

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

Monday, March 31, 2025

7:30 AM

Waunakee Community School District
905 Bethel Circle
Waunakee, WI 53597

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

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

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

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

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

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. APPROVE AGENDA

IV. PUBLIC COMMENTS

V. STUDENT STAFF RELATIONSHIPS POLICIES **3**

This is a second viewing of the additional language to be added to Policy 363.2 Rule 1.

VI. SOCIAL MEDIA ADMINISTRATIVE GUIDELINES **5**

This is the first draft of the guidance that we are working towards for the beginning of the 2025-2026 school year. Looking for feedback, as the next steps are staff input and feedback.

VII. HARASSMENT POLICY REVIEW **14**

The Administration will review policies 411, 411 Rule, 411.1 with the committee. Both a clean version and the versions showing edits are attached for the committee's review.

VIII. POLICIES FOR DISCUSSION, REVIEW, AND CONSIDERATION **58**

Administration will present the policies for review as per the attached spreadsheet.

A. 412 Sexual Harassment	60
B. 430 Exhibit Student Attendance	63
C. 453.4 & 453.4 Rule Administering Medications to Students	65
D. 453.5 & 453.5 Rule Life Threatening Allergy Management	76
E. 455 Student Safety	79
F. 455.2 Child Enticement	81
G. 672 Purchasing	83
H. 771.1 Use of Copyrighted Materials	
I. 771.1 Rule 1 & 2 Copyright Law Requesting Permission to use copyrighted materials	
J. 884 Relations with Health Authorities	85
K. 885 Relations with Social Services Authorities	86
IX. <u>FUTURE MEETINGS</u>	
X. <u>ADJOURN</u>	

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

Electronic Communications with Students

Unless otherwise expressly permitted by Board policy or rule, District staff may only engage in electronic communication with students using a district provided or otherwise District-approved means of electronic communication (e.g., a district-approved social media account, district-approved online learning platform, or district-provided email account). The District will establish and maintain a list of district-approved means of electronic communications.

District staff are prohibited from communicating electronically with students using a personal (i. e., non-district) email, text messaging, or social media account unless, 1) urgent circumstances are present that suggest that there is an imminent threat to the health, safety, or property of any person and the staff member promptly communicates their reliance on this exception to the school principal or other appropriate administrator; or 2) the appropriate school principal or administrator has granted written approval for such communication for a limited purpose.

“Electronic media” includes all forms of social media, such as but not limited by enumeration to the following: text messaging, instant messaging, electronic mail (email), web logs (blogs), electronic forums (chat rooms), video sharing websites (e.g., YouTube), editorial comments posted on the internet, and social network sites (e.g, Facebook, Snapchat, X, Instagram, Tik Tok), and all forms of telecommunications such as landlines, cell phones, and web-based applications.

1. The employee shall limit communications to matters within the employee's professional responsibilities (e.g., for teachers, matters relating to virtual learning, class work, homework, or assessments).
2. Staff shall not engage with students in inappropriately peer-like social relationships, via activities or communications that reasonably may compromise the staff member's ability to perform their District role, including their ability to serve as an effective and objective adult authority figure.
3. Staff shall not foster, encourage, or maintain relationships with students in which there is an inappropriate level of communicative, interpersonal, or emotional intimacy that reasonably may compromise the staff member's ability to perform their District role, including their ability to serve as an effective and objective adult authority figure.

