transportation plan that involves alternative vehicles. (The District shall provide a student's parent or guardian with the name of the individual who will be driving their child upon request.)</p>	<p>4. Parents or guardians of students involved in the transportation are to be informed of the transportation plan that involves alternative vehicles. (The District shall provide a student's parent or guardian with the name of the individual who will be driving their child upon request.)</p>

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Cross References:

**AUTHORIZATION OF ALTERNATIVE
VEHICLES AND DRIVERS TO
TRANSPORT STUDENTS**

Waunakee Community School District

WASB PRG 751.5 Sample Rule 1

Adoption Date:

751.5-Rule

Page **5** of **5**

Driver Requirements		To be initialed and/or boxes "checked" by the driver applicant	To be initialed/ "checked" by a District employee after the item is completed.
Operator's License	The proposed driver possesses a valid operator's license issued by Wisconsin, another state, or any valid alternative jurisdiction as identified in statute 340.01(41m) or statute 121.555(2)(c)1.	_____	
	Documentation: Photocopy of current license		<input type="checkbox"/> _____
Age	The proposed driver is at least _____ years old. <u>Identify a minimum age requirement by inserting "18" or any higher age.</u>	_____	
	Documentation: Photocopy of current license		<input type="checkbox"/> _____
Physical Capabilities	The proposed driver has sufficient use of both hands and the foot that is normally employed to operate the brake and accelerator OR a waiver of these requirements has been substantiated by an examination conducted by the Department of Transportation.	Check one: <input type="checkbox"/> no waiver needed <input type="checkbox"/> with waiver	
	Documentation: Verification of DOT examination/waiver (applicable only if the applicant is relying on a waiver)		<input type="checkbox"/> _____ <input type="checkbox"/> n/a
Medical Certification and Mandatory Medical Opinion	By initialing the box to the immediate right, the proposed driver affirmatively states and represents to the School District that he/she has <u>no knowledge or concern that he/she is afflicted with, or suffering from, any mental or physical disability, condition, or disease that would prevent the individual from exercising reasonable control over a motor vehicle.</u> If the driver later determines that he/she may have such a disability, condition, or disease, he/she agrees to immediately inform the District so that the District can determine whether he/she may continue to provide transportation for students.	_____	

	<p>Documentation: A medical opinion is on file that is consistent with the underlined portion of the statement in the box above; issued within the past three years.</p>		<input type="checkbox"/> _____ Date of opinion: _____
DPI-approved Background Form for Alternative Vehicle Drivers	<p>The proposed driver has completed and returned a signed copy of the DPI-approved background form for alternative vehicle drivers</p> <p>Documentation: Completed original of the DPI-approved Background Form. After initial approval, the driver must complete and resubmit the DPI-approved form at least once every four years in order for the employee to be continued to be authorized as an alternative vehicle driver.</p> <p>OR</p> <p>The individual currently holds a valid school bus driver's endorsement issued by the Wis. Dept. of Trans.</p>	_____	<input type="checkbox"/> _____ Date form completed: ____/____/____ OR <input type="checkbox"/> _____
Criminal Background Check Conducted by the School District	<p>Documentation:</p> <p>Prior to being initially approved to provide student transportation and at least every four years thereafter, the District has obtained a copy of the individual's criminal history report from the Crime Information Bureau of the Wisconsin Department of Justice, and all results are acceptable;</p> <p>OR</p> <p>The individual currently holds a valid school bus driver's endorsement issued by the Wis. Dept. of Transportation.</p>		<input type="checkbox"/> _____ Date of report: ____/____/____ <input type="checkbox"/> _____
Driving History and Copy of Driver's Record from the Department of Transportation (Editor's Note: It is optional for the District to require the driver to respond to this question.)	<p>By initialing the box to the immediate right, the proposed driver affirmatively states and represents to the School District that he/she has never had his/her operator's license suspended or revoked by any jurisdiction, and that he/she has never been convicted of operating a motor vehicle while under the influence of alcohol or drugs.</p> <p>(NOTE: If the proposed driver is unable to affirm the truth of the statement in the above paragraph, then the driver's background must be explored in greater detail and the individual's eligibility must be determined by the District Administrator.)</p>	_____	

<p>(Editor's Note: Obtaining the driver's DOT operating record is mandatory unless the driver currently holds a valid school bus endorsement.)</p>	<p>Documentation: Prior to being initially approved to provide student transportation and at least every four years thereafter, the District has obtained a copy of the individual's operating record from the Department of Transportation, and all results are acceptable;</p> <p>OR</p> <p>The individual currently holds a valid school bus driver's endorsement issued by the Wis. Dept. of Trans.</p>		<p><input type="checkbox"/> _____ <i>Date of report:</i> ___/___/___</p> <p><input type="checkbox"/> _____</p>
<p>Immediate Reporting of Specific Incidents Occurring while Performing Employment-Related Duties.</p> <p>(Editor's Note: It is optional for the District to require items 2 and 3)</p>	<p>By initialing the box to the immediate right, the proposed driver agrees that during any time period that he/she is authorized by the District to provide student transportation services, the individual must report to the school district, in writing and as soon as practicable after the occurrence of the incident (i.e., immediately), any of the following:</p> <p>(1) any motor vehicle accident in which the individual was involved as the operator of a motor vehicle that occurs when the individual <u>is</u> performing any job-related duty;</p> <p>(2) the receipt of any traffic citation for any incident or violation that occurs while the individual is performing any job-related duty; and</p> <p>(3) any injury to a student, employee, or any other person that occurs while the individual is performing a job-related duty and the injury has a direct or indirect connection to a school district program or district operations.</p>	<p>_____</p>	

<p>Reporting of Any Accident/Citation/Injury and Any Suspension or Loss of Operating Privileges; or Loss of Eligibility for School Bus Endorsement</p> <p>(Editor's Note: It is optional for the District to require item 4)</p>	<p>By initialing the box to the immediate right, the proposed driver agrees that during any time period that he/she is authorized by the District to provide student transportation services, the individual must report to the school district, in writing and within 10 days of the occurrence of the incident:</p> <p>(1) any motor vehicle accident in which the individual was involved as the operator of a motor vehicle that occurs when the individual is <u>not</u> acting within the scope of his/her employment;</p> <p>(2) any conviction or operating privilege revocation that makes the person ineligible to transport students under sec. 121.555(1) of the state statutes (see the list attached to the DPI Driver Background Form);</p> <p>(3) any suspension or revocation of the individual's operating privileges or any cancellation of a school bus endorsement by any jurisdiction; and</p> <p>(4) any current accumulation of more than six (6) driver's license points (violations will be evaluated).</p>		
<p>Written Contract Requirement</p>	<p>To be initialed and/or boxes "checked" by the driver applicant</p>	<p>To be initialed/ "checked" by a District employee after the item is completed.</p>	

Contract Requirement	<p>Documentation:</p> <p>State law requires the owner or lessee of any privately owned vehicle used to transport students <u>for compensation</u> to be under written contract with the school board.</p> <p>A written contract or contract addendum approved by the District for this purpose has been executed between the District and the employee-applicant.</p> <p>OR</p> <p>The written contract will be executed only if the District first determines that all other eligibility requirements have been met and administrative authorization to serve as a vehicle driver will be granted (see the bottom of page 1 of this checklist/authorization form).</p>		<input type="checkbox"/> _____ <i>Date of contract:</i> ___/___/___ OR <input type="checkbox"/> _____
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Vehicle Requirements		To be initialed and/or boxes "checked" by the driver applicant	To be initialed/ "checked" by a District employee after the item is completed.
Vehicle Size/Type Limitations <i>(Editor's Note: It is optional for the District to require items 3 and 4)</i>	By initialing the box to the immediate right, the proposed driver affirmatively states and represents to the School District that the vehicle that will be used to transport students is the vehicle identified on this form (above), and that the vehicle (1) is manufactured to transport a maximum of nine or fewer passengers, in addition to the driver; (2) has a sufficient number of permanently-mounted and forward-facing seats for each passenger; (3) was manufactured within the last <u>identify applicable time period — e.g., 20 model years</u> ; and (4) is not a homemade, street modified, or replica vehicle.	_____	
Safety Requirements <i>(Editor's Note: It is optional for the District to require this)</i>	By initialing the box to the immediate right, the proposed driver agrees that all passengers present in a vehicle being used to transport students will use a seat belt, and that the driver will ensure he/she observes all age/weight/height requirements that apply to use of vehicle restraints, car seats, booster seats, and passenger location (i.e., all front seat passengers must be eligible to ride in that location).	_____	
Vehicle Inspection	The vehicle was inspected within the last 12 months by a certified mechanic, and successfully passed the inspection. <i>NOTE: The inspection should be completed by a certified mechanic and check for compliance with section 110.075 and ch. 347 of the statutes, as well as Ch. Trans 305 of the Wisconsin Administrative Code. The District will pay a reasonable fee for the inspection, if the amount of the fee is approved by the District in advance of the inspection.</i>	_____	

	<p>Documentation: A copy of a record from the mechanic that confirms that the vehicle passed the inspection and that identifies the date of the inspection.</p> <p><i>NOTE: If the inspection report called for the making of any repairs, there must be documentation that the repairs were completed.</i></p>		<input type="checkbox"/> _____ <i>Date of inspection:</i> ___/___/___
<h2>Vehicle Insurance Requirements</h2>		To be initialed and/or boxes "checked" by the applicant	To be initialed/ "checked" by a District employee after the item is completed.
<p>Minimum insurance coverage to be maintained on the vehicle</p> <p>(Editor's Note: The insurance requirements listed here exceed the applicable state law minimum requirements.)</p>	<ul style="list-style-type: none"> • \$100,000 property damage coverage; • \$100,000 bodily injury liability coverage per person; • Subject to the individual limitation, \$300,000 total bodily liability coverage per accident; and • Uninsured and underinsured motorist coverage of \$100,000 per person, and \$300,000 per accident. 	_____	
	<p>Documentation: A copy of the declarations page of the insurance policy and a record indicating the expiration/renewal date of the current policy.</p> <p><i>NOTE: If the driver's personal vehicle insurance policy is below the amounts specified above, but in excess of the state law minimum requirements, the District Administrator may, after consulting directly with the school district's liability insurer, consider the applicability of any secondary liability coverage that may be available and applied to the vehicle in question.</i></p>		<input type="checkbox"/> _____ <i>Date Insurance Policy Expires:</i> ___/___/___
<p>Driver will maintain insurance coverage; Driver's personal car insurance is primary coverage</p>	<p>By initialing the box to the immediate right, the proposed driver affirmatively agrees that he/she will maintain the above-represented insurance amounts in effect at all times while authorized to transport students as a school district employee. In addition, the proposed driver understands that, in the event of any accident or claim, his/her personal vehicle insurance policy will be considered primary insurance.</p>	_____	

Alternative Driver/Vehicle Authorization Checklist

(Employee driver using a vehicle owned or leased by the District for student transportation)

1. Name and Job Title of Employee-Applicant; Acknowledgement and Employee Signature:

First Name

Middle Name

Last Name

Job Title

- By checking this box and affixing my signature on the line below, I indicate that I understand and agree that it is my responsibility to provide truthful and complete information to the School District in respect to any material facts on this form, and in connection with any other forms, statements, or records that may be submitted in order for the District to authorize me to provide student transportation. I understand and agree that the School District will be using and relying on the information that I provide to determine whether I will be authorized to perform this job function.

Signature of Driver-Applicant

Date

The remainder of this page (below) is to be completed by the School District:

1. The above-identified individual and the District are seeking to authorize the individual, as part of his/her employment, to provide student transportation using a vehicle owned or leased by the District, as follows:

- On a non-continuous basis (e.g. for a specific event or only for a defined period of time), and _____ (name of Administrator) gave preliminary approval for the applicable transportation plan on _____ (mm/dd/yyyy).
- On a continuous basis as part of his/her regular job duties.

2. District Vehicle(s) to which this Authorization Applies (If Approved):

Make
Capacity

Model

Model Year:

License Plate #

Maximum Seating

2. Identify the **name and job title** of the District employee who is responsible for reviewing the "checklist" items that begin on the next page on behalf of the District. The employee is responsible for reviewing and evaluating the completeness and acceptability of (1) the employee-applicant's response to each item; and (2) each piece of supporting documentation. (This employee must be someone other than the employee-applicant.)

Employee Name

Job Title

FORMAL ADMINISTRATOR APPROVAL AND AUTHORIZATION:

- The District has reviewed this application, found it to be complete and acceptable, and authorizes the above-named employee-applicant to provide student transportation using the vehicle(s) identified above for the event(s), time period, or assigned duties as further described in the space below:
- _____
- This authorization initially expires on _____ but may be renewed or extended in writing upon receipt of updated documentation. [Note: insert the earliest date on which any necessary documentation expires.]
- A written contract or contract addendum approved by the District for this purpose has been executed on _____ between the District and the employee-applicant.

Driver Requirements		To be initialed and/or boxes "checked" by the driver applicant	To be initialed/ "checked" by a District employee after the item is completed.
Operator's License	The proposed driver possesses a valid operator's license issued by Wisconsin, another state, or any valid alternative jurisdiction as identified in statute 340.01(41m) or statute 121.555(2)(c)1.	_____	
	Documentation: Photocopy of current license		<input type="checkbox"/> _____
Age	The proposed driver is at least _____ years old. <u>Identify a minimum age requirement by inserting "18" or any higher age.</u>	_____	
	Documentation: Photocopy of current license		<input type="checkbox"/> _____
Physical Capabilities	The proposed driver has sufficient use of both hands and the foot that is normally employed to operate the brake and accelerator OR a waiver of these requirements has been substantiated by an examination conducted by the Department of Transportation.	_____	
	Documentation: Verification of DOT examination/waiver (applicable only if the applicant is relying on a waiver)	Check one: <input type="checkbox"/> no waiver needed <input type="checkbox"/> with waiver	<input type="checkbox"/> _____ <input type="checkbox"/> n/a
Medical Certification and Mandatory Medical Opinion	By initialing the box to the immediate right, the proposed driver affirmatively states and represents to the School District that he/she has <u>no knowledge or concern that he/she is afflicted with, or suffering from, any mental or physical disability, condition, or disease that would prevent the individual from exercising reasonable control over a motor vehicle.</u> If the driver later determines that he/she may have such a disability, condition, or disease, he/she agrees to immediately inform the District so that the District can determine whether he/she may continue to provide transportation for students.	_____	

	<p>Documentation: A medical opinion is on file that is consistent with the underlined portion of the statement in the box above; issued within past three years.</p>		<input type="checkbox"/> _____ Date of opinion: _____
DPI-approved Background Form for Alternative Vehicle Drivers	The proposed driver has completed and returned a signed copy of the DPI-approved background form for alternative vehicle drivers	_____	
	<p>Documentation: Completed original of the DPI-approved Background Form. After initial approval, the driver must complete and resubmit the DPI-approved form at least once every four years in order for the employee to be continued to be authorized as an alternative vehicle driver.</p> <p>OR</p> <p>The individual currently holds a valid school bus driver's endorsement issued by the Wis. Dept. of Trans.</p>		<input type="checkbox"/> _____ Date form completed: ____/____/____ <p>OR</p> <input type="checkbox"/> _____
Criminal Background Check Conducted by the School District	<p>Documentation:</p> <p>Prior to being initially approved to provide student transportation and at least every four years thereafter, the District has obtained a copy of the individual's criminal history report from the Crime Information Bureau of the Wisconsin Department of Justice, and all results are acceptable;</p> <p>OR</p> <p>The individual currently holds a valid school bus driver's endorsement issued by the Wis. Dept. of Transportation.</p>		<input type="checkbox"/> _____ Date of report: ____/____/____ <p> </p> <input type="checkbox"/> _____
Driving History and Copy of Driver's Record from the Department of Transportation (Editor's Note: It is optional for the district to require the driver to respond to this question)	<p>By initialing the box to the immediate right, the proposed driver affirmatively states and represents to the School District that he/she has never had his/her operator's license suspended or revoked by any jurisdiction, and that he/she has never been convicted of operating a motor vehicle while under the influence of alcohol or drugs.</p> <p>(NOTE: If the proposed driver is unable to affirm the truth of the statement in the above paragraph, then the driver's background must be explored in greater detail and the individual's eligibility must be determined by the District Administrator.)</p>	_____	

<p>(Editor's Note: Obtaining the driver's DOT operating record is mandatory unless the driver currently holds a valid school bus endorsement.)</p>	<p>Documentation: Prior to being initially approved to provide student transportation and at least every four years thereafter, the District has obtained a copy of the individual's operating record from the Department of Transportation, and all results are acceptable;</p> <p>OR</p> <p>The individual currently holds a valid school bus driver's endorsement issued by the Wis. Dept. of Trans.</p>		<p><input type="checkbox"/> _____ <i>Date of report:</i> ___/___/___</p> <p><input type="checkbox"/> _____</p>
<p>Immediate Reporting of Specific Incidents Occurring while Performing Employment-Related Duties.</p> <p>(Editor's Note: It is optional for the District to require items 2 and 3)</p>	<p>By initialing the box to the immediate right, the proposed driver agrees that during any time period that he/she is authorized by the District to provide student transportation services, the individual must report to the school district, in writing and as soon as practicable after the occurrence of the incident (i.e., immediately), any of the following:</p> <p>(1) any motor vehicle accident in which the individual was involved as the operator of a motor vehicle that occurs when the individual <u>is</u> performing any job-related duty;</p> <p>(2) the receipt of any traffic citation for any incident or violation that occurs while the individual is performing any job-related duty; and</p> <p>(3) any injury to a student, employee, or any other person that occurs while the individual is performing a job-related duty and the injury has a direct or indirect connection to a school district program or district operations.</p>	<p>_____</p>	

<p>Reporting of Any Accident/Citation/Injury and Any Suspension or Loss of Operating Privileges; or Loss of Eligibility for School Bus Endorsement</p> <p>(Editor's Note: It is optional for the District to require item 4)</p>	<p>By initialing the box to the immediate right, the proposed driver agrees that during any time period that he/she is authorized by the District to provide student transportation services, the individual must report to the school district, in writing and within 10 days of the occurrence of the incident:</p> <p>(1) any motor vehicle accident in which the individual was involved as the operator of a motor vehicle that occurs when the individual is <u>not</u> acting within the scope of his/her employment;</p> <p>(2) any conviction or operating privilege revocation that makes the person ineligible to transport students under sec. 121.555(1) of the state statutes (see the list attached to the DPI Driver Background Form);</p> <p>(3) any suspension or revocation of the individual's operating privileges or any cancellation of a school bus endorsement by any jurisdiction; and</p> <p>(4) any current accumulation of more than six (6) driver's license points (violations will be evaluated).</p>		
<p>Written Contract Requirement</p>	<p>To be initialed and/or boxes "checked" by the driver applicant</p>	<p>To be initialed/ "checked" by a District employee after the item is completed.</p>	

Contract Requirement	<p>Documentation:</p> <p>State law requires the following individuals to be under written contract with the District: (1) all drivers of motor vehicles that are owned by the District and used for student transportation, and (2) the owner or lessee of any privately owned vehicle that is used to transport students for compensation.</p> <p>A written contract or contract addendum approved by the District for this purpose has been executed between the District and the employee-applicant.</p> <p>OR</p> <p>The written contract will be executed only if the District first determines that all other eligibility requirements have been met and administrative authorization to serve as a vehicle driver is granted (see the bottom of page 1 of this checklist/authorization form).</p>		<input type="checkbox"/> _____ <i>Date of contract:</i> ____/____/____ OR <input type="checkbox"/> _____
<h2>Vehicle Requirements</h2>		To be initialed and/or boxes "checked" by the driver applicant	To be initialed/ "checked" by a District employee after the item is completed.
Safety Requirements (Editor's Note: It is optional for District to require this)	By initialing the box to the immediate right, the proposed driver agrees that all passengers present in a vehicle being used to transport students will use a seat belt, and that the driver will ensure he/she observes all age/weight/height requirements that apply to use of vehicle restraints, car seats, booster seats, and passenger location (i.e., all front seat passengers must be eligible to ride in that location).	_____	_____
Vehicle Size/Type Limitations (Editor's Note: It is optional for District to require items 3 and 4)	The vehicle identified on this form (first page, above), and any additional vehicle identified in connection with this authorization (1) is manufactured to transport a maximum of nine or fewer passengers, in addition to the driver; (2) has a sufficient number of permanently-mounted and forward-facing seats for each passenger; (3) was manufactured within the last <u>identify applicable number of years—20 model years</u> ; and (4) is not a homemade, street modified, or replica vehicle.	_____	_____
Vehicle Inspection	The vehicle was inspected within the last 12 months by a certified mechanic, and successfully passed the inspection. <i>NOTE: The inspection should be an inspection by a certified mechanic designed to check for compliance with section 110.075 and ch. 347 of the statutes, as well as Ch. Trans 305 of the Wisconsin Administrative Code. The District will pay for the inspection.</i>	_____	_____

	<p>Documentation: A copy of a record from the mechanic that confirms that the vehicle passed the inspection and that identifies the date of the inspection.</p> <p><i>NOTE: If the inspection report called for the making of any repairs, there must be documentation that the repairs were completed.</i></p>		<input type="checkbox"/> _____ <i>Date of inspection:</i> ___/___/___
<h2>Vehicle Insurance Requirements</h2>		To be initialed and/or boxes "checked" by the driver applicant	To be initialed/ "checked" by a District employee after the item is completed.
<p>Minimum insurance coverage to be maintained on the vehicle</p> <p><i>(Editor's Note: The insurance requirements listed here exceed the applicable state law minimum requirements.)</i></p>	<ul style="list-style-type: none"> • \$100,000 property damage coverage; • \$100,000 bodily injury liability coverage per person; • Subject to the individual limitation, \$300,000 total bodily liability coverage per accident; and • Uninsured and underinsured motorist coverage of \$100,000 per person, and \$300,000 per accident. 		_____
	<p>Documentation: A copy of the declarations page of the insurance policy and a record indicating the expiration/renewal date of the current policy.</p> <p><i>NOTE: Unless the District's liability carrier recommends otherwise, for any vehicle rented by the District, the District may accept and pay for primary or secondary insurance coverage through the rental agency, and the District should confirm that, in total, such agency-provided coverage plus any coverage that is available through the District's liability carrier meet or exceed the above-stated requirements.</i></p>		<input type="checkbox"/> _____ <i>Date Insurance Policy Expires:</i> ___/___/___

Alternative Driver/Vehicle Authorization Checklist

(Volunteer driver using a privately-owned vehicle for no compensation)

1. Name of Driver-Applicant:

First Name
Middle Name
Last Name

By checking this box and affixing my signature on the line below, I indicate that I understand and agree that it is my responsibility to provide truthful and complete information to the School District in respect to any material facts on this form, and in connection with any other forms, statements, or records that may be submitted in support of my application for authorization to serve as a volunteer driver of students. I understand and agree that the School District will be using and relying on the information that I provide to determine whether I will be authorized to transport students in a volunteer capacity.

Signature of Driver-Applicant
Date

2. Current Address of the Driver-Applicant:

Street Address
City
State
Zip Code
From (date) _____ to present.

3. Vehicle Information (for the vehicle in which students will be transported):

Make
Capacity
Model
Model Year:
License Plate #
Maximum Seating

The remainder of this page (below) is to be completed by the School District:

1. The above-identified individual is seeking authorization as a volunteer alternative vehicle driver, without compensation, and _____ (name of school Administrator) issued preliminary approval for the applicable transportation plan on _____ (mm/dd/yyyy).

2. Identify the **name and job title** of the District employee who is responsible for reviewing the “checklist” items that begin on the next page. The employee is responsible for reviewing and evaluating the completeness and acceptability of (1) the applicant’s response to each item; and (2) each piece of supporting documentation.

Employee Name
Job Title

FORMAL ADMINISTRATOR APPROVAL AND AUTHORIZATION:

The District has reviewed this application, found it to be complete and acceptable, and authorizes the above-named applicant to serve as a volunteer alternative vehicle driver for the following events/dates:

Administrator’s Signature and Title: _____ Date: _____

Driver Requirements		To be initialed and/or boxes "checked" by the volunteer driver applicant	To be initialed/ "checked" by a District employee after the item is completed.
Operator's License	The proposed driver possesses a valid operator's license issued by Wisconsin, another state, or any valid alternative jurisdiction as identified in statute 340.01(41m) or statute 121.555(2)(c)1.	_____	
	Documentation: Photocopy of current license		<input type="checkbox"/> _____
Age <i>[Optional for district to not allow adult student drivers.]</i>	The proposed driver is at least <i>[identify the applicable age -18 or any higher age]</i> years old, and is not a student enrolled in the District.	_____	
	Documentation: Photocopy of current license		<input type="checkbox"/> _____
Physical Capabilities	The proposed driver has sufficient use of both hands and the foot that is normally employed to operate the brake and accelerator OR a waiver of these requirements has been substantiated by an examination conducted by the Department of Transportation.	<input type="checkbox"/> no waiver needed <input type="checkbox"/> with waiver	
	Documentation: Verification of DOT examination/waiver (applicable only if the applicant is relying on a waiver)		<input type="checkbox"/> _____ <input type="checkbox"/> n/a
Other Medical Issues <i>[Optional for district to require this.]</i>	By initialing the box to the immediate right, the proposed driver affirmatively states and represents to the School District that he/she has no knowledge or concern that he/she is afflicted with, or suffering from, any mental or physical disability, condition, or disease that would prevent the individual from exercising reasonable control over a motor vehicle. If the driver later determines that he/she may have such a disability, condition, or disease, he/she agrees to immediately inform the District that he/she is no longer able to provide transportation for students.	_____	
DPI-approved Background Form for Alternative Vehicle Drivers <i>[This appears to be optional for districts to require this for volunteers, but it is recommended.]</i>	The proposed driver has completed and returned a signed copy of the DPI-approved background form for alternative vehicle drivers (on the form, substitute "School District" where the form says "employer")	_____	
	Documentation: Completed original of the DPI-approved Background Form		_____

<p>Driving History</p> <p>[Optional for district to require this.]</p>	<p>By initialing the box to the immediate right, the proposed driver affirmatively states and represents to the School District that he/she has never had his/her operator's license suspended or revoked by any jurisdiction, and that he/she has never been convicted of operating a motor vehicle while under the influence of alcohol or drugs.</p> <p><i>(NOTE: If the proposed driver is unable to affirm the truth of the statement in the above paragraph, then the driver's background must be explored in greater detail and the individual's eligibility must be determined by the District Administrator.)</i></p>	<p>_____</p>	
<p>Reporting of Any Accident/Citation/Injury</p> <p>[Accident reporting is mandatory. It is optional for districts to require items 2 and 3 in the list.]</p>	<p>By initialing the box to the immediate right, the proposed driver agrees that during any time period that he/she is authorized to serve as a volunteer driver, he/she will immediately report to the School District (1) any accident involving the driver's vehicle; (2) the receipt of any traffic citation; and (3) any injury involving any student or the driver, when any of these events occurs while the volunteer is transporting students.</p>	<p>_____</p>	
<p>Reporting of any suspension or loss of operating privileges; or loss of eligibility for school bus endorsement</p> <p>[Item 3 is clearly optional; items 1 and 2 appear to be optional.]</p>	<p>By initialing the box to the immediate right, the proposed driver agrees that during any time period that he/she is authorized to serve as a volunteer driver, he/she will cease driving students and immediately report to the School District (1) any suspension, cancellation, or revocation (in any jurisdiction) of his/her operating privileges or his/her school bus endorsement (if one is held); and (2) any incident that would disqualify the person from holding a school bus endorsement if one were applied for; and (3) any current accumulation of more than 6 driver's license points.</p>	<p>_____</p>	
<p>Criminal Background Check Conducted by the School District</p> <p>[Not mandatory under statutes, but may be required under local policy.]</p>	<p>Documentation:</p> <ol style="list-style-type: none"> 1. Completed District volunteer criminal background check form. 2. Results from criminal background check received; all results are acceptable and the report is not more than four years old. 	<p><input type="checkbox"/> _____</p> <p><input type="checkbox"/> _____</p> <p>Date of report: ____/____/____</p>	
<p>Individual's Operating Record Obtained from the Department of Transportation</p> <p>[Optional for district to require this.]</p>	<p>Documentation:</p> <ol style="list-style-type: none"> 1. Copy of individual's DOT operating record; (obtained at time of initial application, and at least every four years thereafter); all results acceptable. 	<p><input type="checkbox"/> _____</p> <p>Date of report: ____/____/____</p>	
<p>Vehicle Requirements</p>		<p>To be initialed and/or boxes "checked" by the volunteer driver applicant</p>	<p>To be initialed/ "checked" by a District employee after the item is completed.</p>

<p>Vehicle Size/Type Limitations</p> <p><i>[Optional for district to require items 3 and 4 in the list.]</i></p>	<p>By initialing the box to the immediate right, the proposed driver affirmatively states and represents to the School District that the vehicle that will be used to transport students is the vehicle identified on this form (above), and that the vehicle (1) is manufactured to transport a maximum of nine or fewer passengers, in addition to the driver; (2) has a sufficient number of permanently-mounted and forward-facing seats for each passenger; (3) was manufactured within the last twenty model years; and (4) is not a homemade, street modified, or replica vehicle.</p>	<p>_____</p>	
<p>Safety Requirements</p> <p><i>[Optional for district to require the driver to specifically agree to these statements.]</i></p>	<p>By initialing the box to the immediate right, the proposed driver agrees that all passengers present in a vehicle being used to transport students will use a seat belt, and that the driver will ensure he/she observes all age/weight/height requirements that apply to use of vehicle restraints, car seats, booster seats, and passenger location (e.g., all front seat passengers must be eligible to ride in that location).</p>	<p>_____</p>	
<p>Vehicle Inspection</p> <p><i>[Optional for district to require this; might especially consider requiring for longer trips.]</i></p>	<p>The vehicle was inspected within the last 12 months by a certified mechanic, and successfully passed the inspection.</p> <p><i>NOTE: The inspection should be an inspection designed to check for compliance with section 110.075 and ch. 347 of the statutes, as well as Ch. Trans 305 of the Wisconsin Administrative Code. The District will pay a reasonable fee for the inspection, if the amount of the fee is approved by the District in advance of the inspection.</i></p>	<p>_____</p>	
	<p>Documentation: A copy of a record from the mechanic that confirms that the vehicle passed the inspection and that identifies the date of the inspection.</p> <p><i>NOTE: If the inspection report called for the making of any repairs, there must be documentation that the repairs were completed.</i></p>		<p><input type="checkbox"/> _____</p> <p>Date of inspection: ____/____/____</p>
<p>Vehicle Insurance Requirements</p>		<p>To be initialed and/or boxes "checked" by the volunteer driver applicant</p>	<p>To be initialed/ "checked" by a District employee after the item is completed.</p>
<p>Minimum insurance coverage to be maintained on the vehicle</p> <p><i>[The insurance requirements stated in this sample exceed state law minimums.]</i></p>	<ul style="list-style-type: none"> • \$100,000 property damage coverage; • \$100,000 bodily injury liability coverage per person; • Subject to the individual limitation, \$300,000 total bodily liability coverage per accident; and • Uninsured and underinsured motorist coverage of \$100,000 per person, and \$300,000 per accident. 	<p>_____</p>	

	<p>Documentation: A copy of the declarations page of the insurance policy and a record indicating the expiration/renewal date of the current policy.</p> <p><i>NOTE: If the driver's personal vehicle insurance policy is below the amounts specified above, but in excess of the state law minimum requirements, the District Administrator may, after consulting directly with the school district's liability insurer, consider the applicability of any secondary liability coverage that may be available and applied to the vehicle in question.</i></p>		<input type="checkbox"/> _____ <i>Date Insurance Policy Expires:</i> ____/____/____
<p>Driver will maintain insurance coverage; Driver's personal car insurance is primary coverage</p> <p><i>(Optional for district to require this.)</i></p>	<p>By initialing the box to the immediate right, the proposed driver agrees that he/she will maintain the above-represented insurance amounts in effect at all times while transporting students as a volunteer driver. In addition, the proposed driver understands that, in the event of any accident or claim, his/her personal vehicle insurance policy will be considered primary insurance.</p>	_____ _____	

MEDICAL OPINION VERIFICATION OF FITNESS TO DRIVE VEHICLE TO TRANSPORT STUDENTS

751.5-Exhibit

Waunakee Community School District

Page 1 of 1

MEDICAL OPINION VERIFICATION OF FITNESS TO DRIVE VEHICLE TO TRANSPORT STUDENTS

NAME _____ BIRTHDATE _____

DISTRICT EMPLOYEE

NON-DISTRICT EMPLOYEE

ADDRESS _____

TELEPHONE NUMBER _____

I certify that I am authorized within my scope of professional practice to conduct a general physical examination of a patient and that I have conducted a general physical examination of the individual identified above on this form within the past three months of the date of this certification. Based on the results of that general physical examination, the individual's own representations about his/her current health, and any other relevant information of which I have knowledge, it is my opinion that the individual identified above on this form:

- (1) has sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator for purposes of operating a motor vehicle; and*
- (2) is not afflicted with or suffering from any known vision impairment or any known mental or other physical disability or disease such as to prevent the individual from operating and exercising reasonable control over a motor vehicle.*

HEALTH CARE PRACTITIONER _____ DATE _____
(Signature)

NAME _____
(Please print name)

BUSINESS ADDRESS _____

*NOTE: This verification must be renewed **every three (3) years** and filed with the **Business** Office of the Waunakee Community School District. The form shall be maintained in a confidential medical file. For employees, it will be kept separate from the employee's general personnel file.*

Adoption Date:

TRANSPORTATION AGREEMENT Waunakee (Parents)

752 Exhibit (1)

TRANSPORTATION AGREEMENT

THIS TRANSPORTATION AGREEMENT (hereinafter the “Agreement”) is entered into by and between the Board of Education of the **WAUNAKEE COMMUNITY SCHOOL DISTRICT**, a Wisconsin public school district located at 101 School Drive, Waunakee, Wisconsin (hereinafter the “District”) and _____, adult residents of Wisconsin residing at _____, _____, Wisconsin (hereinafter “Parents”).