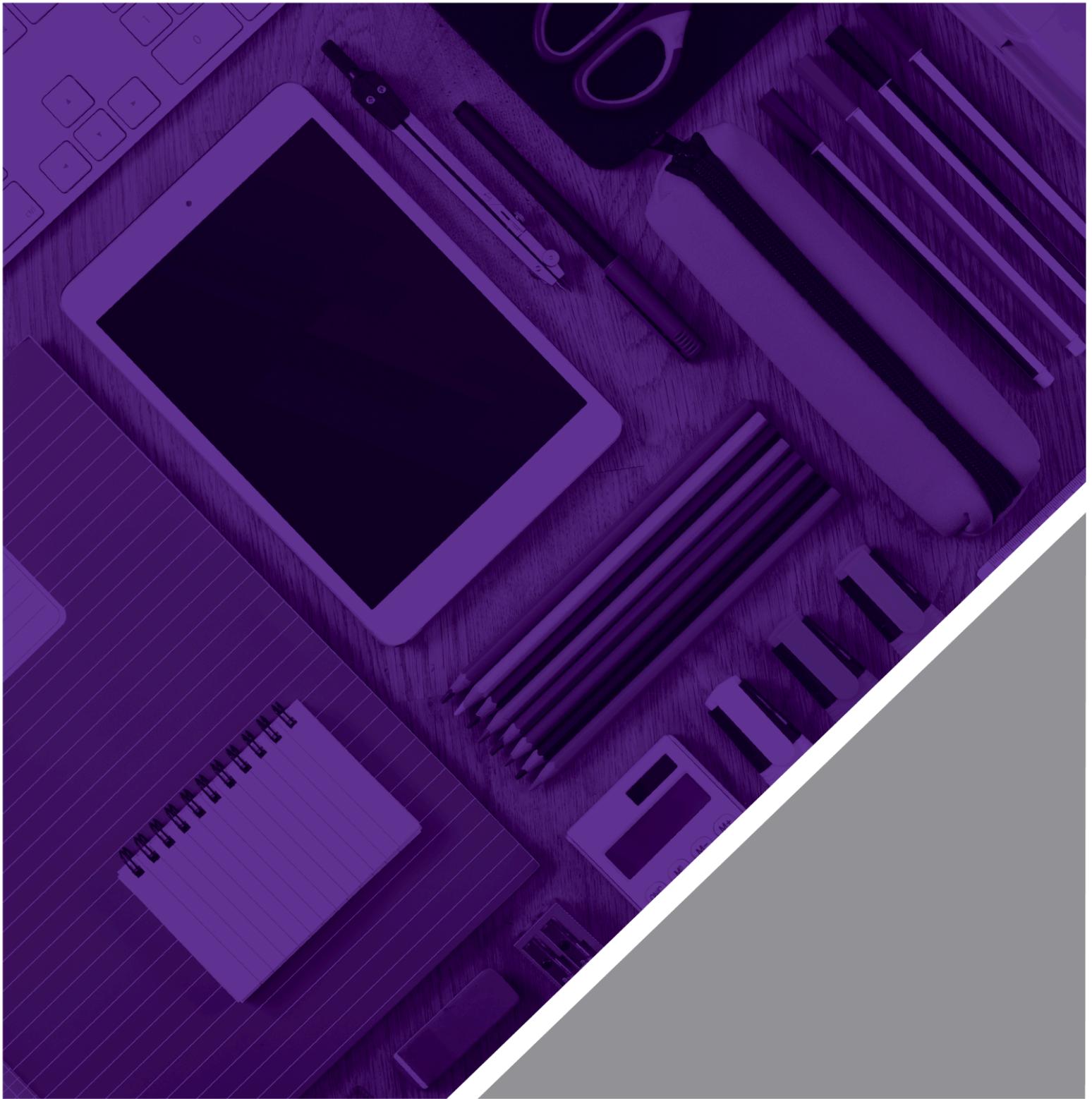
Limitations on the scope and application of this policy: This policy and any rules or guidelines developed under this policy shall not be construed or applied in a manner that would impede a staff member's ability to:

1. Reasonably perform their District authorized role and responsibilities, provided that their communications and conduct remain grounded in legitimate educational purposes and sound professional practice. Depending on the staff members' specific District authorized role(s), legitimate educational purposes may include matters that relate to academics, extracurricular activities, counseling, advising, health and medical matters, social services, or operational services (e.g., transportation or food service).

2. Reasonably respond to urgent circumstances that suggest there's an imminent threat to the health, safety, or property of any person. If a staff member relies on this exception to engage in communication or interaction with the student that may otherwise be inappropriate (e.g., due to the time, location, method, or subject matter), the staff member is expected to promptly report the relevant circumstances to the applicable school principal or other appropriate administrator.
3. An employee is not subject to this prohibition to the extent the employee has a pre-existing social or family relationship with the student. For example, an employee may have a pre-existing relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization.
4. Student employees (e.g. Aquatic Center staff, Warrior Media, Summer School Teaching Assistants, Youth Apprentices, etc.) are not subject to this prohibition with peer students. Student employees in roles that involve quasi-supervisory responsibilities would be subject to the policy in relations with non-peer students for which they are partially responsible for supervision or direction, under regular school employees.

Consequences for policy violations.

District staff who violate this policy or any rules or directives that the district issues in furtherance of this policy may be subject to discipline or other consequences, up to and including termination of their District role(s) (e.g., employee, volunteer, etc.). The district may also report the circumstances relating to certain violations to law enforcement and other applicable authorities.



WAUNAKEE
COMMUNITY SCHOOL DISTRICT



OVERVIEW

The Waunakee Community School District values the opportunities and benefits that social media and online technologies provide to enhance communication, collaboration, and engagement among students, staff, school-based groups and organizations, and our community. At the same time, the district acknowledges the importance of maintaining a responsible and consistent approach to ensure these tools are used effectively and ethically. To address these considerations, the Administration has established clear procedures for the appropriate use of social media and online technologies in school-related contexts.

These guidelines are designed to reflect best practices, adapt to evolving social media platforms, and provide a framework that balances innovation with protection under current legal standards. While the district encourages the use of social media to support educational and community goals, specific restrictions are in place when such use is directly connected to schools and the professional responsibilities of staff members. Additionally, the district respects the rights of employees to engage in personal use of social media and offers guidance to help maintain clear boundaries between personal and professional activities.

All students and staff are encouraged to review Board Policy [#263.2](#), [Policy #363.2 Rule 1](#), and [Policy #363.2 Rule 2](#), which outlines expectations for internet safety and acceptable use of technology within the district. These procedures aim to foster a positive online environment while minimizing risks to individuals and the school community.



APPROVED DISTRICT SOCIAL MEDIA CHANNELS

- Facebook
- Instagram
- X (Twitter)
- YouTube
- WhatsApp
- LinkedIn
- Indeed



SCHOOL DISTRICT SOCIAL MEDIA

Staff, students, families, community members, clubs, organizations, and athletic teams may submit stories, pictures, text, etc. to our school district social media email address to promote on our district level social media channels.

Email: social_media@waunakee.k12.wi.us.

Social media channels that our school district utilizes:

[Facebook](#)

[Instagram](#)

[X \(Twitter\)](#)

[YouTube](#)

The Waunakee Community School District social media accounts are maintained by the Communications & Engagement Specialist to inform and engage the Waunakee Community School District and Community.

Social media posts occur at a minimum of once per day. Social media posts include, but are not limited to:

- Highlighted accomplishments of anyone within the Waunakee Community School District
- Relevant district information
- Emergency and non-emergency school closures, early dismissals, delayed openings
- Employment opportunities

District administrators, principals, department supervisors, teachers, coaches, booster club representatives, and club advisors are encouraged to submit pictures/text monthly to provide transparency and engagement for our school community.

All district-related social media accounts must comply with FERPA, Copyright Laws, uphold the safety and security of all students, staff, and focus on branding while maintaining a positive image for Waunakee Community School District.

We do not promote fundraisers on our district social media channels.



EMPLOYEE PROCEDURES FOR SOCIAL MEDIA Personal Use

Waunakee Community School District recognizes that staff members may choose to use personal social media accounts for networking and communication outside of work. While personal social media use is separate from professional responsibilities, staff should always be mindful of their role as representatives of WCSD.

To maintain professionalism and uphold the district's values, staff should follow these guidelines when using personal social media:

- **Maintain Professionalism** – Your online presence should reflect integrity, respect, and ethical behavior. If a colleague, student, or family member were to see your content, it should align with the standards of professionalism expected at WCSD.
- **Personal vs. Professional** – Clearly separate personal social media use from district-related activities. Do not imply that you are speaking on behalf of WCSD on your personal platforms or under your own personal social media accounts.
- **Privacy Settings** – Adjust your privacy settings to an appropriate level to protect personal information, but remember that anything shared online may still become public.
- **Student Interaction** – Do not follow, friend request, direct message, or tag students on personal social media accounts. Maintain appropriate professional boundaries at all times.
- **Student Privacy** – Do not post photos or videos of students on your personal social media accounts. Student privacy and safety must always be a priority.
- **Avoid Disruption** – Social media activity that disrupts the district's operations or creates concerns about professionalism may impact employment.