WITNESSETH

WHEREAS, Section 121.54(2)(b)1., Wis. Stats., requires that the District provide transportation to and from the school a student attends for each student residing in the District who attends any elementary grade, including kindergarten or high school grade at a private school located two (2) miles or more from the student’s residence so long as the private school is a school within whose attendance area the student resides; and

WHEREAS, _____ are the parents of _____ (hereinafter the “Student”), legal residents of the District who attend _____, a private school within whose attendance area the Student resides and situated two (2) or more miles from the Student’s residence; and

WHEREAS, Section 121.55(1), Wis. Stats., allows the District to provide transportation by any of a number of methods, including by contract with the parent or legal guardian of the student to be transported (Section 121.55(1)(b), Wis. Stats.); and

WHEREAS, the District desires to have Parents provide transportation for the Student to and from _____ and Parents desire to provide such transportation for the Student to and from _____ pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, the District and Parents, in consideration of the mutual covenants hereinafter set forth, do hereby agree as follows:

1. Provision of Transportation. In accordance with the provisions of Sections 121.54 and 121.55, Wis. Stats., Parents shall transport or cause to be transported the Student at their own risk, safely, regularly and comfortably to and from _____.

In providing said transportation, Parents shall abide by the vehicle, operator and driver requirements of Section 121.52, Wis. Stats., including any and all rules governing the design, construction, inspection and operation of "school buses" (as applicable) as adopted by the Wisconsin Department of Transportation under Section 110.06(2), Wis. Stats.

2. Compensation. Upon execution of this Agreement, the District shall pay to Parents _____ Dollars (\$ _____) to cover the cost of transporting the Student to and from _____ during the term of this Agreement (as hereafter defined).

3. Initial Term and Renewal. The initial term of this Agreement shall commence on _____, _____ (hereinafter the "Commencement Date") and shall expire on _____, _____ (hereinafter the "Termination Date"). This Agreement shall expire automatically unless within thirty (30) calendar days prior to the Termination Date, Parents provide the District with written notice of their intent to renew this Agreement upon the same terms and conditions as contained herein.

4. Early Termination. Notwithstanding Paragraph 3, above, if at any time the Student no longer resides in the District or any provision of this Agreement is violated and such violation shall continue for thirty (30) calendar days following receipt of written notice of such violation or, if such violation is of a nature that is not susceptible to cure, this Agreement may be terminated at the option of the non-violating party.

In said event, the compensation paid to Parents by the District in accordance with Paragraph 2, above, shall be prorated based upon the number of school days completed at the time the Agreement is terminated (the "Prorated Amount"). Thereafter, Parents shall refund to the District the difference between the compensation paid to Parents by the District and the Prorated Amount.

5. Independent Contractor. Notwithstanding anything in this Agreement to the contrary, Parents acknowledge that they are and shall be independent contractors. Under no circumstances shall Parents be deemed or construed to be employees, partners or agents of the District. Parents shall have and exercise, subject to the requirements of this Agreement, exclusive power and authority over the methods, means and details required in performing their obligations under this Agreement. Parents shall pay, and the District shall have no obligation, responsibility or liability for, Parents' costs and expenses incurred in the performance of Parents' obligations under this Agreement.

6. Indemnification and Insurance.

6.1. Parents agree to protect, indemnify, hold harmless and defend the District and the District's officers, employees or agents (the "Indemnified Parties") from any and all damages, claims, suits, actions, demands, judgments, losses, costs and expenses, including attorney's fees, resulting from any act or omission of Parents, arising out of the performance or nonperformance of Parents' obligations under this Agreement.

6.2. As a condition precedent to this Agreement, Parents agree to abide by the insurance requirements of Section 121.53, Wis. Stats., including procuring and maintaining at all times during the term of this Agreement, minimum insurance with companies licensed to do business in Wisconsin and acceptable to the District with the following coverage:

6.2.1. Bodily injury liability insurance with limits of not less than One Hundred Thousand Dollars (\$100,000) per person and Three Hundred Thousand Dollars (\$300,000) per accident, subject to the total limits as provided for under Section 121.53(1), Wis. Stats.

6.2.2. Property damage liability insurance with a limit of not less than One Hundred Thousand Dollars (\$100,000).

6.3. As a condition precedent to this Agreement, Parents shall provide to the District, Certificates of Insurance evidencing the insurance coverage specified in Paragraphs 6.2.1. and 6.2.1., above. The Certificates of Insurance shall name the types of policies provided, refer specifically to this Agreement and state that such insurance is as required by this Agreement. If any of the insurance expires prior to the time for which such insurance must be maintained, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their expiration. At the request of the District, Parents shall, within fifteen (15) calendar days of such request, provide to the District a certified copy of the insurance policies under which the required coverage is being provided.

6.4. All insurance policies required hereunder shall contain an endorsement which provides that the insurance may not be changed, canceled or nonrenewed except upon thirty (30) calendar days advance written notice by the insurance carrier to the District.

6.5. Any change in carriers or coverage shall be subject to written consent of the District, which consent may be withheld in the District's sole discretion.

7. Complete Agreement. All of the terms, covenants and conditions of this Agreement, as set forth herein, shall be construed as a part hereof, and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between the parties other than are herein set forth. No alteration, amendment, change or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by each party hereto.

8. Severability. If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remaining terms and provisions of this Agreement shall not be affected thereby, and each term or provision hereof shall be valid and enforced to the fullest extent permitted by law.

9. Notices. All notices and other communication to be given pursuant to this Agreement shall be deemed to have been duly given if personally delivered or if mailed by United States mail, postage prepaid, to the parties at the following addresses:

TO: WAUNAKEE COMMUNITY SCHOOL DISTRICT
Attention: _____
101 School Drive

Waunakee, WI 53597-1637

TO: _____

10. Binding Effect. All of the covenants, terms and conditions, rights and obligations contained in this Agreement shall inure to the benefit of and be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns provided, however, that this Agreement may not be assigned by the parties hereto without the prior written consent of all of the other parties hereto.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto as of the date set forth.

WAUNAKEE COMMUNITY SCHOOL DISTRICT

Date: _____

Date: _____

PARENTS

Date: _____

Date: _____

Adopted: May 2007

Waunakee Community School District

TRANSPORTATION AGREEMENT Waunakee (Private School)

752 Exhibit (2)

TRANSPORTATION AGREEMENT

THIS TRANSPORTATION AGREEMENT (hereinafter the “Agreement”) is entered into by and between the Board of Education of the **WAUNAKEE COMMUNITY SCHOOL DISTRICT**, a Wisconsin public school district located at 101 School Drive, Waunakee, Wisconsin (hereinafter the “District”), _____, a Wisconsin private school located at _____, _____, Wisconsin (hereinafter “Private School”) and _____, adult residents of Wisconsin residing at _____, _____, Wisconsin (hereinafter “Parents”).

W I T N E S S E T H

WHEREAS, Section 121.54(2)(b)1., Wis. Stats., requires that the District provide transportation to and from the school a student attends for each student residing in the District who attends any elementary grade, including kindergarten or high school grade at a private school located two (2) miles or more from the student’s residence so long as the private school is a school within whose attendance area the student resides; and

WHEREAS, _____ are the parents of _____ (hereinafter the “Student”), legal residents of the District who attend _____, a private school within whose attendance area the Student resides and situated two (2) or more miles from the Student’s residence; and

WHEREAS, Section 121.55(1), Wis. Stats., allows the District to provide transportation by any of a number of methods, including by contract with the parent or legal guardian of the student to be transported (Section 121.55(1)(b), Wis. Stats.) or by contract with the proper officials of any private school or private school association (Section 121.55(1)(c), Wis. Stats.); and

WHEREAS, the District desires to have Private School provide transportation for the Student to and from _____ and Private School desire to provide such transportation for the Student to and from _____ and Parents desire to have the Student transported to and from _____ pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, the District, Private School and Parents, in consideration of the mutual covenants hereinafter set forth, do hereby agree as follows:

1. Provision of Transportation. In accordance with the provisions of Sections 121.54 and 121.55, Wis. Stats., Private School shall transport or cause to be transported the Student at its own risk, safely, regularly and comfortably to and from _____.

In providing said transportation, Private School shall abide by the vehicle, operator and driver requirements of Section 121.52, Wis. Stats., including any and all rules governing the design, construction, inspection and operation of "school buses" (as applicable) as adopted by the Wisconsin Department of Transportation under Section 110.06(2), Wis. Stats.

2. Compensation. Upon execution of this Agreement, the District shall pay to Private School _____ Dollars (\$ _____) to cover the cost of transporting the Student to and from _____ during the term of this Agreement (as hereafter defined).

3. Initial Term and Renewal. The initial term of this Agreement shall commence on _____, _____ (hereinafter the "Commencement Date") and shall expire on _____, _____ (hereinafter the "Termination Date"). This Agreement shall expire automatically unless within thirty (30) calendar days prior to the Termination Date Parents and Private School provide the District with written notice of their intent to renew this Agreement upon the same terms and conditions as contained herein.

4. Early Termination. Notwithstanding Paragraph 3, above, if at any time the Student no longer resides in the District or any provision of this Agreement is violated and such violation shall continue for thirty (30) calendar days following receipt of written notice of such violation or, if such violation is of a nature that is not susceptible to cure, this Agreement may be terminated at the option of the non-violating parties.

In said event, the compensation paid to Private School by the District in accordance with Paragraph 2, above, shall be prorated based upon the number of school days completed at the time the Agreement is terminated (the "Prorated Amount"). Thereafter, Private School shall refund to the District the difference between the compensation paid to Private School by the District and the Prorated Amount.

5. Independent Contractor. Notwithstanding anything in this Agreement to the contrary, Private School acknowledge that it is and shall be an independent contractor. Under no circumstances shall Private School be deemed or construed to be an employee, partner or agent of the District. Private School shall have and exercise, subject to the requirements of this Agreement, exclusive power and authority over the methods, means and details required in performing its obligations under this Agreement. Private School shall pay, and the District shall have no obligation, responsibility or liability for, Private School's costs and expenses incurred in the performance of Private School's obligations under this Agreement.

6. Indemnification and Insurance.

6.1. Parents agree to protect, indemnify, hold harmless and defend the District and the District's officers, employees or agents (the "Indemnified Parties") from any and all damages, claims, suits, actions, demands, judgments, losses, costs and expenses, including

attorney's fees, resulting from any act or omission of Private School, or any of Private School's agents, employees or assigns, arising out of the performance or nonperformance of Private School's obligations under this Agreement.

6.2. Private School agrees to protect, indemnify, hold harmless and defend the District and the District's officers, employees or agents (the "Indemnified Parties") from any and all damages, claims, suits, actions, demands, judgments, losses, costs and expenses, including attorney's fees, resulting from any act or omission of Private School, or any of Private School's agents, employees or assigns, arising out of the performance or nonperformance of Private School's obligations under this Agreement.

6.3. As a condition precedent to this Agreement, Private School agrees to abide by the insurance requirements of Section 121.53, Wis. Stats., including procuring and maintaining at all times during the term of this Agreement, minimum insurance with companies licensed to do business in Wisconsin and acceptable to the District with the following coverage:

6.3.1. Bodily injury liability insurance with limits of not less than One Hundred Thousand Dollars (\$100,000) per person and Three Hundred Thousand Dollars (\$300,000) per accident, subject to the total limits as provided for under Section 121.53(1), Wis. Stats.

6.3.2. Property damage liability insurance with a limit of not less than One Hundred Thousand Dollars (\$100,000).

6.3.3. Workers Compensation Insurance as required by law and Employer Liability Insurance on all of its employees and agents.

6.4. As a condition precedent to this Agreement, Parents shall provide to the District, Certificates of Insurance evidencing the insurance coverage specified in Paragraphs 6.3.1., 6.3.2. and 6.3.3., above. The Certificates of Insurance shall name the types of policies provided, refer specifically to this Agreement and state that such insurance is as required by this Agreement. If any of the insurance expires prior to the time for which such insurance must be maintained, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their expiration. At the request of the District, Private School shall, within fifteen (15) calendar days of such request, provide to the District a certified copy of the insurance policies under which the required coverage is being provided.

6.5. All insurance policies required hereunder shall contain an endorsement which provides that the insurance may not be changed, canceled or nonrenewed except upon thirty (30) calendar days advance written notice by the insurance carrier to the District.

6.6. Any change in carriers or coverage shall be subject to written consent of the District, which consent may be withheld in the District's sole discretion.

7. Complete Agreement. All of the terms, covenants and conditions of this Agreement, as set forth herein, shall be construed as a part hereof, and there are no covenants, promises, agreements, conditions or understandings, either oral or written, between the parties

other than are herein set forth. No alteration, amendment, change or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by each party hereto.

8. Severability. If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remaining terms and provisions of this Agreement shall not be affected thereby, and each term or provision hereof shall be valid and enforced to the fullest extent permitted by law.

9. Notices. All notices and other communication to be given pursuant to this Agreement shall be deemed to have been duly given if personally delivered or if mailed by United States mail, postage prepaid, to the parties at the following addresses:

TO: WAUNAKEE COMMUNITY SCHOOL DISTRICT
Attention: _____
101 School Drive
Waunakee, WI 53597-1637

TO: _____

TO: _____

10. Binding Effect. All of the covenants, terms and conditions, rights and obligations contained in this Agreement shall inure to the benefit of and be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns provided, however, that this Agreement may not be assigned by the parties hereto without the prior written consent of all of the other parties hereto.

IN WITNESS WHEREOF this Agreement has been executed by the parties hereto as of the date set forth.

WAUNAKEE COMMUNITY SCHOOL DISTRICT

Date: _____

Date: _____

Date: _____

PARENTS

Date: _____

Date: _____

Adopted: May 2007

Waunakee Community School District

Policies of the Board of Education

Series 700: Support Services

WAUNAKEE COMMUNITY SCHOOL DISTRICT
TRANSPORTATION – INSURANCE ACKNOWLEDGEMENT

752 Exhibit (3)

Occasionally, students may be involved in activities that occur at a location off of school premises. In order for students to participate, District employees/volunteers may utilize their own vehicle for the purpose of transporting students. In order for District employees/volunteers to utilize their own vehicle for the purpose of transporting students, said employee/volunteer acknowledges:

EMPLOYEE/VOLUNTEER NAME: _____

EMPLOYEE/VOLUNTEER ADDRESS: _____

MAKE AND MODEL OF VEHICLE: _____

LICENSE PLATE NUMBER: _____

ACTIVITY/LOCATION: _____

DATES: _____

Employee/Volunteer hereby acknowledges that the vehicle to be utilized by employee/volunteer has been inspected within the past year for compliance with the requirements of state law and, furthermore, that said vehicle is in compliance with state law.

Employee/Volunteer hereby agrees to abide by the insurance requirements of Section 121.53, Wis. Stats., including procuring and maintaining at all relevant times, minimum insurance with companies licensed to do business in Wisconsin and acceptable to the District with the following coverage:

1. Bodily injury liability insurance with limits of not less than One Hundred Thousand Dollars (\$100,000) per person and Three Hundred Thousand Dollars (\$300,000) per accident, subject to the total limits as provided for under Section 121.53(1), Wis. Stats.

2. Property damage liability insurance with a limit of not less than One Hundred Thousand Dollars (\$100,000).

Employee/Volunteer shall provide to the District, Certificates of Insurance evidencing the insurance coverage specified above. The Certificates of Insurance shall name the types of

policies provided and state that the District requires this insurance. If any of the insurance expires prior to the time for which such insurance must be maintained, renewal Certificates of Insurance shall be furnished thirty (30) calendar days prior to the date of their expiration. At the request of the District, Employee/Volunteer shall, within fifteen (15) calendar days of such request, provide to the District a certified copy of the insurance policies under which the required coverage is being provided.

All insurance policies required hereunder shall contain an endorsement which provides that the insurance may not be changed, canceled or nonrenewed except upon thirty (30) calendar days advance written notice by the insurance carrier to the District.

Any change in carriers or coverage shall be subject to written consent of the District, which consent may be withheld in the District's sole discretion.

EMPLOYEE/VOLUNTEER

Date: _____

DISTRICT APPROVAL

Date: _____

Adopted: May 2007

Waunakee Community School District

**WAUNAKEE COMMUNITY SCHOOL DISTRICT
TRANSPORTATION – AREA OF UNUSUAL HAZARD**

752 Exhibit (4)

THIS AGREEMENT is entered into by and between the **WAUNAKEE COMMUNITY SCHOOL DISTRICT**, a Wisconsin public school district located at 101 School Drive, Waunakee, Wisconsin (hereinafter the “District”) and _____, adult residents of Wisconsin residing at _____, _____, Wisconsin (hereinafter “Parents”).

WITNESSETH

WHEREAS, Section 121.54(9), Wis. Stats., requires that the District provide transportation to and from school in areas of unusual hazard, if such transportation is necessary; and

WHEREAS, an area of unusual hazard exists in the area of _____ and, therefore, the District is required to provide transportation to and from _____ for students; and

WHEREAS, _____ are the Parents of _____ (hereinafter the “Student”) and desire the option to have the District transport the Student to _____ as well as the option to have the District transport the Student from _____.

NOW, THEREFORE, the District and Parents do hereby agree as follows:

1. In accordance with the provisions of Section 121.54(9), Wis. Stats., the District shall transport or cause to be transported the Student to and from _____.

2. In accordance with Parents’ desire, the District shall afford the Student the option of being transported to or from _____.

3. In the event the Student elects not to be transported by the District to or from _____, Parents hereby agree to waive, on behalf of themselves, and the Student, all claims, demands, rights, damages, costs, losses, suits, actions, causes of action, attorney’s fees and expenses of any nature whatsoever against the District, its officers,

employees and agents, for any injury, foreseen or unforeseen, that should occur to the Student due to the Student electing not to be transported to or from _____.

DISTRICT

PARENTS

Date: _____

Date: _____

Date: _____

Date: _____

Adopted: May 2007

Waunakee Community School District

Policies of the Board of Education

Series 700: Support Services

WAUNAKEE COMMUNITY SCHOOL DISTRICT
STUDENT TRANSPORTATION AGREEMENT
(Instruction, Work-Study, Extra-Curricular)

752 Exhibit (5)

Occasionally, students may be involved in instruction, work-study or extra-curricular activities that occur at a location off of school premises. Under some circumstances the District does not provide transportation in conjunction with such. In those circumstances, participation is voluntary and the transportation to and from the instruction, work-study or extra-curricular activities is voluntary. In order for students to participate, students and their parents are required to complete the following:

STUDENT'S NAME: _____

STUDENT'S ADDRESS: _____

HOME PHONE NUMBER: _____

EMERGENCY PHONE NUMBER: _____

PARENT(S)/LEGAL GUARDIAN: _____

ACTIVITY/LOCATION: _____

PARENT(S)/LEGAL GUARDIAN: We as the undersigned parent(s)/legal guardian(s) of _____ (hereinafter the "Student"), hereby agree that we will transport the Student to, from or both _____. We further agree that we will transport only the Student and no other students to, from or both _____.

In the event that we as parent(s)/legal guardian(s) of the Student elect to allow the Student to transport himself/herself to, from or both _____, we agree to enforce the following policy:

The Student is prohibited from transporting passengers, deviating from a direct route to, from or both _____ as well as making stops for any reason. Furthermore, the Student is prohibited from engaging in certain conduct including, but not limited to, speeding, tailgating or consuming alcohol or other illegal substances.

We, as parent(s)/legal guardian(s), further understand that participation in the activity cited to hereinabove is strictly voluntary and that we may elect, at any time to have the Student participate or not. Should we elect to have the Student participate and, therefore, accept responsibility for transportation of the Student to, from or both _____, we irrevocably and unconditionally waive on behalf of ourselves, our child, our heirs or legal guardian, all claims, demands, rights, damages, costs, losses, suits, actions, causes of action, attorney's fees and expenses of any nature whatsoever against the District, its officers, employees, volunteers and agents, for any loss or damage to property and/or bodily injury, including death, however caused, including negligence, resulting from or arising out of or in any way connected with the Student's transportation to, from or both _____.

We certify that we are competent and able, and do freely agree to the above stipulations. In addition, we understand our right to review this document with a representative of our choice prior to signing.

Date: _____

Parent/Legal Guardian

Date: _____

Parent/Legal Guardian

STUDENT: I, as the undersigned student hereby agree that I will transport myself to, from or both _____. I further agree that I will transport only myself and no other student(s) to, from or both _____.

In the event that I transport myself to, from or both _____, I agree to abide by the following policy:

I am prohibited from transporting passengers, deviating from a direct route to, from or both _____ as well as making stops for any reason. Furthermore, I am prohibited from engaging in certain conduct including, but not limited to, speeding, tailgating or consuming alcohol or other illegal substances.

I further understand and agree that participation in the activity cited to hereinabove is strictly voluntary and, therefore, the District has the right to deny participation in said activity. I understand and appreciate the risks involved in transporting myself to, from or both _____. I agree to personally assume these risks and take all appropriate care and direction, including compliance with the requirements set forth hereinabove for transporting myself to, from or both _____, so as to avoid any loss or damage to property and/or bodily injury.

Date: _____

Student

Adopted: May 2007

Waunakee Community School District

Date of WASB Update	Proposed Code #	Proposed Title	WASB recommendation	WASB Resource
3/29/2024	341.1	Reading & Literacy Dev	District Reading Goals and Early Literacy Program (policy): This sample was comprehensively rewritten and restructured for school districts with elementary schools in light of early literacy legislation (2023 Wisconsin Act 20) that will be phased in from 2023-24 into future school years. Many of the significant changes to curriculum, assessment, and intervention requirements will take effect in 2024-25. This sample is an expanded version of PRG 341.1 Sample Policy 1. The expanded text is indicated by editor's notes.	Sample Policy 2 [previous 3/30/16 version]
3/29/2024	341.1	Reading & Literacy Dev	District Reading Goals and Early Literacy Program (policy): This sample was comprehensively rewritten and restructured for school districts with elementary schools in light of early literacy legislation (2023 Wisconsin Act 20) that will be phased in from 2023-24 into future school years. Many of the significant changes to curriculum, assessment, and intervention requirements will take effect in 2024-25. This sample addresses the creation and maintenance of the mandatory Early Literacy Remediation Plan, while continuing to address existing statutory requirements such as the establishment of district reading goals for kindergarten through grade 12.	Sample Policy 1 [previous 3/30/16 version]

Admin. Review

Go with Sample Policy 1

DISTRICT READING GOALS AND EARLY LITERACY PROGRAM

Wauwaukee Community School District

{This sample policy addresses requirements found in state law related to formal district reading goals, annual evaluations of the reading curriculum, student reading readiness assessments, and a district early literacy remediation plan. The focus of this sample is on assigning relevant administrative responsibilities and on establishing specific expectations for board approval of the local reading goals and the remediation plan. The reading program goals approved by the board could be documented as an exhibit under this policy, incorporated into a local reading curriculum plan, or maintained in another prominent document that will ensure attention to the goals during the annual evaluation of the reading curriculum. IMPORTANT: This sample is not appropriate for union high school districts that do not operate elementary schools. UHS districts should refer to 341.1 Sample Policy 3.}

District Reading Goals

The District shall maintain a program of reading goals for grades kindergarten to ~~insert the highest grade level offered in the district—either “8” or “12”~~. Any changes to the District's reading goals shall be approved by the Board.

1. Upon a request made by the Board or at any other time that the District Administrator determines that it would be beneficial or prudent for the District to revisit its existing goals, the District Administrator shall propose specific amendments to the District's reading goals for the Board's consideration.
2. In developing a proposal to maintain or modify specific District reading goals, the District Administrator or a designee shall solicit input from ~~insert applicable positions—e.g., “other administrators who have curricular and instructional responsibilities, from multiple members of the District's instructional staff, and from at least one licensed reading specialist who has responsibilities related to the implementation of the District reading curriculum and who is directly involved in conducting the annual evaluation of the reading curriculum.”~~ **{Editor's Note: This entire paragraph can be treated as optional.}**
3. Following approval by the Board, the District's current reading goals shall be a component of (1) the District's annual evaluation of the reading curriculum and (2) the District's regular and ongoing assessment of reading-related needs across all instructional levels.

Annual Evaluation of the Reading Curriculum

~~The District Administrator shall ensure that the District completes an annual evaluation of the District's reading curriculum, using a process that includes the direct involvement of at least one licensed reading specialist. Insert if desired: “At a minimum, the District Administrator shall also:~~

- ~~1. Ensure that a written executive summary of the results of the annual evaluation is prepared.~~
- ~~2. Ensure that the executive summary is provided to the members of the School Board.”~~

~~At the discretion of the District Administrator, or if scheduled as an agenda item by the Board President, or upon a specific agenda decision made by the Board, the District Administrator shall make appropriate arrangements for the Board to consider the results of the annual curriculum evaluation at a Board meeting.~~

DISTRICT READING GOALS AND EARLY LITERACY PROGRAM

Waunakee Community School District

State-Mandated Early Literacy Reading Readiness Assessments

The District Administrator, or a designee who is licensed either as a reading specialist or as an administrator with curricular and instructional responsibilities, shall (1) determine the annual dates (or date ranges) during which the District will administer the early reading screening assessments required by state law and (2) establish procedures to facilitate and monitor the timely administration and scoring of the screening assessments and, as applicable, any state-mandated reading diagnostic assessments. All District-selected dates for the administration of reading readiness assessments must meet the timing parameters found in state law.

~~*[Insert as an optional clarification, if desired: "The references to state-mandated reading readiness assessments in this policy should not be interpreted to prohibit the use or administration of additional assessments, evaluations, or diagnostic resources that are intended to facilitate the District's compliance with its obligations to identify, diagnose, provide interventions/services, and monitor the progress of students who are experiencing difficulty with reading."]*~~

Early Literacy Remediation Plan (effective beginning in the 2024-25 school year)

The District will maintain a written, Board-approved Early Literacy Remediation Plan, which shall be developed under the oversight of the District Administrator. The District administrator shall ensure that ~~*[insert applicable positions—e.g., "at least one licensed reading specialist or other licensed administrator who has direct professional training in the measurement of students' reading skills and the diagnosis of reading difficulties"]*~~ is directly involved in formulating the substantive content of the plan, including any future substantive amendments. Board approval of substantive plan amendments is required. ~~***{Editor's Note: The WASB generally recommends formal board approval of the remediation plan. The plan may have significant implications for the allocation of district resources. However, it is not certain that formal board approval is strictly necessary. It might be sufficient for a board to expressly delegate final approval authority to the district administrator. Refer to the editor's notes found in PRG 341.1 Sample Policy 2 for a further discussion of such potential delegation authority and possible substitute policy language.}***~~

As required by state law, the District's current Early Literacy Remediation Plan shall be posted on the District website.