By being thoughtful about social media use, staff can help foster a positive and professional online presence while upholding the district's commitment to a respectful and safe learning environment.



EMPLOYEE PROCEDURES FOR SOCIAL MEDIA Professional Use

Social media can be a valuable tool for enhancing teaching and learning. When used in the classroom or other work environments, staff must adhere to district guidelines to ensure appropriate, professional, and educational use.

In WCSD, "professional" social media use refers to any social media activity conducted for district-related work, including instructional purposes, school communication, and student engagement.

Guidelines for Professional Social Media Use:

- **Student Work & Privacy** – Any online student work must be published using their own name, in accordance with district policies. Do not tag student personal social media accounts.
- **Assessment** – Student work should not be assessed within social media platforms. WCSD staff will utilize the district-provided digital course space for instruction, assignments, and feedback.
- **Publishing Student Media** – Student video, audio, and images must be published through district-approved tools. This policy applies to all courses and grade levels to maintain consistency and privacy protections.
- **Managing Online Interactions** – Teachers are responsible for monitoring student interactions within professional social media spaces. Any inappropriate behavior beyond what would be addressed in a physical classroom must be reported to the appropriate administrator.
- **Photo & Media Release Compliance** – All student photos, names, videos, and work must follow WCSD's photo release policies. Staff should ensure compliance before sharing any student-related content.
- **Social Media Associations** – WCSD schools are not responsible for or affiliated with fans, followers, or similar interactions on social media platforms. The district reserves the right to terminate any inappropriate associations that could be perceived as endorsements.
- **Administrative Access** – Any staff member using social media for professional purposes must provide usernames and passwords at the request of administration.
- **Responsibility for Content** – Staff who create or manage professional social media channels are accountable for the content shared and interactions that occur.
- **Student Privacy & Engagement** – Students should not be tagged by username, friend requested, or followed on any form of social media.



- **Public Accounts** – Official professional social media accounts representing WCSD must remain public to ensure transparency and accessibility.



SCHOOL ORGANIZATIONS SOCIAL MEDIA PRESENCE

Students, sponsors, advisors, coaches, and staff who choose to use social media for school-affiliated clubs, activities, athletics, or programs must follow these district guidelines to ensure professionalism, consistency, and alignment with WCSD's mission.

Social Media Accounts

- All social media accounts must:
 - Connect back to the official school social media accounts where applicable.
 - Clearly identify as the "Non-Official" social media channel for the club, activity, or sport.
 - Use district-approved branding and adhere to WCSD Branding Guidelines (contact Communications for logos and color references).
 - Be associated with the correct district-issued email address assigned to the club, activity, or sport.
- Student personal contact information (phone numbers, personal emails, or social media accounts) must not be used or linked to district social media accounts.
- Commenting Guidelines must be posted on all social media platforms.
- The username and password for each official account must be provided to the school district or building Administration, upon request.

Unofficial Social Media Accounts

- Any student-run accounts must include the following disclaimer in the bio/About section:
 - *"This account is run by [student officer/volunteer role] and is not an official account of the Waunakee Community School District."*
- Profile descriptions must clearly identify these accounts as unofficial.

Content & Engagement Guidelines

- Posts should be positive, factual, and appropriate—avoid opinions, speculation, or controversial content.
- Spelling, grammar, and punctuation must be correct to maintain professionalism.
- Acceptable posts include:
 - News, updates, game scores, school events, daily happenings, calendar reminders
 - Student and team accomplishments
 - Educational or relevant industry-related content



- Community partnerships and initiatives
- Reposts or retweets mentioning the school district and organization
- **Unacceptable engagement includes:**
 - Tagging, following, or friend-requesting student personal accounts
 - Engaging with political, religious, or commercial entities outside of educational purposes
 - Interacting with student professional accounts not directly associated with the district

Monitoring & Accountability

- Sponsors/advisors/coaches are responsible for managing interactions and ensuring compliance with WCSD policies.
- Any inappropriate behavior or concerns on social media must be reported to the appropriate administrator immediately.
- Social media can be used for broad notifications (e.g., sharing updates with a club or team) but should not be used for one-on-one communication. Individual messages should be sent through district email or district supported communication tools.

By following these expectations and guidance, Waunakee Community School District ensures that social media is used effectively, professionally, and in a way that supports our students, staff, and programs. These procedures serve as a resource and guide, to provide guidance and information related to supporting our students and staff within our programs and their use of social media.

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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, 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 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.
- Children of homeless individuals and unaccompanied youth (youth not in the custody of a

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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 413/513 and this policy. The 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.

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 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 student-focused policy and are incorporated by reference:

- The designation of nondiscrimination coordinators, including the District's Title IX Coordinator(s). [*Board Policy 113*] provides the direct contact information for the District's nondiscrimination coordinators.
- 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.
- 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. This includes procedures and conditions under which an individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX "complainant") may file a "formal complaint" of "sexual harassment," as those terms are defined in federal regulations for purposes of Title IX.
- The prohibition that no official, employee, or agent of the District or any other person

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(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 protected legal right (if any such right is applicable) 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.

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 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

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[PI 9](#)
[PI 41](#)

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

[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

Adoption Date: March 1994

Revised: September 1995
March 2002

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May 2005
May 2016
September 2024
XXXX, 2025

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If any person believes that the Waunakee 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 Title II of 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 concern by reporting the relevant information to an appropriate District official and/or, to the extent eligible, by submitting a complaint that serves to initiate 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 and other types of non-student-related discrimination complaints to the extent authorized or directed 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.

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 and processing of complaints. (Note: The District requires an oral complaint to be documented in writing as a condition of starting a formal investigation and determination of the allegations under these complaint procedures.)

It is also permissible to report a concern about possible discrimination to an appropriate District official that is not intended as a "complaint," but that is intended (1) to notify appropriate District officials of information about possible student 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

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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.

A. COORDINATION WITH THE DISTRICT'S TITLE IX GRIEVANCE PROCESS FOR ALLEGATIONS OF TITLE IX SEXUAL HARASSMENT

As required by the federal Title IX regulations, the District will use its separately-adopted Title IX "grievance process" to address "formal complaints" of "sexual harassment," as those terms are defined in the federal regulations (see 34 C.F.R. §106.30). The District's Title IX grievance process is documented in 413/513 Rule 1, and it is available on the District's website. Regarding the Title IX grievance process:

1. If a complaint or other report of possible sex-based **harassment** could have been pursued as a formal complaint of Title IX sexual harassment under the District's Title IX grievance process but the complaining party elects not to do so, then the District is not under any automatic obligation to process the report of sex-based harassment using the general nondiscrimination complaint procedures defined above. However, even if the District does not initiate the use of its Title IX grievance process or the general complaint procedures defined below, the District will still fulfill any applicable legal obligations to appropriately respond to the reported information.
2. The District is not required to use the general nondiscrimination complaint procedures defined below to further address any report, complaint, allegation, or basis for a finding of potential misconduct or liability that reaches a determination or that is otherwise resolved through the separate Title IX grievance process. 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 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 Section C-1 of these procedures. Reports may also be made via an online reporting tool if available. 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.

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.

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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. **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 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 Special Education Director, who serves as a District-designated nondiscrimination coordinator for student matters. 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:

Special Education Director and Student Nondiscrimination Coordinator
Waunakee Community School District
905 Bethel Circle Waunakee, WI 53597
608-849-2000
tiffanyloken@waunakee.k12.wi.us

A District form that can be used to submit a complaint of student discrimination is available at <https://www.waunakee.k12.wi.us/board/policies> and can also be obtained upon request from the main administrative office in any District school.

2. **Formal Processing and Investigation of a Complaint under these Procedures to be Based on a Written Statement.** Although a complaint may initially be made orally, the formal complaint procedures listed below shall be initiated based on a written statement of the 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, such as a parent) or a statement that is prepared by a District-designated nondiscrimination coordinator or a designee that documents an oral 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.