Legal References:

Wisconsin Statutes

- [Section 118.015](#) [reading instruction; early literacy curricula and instructional materials; district reading goals and annual reading curriculum evaluation]
- [Section 118.016](#) [reading readiness assessments and interventions; mandatory early literacy remediation plan]
- [Section 118.30\(1g\)\(a\)1](#) [board adoption of academic standards, including in reading]
- [Section 121.02\(1\)\(c\)](#) [school district standards; remedial reading and interventions]
- [Section 121.02\(1\)\(k\)](#) [school district standards; curriculum plans]
- [Section 121.02\(1\)\(r\)](#) [school district standards; annual third grade standardized reading test]

DISTRICT READING GOALS AND EARLY LITERACY PROGRAM

Policy 341.1

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Wisconsin Administrative Code

[PI 8.01\(2\)\(c\)](#)

[school district standards; remedial reading and interventions]

[PI 8.01\(2\)\(k\)](#)

[curriculum plan requirements for school districts]

Cross References:

WASB PRG Policy 341.1 Sample policy 1

Adoption Date: XXXX, 2024

Proposed Code #	Proposed Title	Current policy code	WASB recommendation	WASB Comment (if any)	Committee Recommendation:
411	Equal Educational Opportunities	411	Replace with PRG 411 sample policy 3	Note that your current policy includes text covering rules governing treatment of transgender students that I did not include in the policy. You might choose to include this text in a separate rule under policy 411.	agree
411R1	Student Discrimination/Harassment Complaint Procedure	411R1	Replace with PRG 411 sample rule 3		agree with edits
411.1	Student Harassment	412	Recode policy and replace with PRG 411.1 sample policy 2	This policy covers a student harassment beyond sexual harassment and sexual harassment not covered by district policy 413/513.	agree .
443.71	Anti-Bullying	443.9	Recode and replace with PRG 443.71 sample policy 1		agree
511	Equal Opportunity Employment and NonDiscrimination	511	Use PRG Version Sample policy 2 with Edits		agree with edits
511 R	Employment Discrimination and Harrassment Complaint Procedures	511 R	Use PRG Version Sample Rule 1 with Edits		agree with Edits
512	Harrassment Based on a Legally protected status	412/512	Use PRG Version Sample Policy 1 with Edits		agree with edits
522.3	Workplace Violence, Threats, Intimidation, and Harrassment		Referenced in the above policies.		Use with Edits

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*(This sample student nondiscrimination policy is appropriate only for a district that has adopted either PRG-113 Sample Policy 1 or PRG-113 Sample Policy 2 (or a locally-numbered equivalent) because this sample incorporates certain provisions from policy 113 by reference (rather than repeating the provisions in their entirety). **IMPORTANT:** A district using this sample would also need to adopt a student discrimination complaint procedure. PRG-411 Sample Rule 3 is a complaint procedure that was drafted to coordinate with this sample policy. In addition, a district adopting this policy should strongly consider adopting PRG-411.1 Sample Policy 2 (or 411.1 Sample Policy 1) as a supporting policy that further defines and addresses unlawful harassment based on any legally-protected status as one form of prohibited discrimination.)*

The right of students to be admitted to school and to participate fully in curricular, co-curricular, recreational, student services, or other programs or activities shall not be unlawfully abridged or impaired because of a student's sex (including conformity to sex or gender-based stereotypes), sexual orientation, race, color, national origin, ancestry, religion, creed, age, pregnancy, marital or parental status, any physical, mental, emotional or learning disability, or any other legally-protected status or classification. Accordingly, the School Board prohibits all forms of unlawful discrimination against students, regardless of the legally-protected status or classification that serves as the basis for any prohibited discriminatory conduct, policy, or practice. When based upon a legally-protected status or classification, examples of unlawful and discriminatory acts can include:

1. The denial of admission to any public school;
2. The denial of participation in, equal access to, or the benefits of any curricular, extracurricular, student services, recreational, or other program/activity, including the District's career and technical education opportunities;
3. The discriminatory and inequitable provision of resources among comparable curricular or extracurricular programs; or
4. Any action, policy, or practice, including segregation, bias, stereotyping, or student harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on a legally-protected classification or characteristic.

As further required by the Board's policies and/or applicable law:

- The District shall provide all appropriate and legally-required accommodations, educational services, and/or programs for students who have been identified as having a qualifying disability, regardless of the nature or severity of the disability and regardless of whether the student qualifies for the District's special education program. Facilities modifications necessary to provide for appropriate access and participation for persons with disabilities shall be made to the extent required by law.
- Among other accommodations for a student's religious beliefs that may be required under state or federal law, the District shall provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. If any such need is not adequately resolved by the application of regular

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classroom procedures, a student or the student's parent/guardian may submit a written (including via email) request for such an accommodation to the principal of the student's school. Access to and disclosure of such requests is limited as provided under the District's student records policies. The school principal or his/her designee shall approve or deny each such request. Potential accommodations may include, but are not necessarily limited to, being excused from participation in an activity, alternative assignments, release time from school to participate in religious activities, and opportunities to make up work missed due to religious observances. Any accommodation granted under this paragraph shall be provided to the student without prejudicial effect.

Editor's Note: Some districts choose to address the accommodation of students' religious beliefs in a separate policy, while often still directing that any complaints regarding an alleged failure to accommodate are to be filed and processed under the district's general student discrimination complaint procedures. See PI 41.04(1)(g) of the Wisconsin Administrative Code.

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- Children of homeless individuals and unaccompanied youth (youth not in the custody of a parent or guardian) as identified under federal law shall have equal access to the same free, appropriate public education, including comparable services, as those provided to other children and youth who reside in the District. Homeless children and youth shall not be required to attend a separate school or program for homeless children and shall not be stigmatized by school personnel.

This policy shall not be interpreted to prohibit the District from (1) providing special programs or services based on student need, such as gifted and talented programming, special education, school-age parents, bilingual-bicultural programs or services, at risk or alternative programs, and other special programs or services; or (2) placing a student in a school, program, class, or activity based on objective standards of individual need or performance.

Complaints alleging a violation of any aspect of this policy may be filed and shall be processed in accordance with the District's student discrimination complaint procedures, as adopted in connection with ~~Board Policy 113413/513~~ and this policy. **Editor's Note: Every time that "Board Policy 113" appears as a cross reference within this sample, a district should modify the cross reference, if necessary, to correspond to the locally-numbered equivalent of PRG 113 Sample Policy 1 or PRG 113 Sample Policy 2, as actually adopted in the district.**

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The ~~insert the appropriate position title or other appropriate descriptor~~ **Special Education Director** is authorized to receive any student discrimination complaint, including any complaint arising under Chapter PI 9 (student nondiscrimination under state law) or Chapter PI 41 (accommodation of students' religious beliefs) of the Wisconsin Administrative Code.

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Editor's Note: Ensure that the staff position title inserted in the previous sentence is accurate and consistent with the nondiscrimination coordinator designations made in any other policies, including especially the local equivalent to the PRG 113 policy samples.

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Any person who is determined to be responsible for any form of unlawful discrimination, any act of prohibited retaliation, or other violation of a District nondiscrimination policy, including this policy, is subject to appropriate disciplinary action and/or other appropriate consequences that are within the District's lawful authority.

Policy Provisions Incorporated by Reference. The following provisions of ~~Board Policy 113413/513~~, which addresses the District's commitment to nondiscrimination across all aspects of the District's programs, activities, and operations, are applicable to this student-focused

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policy and are incorporated by reference:

- The designation of nondiscrimination coordinators, including the District's Title IX Coordinator(s). ~~Board Policy 13413/5131~~ provides the direct contact information for the District's nondiscrimination coordinators.
- Procedures under which any person (including a person who is not claiming to have been personally harmed/victimized by the alleged conduct or challenged policy) may report information about or, if eligible, submit a complaint alleging possible prohibited discrimination or prohibited retaliation.
- Notice that the prohibitions against sex discrimination established by Title IX of the federal Education Amendments of 1972 ("Title IX") and by the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations ("the federal Title IX regulations") apply to the District. Title IX protects students, employees, and others from various forms of prohibited sex discrimination.
- The prohibition that no official, employee, or agent of the District or any other person (including a student) may intimidate, threaten, coerce, or unlawfully discriminate against any individual (1) for the purpose of interfering with any right or privilege secured by any nondiscrimination statute or related regulation, or (2) because the individual has made a report or complaint, or testified, assisted, participated, or exercised a legal right to refuse to participate in any manner in an investigation or proceeding conducted under any District nondiscrimination policy.
- The limitations on the extent to which the District can provide or assure confidentiality, but also the commitment to observe any specific confidentiality requirements established by state or federal law.
- The prohibition against bad faith conduct and abuse of process in connection with any report or complaint of possible discrimination or retaliation.

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Editor's Note: One or more of the sections below this note may be deleted if the district prefers to shorten the policy. However, the remaining sections of this sample cover legal rights or legal obligations that will exist regardless of whether they are expressly addressed in this policy.

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External Complaints and Proceedings. By following the procedures and timelines established by the applicable non-District entity, complaints of unlawful student discrimination may also be filed externally with the Wisconsin Department of Public Instruction, the Chicago office of the U.S. Department of Education's Office for Civil Rights, or, in appropriate circumstances, with any state or federal court or other agency of competent jurisdiction. Each such external entity independently determines whether a given complaint falls within the entity's scope of authority.

Notices and Published Nondiscrimination Statements. The District Administrator and the District's designated nondiscrimination coordinators shall ensure that notice of this policy and its accompanying complaint procedures is published at the beginning of each school year as a Class 1 legal notice. In addition:

1. A student nondiscrimination statement shall be included in the District's student and employee handbooks, course selection handbooks, and other published materials

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distributed to the public describing school activities and opportunities;

2. The District's student nondiscrimination complaint procedure shall be included in the District's student and employee handbooks; and
3. The District shall also provide the notices required under applicable federal nondiscrimination laws that apply to students (e.g., Title IX, Section 504, etc.).

Evaluation and Reports. The District Administrator and the District's designated nondiscrimination coordinators shall ensure that the District annually prepares a summary compliance report regarding student nondiscrimination and that the District completes an evaluation of the status of nondiscrimination and equality of educational opportunity in the District at least once every five years, as further specified under the regulations of the Department of Public Instruction.

Legal References:

Wisconsin Statutes

[Section 118.13](#) [student nondiscrimination; policy/procedures required]

Wisconsin Administrative Code

[PI 9](#) [student nondiscrimination; policy/procedure/notice required]

[PI 41](#) [accommodating student religious beliefs; policy required]

Federal Laws

[20 U.S.C. §1681 et seq.](#) [Title IX of the Education Amendments of 1972, as amended, prohibiting sex discrimination in federally-supported educational programs; implementing regulations at [34 C.F.R. Part 106](#)]

[20 U.S.C. §6312\(e\)\(3\)\(D\)](#) [nondiscrimination in admission on the basis of surname or language-minority status]

[29 U.S.C. §794 et seq.](#) [Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination based on a qualifying disability; implementing regulations at [34 C.F.R. Part 104](#) and [28 C.F.R. Part 42, Subpart G](#)]

[42 U.S.C. §12131 et seq.](#) [The Americans with Disabilities Act, Title II, as amended, nondiscrimination based on disability by state and local governments; implementing regulations at [28 C.F.R. Part 35](#)]

[42 U.S.C. §6101 et seq.](#) [Age Discrimination Act of 1975, as amended, prohibiting age discrimination, with relevant exceptions, in programs or activities receiving Federal financial assistance]

[42 U.S.C. §2000c et seq.](#) [Title IV of the Civil Rights Act of 1964, as amended, prohibiting certain equal protection violations relating to the assignment of students to public schools and within such schools based on sex, religion, race, color, or national origin]

[42 U.S.C. §2000d et seq.](#) [Title VI of the Civil Rights Act of 1964, as amended, prohibiting discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds; implementing regulations at [28 C.F.R. Part 42, Subpart C](#)]

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[42 U.S.C. §11431 et seq.](#) [the McKinney-Vento Homeless Assistance Act; equal access for homeless students; required policies to remove barriers]
[34 C.F.R. Part 100, App. B](#) [this appendix requires school districts to provide a notice that all vocational opportunities will be offered without regard to race, color, national origin, sex, or disability]

Cross References:

[WASB PRG 411 Sample Policy 3](#)
[342.1, Programs for Students with Disabilities](#)
[411-Rule \(1\), Student Discrimination/Harassment Complaint Procedures](#)
[411.1, Student Harassment](#)
[413/513, Nondiscrimination in District Programs, Activities and Operations](#)
[512, Sexual Harassment](#)
[Special Education Handbook](#)[Insert appropriate cross references to the policy as applicable to your district.]

Adoption Date: March 1994

Revised: September 1995
March 2002
May 2005
May 2016

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{This sample rule provides that the district administrator will make the district's final decisions in response to most student discrimination complaints, except in limited cases, such as where the district administrator is the individual accused of discrimination or where the district administrator determines that the most appropriate resolution of a complaint requires a change in board policy. This sample rule also expressly addresses expectations of confidentiality in the complaint resolution process, establishes a flexible but enforceable deadline for the initial filing of a formal complaint, and addresses voluntary withdrawal of a complaint. The specific position titles, addresses, phone numbers, and email addresses included in this sample should be regularly reviewed and updated as needed. This sample rule does not address the dissemination of nondiscrimination statements/information, program reports, program evaluation, or recordkeeping related to complaints. The sample assumes those issues are either addressed in a different policy/resource or that the district at least understands that there are legal obligations related to those issues that will exist whether or not the topics are expressly addressed in a local policy or rule/procedure.}

If any person believes that the [insert the official name of the school district](#) Waukegan Community School District has inadequately complied with section 118.13 of the state statutes and the statute's implementing regulations or any of the federal nondiscrimination laws (including but not limited to Title VI, Title IX, Section 504, and the Americans with Disabilities Act), or if any person believes that a student has in some other way been unlawfully discriminated against on the basis of sex, sexual orientation, race, color, national origin, ancestry, religion, creed, age, pregnancy, parental or marital status, any physical, learning, mental or emotional disability, or any other legally-protected status or classification, then the person may attempt to resolve his/her complaint or concern by using either, or both of (1) the District's informal dispute resolution options, if available; or (2) the District's formal complaint procedures, as established in this Rule. As further explained below, the District may redirect certain complaints to be processed under different procedures.

The complaint procedures defined below may also be used to address other types of student-related complaints to the extent authorized by any Board policy or District rule/procedure. However, an appeal to the Department of Public Instruction (DPI) may not always be available when the complaint procedures are used for such other purposes.

Any person participating in the resolution of a report or complaint of possible prohibited discrimination who has concerns about safety, the availability and maintenance of an appropriate school-related environment, or retaliation should discuss those concerns with a District-designated nondiscrimination coordinator as early as possible in the process. Such concerns may be raised even prior to initiating the complaint procedure.

When a District nondiscrimination coordinator or an authorized designee is notified of any report or complaint of alleged discrimination under these procedures (including a report or complaint of retaliation prohibited by a nondiscrimination law and/or District policy), the District shall consider (and any person involved in the matter may affirmatively request consideration of) any interim measures that should be taken while the report or complaint is being resolved. Such interim measures may include, for example, safety planning or other steps that might be taken to protect any person and to ensure equal access to the District's education programs and activities.

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Within these procedures, a report to an appropriate District official of conduct that reasonably may constitute prohibited student discrimination (or retaliation) will be treated as a "complaint" when an eligible person has made an oral or written request to an appropriate District official that objectively can be understood as a request for the District to investigate and make a determination about the alleged discrimination or retaliation. The procedures below further address the filing of complaints. **Editor's Note: The definition of a "complaint" used in this paragraph is borrowed from the 2024 Title IX regulations and generalizes the application of that Title IX definition to all types of student discrimination complaints.**

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A. COORDINATION WITH THE DISTRICT'S TITLE IX GRIEVANCE PROCEDURES

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Editor's Note: Some districts may elect to exclude this section, particularly if the district's Title IX grievance procedures already address the relevant coordination issues. However, there is likely some benefit to including express language in this rule that attempts to harmonize the related policies and processes. As required by the federal Title IX regulations, the District has adopted separate "grievance procedures" for the resolution of complaints, including student discrimination complaints, (1) that have been submitted by an eligible individual, and (2) that the District identifies as raising allegations that reasonably may constitute sex discrimination or retaliation prohibited under Title IX (i.e., a "Title IX complaint"). The District's Title IX grievance procedures are defined in ["113413/513, Rule 1,"] and are available on the District's website at [insert website location].

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The following apply to Title IX complaints:

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1. Title IX complaints may be filed and will be processed using the District's Title IX grievance procedures (rather than by using the general student nondiscrimination complaint procedures defined below).
2. Title IX complaints are **not** subject to the informal resolution option described below within these procedures.
3. If a report or complaint of possible sex discrimination could have been pursued as a Title IX complaint under the District's Title IX grievance procedures but the complaining party elects not to do so or refuses to do so, then the District is not under any automatic obligation to further process the report or complaint of sex discrimination using the general complaint procedures defined below.
4. The District is not required to further address any report, complaint, allegation, or basis for a finding of potential misconduct or other liability that reaches a determination (including but not limited to a lawful dismissal) or that is otherwise resolved through the District's separate Title IX grievance procedures. However, such determination or resolution may be subject to an appeal to DPI by the complainant as the District's determination of the complaint for purposes of Chapter PI 9.

B. OPTIONS AND PROCEDURES FOR INFORMAL RESOLUTION

The District strongly encourages, but does not require, the informal resolution of complaints and concerns regarding the implementation and monitoring of the laws, regulations, and

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local policies that facilitate the provision of equal educational opportunities and that prohibit discrimination against students.

To pursue informal means of resolving a complaint or concern, a person may initially contact either the appropriate school principal or the District's nondiscrimination coordinator for student matters, whose full position title and contact information is provided below in ~~the~~ Section C-1 of these procedures. If an individual initially contacts a school principal regarding informal resolution of a student discrimination matter, the school principal shall involve a District-designated nondiscrimination coordinator in determining the District's response.

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In contacting the District to initiate an informal process, it will be very helpful if the individual contacting the District expressly states (1) that they would like to explore informal means of reporting possible discrimination or addressing a complaint or concern prior to initiating a formal complaint; and (2) that their report, complaint, or concern involves a potential violation of particular laws or District policies.

Informal methods for attempting to resolve a complaint or concern may include the scheduling of meetings among relevant parties; meetings or communications mediated by an administrator or other individual selected by the District who was not directly involved in the issue; or, following a presentation and initial assessment of the issue(s), the offering of one or more options for changes to be made in the relevant circumstances. If a report of possible student discrimination has been made by an individual (e.g., an uninvolved witness) who is not a person who would qualify as an actual, aggrieved party in interest to the alleged discrimination, then an option for informal resolution of the report may include a commitment by the District to attempt to contact the actual party in interest regarding the report and the available options for addressing the relevant circumstances.

C. FORMAL DISCRIMINATION COMPLAINT PROCEDURES

1. ~~*{Editor's Note: This paragraph assumes that the school district has adopted a policy that is substantively similar to PRG 113 Sample Policy 1 or 113 Sample Policy 2 that includes directions for filing discrimination and harassment complaints that would ultimately be processed under these complaint procedures. If that is not the case, then this paragraph will need to be further modified.}*~~ **Filing a Complaint.** A complaint arising under the state or federal laws identified in this rule, or under the Board's equal educational opportunities and student nondiscrimination policy, may be filed as provided in ~~insert applicable local policy – e.g., "Board Policy 113"~~ Board Policy 413/513. In addition, it is always sufficient to file a written complaint that concerns possible student discrimination directly with the office of the ~~ensuring coordination with related district policies that also designate nondiscrimination coordinators, identify the appropriate administrator – e.g., "Director of Student Services"~~ Special Education Director, who serves as a District-designated nondiscrimination coordinator for student matters. Insert to the extent accurate in the district: "The same employee is also a District-designated coordinator for purposes of Title IX, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act". The contact information for the student nondiscrimination coordinator (also referred to below as the "Compliance Officer") is as follows:

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[REGULAR POSITION TITLE] Special Education Director and Student Nondiscrimination Coordinator

[SCHOOL DISTRICT] Wauunakee Community School District

[PHYSICAL OFFICE ADDRESS] 905 Bethel Circle

[OFFICE MAILING ADDRESS, only if different] Wauunakee, WI 53597

[OFFICE TELEPHONE] 608-849-2000

[tiffanyloken@wauunakee.k12.wi.us] [DISTRICT ISSUED EMAIL ADDRESS]

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[Insert if desired and accurate: "Written complaints are strongly preferred to help avoid ambiguity and miscommunication."] *[Insert if desired and accurate: "A District form that can be used to submit a complaint of student discrimination is available at [insert website location] and can also be obtained upon request from the main administrative office in any District school."]*

[Insert as a clarification if desired: "As needed, the Compliance Officer or a designee shall, without bias or favoritism and without serving as an advocate, seek confirmation of what is being alleged or request additional details or clarifications. Applicable documentation of the complaint may be created/updated as needed. This provision does not preclude the possibility of later changes to the scope of the allegations covered by a complaint."]

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2. **Initial Processing and Investigation.** Upon receiving such a complaint, the Compliance Officer shall initially issue an acknowledgement of receipt, determine whether the issues presented are properly amenable to resolution through the student discrimination complaint procedures, and, if so, undertake or arrange for an investigation of the issues raised by the complaint.
 - a. Receipt of the complaint shall be acknowledged on or before 21 days of the District's receipt of the complaint.
 - b. If the Compliance Officer determines *[insert if desired: ", after obtaining the approval of the District Administrator,]* that the complaint (or a portion thereof) does not present an issue that can be addressed through this complaint procedure, then the District may re-direct the complaint to another internal procedure, to the extent applicable. Within ten (10) days of receiving notice of any decision that the complaint (or a portion thereof) is not amenable to an investigation and/or determination on the merits through these procedures (including a District-initiated dismissal of the complaint for a lawful reason), the complainant may request that the District Administrator reconsider that determination. Upon receiving any adverse response to the request for reconsideration that constitutes a final determination, the complainant may appeal the determination to the Department of Public Instruction within thirty (30) days, as further identified below.
 - c. Any investigation shall be conducted by a person who the District determines is not identified within the complaint as a party who is allegedly responsible for, or who was directly involved in, the underlying issue or incident.

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- d. In all cases that proceed to an investigation stage, either the Compliance Officer or an assigned investigator shall speak or correspond personally with the complainant in order to provide an opportunity for the complainant to provide such information and evidence as the complainant wishes to present. Prior to reaching a determination pursuant to an investigation conducted under these procedures that any known alleged responsible party personally engaged in discrimination, violated District policies or rules, or committed other misconduct related to the allegations, the investigator shall make reasonable efforts to provide such individual respondent(s) with an equivalent opportunity. This paragraph does not prohibit additional investigative interviews of the parties or other persons.
3. **Determination after an Investigation.** Following an investigation, either the investigator, the Compliance Officer, the District Administrator, or a separate designee approved by the District Administrator or School Board shall issue the initial administrative determination of the complaint and, in a manner consistent with applicable student records laws, issue a written determination to the complainant and any other appropriate parties indicating the extent to which the complaint was or was not substantiated and including such other information as may be appropriate under the circumstances. Depending on factors such as the authority of the person assigned to make the initial determination of the complaint, the specific nature of the allegations, and the application of confidentiality laws, a determination that any allegation of discrimination, retaliation, or other misconduct or violation has been substantiated (in whole or in part) may or may not identify specific remedies for the aggrieved party, disciplinary sanctions, or other consequences (or recommendations for such actions). For example, it may be necessary or appropriate in some cases for the determination to include the conclusion that a person responsible for substantiated discrimination or any other misconduct or violation shall be referred to appropriate District officials for follow-up decisions based on the determination.
4. **Requests for Reconsideration, Final District Action, and Appeals to DPI.** If any actual party in interest to the complaint is dissatisfied with the initial administrative determination of the complaint, he/she may file a request within ten (10) days of receipt of the determination asking the District Administrator to review the file and reconsider the determination.
 - a. If a party requests reconsideration, he/she shall identify the basis for the request with ~~reasonably~~ reasonable specificity. Subject to the overall time limitations described below, the District Administrator shall issue a decision on reconsideration within thirty (30) days of the District Administrator's receipt of the request. At the District's discretion, additional fact-finding may occur at this stage.
 - b. *[Insert if desired: "To the extent an actual party in interest to a complaint is notified of any specific remedies, sanctions, or consequences as part of the written determination received by that party, only the intended beneficiary of a remedy (or such person's representative) may request reconsideration through these procedures of the specific remedies applicable to that party. Similarly, only the person on whom a sanction or other consequence has been imposed (or such person's representative) may request reconsideration through these procedures that is based*

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on a direct challenge to the specific type or severity of the sanction(s)/consequence(s).") *Editor's Note: There are advantages and disadvantages to defining/limiting the potential scope of requests for reconsideration (i.e., intra-district appeals), and the analysis related to such reconsideration/appeal opportunities within discrimination complaint procedures has changed as a result of the 2024 Title IX regulations. This may be an area that a district wishes to consult with their legal counsel about. For example, some districts may decide to leave their appeal language very general, while some districts that choose to address the issue raised by this paragraph may wish to consider an alternative approach to the one presented in this sample.*

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- c. A decision on reconsideration is a final District determination of the complaint. The decision will include appropriate information about a complainant's right under Chapter PI 9 to appeal an adverse determination to DPI.
 - i. Appeals to DPI may be mailed to the Department of Public Instruction, Pupil Nondiscrimination Program, P.O. Box 7841, Madison, WI 53707.
 - ii. Any appeal to DPI must be filed within thirty (30) days of the date of the school District's final action on the complaint.
5. **Timelines and Extensions.** Generally, the initial administrative determination following an investigation will be reported to the complainant and to other appropriate parties within approximately sixty (60) calendar days of the District's receipt of the complaint, and any decision on reconsideration will normally be issued within ninety (90) calendar days of the District's receipt of the complaint.
 - a. The administrator who is managing the complaint process is encouraged to keep the actual parties of interest to the complaint (including any alleged victim/target or any alleged responsible party) apprised of the status of the complaint.
 - b. The District and the parties involved may mutually agree to a further extension of the overall 90-day time period. If mutual agreement to extend the time period cannot be obtained and good cause for an extension exists, the District may contact DPI and request express permission to unilaterally extend the overall 90-day time period.
 - c. A party may request a reasonable extension of a deadline that is applicable to the parties under these procedures, and the District may approve such requests, in whole or in part, upon a determination that there is good cause for the request and that extending the deadline will not be unduly prejudicial to the District or to the parties. The District does not have authority to extend regulatory deadlines for initiating an appeal to DPI.

D. **DEADLINE FOR THE INITIAL FILING OF A COMPLAINT**

There is no absolute deadline for the initial filing of a complaint under these procedures. The District always has an interest in being made aware of potential concerns with student discrimination and other student issues permitted to be raised through these complaint procedures. However, a person with a complaint or concern involving a student matter is

STUDENT DISCRIMINATION COMPLAINT PROCEDURES

Waukegan Community School District

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encouraged to notify the District of the issue or to file a formal complaint as soon as reasonably possible after the occurrence of the relevant events. Any gap in filing or otherwise pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of possible remedies and resolutions that are reasonably available. Notwithstanding the lack of a single, fixed deadline, the District Administrator shall have authority to determine that any complaint that is filed more than 300 days after the occurrence of the incident in question, or after the last occurrence of an ongoing/recurring incident of alleged discrimination, will not be processed through these procedures for lack of timeliness (although the District Administrator may follow-up on the issues presented through other means if appropriate). A decision that the complaint is untimely (or any other dismissal of a complaint prior to issuing the determination identified in ~~Section C-3~~ above—such as dismissal for egregious abuse of process) is subject to the reconsideration and appeal steps identified in ~~Section C-2(b)~~ above.

Editor's Note: Verify that the section cross-references in this document remain accurate in the final version of any local rule based on this sample. Additional cross-references appear below.

Complainants should also be aware that courts and external agencies may have specific filing or notice deadlines that are tied to the date of the alleged violation, rather than the date that a party initiates or completes any District-established complaint process.

E. SPECIAL PROCEDURE FOR COMPLAINTS INVOLVING THE DESIGNATED FILING OFFICER

In the event that a complaint to be filed under these procedures concerns the actions of or decisions made directly by the filing officer designated in ~~Section C-1~~ of the above-listed procedures, the complainant may instead file the complaint in writing at the District's main administrative office, directed to the attention of the District Administrator, who shall adjust the roles performed in the process so that the filing officer is neither managing, investigating, nor determining the District's administrative response to the complaint.

F. SPECIAL PROCEDURE FOR COMPLAINTS INVOLVING THE DISTRICT ADMINISTRATOR

In the event that a complaint to be filed under these procedures concerns the actions of or decisions made directly by the District Administrator, the complainant may file the complaint in writing at the District's main administrative office, directed to the attention of the Board President, who shall work with District legal counsel in order to process the complaint. If the Board President and District legal counsel determine that the District Administrator may not be sufficiently impartial, or that it is in the best interests of the District to avoid the appearance of any such partiality, then the Board President, with notice to the other members of the Board, shall designate District legal counsel or another non-employee investigator as the complaint manager for purposes of processing and investigating the complaint up to the point of reaching and issuing a resolution on the complaint. After completion of the investigation in such a case, the Board shall meet and assess the findings and outcome of the investigation, make and issue the resolution of the complaint, and perform the role of the District Administrator in ~~steps 3 through 4 in Section C~~, above.

G. SPECIAL PROCEDURES FOR COMPLAINTS WHERE A PROPOSED ADMINISTRATIVE RESOLUTION REQUIRES A CHANGE IN BOARD POLICY OR INVOLVES THE PAYMENT OF DISTRICT FUNDS

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In the event that the District determines at any stage of processing the complaint that the most appropriate resolution of a complaint requires either a change in Board policy or any payment of District funds to a complainant or other aggrieved person, the District Administrator shall present the complaint, the investigative findings, and the proposed resolution to the Board. The Board shall then determine and issue the resolution that is required in ~~Section C-3~~ of the procedures listed above. To the extent the Board issues the resolution required in ~~Section C-3~~, the Board shall respond to any request for reconsideration of that resolution that may be submitted under ~~Section C-4~~.

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H. VOLUNTARY WITHDRAWAL OF A COMPLAINT

Where the complainant voluntarily withdraws a complaint due to a satisfactory resolution of the issues, mootness, or any other reason, the District is not required to continue to process the complaint. However, in certain circumstances, the District may choose to continue to follow-up on issues or concerns identified in the withdrawn complaint through other means or processes.

I. FILING COMPLAINTS WITH THE OFFICE FOR CIVIL RIGHTS OF THE U.S. DEPARTMENT OF EDUCATION AND OTHER EXTERNAL AGENCIES OR THE COURTS

Nothing within these locally-established complaint resolution procedures shall preclude individuals from filing a discrimination complaint or request for enforcement directly with the U.S. Department of Education's Office of Civil Rights ("OCR"), as authorized by federal law. Such complaints may be filed with OCR as further described on the U.S. Department of Education's website. See ~~https://www2.ed.gov/about/offices/list/ocr/docs/howto.html~~. OCR complaints originating in Wisconsin are generally processed by OCR's regional office located in Chicago.

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Editor's Note: If the district wishes to identify more specific contact information for OCR's Chicago office, the following information is current as of July 31, 2024.

Office for Civil Rights
Chicago Office
U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604

Telephone: (312) 730-1560
Facsimile: (312) 730-1576; TDD: 800-877-8339
Email: ~~OCR.Chicago@ed.gov~~

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A complaint or suit may also be filed with another external governmental agency or court. Such agencies and courts independently determine the timeliness of a complaint or suit and the extent to which any given complaint or suit falls within their realm of authority. Such actions may be taken in lieu of or in addition to filing a complaint under the District's local procedures.

STUDENT DISCRIMINATION COMPLAINT PROCEDURES

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J. CONFIDENTIALITY

Complainants who have specific concerns about confidentiality in connection with a complaint should arrange to discuss those concerns at the time they file their complaint.

The District cannot assure complainants or other aggrieved parties or alleged victims that a complaint can be processed without disclosing the identity of persons involved in the events/issues to the extent reasonably necessary to investigate and process the complaint. For example, in most cases, it is not possible to fully process and investigate a complaint without revealing the identity of the person(s) who has filed the complaint to individuals being questioned about the issues/events identified in the complaint.

All complainants are given further notice by this section that, in some situations, the allegations of a complaint will compel an investigation or other follow-up activity by the District in a manner that necessitates the direct or indirect disclosure of the identity of a complainant against his/her wishes, even when the complainant seeks to "withdraw" the complaint.

At the same time, it would be wholly inappropriate for District employees who may be involved in the complaint resolution process to violate lawful confidentiality directives or any applicable confidentiality requirements established in state or federal law, such as by inappropriately disclosing information from student records when no lawful exception to confidentiality applies. District policy also prohibits District employees, other agents of the District, and students who are involved in the complaint resolution process from engaging in acts of harassment or retaliation against any aggrieved party, complainant, or other person involved in the complaint resolution process. Any violations of the District's conduct expectations related to the complaint resolution process subject the violator to appropriate disciplinary action.

The District will also carefully assess its legal obligations under the public records law before the District would disclose any sensitive and personally-identifiable complaint-related information in response to a request for records.

An example of a complaint that may be able to be processed without regard to the identity of the complainant is a complaint that raises a question as to the legality of a District-wide or school-wide policy or practice of general applicability that affects many students, and that can be adequately assessed without reference to any particular student, family, or incident.

K. SEPARATE COMPLAINT PROCEDURE – SPECIAL EDUCATION

Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability shall be processed in accordance with established appeal procedures outlined in the District's Special Education Handbook, or as outlined in the District's Section 504 Handbook, as may be applicable.

Cross References:

STUDENT DISCRIMINATION COMPLAINT PROCEDURES

Waunakee Community School District

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WASB PRG 411 Sample Rule 3

Adoption Date: March 1994

Revised: September 1995
April 1999
March 2002
February 2019

STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

Waukegan Community School District

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~~(This sample policy defines unlawful harassment as a form of student discrimination under state and federal civil rights laws (i.e., harassment tied to one or more legally-protected classifications). The sample includes specific examples of prohibited conduct. The final section of this sample policy, addressing reports and complaints of harassment based on a legally-protected status, has been written to coordinate with PRG 113 Sample Policy 1 (or PRG 113 Sample Policy 2) and PRG 411 Sample Policy 3. For example, the description of how to file a report or complaint of prohibited harassment under this policy references the same procedures and methods that are set forth under those other sample policies, which in turn are based on requirements established under Title IX for making reports and complaints of Title IX sexual harassment. IMPORTANT: This sample assumes that the district is adopting and implementing the PRG sample policies under topic 113 and topic 411 that have been updated in 2024 to reflect the 2024 federal Title IX regulations.)~~

This policy addresses prohibited harassment of students that is based on, or that occurs because of, a student's legally-protected status, including harassment that is based on a student's sex (including any non-conformance with sex or gender-based stereotypes), sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, any physical, mental, emotional or learning disability, or any other legally-protected status or classification. The District prohibits and will intervene to respond to reports, complaints, or other sufficient notice of any such harassment not only because of the District's legal obligations, but also because such conduct is detrimental to the educational environment and to the well-being of students.

Defining and Identifying Harassment Based on a Legally-Protected Status

Although different state and federal laws establish different standards to define conduct that does (or does not) constitute prohibited student harassment, prohibited harassment under this policy generally includes behavior (or any course of conduct) affecting one or more students that is based, in whole or in part, on a legally-protected status or classification and that:

1. Substantially interferes with a student's school performance;
2. Substantially interferes with a student's ability to participate in or benefit from any District activity or program; or
3. Creates an intimidating, hostile, or offensive environment within any District school, activity, or program.

As specifically defined and prohibited under the federal Title IX regulations (see [34 C.F.R. §106.02](#)), sex-based harassment means sexual harassment and other harassment on the basis of sex, including conduct within any District program or activity that either (1) involves a District employee, agent of the District, or other person with a District-authorized role who conditions the provision of an aid, benefit, or service of the District on a student's participation in unwelcome sexual conduct; (2) is unwelcome sex-based conduct that, based on the totality of the circumstances, creates a hostile environment; or (3) constitutes sexual assault, stalking, dating violence, or domestic violence as those terms are further defined under the Title IX regulations.

If desired, insert the following sentence to further capture the details of the express definition of sex-based harassment that is established in the 2024 Title IX regulations: "Under the federal Title IX regulations, harassment on the basis of sex includes harassment on the basis of sex stereotypes."

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STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

Waukegan Community School District

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~~sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.”~~
~~(Editor’s Note: In connection with this paragraph and particularly the optional final sentence of this paragraph, it is important to consider that the specific scope of discrimination on the basis of sex, including the scope of harassment on the basis of sex, as defined within the 2024 Title IX regulations remains subject to ongoing litigation in the federal courts as of the August 1, 2024 effective date of the regulations.)~~

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In addition:

- The person responsible for the prohibited harassment may be another student, a District employee, a non-employee acting as an agent or contractor of the District, or another person who is present in, or who engages in conduct that sufficiently impacts, the educational environment or the applicable District program or activity.
- A student can be a victim of and adversely affected by harassing conduct even when he/she is not the direct target of the harassment.
- Harassment is defined primarily by the characteristics and effects of the behavior, and such considerations can outweigh any asserted lack of specific intent to harass. The effects of the relevant conduct are normally evaluated from the perspective of a reasonable person in the position of the student victim.

Nothing in this policy limits the District’s discretion or authority to intervene with respect to conduct (or alleged conduct) affecting a student that, although not determined to constitute proven unlawful harassment, either (1) could contribute to a finding of unlawful harassment if the behavior or course of conduct were to continue; (2) violates any other policy or specific conduct rule or directive established by the District; (3) causes a substantial disruption within any District program or activity; or (4) endangers the health, safety, or property of a student.

~~(Editor’s Note: Some districts may elect to exclude this clarifying paragraph.)~~

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Finally, conduct may occur (or be reported or alleged) that would constitute prohibited harassment under this policy except that the conduct lacked a sufficient connection to a District program or activity or otherwise occurred outside the scope of the District’s rule-making, investigatory, or disciplinary authority. In such a situation, the District may still work with the victim (or alleged victim) to provide interventions or supports that address any school-connected consequences that relate to the conduct (or alleged conduct).

~~(Editor’s Note: Some districts may elect to exclude this clarifying paragraph.)~~

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Examples of Prohibited Conduct

~~(Editor’s Note: Some districts may elect to exclude this section providing examples of prohibited harassing conduct. However, the inclusion of some specific examples is one of the primary reasons to maintain a policy on unlawful harassment that is separate from the district’s general student nondiscrimination policy. Otherwise, it may be more expedient to simply expand on the definition of unlawful harassment within the general student nondiscrimination policy.)~~

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Some examples of prohibited conduct that could constitute unlawful harassment or directly contribute to the creation of an unlawful intimidating, hostile, or offensive educational environment under this policy include any of the following:

STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

Waukegan Community School District

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- Multiple, repeated, or severe verbal or written comments that insult, degrade, or stereotype a student or group of students because of any legally-protected status or classification. This might include the use of slurs, epithets, name calling, ridicule, mockery, insults, or put-downs.
- Conduct that endangers a student's health, safety, or property, such as an assault, a threat, or attempted intimidation, that occurs because of a person's legally-protected status.
- Posting, displaying, or circulating any written or graphic materials, sound or video recordings, or any electronic or other materials, symbols, or objects that attack, mock, belittle, or show hostility toward a student or group of students based on a legally-protected status.

Additional examples of conduct that may constitute or directly contribute to a finding of unlawful sexual harassment include, but are not limited to, the following: (1) unwelcome comments that are lewd or sexually-suggestive (including sexual innuendo or offensive language of a sexual nature); (2) unwelcome physical contact or other unwarranted intrusions within an individual's personal space that occur because of a person's sex; (3) persisting in romantic advances or making requests for romantic involvement after being informed that such attention is unwelcome; (4) the implicit or explicit making of any demands or any unwanted requests for sexual activity; (5) the display or distribution of sexually-explicit content that lacks a sufficiently legitimate purpose; or (6) any verbal, written, graphic, or physical conduct or communication that attacks, mocks, belittles, or shows hostility toward a student due to the student's sex, gender, sexual orientation, or lack of conformity to sex or gender-based stereotypes.

Applicability of Nondiscrimination Policies; Reports of Complaints of Harassment

~~Editor's Note: This section could be replaced with the following alternate, more general language:~~

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~~Harassment that is based on a legally-protected status is a form of prohibited discrimination under applicable laws and District policies. Any person, including any student, may report a concern or allegation of prohibited harassment to the District, and the District has established processes and procedures for responding to such reports or complaints. When an eligible person initiates a complaint seeking an investigation and determination of allegations of student harassment based on a legally-protected status, the complaint will be processed according to insert references to applicable local policies – e.g., "Board Policy 113 and Board Policy 411.1" and the complaint/grievance procedures established under those District nondiscrimination policies. Any individual who needs additional information about submitting a report or complaint of possible student harassment may contact insert the appropriate position(s) – e.g., "any of the District's nondiscrimination coordinators, or identified in "Board Policy 113 and Board Policy 411.1", or the office of the District Administrator."~~

~~END OF EDITOR'S NOTE~~

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Unlawful harassment that is based on a legally-protected status is a form of discrimination. As a result, ~~Board Policy 113/413/513~~ (Nondiscrimination in District Programs, Activities and Operations) and ~~Board Policy 411.1~~ (Student Nondiscrimination and Equal Educational

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STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

Waunakee Community School District

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Opportunities) apply in full to this policy. In addition, the District's expectations for employees to appropriately report their knowledge of incidents or allegations of prohibited discrimination (including unlawful harassment) to an appropriate administrator apply to incidents/allegations of student harassment that are known to an employee.

Any person may report a concern or allegation of prohibited student harassment that is based on a legally-protected status to any of the District's nondiscrimination and equal opportunity coordinators. The report or complaint may be submitted to a designated coordinator (1) in person (whether verbally or in writing), (2) by U.S. mail, (3) by telephone, or (4) by electronic mail. Other methods that result in the coordinator actually receiving the report or complaint are also acceptable. ~~Board Policy 413/513~~ identifies and provides contact information for designated coordinators, including identifying the primary coordinator for any student discrimination matter. **Editor's Note: The reporting procedures referenced in this paragraph must be consistent with the reporting procedures that are defined in the district's related nondiscrimination policies/rules.**

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Reports and complaints of possible student harassment under this policy will be processed and resolved as set forth in the rules and procedures adopted under ~~Board Policy 413/513~~ and ~~Board Policy 411~~.

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Legal References:

Wisconsin Statutes

- [Section 118.13](#) [student nondiscrimination]
- [Section 947.013](#) [harassment prohibited]

Wisconsin Administrative Code

- [PI 9](#) [student nondiscrimination; policy/procedure/notice required]

Federal Laws

See the federal references for Policy 411-Student Nondiscrimination and Equal Educational Opportunity

Cross References:

- WASB PRG 411.1 Sample Policy 2
- [411. Student Nondiscrimination and Equal Educational Opportunity](#)
- [411-Rule \(1\), Student Discrimination/Harassment Complaint Procedure 413/513, Nondiscrimination in District Programs, Activities and Operations](#)
- [447.3, Student Suspension](#)
- [447.4, Student Expulsion](#)
- [447.5, Student Discipline Suspension/Expulsion of Students with Disabilities](#)
- [454, Child Abuse and Neglect](#)

Adoption Date:

STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

Waunakee Community School District

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BULLYING

Policy 443.71

Waunakee Community School District

Page 1 of 2

(This sample policy prohibits all forms of bullying of students, including cyber bullying.)

The District is committed to providing a safe, supportive and respectful school environment for all students and strictly enforces a prohibition against bullying. Bullying behavior interferes with student learning and has a detrimental effect on the personal health and well-being of students, and will not be tolerated in the District.

Bullying of students is prohibited at school, on school grounds, during school-sponsored activities, on school buses and at bus stops, and through the use of digital technologies. "Bullying" is defined as deliberate or persistent behavior, using words or actions, that is intended to cause fear, physical harm or psychological distress on another student and has the effect of doing any of the following:

1. substantially interfering with a student's education or school performance;
2. creating an intimidating or fearful environment in a school setting for a student or group of students; or
3. substantially disrupting the orderly operation of the school.

All District staff must be alert to and aware of the signs of bullying and intervene promptly and firmly against it. All district staff, and school officials who observe or become aware of acts of bullying are required to report these acts to the building principal or designee.¹

Victims of bullying, observers of bullying, and parents or guardians of students who have been bullied are encouraged to report incidents of bullying to the building principal or a school counselor. All reports of bullying shall be taken seriously, treated fairly and promptly and thoroughly investigated. Retaliation against individuals for filing reports under this policy or assisting in the investigation of such reports is prohibited.

Students found to be in violation of this policy shall be subject to disciplinary action ranging from positive behavioral interventions and supports up to and including suspension or expulsion from school. Referrals may also be made to law enforcement officials. When determining the appropriate consequences and remedial action, the building principal shall consider the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, and the context in which the alleged bullying incident(s) occurred.

If a District employee has been found to have bullied or retaliated against a student in violation of this policy, he/she shall be subject to disciplinary action up to and including discharge.

¹ This is taken from your current policy.

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BULLYING

Policy 443.71

Waunakee Community School District

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Employee disciplinary action shall be consistent with applicable provisions of the Employee Handbook or other District procedures.

The building principal shall inform staff, students and parents and guardians of this policy annually. In addition, the building principal shall provide annual training to staff members on the recognition and prevention of bullying and their roles and responsibilities under this policy.

Legal References:

Wisconsin Statutes

- [Section 118.01\(2\)\(d\)8](#) [protective behaviors instruction]
- [Section 118.46\(2\)](#) [student bullying policy required]
- [Section 120.13\(1\)](#) [school board power to set conduct rules and discipline students]
- [Section 947.0125](#) [unlawful use of electronic communications]
- [Section 948.51\(2\)](#) [hazing prohibited]

Cross References:

- WASB PRG 443.71 Sample Policy 1
- [411, Equal Educational Opportunities](#)
- [411.1, Student Harassment](#)
- [413/513, Nondiscrimination on the Basis of Sex in Educational Programs or Activities](#)

Adoption Date: August 2010

Revised:

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EQUAL OPPORTUNITY EMPLOYMENT AND NONDISCRIMINATION

Policy 511

Waunakee Community School District Sample Policy 2

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(This sample policy addresses employment-related equal opportunity and nondiscrimination issues in a somewhat abbreviated fashion. The sample is only appropriate for a district that has adopted either PRG 113 Sample Policy 1 or PRG 113 Sample Policy 2 (or the locally-numbered equivalent) because this sample incorporates certain provisions from policy 113 by reference (rather than repeating the provisions in their entirety). PRG 511 Sample Policy 1 takes a more comprehensive (and longer) approach to coordinating with the PRG sample policies in topic 113 by repeating all parallel language for the various parallel provisions.)

IMPORTANT:

- *A district using this sample would also need to adopt an employment discrimination complaint procedure. PRG 511 Sample Rule 1 is a complaint procedure that was drafted to coordinate with this sample policy. In addition, a district adopting this policy should strongly consider adopting PRG 512 Sample Policy 1 as a supporting/related policy that further defines and addresses unlawful harassment as a form of employment discrimination.*
- *This sample assumes that the district is adopting and implementing the policies and grievance procedures under PRG topic 113 that have been updated in 2024 to reflect the 2024 federal Title IX regulations.*

The ~~insert formal name of school district~~ Waunakee Community School District is an equal opportunity employer. The School Board's goal and expectation is that the District shall maintain policies, practices, and a workplace environment that (1) do not unlawfully discriminate against any employee or applicant for employment, and (2) facilitate a timely, appropriate, and proportionate response to any complaint, report, or concern regarding possible unlawful discrimination in employment. The District's commitment to nondiscrimination and to taking appropriate corrective action when needed encompasses all aspects of employment and personnel administration, including recruitment, hiring, training, assignments, compensation, evaluation, and discipline.

Accordingly, the District shall not unlawfully discriminate against any employee or applicant for employment on the basis of disability, race, color, ancestry, national origin, citizenship, sex (including sex-based stereotypes and an employee's transgender status), sexual orientation, marital status, pregnancy (including childbirth and medical conditions related to pregnancy or childbirth), age, religion, creed, political or religious affiliation, arrest or conviction record, military service, use or nonuse of a lawful product off school premises during nonworking hours, declining to attend a meeting or to participate in any communication about religious matters or political matters, the authorized use of family or medical leave or worker's compensation benefits, genetic information, or any other basis prohibited by applicable law.

Include as a clarification, if desired: "The term "unlawful discrimination" as used in this policy encompasses any unlawful adverse employment action, any unlawful harassment, or other unlawful denial of employment-related rights, benefits, or privileges that is based on any legally-protected status or classification. Specific state and federal laws and regulations further define the practices and conduct that do (or do not) constitute unlawful discrimination with respect to each protected status or classification." The District also prohibits and shall appropriately

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EQUAL OPPORTUNITY EMPLOYMENT AND NONDISCRIMINATION

Policy 511

Waunakee Community School District
Sample Policy 2

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address reports or complaints of any alleged, unlawful retaliation that arise in connection with state and federal employment rights. Additional District policies, including [Board Policy 413/513](#) and [Board Policy 512](#), further address equal employment opportunities and the District's prohibition against employment-related discrimination and prohibited retaliation.

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In the pursuit of providing an appropriate workplace environment that is free from unlawful discrimination (including harassment) the District reserves all discretion and authority to receive reports of, investigate, intervene in, and implement an appropriate response for:

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Editor's Note: This paragraph and its three subparagraphs are provided to clarify district expectations and the intended scope of the policy, but they are not strictly necessary and could be deleted.

- The conduct of District officials, District employees, and certain non-employees (contractors, volunteers, vendors, visitors, etc.) that may constitute or that could reasonably contribute to a finding of unlawful discrimination affecting a District employee or applicant for employment.
- Conduct by a District official or employee that occurs while off-duty or away from a District workplace that has a legally-sufficient connection to District employment or to a District workplace (e.g., while off-duty, a supervisor sexually harasses a District employee).
- Workplace-related conduct by District officials or employees that the District determines (1) has no legitimate business purpose and improperly interferes with the efficient operation of the District; (2) improperly interferes with the work, education, or well-being of others; or (3) violates any Board policy or any other legitimate District work rule, directive, or expectation, even when such conduct may not be connected to a legally-protected status or prohibited by law. *Editor's Note: Some districts may choose to adopt a policy or conduct rule specifically addressing inappropriate conduct that has no (or at least no alleged/known) connection to a legally-protected status. See PRG 522.3 Sample Policy 1 (covering workplace violence, threats, intimidation, and harassment).*

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Reasonable Accommodations. To the extent required by law, the District will make reasonable accommodations in its employment practices for (1) qualified individuals with a disability; (2) a qualified employee or applicant who has a known limitation related to pregnancy, childbirth, or a related medical condition; or (3) an employee's or applicant's religious beliefs and practices. Applicants and employees may submit requests for such accommodations or otherwise identify a potential need for such accommodations by contacting *insert appropriate initial contact(s), e.g., "the District's Equal Employment Opportunity Officer/ Director or Human Resources, or the employee's immediate supervisor"*.

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Policy Provisions Incorporated by Reference. The following provisions of [Board Policy 413/513](#), which addresses the District's commitment to nondiscrimination across all aspects of the District's programs, activities, and operations, are applicable to this employment-focused policy and are incorporated by reference: *Editor's Note: it is very important that the district policy that is cross-referenced in this paragraph, e.g., policy 113, contains all of the items in the list below. Some districts may choose to adopt a policy or conduct rule specifically addressing inappropriate conduct that has no (or at least no alleged/known) connection to a legally-protected status. Such a policy or rule could prohibit workplace violence, threats, intimidation,*

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EQUAL OPPORTUNITY EMPLOYMENT AND NONDISCRIMINATION

Policy 511

Waunakee Community School District Sample Policy 2

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and harassment. See PRG 522.3 Sample Policy 1.

- Notice that the prohibitions against sex discrimination established by Title IX of the federal Education Amendments of 1972 ("Title IX") and by the regulations set forth in Part 106 of Title 34 of the Code of Federal Regulations ("the federal Title IX regulations") apply to the District. Title IX protects students, employees, and others from various forms of prohibited sex discrimination.
- The designation of nondiscrimination coordinators, including the District's Title IX Coordinator(s). ~~Board Policy 413/513, 113~~ also provides the direct contact information for such coordinators.
- Procedures under which any person (including a person who is not claiming to have been personally harmed/victimized by the alleged conduct or challenged policy) may report information about or, if eligible, submit a complaint alleging possible prohibited discrimination or prohibited retaliation.
- Expectations for employees to inform an appropriate District-designated nondiscrimination coordinator when the employee has information about any conduct or District policy that reasonably may constitute unlawful discrimination (or any related acts of prohibited retaliation) within the District's programs, activities, or operations.
- The prohibition that no official, employee, or agent of the District or any other person may intimidate, threaten, coerce, or unlawfully discriminate against any individual (1) for the purpose of interfering with any right or privilege secured by any nondiscrimination statute or related regulation, or (2) because the individual has made a report or complaint, or testified, assisted, participated, or exercised a legal right to refuse to participate in any manner in an investigation or proceeding conducted under this policy or any other District nondiscrimination policy.
- The limitations on the extent to which the District can provide or assure confidentiality, but also the commitment to observe any specific confidentiality requirements established by state or federal law.
- The prohibition against bad faith conduct and abuse of process in connection with any report or complaint of possible discrimination or retaliation.

Deadline for Submitting a Report or Complaint. There is no absolute deadline for a person to submit a report or complaint under this policy. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, or retaliation. However, employees are expected to make such reports promptly, and any other person who has a complaint or concern involving such a matter is strongly encouraged to notify the District or pursue a complaint as soon as reasonably possible after the occurrence of the relevant events. A material gap in pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of remedies and resolutions that are reasonably available. Further, it is important for employees to know that, under some circumstances, certain legal remedies for alleged discrimination may be unavailable if the employee fails to take timely action on his/her complaint or claim or unreasonably fails to take

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EQUAL OPPORTUNITY EMPLOYMENT AND NONDISCRIMINATION

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advantage of preventive or corrective opportunities (such as a complaint procedure) provided by the employer. If the District dismisses a report or complaint under this policy due to lack of timeliness, an actual party in interest may seek reconsideration of the decision to the extent provided under [Board Policy H-3413/513](#).

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Complaints and Complaint Procedures. *Editor's Note: This subsection, which serves to distinguish between "reports" and "complaints" and to identify individuals who are expressly authorized to make "complaints" that initiate district-adopted complaint/grievance procedures, is based on similar concepts that exist under the 2024 Title IX regulations (e.g., the definition of a complainant, the definition of a complainant, and the identification of who has a right to make a Title IX complaint). The attempt to align the similar concepts is primarily for the sake of consistency across different types of discrimination complaints.* Except as provided under [Board Policy H-3413/513](#) in connection with reports and complaints of sex discrimination or retaliation prohibited under Title IX, or as otherwise required by any other law, a complaint identifying circumstances or allegations that reasonably may constitute employment-related discrimination or retaliation under this policy will be processed according to the discrimination complaint procedures that the District has established under this policy.

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A report of possible unlawful discrimination or prohibited retaliation under this policy will be treated by the District as a "complaint" if (1) the report can be objectively understood as a request for the District to investigate and make a determination about alleged unlawful discrimination or prohibited retaliation under one of the District's anti-discrimination complaint/grievance procedures, **and** (2) the person making the report is authorized by law or by District policy to make a complaint that initiates the applicable complaint/grievance procedures. By this policy:

1. Subject to the exception stated in the next paragraph, any current employee of the District as well any person other than an employee (such as an applicant or former employee) who was participating or attempting to participate in District programs, activities, or operations at the time of the alleged employment discrimination is authorized to make such a complaint as to any allegation(s) of prohibited employment discrimination based on any legally-protected status (including prohibited retaliation). Such employee's or other person's authorized legal representative may act on their behalf in making such a complaint.
2. As a limited exception to the previous paragraph, to make a complaint of prohibited harassment based on a legally-protected status that initiates complaint/grievance procedures adopted under a District nondiscrimination policy, the District reserves discretion to additionally require that the employee or other person must be alleging that he or she has been subjected to the alleged harassing conduct. An individual who is required to work in a hostile environment that is alleged to have been created based on a legally-protected status is sufficiently subjected to the alleged harassing conduct even if that individual is not the direct target of the conduct. Even in situations where this exception applies, an individual may still report information about possible unlawful harassment to the District, and the District will still appropriately respond to the report even if it is not processed as a "complaint."

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Consequences for Violations. Any person who is determined to be responsible for any form of unlawful discrimination, any act of prohibited retaliation, or other violation of a District nondiscrimination policy, including this policy, is subject to appropriate disciplinary action and/or other appropriate consequences that are within the District's lawful authority.

In addition, any employee or authorized agent of the District who, considering the duties, responsibilities, and expectations established for their position/role, fails to reasonably respond to complaints or reports of alleged discrimination or retaliation, or who otherwise fails to reasonably act on their knowledge of a possible violation of a nondiscrimination law or a District nondiscrimination policy, is also subject to possible disciplinary action.

~~Editor's Note: If the district mandates particular training for administrators and other supervisors that exceed minimum legal mandates (such as the Title IX training mandates), or if the board wishes to establish an expectation that the administration will provide opportunities for all employees to attend or access certain training and awareness programs relating to nondiscrimination expectations, obligations, and policies, such training and staff development requirements may be specified as an additional section within this policy. Whether or not mandated by a school board policy, a school district can point to such training and awareness activities to show that the district has taken reasonable steps to attempt to prevent discrimination (including harassment) and to notify employees (and perhaps even students) of relevant expectations and procedures — all of which can directly affect school district liability in some cases.~~

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Legal References:

Wisconsin Statutes

[Subch. II of Chapter 111](#) [the state fair employment and nondiscrimination statutes, including specific prohibited bases of discrimination (sections [111.31](#) to [111.395](#))]
[Section 118.195](#) [discrimination against handicapped teachers]
[Section 118.20](#) [teacher/administrator discrimination prohibited]

Federal Laws and Regulations

[20 U.S.C. §1681 et seq.](#) [Title IX of the Education Amendments of 1972, as amended, prohibiting sex discrimination in federally-supported educational programs; implementing regulations at [34 C.F.R. Part 106](#)]
[42 U.S.C. §2000e et seq.](#) [Title VII of the Civil Rights Act of 1964, as amended, prohibiting employment discrimination based race, color, national origin, sex, pregnancy, and religion; implementing regulations at [29 C.F.R. Ch. XIV](#)]
[42 U.S.C. §2000d et seq.](#) [Title VI of the Civil Rights Act of 1964, as amended, prohibiting discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds; implementing regulations at [28 C.F.R. Part 42, Subpart C](#)]
[42 U.S.C. §12111 et seq.](#) [The Americans with Disabilities Act, Title I, as amended, prohibiting employment discrimination based on a qualifying disability; implementing regulations at 29 C.F.R. [Part 1602](#) and [Part 1630](#)]

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- [42 U.S.C. §12131 et seq.](#) [The Americans with Disabilities Act, Title II, as amended, nondiscrimination based on disability by state and local governments; implementing regulations at [28 C.F.R. Part 35](#)]
- [42 U.S.C. §2000ff et seq.](#) [Genetic Information Nondiscrimination Act, as amended; implementing regulations at [29 C.F.R. Part 1635](#)]
- [29 U.S.C. §794 et seq.](#) [Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination based on a qualifying disability by recipients of federal funds; implementing regulations at [34 C.F.R. Part 104](#), [28 C.F.R. Part 42, Subpart G](#), and [29 C.F.R. Part 1640](#)]
- [29 U.S.C. §621 et seq.](#) [Age Discrimination in Employment Act, as amended; implementing regulations at [29 C.F.R. Parts 1625 to 1627](#)]
- [38 U.S.C. 4301 et seq.](#) [Uniformed Services Employment and Reemployment Rights Act, as amended; implementing regulations at [20 C.F.R. Part 1002](#)]
- [8 U.S.C. §1324b\(a\)](#) [prohibiting employment discrimination based on national origin and citizenship status; implementing regulations at [28 C.F.R. Part 44](#)]
- [11 U.S.C. §525](#) [employment discrimination based on certain bankruptcy-related statuses and proceedings]
- [42 U.S.C. §2000gg et seq.](#) [Pregnant Workers Fairness Act; implementing regulations at [29 C.F.R. Part 1636](#)]

Field Code Changed

Cross References:

[WASB PRG 511 Sample Policy 2](#)
{insert appropriate cross-references to the policy as applicable to your district.}

Adoption Date: 5/11/92

Revised: March 1994
September 1995
April 1999
April 2002
May 2005

EMPLOYMENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES

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{This sample rule provides procedures for processing complaints of employment-related discrimination (including harassment) and retaliation. The sample has been drafted to coordinate with PRG-113 Sample Policy 1 (or 113 Sample Policy 2), PRG-511 Sample Policy 1 (or 511 Sample Policy 2), and PRG-512 Sample Policy 1. Some districts may also elect to use these procedures to address other employment-related complaints. IMPORTANT: This sample assumes that the district is adopting and implementing the PRG sample policies under topic 113 and topic 511 that have been updated in 2024 to reflect the 2024 federal Title IX regulations.}

I. Purpose

These procedures will be used to process a report or complaint that any employee, former employee, or applicant for employment has been subjected to discrimination or retaliation in violation of any employment-related nondiscrimination law or any board policy that prohibits discrimination based on a legally-protected status in connection with the District's employment practices (including policy provisions prohibiting retaliation). However, in some situations, applicable laws and District policies require District representatives to process such matters under other complaint/grievance procedures.

Within these procedures, a report made to an appropriate District official of conduct or of any District policy or practice that reasonably may constitute prohibited employment discrimination (or retaliation) will be treated as a "complaint" when an eligible person has made an oral or written request to an appropriate District official that objectively can be understood as a request for the District to investigate and make a determination about the alleged discrimination or retaliation. *{Editor's Note: The definition of a "complaint" used in this paragraph is borrowed from the 2024 Title IX regulations and generalizes the application of that Title IX definition to all types of employment discrimination complaints.}*

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It is also permissible to submit a report that is not intended as a "complaint," but that is intended (1) to notify appropriate District officials of information about possible employment-related discrimination, (2) to seek assistance related to possible discrimination for one or more persons, and/or (3) to request that the District consider a particular change or other response to the concern. The District's expectation is that, upon receiving any such report, the District's designated nondiscrimination coordinators and other administrative officials will appropriately respond to the report, with the goals of preventing, identifying, and preventing the recurrence of any prohibited discrimination. Further, some provisions of Part II and Part III of these procedures expressly apply to such reports even when no complaint is pending.