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As needed, the Compliance Officer or a designee may, without bias or favoritism and without serving as an advocate, seek confirmation of what is being alleged or request additional details or clarifications.

3. **Initial Processing and Investigation.** Upon receiving or documenting a written statement of the 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. The Compliance Officer or a designee shall provide the person making the complaint with a written acknowledgement of receipt within 21 days of receiving or documenting the written statement of the complaint.
 - b. If the Compliance Officer determines, 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(s).
 - 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.
4. **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

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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.

5. **Requests for Reconsideration, Final District Action, and Appeals to DPI.** If any actual party 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 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. 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 on a direct challenge to the specific type or severity of the sanction(s)/consequence(s).
 - 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.
6. **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.

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- 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 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-4 above—such as dismissal for egregious abuse of process) is subject to the reconsideration and appeal steps identified in Section C-3(b) above.

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.

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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 4 through 5 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

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-4*] of the procedures listed above. To the extent the Board issues the resolution required in [*Section C-4*], the Board shall respond to any request for reconsideration of that resolution that may be submitted under [*Section C-5*].

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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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 }

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.

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.

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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.

L. Standard Behavior Reporting Procedures

District staff are expected to inform the appropriate administrator or the District's nondiscrimination coordinator for student matters as soon as they are aware of a concern.

Upon receiving a report, the District will promptly and thoroughly investigate the matter. The investigation will be conducted by designated administrators and will include interviews with the complainant, the alleged perpetrator, and any witnesses. If the District receives a report of harassment, the District will make an initial assessment of whether the allegations being made, if true, would constitute a violation of Policy 411 or 411.1. If the District determines that the allegations, even if true, are not a violation of District policy, or state or federal law, the District will determine whether additional investigation is reasonably likely to generate additional information supporting the charge being made, and will proceed accordingly. The purpose of this procedure is not to disqualify complaints but, instead, is meant to encourage meaningful reporting of usable information and assist corrective and responsive actions to maintain a safe and positive environment in the school community.

At the conclusion of this process, the appropriate administrator will communicate to the reporter and/or victims the general outcome in writing or email consistent with protecting the rights of all parties.

Cross References: WASB PRG 411 Sample Rule 3

Adoption Date: March 1994

Revised: September 1995

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April 1999
March 2002
February 2019
September 2024
XXXX, 2025

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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-based 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. This policy further addresses preventative education and instructional practices involving speech that creates an environment that is intimidating, hostile or offensive and related to harassment so that the District fosters a positive educational environment. Harassment normalizes discrimination by making prejudiced views seem acceptable. It harms relationships, unity, civil discourse and creates an intimidating, hostile and offensive environment. Clear standards, education, and fostering respectful norms are essential to protect individual dignity while supporting critical thinking and free expression.

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 defined and prohibited under the federal Title IX regulations (see [34 C.F.R. §106.30](#)), sexual harassment of a student also expressly includes conduct on the basis of sex within a District program or activity that either (1) involves a District employee conditioning the provision of an aid, benefit, or service of the District on a student's participation in unwelcome sexual conduct; (2) is unwelcome and sufficiently severe, pervasive, and objectively offensive so as to effectively deny a student equal access to an education program or activity; **or** (3) constitutes sexual assault, stalking, dating violence, or domestic violence as those terms are further defined under the Title IX regulations.

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.

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- 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.

Persons who engage in prohibited harassment in violation of this policy or in violation of the immediately preceding paragraph are subject to District-imposed discipline or other sanctions, and the District may provide victims of harassment with appropriate accommodations, other remedies or support.

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).

Examples of Prohibited Conduct

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:

- Multiple, repeated, or severe verbal or written (including electronic) comments or gestures 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 or communications that endanger 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 sex-based 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-based or gender-based stereotypes.

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Applicability of Nondiscrimination Policies; Reports and Complaints of Harassment

Unlawful harassment that is based on a legally-protected status is a form of discrimination. As a result, Board Policy 413/513 (Nondiscrimination in District Programs, Activities and Operations) and Board Policy 411 (Student Nondiscrimination and Equal Educational Opportunities) apply in full to this policy. In addition, the District's expectations for employees to intervene and 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. To this end, any individual who believes they have been subjected to harassment, or who witnesses or becomes aware of harassment, is encouraged to report the incident immediately to a school administrator, counselor, or any trusted staff member so that this is brought to the attention of the District's nondiscrimination and equal opportunity coordinators. Reports may be made orally or in writing. The District will provide reporting forms in multiple languages and accessible formats as needed.