II. General Provisions and Pre-Investigation Considerations/Procedures

A. Nondiscrimination Coordinators

The District's designated nondiscrimination coordinators (also referred to as an equal opportunities coordinator) have primary responsibility for coordinating the processing of reports and complaints under these procedures. In fulfilling such responsibilities, a coordinator may consult as needed with other administrators/supervisors. *{Insert if reflective of district procedures: "With the approval of the District Administrator or School Board President/Executive Director of Operations, a nondiscrimination coordinator may*

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~~also consult with District legal counsel." [Editor's Note: If the district's designated nondiscrimination coordinators are authorized to engage district legal counsel without obtaining other advance approval, a district could substitute the following sentence in place of the previous optional sentence: "With notice to the District Administrator and/or School Board President, a nondiscrimination coordinator may also engage District legal counsel for the purpose of consultation regarding a report or complaint."~~

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~~[Either identify the designated nondiscrimination coordinators for employment-related matters and provide their contact information directly in these procedures, or provide a cross reference that clearly identifies where such information can be located – e.g., "Board Policy 413/513, 413 identifies and provides contact information for each of the District's nondiscrimination and equal opportunities coordinators. The contact information for the coordinators is also available on the District's website."]~~

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B. Procedures for Filing a Complaint or Report

Refer to ~~[Board Policy 413-413/513]~~ and Board Policy 5111 for procedures and additional information regarding the submission of reports and complaints of prohibited discrimination and retaliation. Under the ~~[Policy 413413/513]~~ procedures, it is initially sufficient to submit such a report or complaint to one of the District's designated nondiscrimination and equal opportunities coordinators in person, by U.S. mail, by telephone, or by electronic mail, using the contact information for the coordinator(s) that is identified in ~~[Policy 413413/513]~~.

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C. Referral to Nondiscrimination Coordinators

When a District employee has or receives information about conduct, including the implementation of a District policy or operating procedure, that reasonably may constitute unlawful discrimination (including prohibited retaliation), the employee is required to fulfill the reporting obligation set forth in District nondiscrimination policies and procedures. Generally, this involves providing the relevant information to an appropriate District-designated nondiscrimination coordinator. Employees shall provide information about possible sex discrimination to a nondiscrimination coordinator who serves as a District Title IX Coordinator. ~~[Editor's Note: Some districts may elect to exclude this subsection on the basis that the issue of employee reporting is adequately covered in the district's related nondiscrimination policies and procedures.]~~

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D. Coordination with Title IX Regulations and Grievance Procedures

~~[Editor's Note: Some districts may elect to exclude this subsection, particularly if the district's Title IX policies and grievance procedures process already address the relevant coordination issues. However, there is likely some benefit to the repetition and clarification of those coordination issues in these procedures.]~~

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When a complaint or other report of possible employment discrimination concerns conduct that reasonably may constitute sex discrimination prohibited under federal Title IX and Part 106 of Title 34 of the Code of Federal Regulations ("the federal Title IX

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regulations”), additional requirements and obligations apply to the District and its designated Title IX Coordinator(s). Examples include the obligation to consider and implement appropriate supportive measures under Title IX and the obligation to avoid implementing disciplinary sanctions against a person alleged to be responsible for sex discrimination prohibited by Title IX until after an appropriate determination of responsibility.

Further, as required by the federal Title IX regulations, the District has adopted separate “grievance procedures” for the resolution of complaints, including employment-related discrimination complaints, (1) that have been submitted by an eligible individual, **and** (2) that the District identifies as raising allegations that reasonably may constitute sex discrimination or retaliation prohibited under Title IX (i.e., a “Title IX complaint”). The District’s Title IX grievance procedures are defined in ~~“113413/513-Rule 1”~~ and are available on the District’s website at [insert website location].

Title IX complaints will be processed using the District’s Title IX grievance procedures. [Insert to provide further detail and clarity, if desired: “In addition:

1. Title IX complaints are **not** subject to the informal resolution option described below within these procedures. However, informal resolution options authorized by the Title IX grievance procedures may apply.
2. If a complaint or other report of possible sex discrimination could have been pursued as a Title IX complaint under the District’s Title IX grievance procedures but the complaining party elects not to do so or refuses to do so, then the District is not under any automatic obligation to process the report of sex discrimination using the general complaint procedures defined below. However, even if the District does not initiate the use of formal complaint/grievance procedures, the District will still fulfill any applicable legal obligations to appropriately respond to the reported information.
3. The District is not required to further address any report, complaint, allegation, or basis for a finding of potential misconduct or other liability that reaches a determination (including but not limited to a lawful dismissal) or that is otherwise resolved through the District’s separate Title IX grievance procedures.”]

E. Concerns with Safety, Confidentiality, or Retaliation

Any person who presents a complaint or other report or who participates in any manner in an investigation or other proceeding under these procedures should arrange to discuss any concerns about safety, the availability and maintenance of a non-discriminatory work environment, confidentiality, or retaliation with [insert the appropriate position(s): the District’s Equal Employment Opportunity Coordinator (EEO Coordinator), any other designated nondiscrimination coordinator, the Director of Human Resources, or the District Administrator] as early as possible in connection with their involvement in the process — including at or even prior to the time that a report or complaint is filed. The District’s nondiscrimination policies further address the issues of confidentiality and

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protections for retaliation. ~~Editor's Note: Some districts may elect to exclude this subsection.~~

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F. Interim Measures

In conjunction with the District's receipt of notice of any complaint or other report of alleged discrimination, harassment, or retaliation, or any other matter that is directed to these procedures for a resolution, a District nondiscrimination coordinator or an administrator acting on behalf of a coordinator shall consider the potential need for and may implement interim measures that are taken before the resolution of the complaint or other report (e.g., safety planning, a "no contact" directive, or other steps needed to protect any person or to provide a nondiscriminatory work environment). Any person involved in such a matter may also affirmatively request the consideration of such interim measures. ~~Editor's Note: Some districts may elect to exclude this subsection. However, even if not stated expressly, there are sound reasons (and sometimes legal obligations) to consider such interim measures.~~

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G. Substitution of Parties

If a complaint or other report is initially submitted to the District by someone who is not claiming to have been personally harmed or victimized by the alleged conduct or challenged policy (such as a witness or a person who received a third-party account of an incident or allegation), the District reserves discretion, for purposes of these procedures and to the extent permitted by law, to substitute the actual party in interest in place of the person who initially submitted the complaint or report. The District will inform the person who initially submitted the complaint or report of any such decision to substitute the actual party in interest as the complainant. ~~Editor's Note: Some districts may elect to exclude this subsection.~~

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H. Authority to Dismiss Complaints or Specific Allegations

The District retains discretion to dismiss a complaint, or specific allegations, without completing the steps of these complaint procedures for any of the following reasons:

1. The allegations, in whole or in part, raise issues over which the District does not have authority or jurisdiction or that are not amenable to a resolution through these procedures;
2. Mootness (e.g., a challenged policy or practice has been changed);
3. The District determines that specific circumstances prevent the District from gathering evidence that is sufficient to reach a determination regarding the allegations;
4. Due to a lack of timeliness (e.g., an unreasonable or prejudicial delay in reporting);
5. Abuse of process; or
6. The complainant requests to withdraw the complaint and the District consents.

A decision to dismiss a complaint or any allegations for purpose of these complaint

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procedures does not prevent the District from otherwise addressing a matter through other processes.

An actual party in interest may, within ~~insert a time limitation – e.g., choose either “[“5” business days” or “[“10” calendar days”]~~ of being notified of a dismissal decision, submit a written request to the District Administrator asking for the District Administrator to review/reconsider such decision.

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I. Modification of Procedures to Address Conflicts

In all cases, these procedures shall be implemented in a manner that avoids conflicts of interest, including but not limited to situations where one of the individuals acting on behalf of the District in the resolution process is alleged to have engaged in the conduct that is the basis for the allegations. The primary means of avoiding conflicts is to substitute different individuals in place of any individual who has a conflict of interest. Provided that the District Administrator is not personally affected by a conflict of interest, all concerns with conflicts of interest or potential conflicts of interest shall be brought to the attention of the District Administrator, and the District Administrator is authorized to direct or approve such substitutions if he/she determines that it is necessary or appropriate to do so.

If a report or complaint alleges that the District Administrator has engaged in the improper conduct that is the basis for the allegations, or if the District Administrator or School Board determines that the administrator is affected by some other material conflict of interest, a designated nondiscrimination coordinator or the District Administrator shall forward the complaint or report to the Board President. The Board President shall engage District legal counsel for the purpose of formulating a recommendation on any modifications to these procedures that may be appropriate to address the District Administrator's conflict of interest. Such recommendation may include the appointment of an outside investigator, and the Board President is authorized to appoint/engage such an outside investigator. When the District Administrator is affected by a conflict of interest, the Board President is also authorized to assign an individual to serve as the complaint manager for any formal investigation (see below) and to perform any other responsibility that these procedures assign to the District Administrator, including, upon advice of counsel and with notice to the Board, making decisions regarding the dismissal of a complaint. In addition, in any case where the District Administrator is alleged to have engaged in the conduct that is the basis for the allegations, the Board shall automatically serve as the body that, following an investigation, makes a determination regarding any allegations of misconduct on the part of the District Administrator. Any appeal of the Board's decision shall be treated as a request for reconsideration and final decision by the Board.

Beyond the modifications identified in this section, any additional modifications of these procedures that are deemed necessary or advisable in order to address conflicts of interest shall be approved by the Board.

III. **Informal Resolution (other than for complaints or other reports of possible sex discrimination)**

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that are subject to Title IX)

A. Conditions on the Use of Informal Resolution

The District permits, but does not require, attempts to informally resolve complaints and other reports of information regarding (1) possible employment-related discrimination, harassment, or retaliation, or (2) other claims or allegations that are addressed under these procedures. However, both of the following conditions apply:

1. If any such complaint or other report relates to conduct that reasonably may constitute sex discrimination (including retaliation) prohibited under federal Title IX, informal resolution may be attempted only if the attempt at informal resolution is conducted pursuant to the federal Title IX regulations and the District's separate grievance procedures for Title IX complaints.
2. No person is required to participate in an informal resolution process (i.e., if such a process is offered, then participation is voluntary). A person who initially agrees to participate in an informal resolution process may withdraw from the process prior to its conclusion without penalty.

B. Description of the Process

1. An attempt to reach an acceptable informal resolution may be initiated at any point after the District has been notified of a report or complaint that would otherwise be resolved using the formal investigative and decision-making steps defined below, including after a formal investigation has been initiated.
2. Although various administrators/supervisors may be involved in attempting an informal resolution, an appropriate nondiscrimination coordinator should still be notified of the complaint or report and involved in the decision to offer/pursue an informal resolution.
3. An informal resolution process is intended to be flexible, but generally includes any process that departs from the formal investigative and decision-making steps defined below. For example, an informal resolution may involve calling resolution meetings, gathering relevant information (e.g., regarding requested remedies), seeking agreement on facts that are not in dispute, holding mediated resolution sessions, and/or offering one or more options for changes to the relevant circumstances.
4. Attempts at informal resolution may resolve some, all, or none of the issues/allegations submitted for resolution. Any unresolved issues and allegations may proceed to be further processed under these procedures.
5. The person(s) facilitating the informal resolution process on behalf of the District shall document the allegations/issues that were submitted for attempted resolution and the outcome of the process. If such documentation is prepared by another person, the record shall be provided to the appropriate nondiscrimination coordinator.

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IV. Formal Complaint Investigation and Determination Procedures (other than for complaints of possible sex discrimination under Title IX)

The formal complaint procedures listed below shall be initiated based on a written statement of a complaint that documents the relevant claims/allegations. The written statement may be a statement that was submitted by a complainant (or a complainant's legally-authorized representative) or a statement that is prepared by a District-designated nondiscrimination coordinator or a designee (e.g., documenting a verbal complaint). If necessary, the written statement may be amended during the process, or the District may otherwise inform the parties of any clarifications of or changes to the claims or allegations under investigation. When processing a discrimination complaint, the District reserves discretion to concurrently investigate and reach determinations regarding reasonably related allegations of misconduct or policy violations.

The District will normally attempt to make an initial determination of a complaint under these procedures within 90 days of the date that a District-designated nondiscrimination coordinator, or an administrative-level designee of the coordinator, is first notified of the claims/allegations. However, the District may determine that there is a legitimate need to extend the normal timeline and shall notify the relevant parties of any such extension.

Step 1: The District will designate a complaint manager, who will normally be one of the District's designated nondiscrimination coordinators. The complaint manager will be the primary point of contact regarding the complaint for the relevant parties, ensure that appropriate communications from the District are provided to the parties, and ensure appropriate record-keeping in connection with the complaint process.

Step 2: In consultation with the complaint manager, the ~~insert at least two position(s) that will have this authority – e.g., "the District Administrator or the Director of Human Resources"~~ or their administrative-level designee shall assign one or more individuals to conduct an investigation of the claims/allegations and to make a determination of the merits of the matter at this Step.. The complaint manager shall ensure that the District provides the appropriate parties with written notice of the initial administrative determination of the complaint.

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Depending on factors such as the authority of the person assigned to make the initial determination of the complaint, the specific nature of the allegations, and the application of confidentiality laws, a determination that any allegation of discrimination, retaliation, or other misconduct or violation has been substantiated (in whole or in part) may or may not identify specific remedies for the aggrieved party, disciplinary sanctions, or other consequences (or recommendations for such actions). For example, it may be necessary or appropriate in some cases for the determination to include the conclusion that a person responsible for substantiated discrimination or any other misconduct or violation shall be referred to appropriate District officials for follow-up decisions based on the determination.

Step 3: If any complainant or alleged responsible party under the complaint is dissatisfied

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with the determination reached at Step 2, the individual may, within 14 calendar days of the date that the District issues notice of the initial determination, file a written request for reconsideration with the office of the District Administrator. (The request may be submitted via electronic mail to the District Administrator's District-issued email address.) The request for reconsideration shall state the specific reason(s) why the party believes the administrative determination should be modified.

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1. Prior to reaching a decision that would modify relevant findings of fact or the initial conclusions regarding responsibility for any discrimination, misconduct, or other violation, the District will give the other relevant parties to the matter at least 5 calendar days to submit a statement regarding the asserted grounds for the modification(s). To the extent remedies or sanctions were part of the initial determination and are the subject of a request for reconsideration, a similar opportunity for a party to submit such a statement shall be given regarding possible changes to remedies or sanctions that directly affect that party.
2. The District Administrator will normally issue a written decision on reconsideration to the parties within 30 calendar days unless further investigation is initiated and/or the District Administrator determines that an extension of time is otherwise needed. The District shall notify the parties of any extension of the 30-day timeline.

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Editor's Note: There are advantages and disadvantages to defining/limiting the potential scope of requests for reconsideration (i.e., intra-district appeals), and the analysis related to such reconsideration/appeal opportunities within discrimination complaint procedures has changed as a result of the 2024 Title IX regulations. In particular, the 2024 Title IX regulations provide that with respect to complaints of sex discrimination processed under Title IX grievance procedures a school district "must offer the parties an appeal process that, at a minimum, is the same as it offers in all other comparable proceedings, if any, including proceedings relating to other discrimination complaints." 34 C.F.R. §106.45(f). This means, for example, that if the district permits an appeal to the school board under these general complaint procedures, then the district's separate Title IX grievance procedures (e.g., under PRG topic 113) must likewise permit an appeal to the school board—which may in turn require the district provide Title IX training to school board members. The scope of appeals for discrimination complaints may be an issue on which districts may wish to seek legal advice.)¹

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Insert if, after considering the editor's note immediately above, the district desires to allow

¹ The Title IX regulations at 34 CFR 106.45(i) require that districts offer the parties to Title IX complaints an appeal process that is at a minimum the same as it offers in other comparable proceedings. The Title IX regulations also require that district representative participating in the training process receive Title IX training. If the Title IX complaint process included an appeal to the school, board, board members would need to receive Title IX training. The PRG 113 policy (you number it 413/513) ends appeals with the district administrator. I deleted the board appeal step of the 511 complaint procedure to align this policy with your Title IX 413/513 policy.

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~~an appeal to the school board:~~

~~**“Step 4:** If any complainant or alleged responsible party is dissatisfied with the determination reached at Step 3, the party may appeal the Step 3 determination to the School Board. If no appeal is filed at this step, the decision at the previous step shall stand as the final decision of the District.~~

- ~~• Any appeal to the Board shall be filed in writing within [14 calendar days] of the date that the District issues notice of the Step 3 determination. The appeal shall be filed at the Office of the District Administrator, addressed to the attention of the [“Board President and Board Clerk”] with a copy directed to the attention of the District Administrator. (The notice of appeal may be filed as an email that is sent the District-issued email addresses of the relevant officials.) The notice of appeal must state the specific reason(s) why the party believes the Step 3 determination should be modified.~~
- ~~• [Insert only if the school board includes “Step 4” and also desires to limit the scope of such appeals: “Although the Board reserves ultimate discretion to modify any remedies, sanctions, or other responsive actions, the Board will not modify the determination of the merits of the complaint (i.e., whether prohibited discrimination, retaliation, or some other misconduct or violation occurred) through this complaint procedure unless the record demonstrates (1) that the determination was affected by a material conflict of interest or undue bias; (2) that there was a clear legal or procedural error that affected the outcome; or (3) that a material factual determination was clearly erroneous or can be affirmatively disproven by new evidence that was not available at the time of the earlier determination. A finding of fact is “clearly erroneous” only if the body determining the appeal, based on a review of the entire record, is left with the definite and firm conviction that a mistake has been committed. However, where there are two plausible and permissible views of the evidence, the initial fact-finder’s choice between them cannot be clearly erroneous.”] **(Editor’s Note: Districts may wish to obtain legal advice surrounding the scope of any appeals that are permitted to be pursued at the board level.)**~~
- ~~• Prior to issuing a decision that would modify the determination, the District will give any other parties to the matter at least [5] calendar days to submit a written statement regarding the asserted grounds for the appeal.~~
- ~~• The Board will meet to determine the appeal and will issue a written response to the appeal. Unless otherwise directed by the Board, an appeal to the Board shall not involve any further investigation of the matter or any in-person appearances by the parties.”]~~

~~**(END of the optional “Step 4” appeal to the school board.)**~~

V. ~~External Agency or Court Filing~~

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EMPLOYMENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES

511-Rule

Waukeek Community School District

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If a complainant is not satisfied with the District's decision, or in lieu of or in addition to utilizing the internal complaint procedures established by this procedure, the complainant may pursue alternate actions that may be available under state or federal law (e.g., filing an appeal to State Superintendent of Public Instruction in appropriate cases, or filing a complaint with the Equal Rights Division of the Department of Workforce Development, with the U.S. Department of Education's Office for Civil Rights—Region V, and/or with any court or agency having proper jurisdiction). Any party with a complaint is responsible for determining the applicable outside agencies or courts with which a complaint may properly be filed and the applicable filing deadlines and procedures. While it is not always necessary to pursue an internal complaint before filing a complaint with an external agency or court, the failure to follow an employer's internal procedures for giving notice of incidents and complaints can, in some cases, affect the individual's ability to seek remedies from an external agency or court. Unless mandated by a state or federal statute or regulation, pursuing an internal complaint under these procedures does not extend or delay the filing deadlines applicable to filing a complaint with an external agency or court. ~~Editor's Note: Some districts may elect to exclude this section.~~

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VI. Maintenance of Complaint Records

~~Editor's Note: Some districts may elect to exclude this section, but excluding the statements does not eliminate the district's public records obligations with respect to any relevant records that are created or the district's obligations to create and maintain certain records under specific state or federal laws (e.g., the Title IX regulations).~~

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The District shall maintain records for each complaint or other report that is processed under these procedures. Such records shall identify at least the following:

1. The date the complaint or other report was first received by the District.
2. The identity of the person submitting the report or complaint and the identities of the actual parties in interest to any complaint, if known.
3. The claims or allegations made in the report or complaint and any other allegations that are presented or investigated in connection with the report or complaint.
4. *Insert if the district has retained the section regarding "interim measures," as found above in this sample: "Documentation of any interim measures implemented by the District under these procedures."*
5. Documentation of the outcome of any informal resolution process that was attempted.
6. A record of the determination of a complaint, including any dismissals, any initial determination(s) on the merits, and any determination(s) made in connection with an appeal, including the identity of the relevant decision-makers.
7. Any remedies, sanctions, or other responsive actions that are granted/imposed/implemented following a determination that substantiates any claims or allegation(s).
8. Such other records as may be required by any applicable state or federal law.

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EMPLOYMENT DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES

511-Rule

Wauaukee Community School District

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Retention of the records and the retention of any personally-identifiable information within such records shall be governed by applicable laws and by applicable District records retention policies.

Cross References: WASB PRG 511 Sample Rule 1

Adoption Date: 10/9/89

Revised: 8/12/91
5/11/92
March 1994
September 1995
April 2002
August 2020

HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS

Waukegan Community School District

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{This sample policy has been written to coordinate with PRG 511 Sample Policy 1 (as well as 511 Sample Policy 2) and with the complaint procedures found in PRG 511 Sample Rule 1. This sample policy defines and provides examples of unlawful harassment as a form of employment discrimination under state and federal law, specifically including sexual harassment and the creation of a hostile work environment based on any legally-protected classification. A policy that defines harassment and provides specific examples of prohibited conduct is recommended because, in some cases, employer liability depends on the extent to which the employer took reasonable steps to prevent and correct harassing conduct. Adopting such a policy, particularly if the policy is well-communicated to employees and supported by training activities and an effective complaint procedure, is one way to show that the district has taken such steps.

IMPORTANT: *This sample assumes that the district is adopting and implementing the PRG sample policies under topic 113 and topic 511 that have been updated in 2024 to reflect the 2024 federal Title IX regulations.*

This policy addresses unlawful, employment-related harassment that is based on a person's legally-protected status or classification. Such harassment is also prohibited by the District's equal employment and nondiscrimination policy, but benefits from further definition and attention. *Include for emphasis, if desired: "It is important, for example, for District employees at all levels to be able to identify different types of unlawful harassment, to understand their right to be free from all forms of unlawful harassment, and to clearly understand that the District imposes an expectation and responsibility on every employee — not just supervisors and administrators — to avoid engaging in conduct that constitutes or that could directly contribute to a finding of unlawful harassment in the workplace. The District prohibits all such conduct not only because of the District's legal obligations, but also because such conduct is detrimental to the educational and working environment and to the well-being of District employees."*

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Defining and Identifying Harassment in the Workplace. Although different state and federal laws establish different standards to define conduct that does (or does not) constitute unlawful harassment in the employment context, harassment generally includes conduct that:

1. Is based, in whole or in part, on the person's race, color, ancestry, national origin, citizenship, sex, sexual orientation, marital status, pregnancy, age, disability, religion, creed, or other legally-protected status; **and**
2. Is sufficiently severe or pervasive such that it: (a) creates an intimidating, hostile, or offensive work environment; (b) improperly interferes with a person's ability to perform their job; **or** (c) otherwise adversely affects a person's employment opportunities.

In addition:

- Prohibited harassment can occur as a result of a single, severe incident or as a result of a pattern of behavior.
- The harasser may be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.

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- Harassment can occur at an employee's workplace, or, provided that there is a legally-sufficient connection to the workplace, when an employee is off duty or away from work.
- An employee who is affected by harassing conduct can be a victim of harassment (e.g., a hostile work environment) even when he/she is not the direct target of the harassment.
- "Sexual harassment," in the employment context, includes unwelcome physical or verbal conduct or unwanted communication that is of a sexual nature or otherwise on the basis of sex, whether directed at a person of the same or opposite gender as the harasser, when any of the following apply:
 - submission to such conduct is made, either explicitly or implicitly, a term or condition of a person's employment or advancement, including conditioning any aid, benefit or service on a person's participation in or submission to such conduct; or
 - submission to or rejection of such conduct is used as the basis for employment decisions; or
 - such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.
- As specifically defined and prohibited under the federal Title IX regulations (see 34 C.F.R. §106.02), "sex-based harassment" means sexual harassment and other harassment on the basis of sex, including conduct within any District program or activity that **either** (1) involves a District employee, agent of the District, or other person with a District-authorized role who conditions the provision of an aid, benefit, or service of the District on another person's participation in unwelcome sexual conduct; (2) is unwelcome sex-based conduct that, based on the totality of the circumstances, creates a hostile environment; or (3) constitutes sexual assault, stalking, dating violence, or domestic violence as those terms are further defined under the Title IX regulations. *If desired, insert the following sentence to further capture the details of the express definition of sex-based harassment that is established in the 2024 Title IX regulations: "Under the federal Title IX regulations, harassment on the basis of sex includes harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity."*
- Harassment is defined primarily by the characteristics and effects of the behavior, and such considerations can outweigh any asserted lack of intent to harass.
- When determining whether alleged harassment is sufficiently severe or pervasive to (1) substantially interfere with an employee's work performance, or (2) create an intimidating, hostile, or offensive work environment, the conduct in question is evaluated from the objective standpoint of a "reasonable person."

Examples. Some examples of inappropriate, prohibited conduct that could constitute harassment or directly contribute to the creation of a hostile or offensive work environment under this policy include the following:

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HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS

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- Deliberate, repeated, or otherwise severe verbal or written comments that insult, degrade, or stereotype an employee or group of employees because of any legally-protected status or classification. This might include the use of slurs, epithets, name calling, ridicule, mockery, insults, put-downs, or offensive jokes.
- Threats, intimidation, or physical assaults that have a connection to a person's legally-protected status.
- Posting, displaying, or circulating any written or graphic materials, sound or video recordings, or any electronic or other materials or objects that attack, mock, belittle, or show hostility toward an employee or group of employees based on a legally-protected status.

Examples of inappropriate, prohibited conduct in the workplace that may constitute or contribute to a finding of unlawful sexual harassment include, but are not limited to, the following: (1) lewd or sexually suggestive comments; (2) the use of sexual innuendo; (3) unwelcome touching; (4) unwelcome romantic advances or propositions; (5) offensive language or jokes of a sexual nature; (6) the display or distribution of sexually-explicit content that lacks a sufficiently legitimate purpose; or (7) any other verbal, written, graphic, or physical conduct or communication that attacks, mocks, belittles, or shows hostility toward an employee due to his/her sex, gender, or lack of conformity to gender stereotypes.

Applicability of Nondiscrimination Policies; Reports of Complaints of Harassment. Unlawful harassment that is based on a legally-protected status is a form of discrimination. As a result, ~~Board Policy 113-413/513 (Nondiscrimination in District Programs, Activities and Operations) and Board Policy 511 (Equal Opportunity Employment and Nondiscrimination)~~ apply in full to this policy. Accordingly, any report or complaint of possible harassment or conduct that may constitute or contribute to a finding of prohibited harassment, as well as any formal complaint of Title IX sexual harassment, may be submitted to the District as further provided under those other nondiscrimination policies. In addition, any questions or concerns about workplace-related harassment may be brought to the attention of one of the nondiscrimination coordinators identified in ~~Board Policy 113-413/513 or Board Policy 511~~. **Editor's Note: This paragraph assumes that the district has adopted one or both of the broad nondiscrimination policies that are incorporated into this policy by reference and that such other policies sufficiently address the filing of reports or complaints, the designation of nondiscrimination coordinators, etc. Ensure that the district has, in fact, adopted those related policies and policy provisions.**

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Legal References:

- Wisconsin Statutes**
- [Subch. II of Chapter 111](#) [the state fair employment and nondiscrimination statutes, including specific prohibited bases of discrimination]
 - [Section 111.32\(13\)](#) [state law definition of sexual harassment in employment]
 - [Section 118.195](#) [discrimination against handicapped teachers]
 - [Section 118.20](#) [teacher/administrator discrimination prohibited]

Federal Laws and Regulations

HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS

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See the federal references for Policy 511–Equal Opportunity Employment and Nondiscrimination

Cross References:

[WASB PRG 512 Sample Policy 1](#)

{insert appropriate cross references to the policy as applicable to your district.}

Adoption Date: 4/22/91

Revised: 5/11/92
March 1994
September 1994
September 1995
April 1999
March 2002
April 2002
February 2019

WORKPLACE VIOLENCE, THREATS, INTIMIDATION, AND HARASSMENT

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(This sample policy addresses incidents and allegations of workplace violence, threats, intimidation, and harassment that are NOT based on a legally-protected status.)

The District's goal and expectation is that District officials and employees will maintain a safe, professional, and productive workplace environment that models and contributes to the high-quality learning environment that the District strives to create for District students and for the District's educational programs. In order to create and maintain such a workplace environment, the District places a number of conduct expectations on all District employees, including but not limited to the prohibitions against violence, threats, intimidation, and harassment found in this policy.

Accordingly, the District prohibits all of the following:

1. All forms of workplace violence and threatened workplace violence, such as any of the following:
 - a. Striking, shoving, or kicking another person.
 - b. The infliction, attempt to inflict, or threat to inflict damage to property or any type of physical harm or injury to others, by any means.
 - c. Confining a person against their will or applying any restraint lacking a legitimate purpose that inappropriately limits a person's freedom of movement.
 - d. Any conduct that constitutes a violent crime, as defined under section 939.632(1)(e) of the state statutes.
2. Conduct that occurs out of anger or loss of temper, out of animosity/dislike of another person, or in the context of an interpersonal conflict, that exhibits an intentional, reckless, or negligent disregard for the health, safety, or property of others or for the District's ability to maintain a safe, professional, and productive workplace environment.
3. Any spoken, nonverbal, or physical behaviors or any communications that, by intent or as a reasonably foreseeable consequence (a) inappropriately threaten, intimidate, degrade, harass, or ostracize another person; (b) create an objectively hostile or intimidating work environment; or (c) otherwise unreasonably interfere with District operations or with the work, safety, or well-being of a District employee or another person who is present in a District workplace. When making determinations with regard to allegations of such conduct or communications, the District will consider the severity of any individual incidents, the cumulative effects of multiple incidents, and the extent to which the conduct lacks any legitimate purpose.

Any person who is determined to be responsible for a violation of this policy is subject to appropriate disciplinary action (up to and including possible termination for a District employee) and/or other appropriate consequences that are within the District's lawful authority.

Scope and Application of Policy

1. In addition to conduct by employees, the District retains all lawful authority to receive reports of, investigate, intervene in, and implement an appropriate response to allegations of

WORKPLACE VIOLENCE, THREATS, INTIMIDATION, AND HARASSMENT

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conduct by any non-employee (e.g., contractors, volunteers, vendors, parents, visitors, former employees, etc.) whose conduct occurs in or affects a District workplace and that may constitute a violation of this policy.

2. Where there is a sufficient connection to a person's District employment or to a District workplace, the prohibitions identified in this policy may be applied to conduct that occurs away from a District workplace, including while an employee is off duty.
3. To the extent relevant to the alleged offense, and taking into account the totality of the circumstances, the District will evaluate alleged misconduct under this policy based on the reasonably foreseeable effect(s) of the conduct on a reasonable person.
4. This policy is not intended to prohibit or limit reasonable supervisory employment practices, which may include, as examples, (a) the monitoring, observation, and evaluation of an employee's work and conduct; (b) the provision of evaluative feedback; (c) the establishment or documentation of expectations for changes to an employee's behavior, practices, or procedures; and (d) the identification or imposition of negative consequences. Although an employee may sometimes find such supervisory actions to be stressful or upsetting, those actions are not a violation of this policy unless some additional inappropriate element exceeding the boundaries of reasonableness is involved.
5. Even though such conduct can still be a legitimate focus of supervisory/administrative inquiry and possible intervention, not all workplace behavior that (a) hurts a person's feelings; (b) is a manifestation of an interpersonal conflict; or (c) is in some way unkind or upsetting to someone amounts to a violation of the conduct expectations that are the primary focus of this policy.
6. Depending on the totality of the circumstances, the use of profane language or gestures can violate the conduct guidelines established by this policy. Further, profanity is very rarely tolerable in a District workplace due to the educational mission of the District, the District's expectation that employees should model desired behaviors for students, and the unpredictable effects that profanity can have on others. Employees who use profane language or gestures do so at the risk of possible discipline.

~~***{Editor's Note: The remainder of this policy could be converted into a rule under this policy (i.e., 522.3-Rule. If a district elects to create such a rule, the district should add the following statement to conclude the policy: "Violations of this policy shall be reported to law enforcement to the extent required by law. Complaints and reports alleging violations of this policy may be submitted to the District and shall be addressed by the District as provided in procedures developed under this policy."}***~~

Complaints and Reports of Alleged Violations of this Policy

1. Any District employee who has knowledge of a threat of workplace violence under this policy shall, as a first priority, take reasonable steps to secure their immediate personal safety and evaluate their possible statutory obligation to immediately submit a report to law enforcement regarding a threat of violence in a school or targeted at a school.

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- a. Even if it is determined that there is no statutory reporting obligation, any District employee is permitted to report possible criminal conduct to law enforcement.
 - b. An employee who reports an incident or threat under this policy to law enforcement shall, as soon as practicable thereafter, inform at least one of the following administrators of the nature of the report and the related circumstances: ~~identify the appropriate position(s) – e.g., “the District Administrator, the Director of Human Resources, the District Safety Coordinator, or, if none of the foregoing are reasonably available, to a school principal or to the head of any District department”~~. **{Editor’s Note: Coordinate the position titles listed in this paragraph with any similar provision found in any district policy or school safety plan provision that more generally addresses the mandatory reporting obligation under [section 175.32](#) of the state statutes.}**
2. Regardless of whether a report has been made to law enforcement and regardless of the identity of any potential victim or target, all District employees are required to report known, suspected, or threatened instances of physical violence in the workplace to one of the following administrators as soon as reasonably possible: ~~identify the appropriate position(s) – e.g., “the District Administrator, the Director of Human Resources, the District Safety Coordinator, or, if none of the foregoing are reasonably available, to a school principal or to the head of any District department”~~. **{Editor’s Note: Coordinate the position titles listed in this paragraph with any similar provision found in any district policy or school safety plan that more generally addresses the mandatory reporting obligation under [section 175.32](#) of the state statutes.}**
 3. Any person may submit any other reports or complaints regarding known or alleged violations of this policy to any of the following administrators: ~~identify the appropriate position(s) – e.g., “the District Administrator, the Director of Human Resources, the District Safety Coordinator, the District’s Equal Employment Opportunity Coordinator, or, if none of the foregoing are reasonably available, to a school principal or to the head of any District department”~~. The person submitting the report or complaint is encouraged to verify that it was received if they do not receive a reasonably prompt acknowledgment.
 - a. The preferred method of submitting such a report or complaint is in writing, including by an email sent to the appropriate employee’s District email address.
 - b. Verbal reports and complaints are also acceptable, but there can be a greater need for the individual to be clear about the nature of the complaint/concern and their expectation for follow-up.
 4. General questions or concerns related to this policy should be directed to any of the following administrators: ~~identify the appropriate position(s) – e.g., “the Director of Human Resources, the District’s designated Equal Employment Opportunity Coordinator, or the District Administrator”~~.
 5. The District prohibits retaliation against any employee who, acting in good faith, submits or otherwise participates in the investigation, processing, or resolution of a report or complaint under this policy.

Addressing Alleged Violations of this Policy

WORKPLACE VIOLENCE, THREATS, INTIMIDATION, AND HARASSMENT

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Under the supervision of ~~insert relevant position(s) – e.g., “the District Administrator, the Director of Human Resources, and the District’s Equal Employment Opportunity Coordinator”~~, the administration shall ensure that the District takes prompt and appropriate action in response to any complaints or reports that identify or allege a violation of this policy.

1. Priority Evaluation of Threats to School/Employee Safety. As a first priority when receiving a report or complaint of workplace violence, or threatened workplace violence, under this policy, the administration shall promptly evaluate and process such incidents, reports, or complaints according to the District’s school safety plan and under any other established procedures for responding to an imminent or ongoing safety concern.
2. General Complaint Processing. Because of the wide range of conduct that is potentially subject to analysis under this policy and due to the varying degrees of the seriousness of possible allegations, the School Board directs the administration to apply a principle of proportionality to the investigation and complaint-processing procedures that are used to address observations, reports, or complaints of possible violations of this policy. In determining a proportional response, the administration shall observe the following guidelines:
 - a. The administration shall utilize the complaint-processing procedures that the District has established under its Equal Opportunity Employment and Nondiscrimination policy to process any complaint that alleges a possible violation of this policy and that also involves an allegation of, or any administratively-identified substantial evidence of, possible unlawful employment discrimination (including unlawful harassment that is based on a legally-protected status).
 - b. The administration may choose to utilize the complaint-processing procedures that the District has established under its Equal Opportunity Employment and Nondiscrimination policy to process other complaints alleging a violation of this policy, even though there is no allegation or substantial evidence that the alleged conduct may have been based on a status or classification that is protected under the state or federal employment discrimination laws.
 - c. At a minimum, a person who submits a written complaint alleging a possible violation of this policy shall be entitled to (1) present their allegations to an administrator who is charged with providing an initial administrative response to the allegations; (2) the receipt of an initial administrative response; and (3) an opportunity to appeal the initial administrative determination to the District Administrator for review or reconsideration.
3. Coordination with Law Enforcement. When an allegation of misconduct under this policy may also constitute a crime, the administration, in consultation with District legal counsel as needed, is expected to make reasonable efforts to coordinate the District’s processing of the matter with any related law enforcement proceedings.

Legal References:

Wisconsin Statutes

[Subch. II of Chapter 111](#) [the state fair employment and nondiscrimination statutes, including specific prohibited bases of discrimination]

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Section 111.32(13)	[state law definition of sexual harassment in employment]
Section 118.195	[discrimination against handicapped teachers]
Section 118.20	[teacher/administrator discrimination prohibited]
Section 175.32	[mandatory reporting of threats of school violence]
Section 939.632	[violent crime in a school zone]
Section 940.32	[stalking as a criminal offense]
Section 947.0125	[unlawful use of electronic communications]
Section 947.013	[harassment prohibited]
Section 947.019	[threats of death, bodily harm, or damage to property affecting school premises and in other circumstances]

Federal Laws and Regulations

See federal references for Policy 511 (equal opportunity and nondiscrimination)

Cross References:

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

Adoption Date:

NONDISCRIMINATION IN DISTRICT PROGRAMS, ACTIVITIES, AND OPERATIONS

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The Waunakee Community School District prohibits all forms of unlawful discrimination against students, employees, and other persons in all aspects of the District's programs, activities, and operations. The term "unlawful discrimination" encompasses any unlawful policy, practice, conduct, or other unlawful denial of rights, benefits, or privileges that is based on any legally-protected status or classification (e.g., race, color, national origin, sex, sexual orientation, disability, religion, age, etc.).

Various state and federal laws establish the actions that do (and do not) constitute unlawful discrimination with respect to each protected status or classification. Where applicable, unlawful harassment that is based on a legally-protected status is one form of unlawful discrimination. To the extent encompassed by the applicable laws, discrimination based on "sex" can include any unlawful discrimination that is based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity.

The District requires and will enforce nondiscrimination in a manner that is consistent with applicable constitutional provisions and with the rights and obligations that are established under all applicable state and federal civil rights laws, including but not limited to the current provisions of the following federal laws, which jointly serve to identify and protect the rights of students, employees, and other persons:

- Title IX of the Education Amendments of 1972 (sex discrimination);
- Section 504 of the Rehabilitation Act (disability discrimination);
- The Americans with Disabilities Act (including both the employment-related provisions of the ADA as well as Title II of the ADA, which broadly prohibits discrimination on the basis of disability in state and local government services);
- Titles IV and VI of the Civil Rights Act of 1964 (addressing discrimination based on race, color, national origin, sex, or religion);
- The Age Discrimination Act of 1975 (age discrimination);
- The nondiscrimination provisions of the Elementary and Secondary Education Act

There are a significant number of additional state and federal nondiscrimination laws that are not listed above that further establish the rights of students and/or employees. In recognition of such laws, the District maintains additional nondiscrimination policies and rules that specifically and uniquely cover students (see, for example, Policy 411 and Policy 411.1 within the District's policy manual) and all aspects of employment and personnel administration within the District (see, for example, Policy 511 and Policy 512).

Special Statement Regarding Sex Discrimination under Title IX

As mandated by the federal Title IX statutes and by the regulations set forth in Part 106 of Title 34 of the Code of Federal Regulations ("the federal Title IX regulations"), the District does not unlawfully discriminate on the basis of sex and prohibits all forms of unlawful sex discrimination in any education program or activity that the District operates. Title IX's requirement not to discriminate on the basis of sex in any education program or activity includes, but is not limited to, discrimination affecting students and discrimination in District employment. Inquiries

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regarding how Title IX and the federal Title IX regulations apply to the District may be referred to a District Title IX Coordinator (as designated below), to the Assistant Secretary for Civil Rights at the U.S. Department of Education, or to both.

Designation and Authorization of Nondiscrimination Coordinator(s)

Any questions concerning the District's nondiscrimination and equal opportunities policies, general policy compliance, the application of any nondiscrimination law to the District, or the District's reporting and complaint procedures may be directed to either of the District's nondiscrimination and equal opportunity coordinators:

<p>The staff member holding the following position serves as the District's designated Student Nondiscrimination Coordinator, with a primary focus on student matters and other non-employment-related matters:</p> <p><u>Tiffany Loken</u> <u>Special Education Director</u> <u>905 Bethel Circle</u> <u>Waunakee, WI 53597</u> <u>608-849-2000</u> <u>tiffanyloken@waunakee.k12.wi.us</u></p>	<p>The staff member holding the following position serves as the District's designated Equal Employment Opportunities Coordinator, with a primary focus on employment-related matters:</p> <p><u>Brian Grabarski</u> <u>Human Resources Director</u> <u>905 Bethel Circle</u> <u>Waunakee, WI 53597</u> <u>608-849-2000</u> <u>briangrabarski@waunakee.k12.wi.us</u></p>
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1. Retaining their primary area of focus in either employment or student/non-employment matters, the role of the nondiscrimination and equal opportunity coordinators identified above includes serving as District-designated:
 - Title IX Coordinators (regarding prohibited sex discrimination)
 - Section 504 and Americans with Disabilities Act Coordinators (i.e., for disability rights and disability-based discrimination issues).
 - Federal Age Discrimination Act Coordinators.
2. The District's nondiscrimination and equal opportunity coordinators have responsibility for coordinating the District's efforts to implement this policy and to adhere to applicable nondiscrimination laws, including coordinating the District's response to any complaint or report alleging noncompliance with, or acts in violation of, any of those laws. Although each of the nondiscrimination and equal opportunity coordinators identified above has a primary area of focus (i.e., either in employment matters or in student/non-employment matters), those divisions are not absolute and each coordinator may need to be directly involved in a matter that is outside of their primary area of focus, such as when a matter is affected by a conflict of interest or when the coordinator who would normally be more directly involved is temporarily absent or otherwise unavailable.

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3. The District's nondiscrimination coordinator for student matters is also designated to receive any student discrimination complaints arising under section 118.13 of the state statutes and Chapter PI 9 of the Wisconsin Administrative Code.
4. The following apply to the District's designated Title IX Coordinators:
 - The Human Resources Director, is designated as the District's lead Title IX Coordinator who has ultimate oversight responsibility for coordinating the District's efforts to comply with Title IX and the federal Title IX regulations, including monitoring the District's consistent compliance with its Title IX responsibilities.
 - Any Title IX Coordinator other than the lead Title IX Coordinator is a secondary Title IX Coordinator. Any secondary Title IX Coordinator, as well as and any designee performing specific duties on behalf of any Title IX Coordinator, shall keep the lead Title IX Coordinator reasonably informed of pending Title IX matters, including the receipt of reports of possible unlawful sex discrimination and the initiation, ongoing status, and resolution of any Title IX-related complaint or investigation.

District Responses to Information, Reports, and Complaints about Unlawful Discrimination

Applicable laws require the District, the District's designated nondiscrimination and equal opportunity coordinators, and all District employees to be responsive to known information about possible unlawful discrimination or prohibited retaliation. The Board's general expectations for responding to such information include the following:

1. Any time the District has knowledge of conduct that reasonably may constitute unlawful discrimination or prohibited retaliation occurring within the District's programs, activities, or operations, the District—primarily through the District's designated nondiscrimination and equal opportunity coordinators and the Board's other administrative-level and supervisory agents—will respond promptly and effectively in a manner that is consistent with District policies and procedures and with the specific obligations that are defined in applicable state and federal nondiscrimination laws.
 - a. Some of the District's legal duties and obligations apply based solely on the District having sufficient notice of the conduct, even if no complaint is ever submitted/pursued.
 - b. When a District-designated Title IX Coordinator has been notified of conduct that reasonably may constitute sex discrimination or prohibited retaliation under Title IX, the Title IX Coordinator must perform, or ensure that another authorized agent of the District who is acting as a designee performs, all applicable Title IX Coordinator duties specified in the Title IX regulations, including the duties specified in section 106.44(f) of the regulations.
2. All District employees are required to notify one of the District's designated nondiscrimination and equal opportunity coordinators when the employee has information about conduct that reasonably may constitute unlawful discrimination (or any related acts of prohibited retaliation) within the District's programs, activities, or operations. As a limited exception, an

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employee is strongly encouraged, but not strictly obligated, to report information about an incident or situation in which the employee, but not any student, was personally subject to conduct that reasonably may constitute unlawful discrimination or prohibited retaliation against that employee.

- a. If an employee has information concerning possible sex discrimination in violation of Title IX, the employee shall fulfill the obligation described in the previous paragraph by notifying a District Title IX Coordinator of the information.
- b. In a situation in which the employee believes the appropriate coordinator would have a conflict of interest, such as in a situation where the coordinator is alleged to have personally engaged or participated in prohibited conduct, the employee shall directly notify the District Administrator of the relevant information.

A report of possible unlawful discrimination or prohibited retaliation under this policy is to be treated as a "complaint" if (1) the report can be objectively understood as a request for the District to investigate and make a determination about alleged unlawful discrimination or prohibited retaliation under one of the District's anti-discrimination complaint/grievance procedures, **and** (2) the person making the report is authorized by law or by District policy to initiate the applicable complaint/grievance procedures.

The Board's general expectations for responding to complaints and other reports of conduct that reasonably may constitute unlawful discrimination or prohibited retaliation include the following:

1. If a report constitutes a "complaint," then the complaint will be processed according to the anti-discrimination complaint/grievance procedures that the District determines are most applicable to the facts and circumstances. Such procedures may allow for the use of an informal resolution process in some circumstances. *In addition, in some situations, such as under the federal Title IX regulations, applicable law and District policies may require the District's designated nondiscrimination and equal opportunity coordinators or other agents of the District to take other specific actions in response to such a complaint.*
2. For other "reports" of possible unlawful discrimination or retaliation (e.g., when the person reporting the information is **not** requesting an investigation and determination or when the person reporting the information is **not** authorized by law or District policy to use a complaint to initiate any of the District's complaint/grievance procedures), the following apply:
 - a. The District is **not** required to (but may choose to) initiate District-established complaint/grievance procedures based on the person's report.
 - b. If the information reported by such a person could reasonably constitute unlawful discrimination or retaliation, then the expectation is that the District—usually through a designated nondiscrimination coordinator—will at least respond to the information/allegations(s) in a prompt and reasonable manner that is calculated to further determine whether unlawful discrimination may be occurring and, if so, to take

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prompt and effective steps intended to ensure that any discrimination is ended and does not recur. In addition, in some situations, such as under the federal Title IX regulations, applicable law may require a designated nondiscrimination coordinator or other agents of the District to take specific actions in response to being notified of conduct or other reported information or allegations that could reasonably constitute unlawful discrimination.

Any Person May Report Discrimination to the District

The District is committed to the appropriate resolution of any complaint or other report that alleges or otherwise presents information to the District about conduct, or about a District policy or practice, that may reasonably constitute (1) unlawful discrimination or a violation of a District nondiscrimination policy, including any form of prohibited harassment that is based on a legally-protected status; or (2) any type of retaliation that is prohibited by a nondiscrimination law or a District nondiscrimination policy.

Accordingly, unless otherwise specified by a state or federal law, any person (including a person who is not claiming to have been personally harmed/victimized by the alleged conduct or challenged policy) may report information about or, if eligible, submit a complaint alleging possible prohibited discrimination or prohibited retaliation as follows:

1. To either of the District's designated nondiscrimination and equal opportunity coordinators, using the contact information provided above and any of the following methods:
 - a. By in-person delivery (whether the report is made verbally or in writing);
 - b. By U.S. mail;
 - c. By telephone; or
 - d. By electronic mail.
2. By any other means that results in the applicable nondiscrimination coordinator actually receiving the person's verbal or written report. For example, a person may arrange to have an agent or other intermediary submit their report to a District-designated nondiscrimination or equal opportunity coordinator on their behalf.
3. If the report would identify one of the District's designated nondiscrimination or equal opportunity coordinators as being personally responsible for alleged discrimination or retaliation, then the report may be filed directly with the alternative position or the District Administrator either in person at 905 Bethel Circle, Waunakee, WI 53597 by U.S. mail addressed to 905 Bethel Circle, Waunakee, WI 53597; or by electronic mail sent to the District Administrator's District-issued email address.

When a report of possible unlawful discrimination or retaliation is not submitted in person directly to one of the District's designated nondiscrimination and equal opportunity coordinators, the person submitting the report is strongly encouraged to contact the District to confirm that their report was actually received as intended.

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The District's designated nondiscrimination and equal opportunity coordinators shall make reasonable efforts to identify barriers to reporting conduct that may constitute unlawful discrimination within any District program or activity. The coordinators shall also take reasonable steps to attempt to address such barriers, including notifying the District Administrator of any specific recommendations that would require Board or administrative approval.

Deadline for Filing an Initial Report or Complaint

There is no absolute deadline for the initial filing of a report or complaint of discrimination under this policy. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, or retaliation. However, any person who has a complaint or concern involving such a matter is encouraged to notify the District or pursue a complaint as soon as reasonably possible after the occurrence of the relevant events. A material gap in pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of remedies and resolutions that are reasonably available.

The following apply to any report or complaint of discrimination or retaliation that has been filed under this policy, except for complaints of possible unlawful sex discrimination (including sex-based harassment) or prohibited retaliation under Title IX, which are instead subject to the dismissal and appeal provisions of the grievance procedures that the District has adopted for such complaints:

1. At least one of the following administrators, acting in consultation as needed with District legal counsel, must authorize the dismissal or other alternative disposition of a report or complaint due to a lack of timeliness: The District Administrator, the Special Education Director, the Human Resources Director, or the Executive Director of Operations.
2. Any actual party in interest to the allegations raised by a complaint (i.e., a person alleged to have been subjected to or alleged to be responsible for prohibited conduct) may appeal a decision to dismiss the complaint under the previous paragraph to the District Administrator. Or, if the District Administrator authorized the initial decision to dismiss the complaint, the party may request reconsideration.

Confidentiality of Reports and Complaints

Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of discrimination reports and complaints, and especially personally-identifiable information obtained in the course of responding to a report or complaint, to the extent required by applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Nonetheless, investigating or otherwise responding to a matter often involves disclosing (directly or indirectly) the identity of persons involved in the particular events/issues. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with the District as early as possible in the process.

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Retaliation Prohibited

No official, employee, or agent of the District, student, or any other person over whom the District exercises some authority may intimidate, threaten, coerce, or unlawfully discriminate against any individual (1) for the purpose of interfering with any right or privilege secured by any nondiscrimination statute or related regulation, or (2) because the individual has made a report or complaint, or testified, assisted, participated, or exercised a legal right to refuse to participate in any manner in an investigation or proceeding conducted under this policy or any other District nondiscrimination policy. This non-retaliation provision does **not** preclude the District from (1) requiring an employee or other authorized agent of the District to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing; or (2) imposing consequences for an employee's or agent's refusal to cooperatively participate or otherwise assist in such matters.

Prohibition on Bad Faith Conduct/Abuse of Process

To the extent permitted by law, the District prohibits and reserves authority to appropriately address and impose consequences for bad-faith conduct by individuals who make a report or complaint, testify, assist, or participate in any manner in an investigation or proceeding conducted under this policy or any other District nondiscrimination policy. For example, the District may impose lawful consequences for making a materially false statement in bad faith in the course of any proceeding that is conducted under this policy or any other District nondiscrimination policy. Examples of abuse of process include, but are not limited to, the pursuit of allegations that the complaining party knows to be wholly frivolous or the use of dilatory tactics that have the purpose or reasonably foreseeable result of unreasonably interfering with a prompt and equitable resolution of alleged discrimination or retaliation.

Consequences for Violations

Any person who is determined to be responsible for any form of unlawful discrimination, any act of prohibited retaliation, or other violation of this policy is subject to appropriate disciplinary action and/or other appropriate consequences that are within the District's lawful authority.

In addition, any employee or authorized agent of the District who, considering the duties, responsibilities, and expectations established for their position/role, fails to reasonably respond to complaints or reports of alleged discrimination or retaliation, or who otherwise fails to reasonably act on their knowledge of a possible violation of a nondiscrimination law or a District nondiscrimination policy, is also subject to possible disciplinary action.

Nondiscrimination Notices; Dissemination of Policy and Complaint/Reporting Procedures

The District Administrator and the District's designated nondiscrimination and equal opportunity coordinators share joint responsibility for ensuring that the District prepares and issues, on a timely basis, all legally-required general notices of (1) the rights of students, employees, and other persons under the state and federal nondiscrimination laws; (2) the District's nondiscrimination policies; and (3) applicable reporting and complaint procedures. Beyond meeting legal

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requirements and any local policy requirements, the administration is encouraged to further disseminate such information using such methods as the administration deems appropriate.

Maintenance of Complaint Records; Report Preparation

The District Administrator and the District's designated nondiscrimination and equal opportunity coordinators share joint responsibility for ensuring that the District maintains adequate records of reports and complaints of discrimination and retaliation, including records of the District's response and disposition. Such records shall meet applicable legal requirements for documentation and records retention. The District Administrator and the applicable coordinators shall also direct and oversee the timely preparation of all annual or other reports and evaluations regarding nondiscrimination initiatives/compliance that the District is required to provide to the Department of Public Instruction or to any other oversight entity.

Legal References:

Wisconsin Statutes

Subch. III of Ch. 106	[state equal rights programs, some of which can apply to school districts in at least some circumstances]
Subch. II of Ch. 111	[the state fair employment and nondiscrimination statutes, including specific prohibited bases of discrimination (sections 111.31 to 111.395)]
Section 118.13	[student nondiscrimination; policy/procedures required]
Section 118.134	[race-based nicknames, logos, mascots]
Section 118.195	[discrimination against teachers with disabilities]
Section 118.20	[teacher/administrator discrimination prohibited]

Wisconsin Administrative Code

PI 9	[student nondiscrimination; policy, procedures, notices, and reporting required]
PI 41	[accommodating student religious beliefs; policy required]

Federal Laws

20 U.S.C. §1681 et seq.	[Title IX of the Education Amendments of 1972, as amended, prohibiting sex discrimination in federally-supported educational programs; implementing regulations at 34 C.F.R. Part 106]
20 U.S.C. §1400 et seq.	[The Individuals with Disabilities Education Act, providing for programs. Services, and rights for students with disabilities; implementing regulations at 34 C.F.R Part 300]
20 U.S.C. §6312(e)(3)(D)	[addressing nondiscrimination in admission to federally-assisted education programs on the basis of surname or language-minority status]
42 U.S.C. §2000e et seq.	[Title VII of the Civil Rights Act of 1964, as amended, prohibiting employment discrimination based race, color, national origin, sex, pregnancy, and religion; implementing regulations at 29 C.F.R. Ch. XIV]
42 U.S.C. §2000d et seq.	[Title VI of the Civil Rights Act of 1964, as amended, prohibiting discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds; implementing

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42 U.S.C. §12111 et seq.	regulations at 28 C.F.R. Part 42, Subpart C] [The Americans with Disabilities Act, Title I, as amended, prohibiting employment discrimination based on a qualifying disability; implementing regulations at 29 C.F.R. Part 1602 and Part 1630]
42 U.S.C. §12131 et seq.	[The Americans with Disabilities Act, Title II, as amended, nondiscrimination based on disability by state and local governments; implementing regulations at 28 C.F.R. Part 35]
29 U.S.C. §794 et seq.	[Section 504 of the Rehabilitation Act of 1973, as amended, prohibiting discrimination based on a qualifying disability by recipients of federal funds; implementing regulations at 34 C.F.R. Part 104 , 28 C.F.R. Part 42, Subpart G , and 29 C.F.R. Part 1640]
42 U.S.C. §6101 et seq.	[the federal Age Discrimination Act, as applicable to federally assisted programs; implementing regulations at 34 C.F.R. Part 110]
29 U.S.C. §621 et seq.	[Age Discrimination in Employment Act, as amended; implementing regulations at 29 C.F.R. Parts 1625 to 1627]
8 U.S.C. §1324b(a)	[prohibiting employment discrimination based on national origin and citizenship status; implementing regulations at 28 C.F.R. Part 44]
42 U.S.C. §2000gg et seq.	[Pregnant Workers Fairness Act; implementing regulations at 29 C.F.R. Part 1636]

Cross References:

WASB PRG 113 Sample Policy 1

Adoption Date: 08/10/20

Revised: July 2024

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This rule has been established to facilitate the District's compliance with requirements of the federal regulations issued under Title IX of the Education Amendments of 1972 ("Title IX"). Specifically, this rule establishes expectations and procedures for promptly, effectively, and equitably responding to complaints, reports, and other notice of any conduct or policies that reasonably may constitute unlawful sex discrimination or retaliation, as prohibited in the District's education program and activities pursuant to Title IX and the federal Title IX regulations. Sex-based harassment is one form of sex discrimination that is prohibited under Title IX. The adoption of this rule, as a reflection of federal regulatory mandates, is not intended to suggest that discrimination on the basis of sex is any more or any less serious, or any more or any less of a concern to the District, than harassment that is based on any other legally-protected status (e.g., race, national origin, disability, religion, etc.).

Confidentiality Requirements and Considerations Related to Title IX Compliance

No District official, District employee, or other person acting as an agent of the District may disclose personally identifiable information obtained in the course of complying with the District's obligations under the federal Title IX regulations, except in the following circumstances:

1. When the District has obtained prior written consent from a person with the legal right to consent to the disclosure;
2. When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
3. To carry out the purposes of the Title IX regulations,* including action taken to address conduct that reasonably may constitute sex discrimination or retaliation prohibited under Title IX in the District's education program or activity;
4. As required by federal law, federal regulations,* or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
5. To the extent such disclosures are not otherwise in conflict with Title IX or this part, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, or its implementing regulations, 34 C.F.R. part 99.

*Note: The federal Title IX regulations expressly provide that the obligation to comply with Title IX and the Title IX regulations is not obviated or alleviated by the student education record confidentiality provisions of FERPA or the federal FERPA regulations. See 34 C.F.R. §106.6(e). That is, when a disclosure of student record information is **necessary** to comply with the Title IX regulations, and a conflict with FERPA **cannot** be avoided, the Title IX regulations serve as an exception to student record confidentiality.

No District official, District employee, or other agent of the District may disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or unless another exception to the confidentiality of personally identifiable information that is expressly allowed by the Title IX regulations applies.

In connection with the District's Title IX grievance procedures, the District and its designated employees and other agents are required to:

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1. Take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the District's Title IX grievance procedures, provided that the steps do not restrict the ability of the parties to (1) obtain and present evidence, including by speaking to witnesses (while still prohibiting retaliatory conduct); (2) consult with their family members, confidential resources, or advisors; or (3) otherwise prepare for or participate in the grievance procedures. *See* 34 C.F.R. § 106.45(b)(5).
2. Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence that the party obtained solely through the District's grievance procedures. *See* 34 C.F.R. § 106.45(f)(4)(iii).
3. Exclude, avoid seeking, and avoid the use and other disclosure of certain protected (i.e., impermissible) types of evidence, subject only to very limited express exceptions, as further set forth in the Title IX regulations. *See* 34 C.F.R. § 106.45(b)(7) (addressing, for example, medical records and information that is subject to a legally-protected privilege, such as an attorney-client privilege).

Responding to Reports or other Notice of Information that May Reasonably Constitute Sex Discrimination or Prohibited Retaliation under Title IX when a Title IX Complaint Is Not Pending

Any time that a District Title IX Coordinator has been notified of conduct that may reasonably constitute sex discrimination or retaliation prohibited under Title IX, but when a "complaint" (as defined under the Title IX regulations) has **not** been made or has been withdrawn, the Title IX Coordinator (or a qualified designee whose responsibilities, in the absence of a conflict of interest or other extraordinary circumstances determined by the District Administrator, shall be overseen by the Title IX Coordinator) is responsible for the following:

1. Ensuring the equitable treatment of (1) any person alleged to have been subjected to conduct that may constitute a violation of Title IX, and (2) any person alleged to be responsible for such conduct.
2. Seeking clarity or confirmation, as needed, regarding the information being reported or the conduct that is being alleged so that the Title IX Coordinator will be able to fulfill the Coordinator's role and responsibilities.
3. Notifying the person(s) alleged to have been subjected to conduct that may constitute a violation of Title IX of the District's Title IX grievance procedures for resolving Title IX complaints, including any informal resolution process that may be available. If such person(s) are unknown and cannot reasonably be identified, then this notification shall be provided to the individual who reported the conduct.
4. Offering and coordinating supportive measures, as appropriate, to eligible person(s) alleged to have been subjected to the conduct that may constitute sex discrimination or retaliation in violation of Title IX, to the extent such persons can be identified.
 - a. Supportive measures shall be offered and coordinated in a manner that is consistent with subsection 106.44(g) and other applicable subsections of the Title IX regulations.
 - b. When no Title IX complaint has been made, the federal regulations allow (but do not require) the District to provide supportive measures to a person who is alleged to be responsible for conduct that may reasonably constitute prohibited sex discrimination or retaliation. (As discussed below, after a

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- complaint has been made/initiated, the Title IX Coordinator is required to offer and coordinate, as appropriate, supportive measures for respondents.)
- c. Additional procedures and requirements related to offering and coordinating supportive measures are established in a later section of this rule, below.
5. Ensuring, to the extent appropriate based on the information known to the Title IX Coordinator, that appropriate administrators become involved in considering the potential use of the emergency removal procedures and/or the employee administrative leave provisions that are found in or otherwise permitted by the Title IX regulations. *See* 34 C.F.R. §106.44(h) (regarding emergency removal) and §106.44(i)(regarding administrative leave).
 - a. Procedures and standards established under other laws or District policies may also need to be satisfied in connection with any such emergency removal or administrative leave decision.
 - b. With respect to individuals who are volunteers, non-employee agents, or other non-employees authorized by the District to provide an aid, benefit, or service, this may additionally include, for example, consideration of modifying or removing specific duties as a supportive measure that is instituted for non-punitive, non-disciplinary reasons.
 - c. All such decisions about emergency removal, administrative leave, etc. must adhere to the restriction found in the Title IX regulations that disciplinary sanctions for sex discrimination or prohibited retaliation under Title IX may be imposed on a respondent **only after the District has determined at the conclusion of the District's Title IX grievance procedures** that the respondent violated the District's prohibition on sex discrimination or retaliation.
 6. In the absence of a complaint being made or upon the withdrawal by the complainant of any or all of the allegations in a complaint, and in the absence or termination of any informal resolution process, determining whether to self-initiate (i.e., as the Title IX Coordinator) a complaint of sex discrimination or retaliation for the purpose of pursuing the District's Title IX grievance procedures.
 - a. The Title IX Coordinator's determination whether to initiate a complaint must be made using the standards and procedures set forth in subsection 106.44(f)(1)(v) of the Title IX regulations. **It is critical to review and apply the regulatory standards prior to initiating a complaint.**
 - b. Except in situations where the District's lead Title IX Coordinator is unavailable or affected by a conflict of interest or improper bias, the determination whether to initiate a complaint shall be made by the lead Title IX Coordinator and shall **not** be delegated to a designee. The District Administrator or district legal counsel shall authorize any such delegation. The preferred designee shall normally be a secondary Title IX Coordinator.
 - c. **Prior to** actually initiating a Title IX complaint under the authority granted to the Title IX Coordinator under subsection 106.44(f)(1)(v), the Title IX Coordinator is required to (1) **notify** the person(s) alleged to have been subjected to conduct that may constitute a violation of Title IX of the intent to initiate the complaint, and (2) appropriately address reasonable concerns about any such person's safety or the safety of others, including by providing or modifying supportive measures.
 - d. Upon initiating a complaint, the Title IX Coordinator does **not** become a "complainant" or a party to the complaint. Any person who meets the definition of a "complainant" found in the Title IX regulations in relation to the allegations retains his/her status as a complainant.

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7. Regardless of whether a complaint is initiated, taking appropriate, prompt, and effective steps (in addition to any remedies for sex discrimination that are provided to specific individuals) to ensure that any sex discrimination that is found to have occurred does not continue or recur within the District's education program or activities.
8. Taking steps to ensure the proper documentation and appropriate retention of records that identify the actions that the District took to meet its obligations under section 106.44 of the Title IX regulations.

Responsibilities of the Title IX Coordinator Once a Title IX Complaint Has Been Made to the District (or Initiated by the Title IX Coordinator)

A report of conduct that may reasonably constitute sex discrimination or retaliation prohibited under Title IX needs to be treated as a Title IX **"complaint"** when an eligible person (as identified in the federal Title IX regulations or in the District's Title IX grievance procedures) has made an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about the alleged discrimination or retaliation. As further described in the previous section of this rule, above, a District Title IX Coordinator may also initiate a complaint in some situations. (Note: Not every person who is eligible to submit a Title IX "complaint" that initiates the District's Title IX grievance procedures qualifies as a "complainant," as the term "complainant" is specially defined in the Title IX regulations and used in this rule.)

If a complaint is made or initiated, the Title IX Coordinator (or a qualified designee whose responsibilities, in the absence of a conflict of interest or other extraordinary circumstances determined by the District Administrator, shall be overseen by the Title IX Coordinator) is responsible for the following:

1. Ensuring the equitable treatment of each "complainant" and "respondent," as those terms are defined in the Title IX regulations.
2. Ensuring that the allegations presented as the complaint are sufficiently identified/documented, particularly when the complaint is presented orally, so that the Title IX Coordinator will be able to fulfill the Coordinator's role and responsibilities (e.g., to provide notice of the allegations, to facilitate a prompt investigation, to consider the possible dismissal of any allegations, etc.). As needed, the Title IX Coordinator shall, without bias or favoritism and without serving as an advocate, seek confirmation of what is being alleged or request additional details or clarifications. This provision does not preclude the possibility of later changes to the scope of the allegations covered by a complaint.
3. If a complainant or respondent is a student with a disability, consulting with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under Section 504 of the Rehabilitation Act, if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 throughout the implementation of the District's Title IX grievance procedures.
4. Offering and coordinating supportive measures, as appropriate, for each complainant **and** respondent, in a manner that is consistent with subsection 106.44(g) and with other applicable subsections of the Title IX regulations. Additional procedures and requirements related to offering and coordinating supportive measures are established in a later section of this rule, below.

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5. Ensuring, to the extent appropriate based on the information known to the Title IX coordinator, that appropriate administrators become involved in considering the potential use of the emergency removal procedures and/or the employee administrative leave provisions that are found in or otherwise permitted by the Title IX regulations. See 34 C.F.R. §106.44(h) (regarding emergency removal) and §106.44(i) (regarding administrative leave).
 - a. Procedures and standards established under other laws or District policies may also need to be satisfied in connection with any such emergency removal or leave decision.
 - b. With respect to individuals who are volunteers, non-employee agents, or other non-employees authorized by the District to provide an aid, benefit, or service, this may additionally include, for example, consideration of modifying or removing specific duties as a supportive measure that is instituted for non-punitive, non-disciplinary reasons.
 - c. All such decisions about emergency removal, administrative leave, etc. must adhere to the restriction found in the Title IX regulations that disciplinary sanctions for sex discrimination or prohibited retaliation under Title IX may be imposed on a respondent **only after the District has determined at the conclusion of the District's Title IX grievance procedures** that the respondent violated the District's prohibition on sex discrimination.
6. Initiating and following the District's Title IX grievance procedures, subject to any decision to dismiss the complaint or utilize an informal resolution process.
 - a. As further covered in the District's procedures, upon the initiation of the District's Title IX grievance procedures, the Title IX Coordinator is required to provide "**notice of the allegations**" to each complainant **and** respondent whose identities are known. The notice of the allegations must include all of the information required by subsection 106.45(c) of the federal Title IX regulations. (Note: When a complaint of sex discrimination alleges that a District policy or practice discriminates on the basis of sex, it is possible that there will be no "respondent" as the term is defined in the Title IX regulations and used in this rule.)
 - b. If appropriate, available, and requested by all parties, an informal resolution process may be pursued as an alternative to completing such grievance procedures.
7. If there is a determination that sex discrimination or retaliation prohibited under Title IX occurred, then, as appropriate to the specifics of the situation, the Title IX Coordinator is responsible for:
 - a. Coordinating the provision and implementation of remedies to a complainant and other persons the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination.
 - b. Coordinating the imposition of any disciplinary sanctions on a respondent, including notifying the complainant of any such disciplinary sanctions.
 - c. Taking other appropriate, prompt, and effective steps (i.e., in addition to individually-targeted remedies and sanctions) to ensure that sex discrimination does not continue or recur within the District's education program or activity.
8. Taking steps to ensure the proper documentation and appropriate retention of the following records:

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- a. For each complaint of sex discrimination or prohibited retaliation, records that are created through or that otherwise document the District's use of the grievance procedures or, if applicable, an informal resolutions process and the resulting outcome of the complaint.
- b. Records that otherwise identify the actions that the District took to meet its obligations under section 106.44 of the federal Title IX regulations.

Offering, Providing, and Coordinating "Supportive Measures" under Title IX

In this rule, the term "supportive measures" has the definition given in the federal Title IX regulations. See 34 C.F.R. § 106.2.

1. The District, through the Title IX Coordinator or a qualified designee, will offer and coordinate supportive measures for the parties to a Title IX matter when required by the Title IX regulations, in a manner that is consistent with subsection 106.44(g) and with other applicable subsections of the Title IX regulations.
2. As part of offering and coordinating supportive measures to a party (i.e., to a "complainant" or "respondent," as defined by the Title IX regulations), the Title IX Coordinator (or a designee) will:
 - a. Make prompt initial contact regarding supportive measures with (1) each party to whom appropriate supportive measures must be offered, and (2) each party whom the District determines will be directly affected by the implementation of supportive measures that are offered to another party.
 - In making such initial contact, the Title IX Coordinator (or a designee) will (1) identify the purpose and function of supportive measures; (2) inform **complainants** of the availability of supportive measures **to complainants** with or without pursuing a complaint; (3) provide an opportunity for the party to communicate any initial requests or preferences with respect to supportive measures; and (4) identify the opportunities that the party has, consistent with the procedures defined below within this section, to request the modification or reversal of a District decision to provide, deny, modify, or terminate supportive measures that are applicable to the party.
 - This initial contact shall normally occur by no later than a date that is closely proximate to the date that the Title IX Coordinator (or a designee), pursuant to subsections 106.44(f)(1)(iii) and/or 106.45(c)(1)(i) of the Title IX regulations, notifies the party of the District's Title IX grievance procedures. In some cases, earlier initial contact regarding supportive measures may be more appropriate.
 - b. If a complainant or respondent is a student with a disability, consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under Section 504 of the Rehabilitation Act, if any, to determine how to comply with the requirements of the Individuals with Disabilities Education Act and Section 504 in the implementation of supportive measures.
 - c. Communicate relevant District decisions about supportive measures to the affected party in an ongoing manner, maintaining confidentiality to the extent required by subsection 106.44(g)(5) of the Title IX regulations. See also item 3. in this list, below.

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- d. Coordinate the implementation of supportive measures, including reasonably acting on any knowledge that suggests a need to review the effectiveness of and/or make modifications to supportive measures, as well as determining whether and when it may be appropriate to terminate specific supportive measures.
3. **Confidentiality.** No District official, District employee, or other agent of the District may disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or unless another exception to confidentiality that is expressly allowed by the Title IX regulations applies.
4. **Requests by parties to modify or reverse decisions about supportive measures.** Under the federal Title IX regulations, the District must provide an opportunity for a complainant or respondent to request that an appropriately trained and impartial District employee review a District decision to provide, deny, modify, or terminate any supportive measures that are applicable to the requesting party, and, if appropriate, modify or reverse the District decision. The opportunity to make such a request applies not only to the District's initial determination and initial implementation of supportive measures, but also when specific circumstances that are relevant to a challenged decision have materially changed.
 - a. The District establishes the following procedures for submitting and responding to such requests:
 - i. The affected party (or a parent, guardian, or other authorized legal representative) shall submit such a request to a District-designated Title IX Coordinator. The request shall identify the specific change(s) that the party seeks, and the reason that the party is seeking the changes.
 - ii. The request shall be submitted in writing, unless the Title IX Coordinator expressly waives the requirement (e.g., if the Title IX Coordinator agrees to personally document the request during an in-person meeting related to such a request).
 - iii. Upon receipt of the request, the Title IX Coordinator or the District Administrator acting on behalf of the Title IX Coordinator, shall promptly refer the request and any relevant records to an impartial employee who has received appropriate training covering the District's Title IX obligations and, specifically, decisions and procedures related to supportive measures. The employee assigned to make a determination with respect to the request must be someone other than the employee who made the challenged decision. A Title IX Coordinator can serve as the impartial employee if the Coordinator did not make the challenged decision.
 - iv. Upon a review of the request, the relevant records, and other any relevant information that the employee obtains related to the request, the impartial employee shall make a determination with respect to the request and notify the requesting party and (unless the impartial employee is a Title IX Coordinator) the Title IX Coordinator, in writing, of the decision.
 - v. Such decisions shall be made in a prompt manner that, under the fact-specific circumstances presented by the request, reflects the District's obligation to provide equitable treatment to all parties. If the impartial employee determines that the decision will not be made and communicated within 5 business days after the date the party submitted the request/challenge, the employee shall notify the requesting party and, if applicable, the Title IX Coordinator of the expected timing of the decision and the reason for the timing.

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- b. The impartial employee assigned to conduct the review of a request to modify or reverse a District decision with respect to supportive measures shall apply the following standards:
 - i. The employee assigned to review the request is authorized to **unilaterally** modify or reverse the challenged decision upon a determination that the challenged decision was **inconsistent** with the definition of supportive measures found in section 106.2 of the federal Title IX regulations.
 - ii. If the employee concludes that the challenged decision was **consistent** with the Title IX regulations, but that a modification or reversal of the decision may be a more reasonable and comparably effective approach, the employee may **not** unilaterally modify or reverse the challenged decision. However, the employee may present the alternative approach as a recommendation for consideration to the District employee who is responsible for District decisions about the supportive measures that are applicable to the party.

Grievance Procedures for Addressing Complaints of Sex Discrimination or Retaliation as Prohibited under Title IX

Introduction

The Waunakee Community School District has adopted these grievance procedures that provide for the prompt and equitable resolution of complaints made by (1) students, employees, or certain other individuals who are participating or attempting to participate in the District's education program or activities, (2) by a parent, guardian, or certain other legal representatives of person eligible to make a complaint, or (3) by the Title IX Coordinator, alleging any conduct that, if proven, could reasonably constitute sex discrimination (including sex-based harassment) or retaliation prohibited under Title IX or the Title IX regulations. Collectively, such complaints may be referred to as "Title IX complaints."

Except to the extent that a Title IX complaint is dismissed (in whole or in part), withdrawn, or resolved through an informal resolution process, the District is obligated to investigate a Title IX complaint and reach a determination regarding the allegations of sex discrimination or retaliation using these grievance procedures.

When more than one complainant or more than one respondent is involved in a Title IX complaint, references to a "party," "complainant," or "respondent" include the plural, unless the context clearly requires otherwise. Also, U.S. Department of Education guidance accompanying the Title IX regulations states that prohibited retaliation is considered to be a type of prohibited discrimination under Title IX. Therefore, a reference to prohibited discrimination can normally be understood to include prohibited retaliation, even if retaliation is not expressly mentioned.

Assignment of Roles and Responsibilities Necessary for the Implementation of the Grievance Procedures

Upon initiating the District's grievance procedures in response to a Title IX complaint, the Title IX Coordinator shall ensure that the District designates individuals to perform the roles needed to implement the grievance procedures on a timely basis.

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1. All such individuals, whether or not District employees, must be appropriately trained to perform their role.
2. For any complaint for which the authority to make role assignments may be unclear, a Title IX Coordinator shall consult with the District Administrator or the District Administrator's administrative-level designee to determine who will make final decisions about role assignments for that complaint.
3. The District will assign roles, as needed. The assigned roles will be performed by different persons at least to the extent mandated by the federal Title IX regulations.
4. In assigning roles for a complaint, the District will determine whether one person (who may or may not also be the Title IX Coordinator) will serve as both the complaint investigator and the decisionmaker for the same complaint, or whether those roles will be performed by different people.
 - a. The choice between the approaches shall be made in an unbiased manner and for reasons that are not improperly prejudicial to any party.
 - b. The administrator determining the appropriate approach for a given complaint shall consider factors such as the nature and complexity of allegations, the specific skills and experience of the individuals being considered for the roles, the current workload limitations of the individuals being considered for the role, whether one approach or the other may mitigate perceptions of bias or perceived conflicts of interest in a given case, and the possible value to the District of having a non-employee agent with particular expertise serve as an investigator and/or decisionmaker in the specific case.
5. The District may reassign the roles or assign multiple qualified individuals to perform specific roles if deemed appropriate in a particular case.

General Standards and Requirements Applicable to the District and the District Agents Involved in Implementing the Title IX Grievance Procedures

The District, the District's Title IX Coordinator(s), and, as applicable to their role(s), any District employee or other person authorized to act as agents of the District—including especially any employee or agent who is responsible for implementing the District's Title IX grievance procedures, authorized to modify or terminate supportive measure, or facilitating an informal resolution process—are required to:

1. Treat complainants and respondents equitably.
2. Not have any conflict of interest or bias that would impermissibly inhibit the person's objectivity, impartiality, or independent and good-faith judgment.
 - a. This includes neither having nor exhibiting any bias in favor of or against (1) complainants or respondents generally or (2) any individual complainant or respondent in a specific matter.
 - b. Upon being informed of a complaint, any District employee or other person who may act as an agent of the District in connection with the implementation of the District's grievance procedures shall self-report (1) any known pre-existing personal relationships (familial, social, etc.) to any party or known witness and (2) any other known circumstances that relate to the complaint that may reasonably cause the District to disqualify the person from performing a particular role as an agent of the District due to concerns with a conflict of interest or bias. Such a report may be made to a Title IX

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Coordinator or to the District Administrator. Previous interactions with a complainant, respondent, or witness in a professional capacity, standing alone and in the absence of other specific circumstances, would normally be insufficient to raise a material concern about a conflict of interest or bias.

3. Avoid prejudgment of the facts at issue.
4. Apply a presumption, throughout the course of performing their designated role(s), that the respondent is not responsible for the alleged discriminatory conduct until a determination regarding responsibility is made at the conclusion of the grievance procedures.
5. Adhere to the restrictions found in the Title IX regulations that:
 - a. Any disciplinary sanctions for engaging in sex discrimination or prohibited retaliation under Title IX may be imposed on a respondent only after the District has determined, at the conclusion of the District's Title IX grievance procedures, that the respondent violated the District's prohibition on sex discrimination or retaliation.
 - b. No person acting on behalf of the District may discipline a party, witness, or others participating in a District's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the District's determination whether sex discrimination occurred.
6. Engage in an objective evaluation of all relevant, permissible evidence—including both inculpatory and exculpatory evidence.
7. Exclude, avoid seeking, and avoid the use and any further disclosure of certain protected (i.e., impermissible) types of evidence, subject only to very limited express exceptions, as further set forth in the Title IX regulations. *See* 34 C.F.R. § 106.45(b)(7). The following types of evidence are **impermissible**, unless an expressly stated exception applies:
 - a. Evidence that is protected under a privilege recognized by Federal or State law (e.g., attorney-client privilege), unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures. If a party or witness is under 18 years old, then the District must obtain the voluntary, written consent of a parent or guardian.
 - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
8. Use "preponderance of the evidence" as the standard of proof when making findings of fact and when determining whether sex discrimination or other alleged violations or misconduct encompassed by the allegations has occurred.

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9. Take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the District's Title IX grievance procedures. These steps will not restrict the ability of the parties to (1) obtain and present evidence, including by contacting witnesses (while still prohibiting the party from engaging in retaliation, such as intimidation or coercion of a witness); (2) consult with their family members, confidential resources, or advisors; or (3) otherwise prepare for or participate in the grievance procedures.
 - a. These steps may include, for example, directing the parties, and any advisor(s) to a party, to refrain from further disseminating certain evidence, records, or information connected to proceedings under these grievance procedures. (Note: In some situations, a state or federal law may independently prohibit the further dissemination of particular evidence/records, particularly by parties who are District employees.)
 - b. As a related obligation, the District and District agents involved in implementing these grievance procedures are required to take reasonable steps to **prevent and address** the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. See 34 C.F.R. § 106.45(f)(4)(iii).
10. Comply with the restrictions on the disclosure of personally identifiable information that is obtained in the course of complying with the federal Title IX regulations and the District's grievance procedures, as such restrictions and limited exceptions are set forth subsection 106.44(j) of the Title IX regulations.
11. Recognize that nothing in Title IX or in the federal Title IX regulations may be read in derogation of any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person, including but not limited to making a complaint through the District's grievance procedures for complaints of sex discrimination.

Individuals Who May Make a Title IX Complaint that is Subject to these Grievance Procedures

An eligible person can submit a Title IX complaint using any of the methods identified in Board Policy 413/513, including submitting the complaint to a District-designated Title IX Coordinator using the contact information that is posted in the District's public Title IX Notice (available at <https://www.waunakee.k12.wi.us/about-us/annual-notices>) and any of the following methods:

1. By in-person delivery at the District (whether the report is made verbally or delivered in writing);
2. By U.S. mail to the Coordinator's District office location;
3. By telephone, using the Coordinator's District-issued telephone number; or
4. By electronic mail, using the Coordinator's District issued email address.

The following people have a right to make a complaint of alleged sex discrimination or prohibited retaliation, **including complaints of sex-based harassment**, requesting that the District investigate and make a determination about the allegations under Title IX:

1. A "complainant," which includes:
 - a. Any District student or District employee who is alleged to have been subjected to conduct that could constitute sex discrimination or prohibited retaliation under Title IX; or

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- b. Any other person (i.e., other than a District student or District employee) who is alleged to have been subjected to conduct that could constitute sex discrimination or prohibited retaliation under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity.
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant.
3. Any District-designated Title IX Coordinator, to the extent consistent with the procedures and standards defined in subsection 106.44(f)(1)(v) of the Title IX regulations

With respect to **complaints of sex discrimination** (including prohibited retaliation) under Title IX **other than sex-based harassment**, in addition to the people listed above, the following persons also have a right to make a complaint:

1. Any District student or District employee.
2. A person other than a District student or District employee, provided that the person was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.

Under the above provisions, a person is entitled to make a **complaint of sex-based harassment** that is prohibited under Title IX only if they themselves are alleged to have been subjected to the harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of subsection 106.44(f)(1)(v) of the Title IX regulations.

The Main Steps of Processing a Title IX Complaint

Subject to the later provisions, below, regarding (1) voluntary informal resolution processes, and (2) the dismissal of complaints or any individual allegations within a complaint, the following are the main steps involved in processing a Title IX complaint under these grievance procedures.

I. Notice of the allegations, the grievance procedures, and certain rights

Upon initiation of the District's Title IX grievance procedures following the receipt of a Title IX complaint, a Title IX Coordinator or designee will notify the known parties (including the parent or guardian of a party who is a minor) of the following:

1. The District's Title IX grievance procedures and any informal resolution process that may be available.
2. Sufficient information about the complaint and allegations to allow the parties to respond to the allegations, including at least all of the following to the extent that the information is available to the District at the time:
 - a. The identities of the parties involved in the incident(s).
 - b. The conduct alleged to constitute sex discrimination (or, if applicable, prohibited retaliation) under Title IX.
 - c. The date(s) and location(s) of the alleged incident(s).

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3. The District's prohibition on retaliation.
4. The parties' right, prior to the end of the investigation phase of the procedures, to an equal opportunity to access the relevant and not otherwise impermissible evidence, or to receive an accurate description of that evidence. In addition, to the extent the District provides or offers to provide a description of the relevant and permissible evidence, a party may request, and the District shall then provide, an equal opportunity to access the evidence. (Note: As addressed below, the opportunity to access the evidence must include a reasonable opportunity for the parties to provide a response to the evidence.)
5. The District prohibits a person from knowingly making false statements or knowingly submitting false information during the grievance procedures.

The following may also apply in some cases:

1. If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination (or retaliation) by the respondent toward the complainant that were not part of the original notice of the allegations or that are added due to the consolidation of related complaints, the District must notify the appropriate parties of the additional allegations.
2. If the District specifically intends to use an investigative interview or other meeting or proceeding under the Title IX grievance procedures to investigate additional alleged conduct that is not fairly encompassed by the alleged conduct of the which party already has notice, and if that additional alleged conduct could subject the party to disciplinary consequences or other punitive adverse action, the Title IX Coordinator, investigator, or a designee shall appropriately notify the affected party that the interview, meeting, or other proceeding will address such additional, potentially-disciplinary matters as part of a concurrent investigation.

To the extent consistent with the general principle of treating the parties equitably, the need for a prompt and effective response to a complaint, and the need to avoid interfering with a party's reasonable opportunity to prepare to respond to the allegations, the following apply to providing notice of the allegations and related information, as mandated by the Title IX regulations:

1. Beyond the requirement that the initial notice of the allegations must be provided upon the initiation of the District's Title IX grievance procedures, there is not a specific or always-applicable deadline for providing the notice.
 - a. After receiving a Title IX complaint, the Title IX Coordinator or a designee responsible for providing the notice has some discretion to reasonably and promptly attempt to address some preliminary matters before moving forward with the notice of the allegations. Such preliminary matters may relate, for example, to (1) initial safety concerns; (2) initial issues regarding supportive measures; (3) obtaining relevant information concerning a student with a disability; (4) evaluation of grounds for potential dismissal of any allegations in the complaint; or (5) clarifying or confirming the identity of the parties or other particulars about the allegations.
 - b. In no case will the District conduct an investigative interview or investigative meeting with a party under these grievance procedures without first providing notice of the allegations.
2. The notice of the allegations does not necessarily have to be provided to each party simultaneously.
3. The District will typically provide notice of the allegations (and the related information that is required to be included with the notice) in writing, but written notice is not strictly required. If notice is given orally

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(e.g., in connection with a complaint over a District policy for which there is no respondent), the individual responsible for providing the notice shall document that the notice was given orally.

II. Investigation of the allegations

The District will designate an investigator for each Title IX complaint that is processed under the Title IX grievance procedures. The investigator is charged with conducting an adequate, reliable, and impartial investigation of the relevant allegations.

In the investigation process, the District has the burden to conduct an investigation that gathers sufficient evidence, both inculpatory and exculpatory, to make a determination with respect to the allegations. Most typically, this means sufficient evidence to determine whether sex discrimination or retaliation prohibited by Title IX occurred or did not occur. The parties themselves do **not** have the burden to affirmatively put forth the evidence that would be necessary to either prove or defeat the allegations.

When conducting the investigation, an investigator will:

1. Adhere to the "General standards and Requirements Applicable to the District and the District Agents" for the District's grievance procedures, as listed and described above.
2. Reasonably attempt to conduct one or more investigative interviews of the complainant(s), the respondent(s), and such witnesses as the investigator determines may provide relevant evidence that is able to be considered and that is not unduly duplicative.
3. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence. Witness testimony/statements and other evidence must be relevant and not otherwise impermissible.
 - a. Neither a party nor, if applicable, any party's representative or advisor will be permitted to conduct direct, in-person questioning of another party or of any third-party witness at any investigative interview or meeting called by the District as part of the grievance procedures.
 - b. A party may, if they desire, request that the investigator interview specific persons and/or propose questions to be asked of specific persons. The investigator shall determine whether to attempt to conduct such interviews and ask such questions in light of the District's burden to gather sufficient relevant evidence, the obligation to conduct an adequate and reliable investigation, and the obligation to provide parties an equal opportunity to present witnesses and evidence.
 - c. If the investigator declines to interview a witness identified by a party or is unable to interview a party or a witness (e.g., because the party or witness refuses to participate or is not reasonably available), then the investigator shall document the reason the witness was not interviewed
 - d. If the investigator declines to accept evidence proffered by a party (e.g., due to lack of relevance), then the investigator shall document the reason for that evidentiary ruling.
 - e. Investigations under the grievance procedures are not subject to the rules of evidence that apply in court proceedings. Accepting evidence into the record does not, by itself, constitute a decision that the evidence is relevant, reliable, or persuasive.
4. If a person whose participation in an investigative interview or other meeting held as part of the investigation is either invited or expected, and the person objects to the proposed date, time, or location

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of the interview or meeting, give due consideration to the person's reason for the objection. The investigator shall treat requests to reschedule under the standards of reasonableness, good cause, and avoiding undue delay that would jeopardize a prompt investigation, as set forth in the later section (below) regarding timelines and extensions of timelines.

5. Allow the parent or guardian of a party who is a minor or who is otherwise subject to legal guardianship to accompany the party during any investigative interview or other meeting held as part of the investigation to exercise rights on behalf of the party. To the extent that an investigator permits any personal advisor to be present during any investigative interview or other meeting held as part of the investigation, the investigator shall treat all parties equally. The investigator may place reasonable and lawful conditions on any such additional person's (i.e., parent, guardian, or advisor) presence during the proceedings, including conditions that limit their active participation and conditions intended to appropriately protect confidentiality and privacy, consistent with requirements established in the Title IX regulations.
6. Review all evidence gathered through the investigation and determine what evidence is relevant and what evidence, even if relevant, is nonetheless impermissible for use or consideration. The term "relevant" is defined by the Title IX regulations, and impermissible evidence (and limited exceptions) is as described in 34 C.F.R. § 106.45(b)(7).
7. If the investigator is also serving as the decisionmaker for the complaint, ensure that the investigation included sufficient opportunities, or attempts to provide opportunities, for the investigator to question parties and witnesses to assess credibility to the extent that credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination or retaliation.
8. Prior to the end of the investigation phase of the grievance procedures, provide an equal opportunity for the parties to access either (1) the relevant and not otherwise impermissible evidence gathered through the investigation, or (2) an accurate description of such evidence.
 - a. If the investigator provides access or offers to provide access to a description of the evidence, then the investigator must further provide the parties with an equal opportunity to have direct access to the evidence **upon the request of a party**.
 - b. The opportunity to access the evidence or a description of the evidence shall include a reasonable opportunity for the parties to provide a response to the evidence. Any response provided by a party shall become part of the record of the proceedings and shall be considered by the investigator prior to ending the investigation phase (e.g., to determine if any further investigation would be appropriate).
 - i. The investigator shall normally allow at least [ten (10) calendar days], starting from the date the investigator informs the parties that the evidence or description of the evidence is accessible for review, for the parties to provide a response to the evidence.
 - c. A party may decline to exercise these opportunities to access and provide a response to the evidence.
9. Any supplemental processes or procedures instituted by an investigator must not conflict with the District's written Title IX grievance procedures and must be applied to all parties equally.

After the investigator completes the process of gathering evidence and closes the investigation:

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1. If the investigator is also serving as the decisionmaker regarding the allegations, the investigator will proceed to make the findings and conclusions, including making any applicable credibility determinations, that are necessary to make a determination of the allegations.
2. If the investigator is **not** serving as the decisionmaker for the complaint:
 - a. The investigator shall complete a written investigative report or personally meet with the District-designated decisionmaker to fairly summarize the relevant and permissible evidence—both inculpatory and exculpatory. To assist the decisionmaker, the investigator's written or oral report may also:
 - i. Highlight what the investigator considers to be disputed or undisputed facts.
 - ii. Convey evidence, observations, or impressions that address (1) the credibility of parties or witnesses and/or (2) the reliability or persuasiveness of other evidence. However, any such assessments are in no way binding on the decisionmaker(s). Decisionmakers have an obligation to apply their independent judgment to all such decisions/issues.
 - iii. Include recommended findings of fact and/or recommended conclusions. Even if an investigator chooses to convey recommended findings or recommended conclusions (which is neither required nor , the designated decisionmaker(s) retain an obligation to objectively evaluate the relevant evidence, apply their independent judgment, and reach a determination. A decisionmaker shall not simply defer to any recommendations made by the investigator.
 - b. The investigator shall **not** advocate for the imposition or non-imposition of specific remedies or sanctions.
 - c. The investigator shall provide the complete evidentiary record and the other records from the investigation phase of the grievance procedures to the decisionmaker (or to the Title IX Coordinator on behalf of the decisionmaker).
3. At the discretion of the investigator, a written investigative report may be clarified, corrected, or amended prior to the conclusion of the grievance procedures provided that the investigator documents the reason for the change(s) and provides immediate notice of any such changes to the decisionmaker.

III. Pre-determination procedures that apply if the investigator does not also serve as the decisionmaker

At the District's discretion, the designated investigator for a complaint may serve as the designated decisionmaker for the same complaint. However, the following procedures apply if the investigator does **not** also serve as the decisionmaker:

1. To the extent the credibility of any party or witness is both in dispute and relevant to evaluating one or more allegations of sex discrimination or retaliation, the decisionmaker **shall** arrange an opportunity for the relevant individuals to appear for questioning by the decisionmaker, the responses to which shall supplement the evidentiary record.
 - a. At the discretion of decisionmaker, but giving the same opportunities to all parties, any such appearance may be in person, by telephone, or via an online meeting. However, reasonable efforts to arrange for an in-person appearance should normally be attempted before considering the other options.

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- b. The decisionmaker may additionally request a party or witness to respond to one or more written questions, but written questions may not be entirely substituted for reasonable attempts to arrange an in-person, telephonic, or online appearance.
 - c. If such questioning to assess credibility results in the submission of new evidence that, in the judgment of the decisionmaker, is highly material to the allegations and beyond what the parties had a reasonable opportunity to address during the investigation phase, then the decisionmaker shall provide an opportunity for each party to respond to the new evidence.
2. Any supplemental processes or procedures instituted by the decisionmaker, such as providing an opportunity for a party to provide new evidence or to further respond to evidence must not conflict with the District's Title IX grievance procedures and must be offered to all parties equally. However, neither a decisionmaker nor any person acting as the decisionmaker's designee may hold a live, adversarial hearing involving the parties under these grievance procedures.
3. The decisionmaker may consult with the investigator regarding the evidentiary record and/or ask the investigator to clarify statements included in an investigative report. If appropriate and with immediate notice to the decisionmaker, the investigator may amend the investigative report for purposes of clarity, accuracy, or completeness, with documentation of the reason for the change(s).

IV. *Determination of the allegations*

A decisionmaker designated by the District will make a determination regarding the allegations that have been subject to an investigation under these grievance procedures, based on an evaluation of the relevant and permissible evidence and using the preponderance of the evidence standard of proof.

The designated decisionmaker shall notify the parties, in writing, of the following:

1. The determination whether sex discrimination or prohibited retaliation occurred under Title IX.
2. The rationale for any such determination(s).
3. If applicable, the permissible bases for the complainant and respondent to appeal the determination(s) made under Title IX.

If applicable, the decisionmaker shall also notify the appropriate parties, in writing, of the following:

1. Any conclusion regarding whether any of the conduct encompassed by the allegations brought under Title IX and that is found to have occurred violated other laws or District policies or otherwise constituted misconduct within the scope of the District's disciplinary jurisdiction. In the event a decisionmaker defers making or neglects to make any such additional conclusions, the District may still make such additional conclusions after the conclusion of the Title IX grievance procedures using the evidence gathered during the investigation phase of the Title IX grievance procedures.
2. The determination regarding any alleged conduct that, although not a component of any of the Title IX allegations, was investigated using the grievance procedures and assigned to the same decisionmaker, except that any such determination may be shared with a party only if the determination is relevant to that party and if applicable law permits the disclosure of the determination to that party.

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3. To the extent expressly required by any applicable law (such as under Chapter PI 9 with respect to a determination of allegations of pupil discrimination prohibited under state law), notice of any right of a party to appeal any determinations made under item 1. or 2. in this list.

The decisionmaker shall provide a copy of the written determination to the Title IX Coordinator and to the District Administrator. If no timely appeal requesting reconsideration of the determination is filed, the determination serves as the final District decision as of the last day for submitting such an appeal.

V. Appeals of the determination of allegations of sex discrimination or retaliation under Title IX

If any party to the complaint is dissatisfied with the decisionmaker's determination, the party may, within [ten (10) calendar days] of the date of delivery of the determination decision, file a written request for reconsideration with the office of the District Administrator. (The request may be submitted via electronic mail to the District Administrator's District-issued email address.) At the District's discretion (e.g., if the appeal is based on new evidence that was not reasonably available), limited additional fact-finding may occur.

If a party requests reconsideration, the party shall identify the basis for the request with reasonable specificity. Examples of possible grounds for an appeal, if supported by appropriate specificity, include a contention that the determination of the complaint does not reflect a reasonable view of the evidence, a contention that the determination is based on an error of law, a contention that the determination was materially affected by a conflict of interest or bias on the part of an agent of the school district, the existence of new and material evidence that was not reasonably available at the time of the initial determination, or a procedural irregularity that materially affected the outcome.

Prior to reaching a decision that would modify the challenged determination, the District will give the other parties to the matter at least [five (5) calendar days] to submit a statement regarding the asserted grounds for modification.

Giving due consideration to the overall time frames established for completing the grievance procedures, the District Administrator will normally issue a written decision on reconsideration to the parties within [twenty (20) calendar days] of the District Administrator's receipt of the request, unless the District Administrator determines that there is good cause for an extension of that timeline. The District shall notify the parties of any extension of the timeline.

If the District Administrator is a party to the complaint or otherwise affected by a conflict of interest or improper bias, the District would need to designate an alternate person or body to make the decision on reconsideration.

A decision on reconsideration is the final District determination of the complaint. If the Title IX complaint encompassed allegations that, if proven, would separately constitute a violation of the state pupil nondiscrimination provisions set forth in section 118.13 of the state statutes and Chapter PI 9 of the Wisconsin Administrative Code, the decision on reconsideration will include appropriate information about a complainant's right under Chapter PI 9 to appeal an adverse determination made under state law to DPI.

VI. Provision of remedies and sanctions after a determination becomes final

If there is a determination that sex discrimination or retaliation prohibited by Title IX occurred, the Title IX Coordinator (or a qualified designee) shall:

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1. As needed to address any uncertainty, contact the District Administrator to determine who will authorize specific remedies and sanctions that are responsive to the determination of sex discrimination or retaliation.
2. Ensure that District decisions regarding remedies and sanctions are appropriately documented for the record of the complaint.
3. Coordinate the provision and implementation of remedies to a complainant and other persons the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination or prohibited retaliation.
4. Coordinate the imposition of any disciplinary sanctions on a respondent, **including providing notification to the complainant of any such disciplinary sanctions.**
 - a. In some cases, the sanctions may involve the initiation of disciplinary proceedings that are subject to separate and additional procedural requirements (such as for the expulsion of a student or for the termination from employment for an employee, if applicable).
5. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.

If District has concluded that misconduct other than a violation of Title IX occurred, remedies and any disciplinary consequences for such other misconduct (or recommendations to initiate specific disciplinary proceedings) shall be determined by an appropriate administrator or supervisor. These grievance procedures are not intended to otherwise address any remedies or disciplinary consequences for such other misconduct.

Other Elements, Requirements, and Limitations of the Grievance Process

I. Dismissals of complaints

Following the receipt of a Title IX complaint made through the District's Title IX grievance procedures that alleges or purports to allege unlawful sex discrimination or retaliation that is prohibited under Title IX, including at points following the initiation of the District's Title IX grievance procedures, the District has authority to determine whether, consistent with the federal Title IX regulations, to dismiss a complaint in whole or in part for purposes of Title IX and the District's Title IX grievance procedures. The District expects its Title IX Coordinator(s) and its designated complaint investigators and decisionmakers to promptly raise the issue of dismissal as needed.

1. **Mandatory dismissal for purposes of Title IX.** For purposes of Title IX and the District's Title IX grievance procedures, the District will dismiss a complaint that was initially identified as a complaint of sex discrimination or retaliation under Title IX if the District concludes that either the following applies:
 - a. The complaint does not present any allegation that, even if proved, would constitute sex discrimination or prohibited retaliation under Title IX. This includes dismissal due to none of the allegations, even if proved, having a sufficient connection to the District's education program or activity.

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- b. The complainant voluntarily withdraws any or all of allegations in the complaint; the District's Title IX Coordinator declines to initiate a Title IX complaint on any of the withdrawn allegations; and, as to any remaining conduct that has been alleged, the District concludes that the remainder of the complaint does not present any allegation that, even if proved, would constitute sex discrimination or prohibited retaliation under Title IX.

Except in the case of the complainant's voluntarily withdrawal of all allegations, prior to dismissing a complaint on the basis that no allegations (or remaining allegations) would constitute sex discrimination or prohibited retaliation, the Title IX Coordinator or a designee must make a reasonable effort to clarify the allegations (or remaining allegations) with the complainant.

2. **Discretionary dismissal of the complaint or specific allegations.** The District may dismiss a complaint or dismiss specific allegations within a complaint, for purposes of Title IX and the District's Title IX grievance procedures, if the District concludes that any of the following apply:
 - a. The relevant respondent is not participating in the District's education program or activity and is not employed by the District.
 - b. The District is unable to identify the relevant respondent (if any) after taking reasonable steps to do so.
 - c. The complainant voluntarily withdraws one or more, but not all, of the allegations presented in the complaint, and the District's Title IX Coordinator declines to initiate a Title IX complaint on the withdrawn allegations. In this instance, the withdrawn allegations will be dismissed, but the remaining allegations will proceed, subject to the rules set forth above regarding mandatory dismissals.
 - d. The District determines that specific allegations made in the complaint, even if proven, would not constitute sex discrimination or prohibited retaliation under Title IX **and** elects to dismiss those specific allegations from the complaint even though other allegations are **not** being dismissed. Prior to dismissing any allegation on this basis, the Title IX Coordinator or a designee must make a reasonable effort to clarify the allegations with the complainant.
3. **Dismissal procedures.**
 - a. At least one of the following administrators, acting in consultation as needed with District legal counsel, must authorize the dismissal of a complaint made through the District's Title IX grievance procedures or any individual allegations included in such a complaint: The District Administrator, the Title IX Coordinator, or an administrative-level designee acting on behalf of the Title IX Coordinator.
 - b. The administrator authorizing the dismissal shall ensure that District Administrator and Title IX Coordinator are notified of a decision to dismiss a complaint, in whole or in part.
 - c. The administrator authorizing the dismissal, the Title IX Coordinator, or their designee must:
 - i. Promptly notify the complainant of the basis for the dismissal and that the dismissal may be appealed on any of the bases set forth in subsection 106.46(i)(1) of the federal Title IX regulations (i.e., certain procedural irregularities, new evidence, or conflicts of interest/bias).
 - ii. If the dismissal occurs after the respondent has been notified of the allegations, promptly notify the respondent of the dismissal and the basis for the dismissal, as well as that dismissal may be

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appealed on any of the bases set forth in subsection 106.46(i)(1). When required, notice to the respondent shall be provided promptly after notification is given to the complainant, or, any time the notification is provided in writing, it shall be provided simultaneously to both parties.

4. **Appeal of a dismissal.** A dismissal of the complaint or the dismissal of a specific allegation is an appealable decision to the extent required by the federal Title IX regulations. See 34 C.F.R. §§106.45(d)(3) and 106.46(i)(1).
 - a. A party receiving notice of a dismissal decision that wishes to appeal the dismissal of a complaint or the dismissal of specific allegations shall notify the Title IX Coordinator of the appeal in writing, including providing a statement of the specific grounds for the appeal, within five (5) business days of the date that the District provides the notice of dismissal.
 - b. The permissible grounds for an appeal of the dismissal decision are limited and are set forth in subsection 106.46(i)(1) of the federal Title IX regulations.
 - c. If a dismissal decision is appealed, the Title IX Coordinator or a designee shall coordinate the processing of the appeal according to all of the appeal procedures and requirements set forth in subsection 106.45(d)(3) of the federal Title IX regulations.
5. **Ongoing obligations to offer supportive measures and take steps to ensure that any sex discrimination does not continue.** If a complaint that has been dismissed, in whole or in part, leaves the District with notice of conduct that, although **not** being pursued as a complaint, may reasonably constitute sex discrimination or retaliation prohibited under Title IX, then the District and the Title IX Coordinator have ongoing obligations to:
 - a. Offer and coordinate supportive measures as required under subsections 106.44(f)(1)(ii) and 106.45(g).
 - b. Take other appropriate, prompt, and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity, as required under § 106.44(f)(1)(vii).
6. **Status of dismissed allegations.** If a complaint or any specific allegation within a complaint is dismissed for purposes of Title IX, the District retains discretion, to the extent permitted or required by law, to take action with respect to the dismissed allegations or related conduct under other District policies and procedures. However, there may be limits on the District's authority to pursue disciplinary consequences or sanctions with respect to any dismissed allegation that could have constituted sex discrimination or retaliation under Title IX. The administration may need to seek legal advice in such scenarios.

II. Voluntary informal resolution of Title IX complaints

To the extent permitted by the Title IX regulations and not prohibited by any other law, the District may elect to offer and facilitate a strictly voluntary informal resolution process that attempts to resolve the allegations of a complaint of sex discrimination or prohibited retaliation under Title IX, in whole or in part, without a full investigation and determination under the District's Title IX grievance procedures. **By law, an informal resolution process may not be used in connection with allegations that a District employee engaged in sex-based harassment of a student.**

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As examples of informal processes that may be appropriate in some circumstances, the District's agents may (1) offer to mediate a resolution between the parties identified in a complaint; or (2) explore the parties' willingness to voluntarily proceed without a full investigation and/or adjudication when the facts may be undisputed or where there may be an opportunity to reach stipulated facts.

The following apply to the use of an informal resolution process:

1. **Notice of informal resolution process.** Before the initiation of an informal resolution process, the District must provide to the parties with notice of all of the information required under subsection 106.44(k)(3) of the federal Title IX regulations.
2. **Voluntary consent to participate.** The District must obtain the parties' voluntary consent to participate in the informal resolution process for the specific complaint. A party may withdraw their consent at any time prior to approving a resolution agreement and pursue (or resume) the District's grievance procedures.
3. **Facilitator requirements.** The district must designate a trained facilitator for the informal resolution process. The facilitator may not be the same person as either the investigator or decisionmaker for the complaint.
4. **Timelines.** If an attempt to reach a voluntary informal resolution has not reached a conclusion within twenty-one (21) calendar days of the date that the District received the consent of the parties, the District and the parties may mutually and voluntarily agree to extend the timeframe for attempting an informal resolution. In the absence of a mutual agreement to extend the timeframe, the District will provide reasonably prompt written notice to the parties that the informal process is being abandoned and that the District will resume the standard grievance procedures.
5. **Resolution agreements.** If a voluntary resolution of any of the allegations of the complaint is reached, the resolution shall be documented in a written resolution agreement that, upon being approved by the parties, is binding on the parties and has some preclusive effect regarding the resolved allegations.
6. **Ongoing obligations to take steps to ensure that any sex discrimination does not continue.** If the parties' participation in an informal resolution process and the approval of a resolution agreement leaves the District with notice of conduct that, although **not** being pursued as a complaint, may reasonably constitute sex discrimination or retaliation prohibited under Title IX, then the District and the Title IX Coordinator have ongoing obligations, to the extent necessary, to take other appropriate, prompt, and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity. See 34 C.F.R. §§ 106.44(f)(1)(vii) and 106.44(k)(1).

III. Timeframes and extensions

The District normally intends to conclude the grievance procedures within approximately 90 calendar days of the date that a Title IX complaint is made by a party or initiated by a Title IX Coordinator, recognizing that in certain circumstances it may be practical to complete the process in less time, and in other circumstances the process may reasonably require more time.

The following are general timeframes that apply to the major stages of the grievance procedures, unless tolled by the parties' voluntary attempt to reach an informal resolution or unless materially extended for good cause and with notice to the parties (as further described below):

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Pre-investigation screening and evaluation of the complaint:	15 calendar days from the date the complaint is made
Investigation and determination:	
1. When the same person serves as the investigator and decisionmaker:	60 calendar days from the date the notice of the allegations is provided to the complainant
2. When assigned to different individuals:	
• Investigation:	• 40 calendar days from the date the notice of the allegations is provided to the complainant.
• Determination:	• 20 calendar days from the date the decisionmaker receives the investigatory record and report and evidence.
Appeal:	20 calendar days from the date a request for an appeal is filed.

Regarding the general timeframes identified above:

1. Notice of an extension decision does not need to be provided for any *de minimis* deviation from the general timeframes provided above (e.g., a deviation of one or two days to account for a deadline that would otherwise fall on a weekend, holiday, etc.).
2. The 90-day approximation for typical completion of the grievance procedures assumes that, in the typical case, one or more of the major stages will be finished earlier than general timeframe established for that stage, and it also assumes that not every determination of a complaint will be appealed.
3. If it is known at the outset of the grievance procedures that the general timelines for the major stages will be materially affected by, for example, school break schedules, the Title IX Coordinator may immediately notify the parties of the expected adjustments to the general timeframes. However, the District will continue to process pending complaints during the summer months.
4. It is expected that the general timeframes for the investigation stage (or the joint investigation and determination stage) will have the greatest variability and is particularly likely to encounter good cause for an extension.
5. If the target date for completing a major stage of the grievance procedures passes and if a party has not received a notice of an extension and a reason for the extension, the party's primary remedy is to contact the Title IX Coordinator, who will ensure that the District communicates a prompt update regarding the timeframes to all parties.

Any party or witness may, for good cause, request (1) the rescheduling of an investigative interview or other meeting; or (2) a limited extension of a specific deadline that applies to the party or witness. Any such request

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shall be submitted in writing to the Title IX Coordinator, investigator, decisionmaker, or appeal decision-maker, as applicable to the relevant stage of the proceedings. Upon request, the Title IX Coordinator will assist a party or witness in making and routing such requests to the appropriate person.

The Title IX Coordinator, investigator, decisionmaker, or appeal decisionmaker (as applicable to the specific stage of the proceeding) may grant such a request, and may also self-initiate such a delay, rescheduling, or extension, upon determining that there is good cause and that approving the request would not be unduly prejudicial to any of the parties or unreasonably extend the conclusion of the grievance procedures.

The appropriate agent of the District or a designee shall provide the complainant and respondent with prompt written notice of any decision to extend a timeline or to grant or deny a request for an extension of a specific deadline. Such notice shall include the reason(s) for the action. To the extent a given deadline applies to multiple parties, any extension of the deadline automatically applies to all such parties.

If a complaint of sex discrimination under Title IX also constitutes a complaint of pupil discrimination under Chapter PI 9 of the Wisconsin Administrative Code, and if a requested or contemplated delay/extension would prevent the District from reaching a determination of the complaint within 90 calendar days, the District's agents shall evaluate whether it is necessary or appropriate to request the parties' consent to the delay/extension.

Good cause may include considerations such as the temporary absence or unavailability of a party or witness, reasonable time for a party to confer with an advisor and prepare for an investigative interview; concurrent law enforcement activity; the complexity of the allegations; or the need for language assistance or accommodation of disabilities. In evaluating whether good cause exists with respect to a party's request, the District may take into account the party's history of requesting delays or extensions and the reasons for any such prior requests.

Although the agents of the District are expected to make reasonable efforts to accommodate the schedules of parties and witnesses, the District also may not, without good cause, materially deviate from its own designated timeframes for the grievance process. Accordingly, the District retains discretion to grant a shorter delay or extension than was requested. Further, in some cases, the District may deny a scheduling request and, if necessary, proceed with the grievance procedures in the absence of a party or witness, a party's filing/response, or a witness.

Voluntary Waivers of Timeframes. In instances where the District's grievance procedures grant the parties a certain minimum time period (e.g. to submit a response to the evidence or to submit an appeal) a party may voluntarily waive all or part of such time period by communicating their voluntary waiver to the Title IX Coordinator, investigator, decisionmaker, or other agent of the District involved in implementing the relevant aspect of the grievance procedures.

IV. Consolidation of complaints

When the allegations of sex discrimination or retaliation arise out of the same facts or circumstances, the District may elect to consolidate complaints of sex discrimination and/or retaliation (1) against more than one respondent; (2) by more than one complainant against one or more respondents; or (3) by one party against another party (e.g., multiple allegations that were made separately or counter-allegations). When the identity of the parties is not identical, efficiency advantages associated with possible consolidation must be weighed against any privacy rights and against the privacy concerns of the different parties.

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V. Concurrent investigation and consideration of multiple potential grounds for a determination of responsibility/misconduct

If the allegations sex discrimination or retaliation set forth in Title IX complaint could also constitute or fairly encompass allegations of conduct that could constitute (1) discrimination under a different law, or (2) a violation of a District policy or rule (including any District code of conduct that may be applicable to the respondent), or (3) any other established grounds for the imposition of possible disciplinary sanctions, then the District may, at its discretion, investigate the facts and circumstances related to such other legal or policy standards using these grievance procedures and apply the facts, as found through the investigation, to all potential grounds for a finding of responsibility/misconduct and possible discipline. Similarly, if alleged conduct arising out of the same facts or circumstances as the conduct that is alleged to constitute sex discrimination or prohibited retaliation may be grounds for a finding of a violation of law or policy or other potential misconduct, the District may elect to concurrently investigate such related conduct or charges via the investigation initiated under these grievance procedures. Unless otherwise required by law, the investigation and determinations reached through the Title IX grievance procedures shall constitute sufficient processing of any such related, overlapping, or intertwined complaint(s), allegations, or charges that may arise out of the same facts or circumstances as the allegation(s) of Title IX discrimination.

In all cases involving such concurrent investigation and concurrent consideration of such additional allegations or charges, the District's agents implementing the grievance procedures are responsible for appropriately notifying each affected party that an investigative interview, meeting, or other proceeding will address such additional, potentially-disciplinary matters as part of a concurrent investigation. At the determination stage of these grievance procedures, if an agent of the District reaches a conclusion that any party committed any violation or engaged in any misconduct that is **not** a determination of whether sex discrimination or retaliation occurred under Title IX, then the District's agents are also responsible for adequately identifying the rationale and any specific basis (e.g., any federal law, state law, and/or a local policy or rule) for any such additional, non-Title IX determinations or conclusions.

VI. Retaliation is prohibited

No official, employee, or agent of the District, student, or any other person over whom the District exercises some authority may intimidate, threaten, coerce, or unlawfully discriminate against any individual (1) for the purpose of interfering with any right or privilege secured by Title IX or the Title IX regulations, or (2) because the individual has made a report or complaint, or testified, assisted, participated, or exercised a legal right to refuse to participate in any manner in an investigation or proceeding conducted under a District nondiscrimination policy or these grievance procedures. This non-retaliation provision does **not** preclude the District from (1) requiring an employee or other authorized agent of the District to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing; or (2) imposing consequences for an employee's or agent's refusal to cooperatively participate or otherwise assist in such matters.

VII. Bad faith conduct is prohibited

To the extent permitted by law, the District reserves authority to appropriately address and impose consequences for bad-faith conduct by individuals who make a report or complaint, testify, assist, or participate

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in any manner in a Title IX investigation or other Title IX proceeding. For example, the District may impose lawful consequences for making a materially false statement in bad faith in the course of any proceeding that is conducted under the auspices of the District's Title IX obligations. However, a determination that a report or complaint of sex discrimination or prohibited retaliation was not substantiated, standing alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

VIII. Supportive measures relating to allegations of sex-based harassment

Supportive measures, as described and defined in the Title IX regulations and elsewhere in this rule, are to be offered and coordinated based on notice to the Title IX Coordinator of conduct that reasonably may constitute sex discrimination or prohibited retaliation under Title IX. When a complaint alleging sex discrimination (including sex-based harassment) or retaliation has been made, the obligation to consider, offer, and coordinate supportive measures extends to both "complainants" and "respondents." Supportive measures are available at least through the resolution of a pending complaint.

Supportive measures are intended to be individualized and context-sensitive. The range of possible supportive measures that, in appropriate cases and when consistent with Title IX, may be available to complainants and respondents in connection with a **complaint of sex-based harassment** includes the following:

1. Possible changes in class schedules, for a student.
2. Extensions of time for coursework, rescheduling of tests and examinations, or the provision of alternatives for course completion or other academic support or accommodations, including providing support in structuring academic support or accommodations with applicable District staff.
3. Possible changes in work schedules, work locations, or work duties, for an employee.
4. Modified participation by a party in a District-sponsored activity.
5. Permitting/approving an authorized temporary leave of absence.
6. The imposition of "no contact" directives between or among parties.
7. Adjustments to the supervision provided by the District.
8. The creation of a personal safety plan.
9. The provision of counseling services or referrals for professional support services.
10. Scheduled "check ins" between the party and an appropriate administrator or supervisor to discuss current circumstances and any new or modified needs.
11. Jointly planned and District facilitated communications to specific persons that are intended to facilitate meeting the party's individual needs for support and/or to help protect the party's privacy.
12. Individualized prevention and awareness training.
13. Such other supportive measures as may be appropriate and consistent with the definition and purpose of supportive measures as set forth in the federal Title IX regulations.

In addition, as described elsewhere in this rule, the parties to a complaint of sex-based harassment or other forms of sex discrimination may submit requests to have a District decision relating to supportive measures reviewed by an impartial employee, and, if appropriate, having the District decision modified or reversed.

IX. Range of disciplinary sanctions for sex-based harassment

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After a determination through these grievance procedures that a party is responsible for sex-based harassment prohibited under Title IX, any disciplinary sanctions that the District may impose will depend on the nature of the misconduct and the individual's then-current status as a student, employee, or other person connected to the District's education program or activity. Disciplinary sanctions that are issued or recommended as a result of such a determination of responsibility are intended as consequences for past misconduct and/or as a deterrent against any future sex-based harassment.

1. **Students.** The range of possible disciplinary sanctions or recommended sanctions for students includes but is not limited to suspension from school, expulsion from school, and disciplinary suspension of eligibility to participate in District-sponsored extracurricular activities. The District may also prohibit the student from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures. A disciplinary no-contact directive may be put in place. This provision does not modify any student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.
2. **Employees.** The range of possible disciplinary sanctions or recommended sanctions for employees includes but is not limited to a formal reprimand, an indefinite demotion or salary reduction, a disciplinary reassignment exceeding what may be allowed as a supportive measure, an unpaid suspension, contract nonrenewal, and termination of employment. At the District's discretion, such sanctions may be structured with or without special conditions, such as notice of a zero-tolerance policy for any prospective related violations, or a directive prohibiting the employee from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures. A disciplinary no-contact directive may be put in place.
3. **Other persons.** The range of possible disciplinary sanctions or recommended sanctions for other persons includes but is not limited to suspension from or the termination of a District-authorized role (e.g., volunteer), termination or nonrenewal of contracts, and a directive prohibiting the individual from being present on District property or at certain District-sponsored events or activities to an extent that exceeds actions that would be allowable as supportive measures. A disciplinary no-contact directive may be put in place.

X. *Range of remedies for sex-based harassment*

Remedies are measures provided, as appropriate, to a complainant or any other person who the District has identified as having had their equal access to the District's education program or activity limited or denied by sex discrimination, including sex-based harassment. The measures are provided to restore or preserve that person's equal access after the District makes a determination that that sex discrimination occurred.

Remedies are intended to be context-sensitive. The range of possible remedies that the District may provide includes but is not limited to measures that might have been provided or available as supportive measures. However, in some cases, remedies may burden a respondent to a greater extent than is permissible in connection with supportive measures. Remedies can also include measures that, for example, target ongoing prevention and awareness among persons participating in District programs and activities or that attempt to monitor and improve the quality of the workplace, school, or program environment so that students, employees, and others are safe and free from sex-based discrimination and harassment.

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Definitions

Within the Title IX grievance procedures set forth in this rule:

- **Business days** means days that the main administrative office of the District is staffed, in person or virtually, for responding to regular business and public contacts. Business days never include Saturday or Sunday.
- The terms “**written**” or “**in writing**” include a notice or communication provided in hard copy format via hand delivery or via U.S. Mail to the address of record or in an electronic format via an email sent to an email address that has been issued by the District or that has been provided by the intended recipient.
- With respect to a communication sent by electronic mail, an email is deemed to be **delivered** when it was first electronically available to be accessed by the recipient, and delivery presumptively occurs on the same day as the email was sent. With respect to a communication sent by U.S. Mail, the communication is deemed **delivered** on (1) the date reflected on any confirmation of delivery or delivery receipt; or (2) three business days after the communication was sent by First Class Mail if no delivery confirmation was requested.
- Proof by a **preponderance of the evidence** means that a decision-maker must determine, based on an evaluation of all relevant and permissible evidence, whether alleged facts are more likely than not to be true.

In connection with any report or complaint that alleges a sexual assault and when (1) the absence of the consent of the alleged victim is a relevant element of the alleged offense, and (2) the alleged victim is considered legally competent to potentially give consent:

- Unless otherwise required by law in connection with the District’s evaluation, investigation, or determination of the alleged conduct, the terms **consent** and **without consent** shall be determined using the following definitions.
 - **Consent** means words or overt actions by a person who is competent to give informed consent, indicating a freely given agreement to engage in sexual contact or other relevant activity referenced in the applicable definitions of sexual assault. A person is unable to give consent if the person is in a state of incapacitation because of drugs, alcohol, physical or intellectual disability, or unconsciousness. As additional clarifications for these District-related purposes: (1) a finding that conduct occurred without the consent of the alleged victim needs to be proven by the evidentiary standard established in these grievance procedures; and (2) the words and actions of the alleged victim are to be evaluated from the perspective of what a reasonable person would understand them to mean, such that if the conduct is found to have occurred without the consent of the alleged victim under the relevant standard, then a showing that the respondent had formed a subjective belief that the alleged victim had consented is not a defense that defeats the finding of an absence of consent.
 - **Incapacitation**, within the definition of consent (above), means the state of being unable to physically or mentally make informed rational judgments and effectively communicate, and may include unconsciousness, sleep, or blackouts, and may result from the use of alcohol or other drugs. Where alcohol or other drugs are involved, evaluation of incapacitation requires an assessment of how the consumption of alcohol or drugs affects a person’s decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

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The following terms within this rule have the definitions specified in the federal Title IX regulations, including all applicable exclusions, exceptions, and clarifications of scope found in the federal regulations. See 34 C.F.R. Part 106; see especially 34 C.F.R. §§106.2 and 106.10. Paraphrasing the applicable regulatory provisions:

- **Complainant** means:
 - A **student or employee** who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or the Title IX regulations; or
 - A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or the Title IX regulations and who was participating or attempting to participate in the District's education program or activity at the time of the alleged sex discrimination.
- **Respondent** means a person who is alleged to have violated the District's prohibition on sex discrimination.
- **Party** means a complainant or respondent.
- **Complaint** means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or the Title IX regulations.
- **Supportive measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
 - Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
 - Provide support during the District's grievance procedures under § 106.45, and if applicable § 106.46, or during the informal resolution process under § 106.44(k).
- **Disciplinary sanctions** means consequences imposed on a respondent following a determination under Title IX that the respondent violated the District's prohibition on sex discrimination (or retaliation as prohibited under Title IX).
- **Remedies** means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sex discrimination occurred.
- **Relevant** means related to the allegations of sex discrimination under investigation as part of the District's Title IX grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
- **Discrimination on the basis of sex**, for purposes of the federal Title IX regulations and to the extent required by federal law, includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

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- **Sex-based harassment** prohibited by the Title IX regulations is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in § 106.10, that is any of the following:
 - **Quid pro quo harassment.** An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
 - **Hostile environment harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 1. The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
 2. The type, frequency, and duration of the conduct;
 3. The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 4. The location of the conduct and the context in which the conduct occurred; **and**
 5. Other sex-based harassment in the District's education program or activity.
 - **Sexual assault** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including but not limited to rape, sexual assault with an object, and groping.
 - **Dating violence** meaning violence committed by a person:
 1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; **and**
 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.
 - **Domestic violence** meaning felony or misdemeanor crimes committed by a person who:
 1. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the District, or a person similarly situated to a spouse of the victim;
 2. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 3. Shares a child in common with the victim; **or**
 4. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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- **Stalking** meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 1. Fear for the person's safety or the safety of others; or
 2. Suffer substantial emotional distress.

Cross References:

WASB PRG 113 Sample Rule 1

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