The District will maintain confidentiality to the extent possible, consistent with the need to investigate and address the reported conduct, while protecting the rights of all parties.

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.

Instructional Materials and Texts

The District recognized there are educational materials or lessons that are used by the District, or its staff, in good faith that could be considered hostile, offensive or intimidating. As a matter of policy, the District will not allow students or staff to read aloud slurs related to a legally protected status that may appear in texts that we teach out loud. In addition to not reading the word aloud, staff members are expected to acknowledge to students that while this word/phrase exists in a particular text and may be seen as having artistic or literary value, or may be essential to understanding the prevailing culture at the time the piece was written, the words will not be read out loud or spoken in class. The staff member will explain why the words are not being used, referencing the reasons identified above. Staff members with questions/concerns about this position should review district guidance on sensitive topics and speak to building administrators and/or the Directors of Curriculum and Instruction for their grade span.

Prevention and Education

A. The District will implement ongoing training and education programs for students, staff, and the community to promote understanding, respect, and inclusivity. These programs will address

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the impact of harassment and language that can be intimidating, hostile or offensive to ensure a positive educational experience for all students.

B. The District will provide training in recognizing and responding to microaggressions, which are statements, actions or incidents regarded as manifesting unintentional or inchoate discrimination against protected classes of individuals.

C. The District will regularly review and update its anti-harassment policy and practices to ensure effectiveness and compliance with state and federal laws.

Policy Dissemination

A. This policy will be distributed annually to students, staff, and parents/guardians through handbooks, newsletters, registration and/or enrollment materials, and the District website.

B. The District will display information about this policy and reporting procedures prominently in all school buildings.

Compliance

This policy complies with all applicable federal and state laws, including Title VI, Title VII, and Title IX of the Civil Rights Act, the Americans with Disabilities Act, Section 504, and Wisconsin state statutes.

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

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Adoption Date: September 2024

Revised Date: XXXX, 2025

STUDENT NONDISCRIMINATION AND EQUAL EDUCATIONAL OPPORTUNITIES

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Sample Policy 3 Wauunakee Community School District

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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 ~~if desired, insert as an interpretive clarification: "(including any non-conformance with conformity to sex-based 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

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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 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)(d) of the Wisconsin Administrative Code.}***

- 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.}*** The Special Education Director~~{insert the appropriate position title or other appropriate descriptor}~~ 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. ***{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.}***

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.

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STUDENT NONDISCRIMINATION AND EQUAL EDUCATIONAL OPPORTUNITIES

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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 student-focused policy and are incorporated by reference:

- The designation of nondiscrimination coordinators, including the District's Title IX Coordinator(s). ~~Board Policy 413/513, 413~~ provides the direct contact information for the District's nondiscrimination coordinators.
- ~~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.~~
- 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. ~~This includes procedures and conditions under which an individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX "complainant") may file a "formal complaint" of "sexual harassment," as those terms are defined in federal regulations for purposes of Title IX.~~
- ~~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 ~~protected~~ legal right ~~if any such right is applicable~~ 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.

{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 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](#)]

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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. §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](#)]
- [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
September 2024

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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}~~ Waunakee 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 Title II of 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 ~~their~~ his/her complaint or concern by reporting the relevant information to an appropriate District official and/or, to the extent eligible, by submitting a complaint that serves to initiate 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 and other types of non-student-related discrimination complaints to the extent authorized or directed 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

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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.¹

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 **and processing** of complaints. **(Note: The District requires an oral complaint to be documented in writing as a condition of starting a formal investigation and determination of the allegations under these complaint procedures.) (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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It is also permissible to report a concern about possible discrimination to an appropriate District official that is not intended as a "complaint," but that is intended (1) to notify appropriate District officials of information about possible student 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.

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A. **COORDINATION WITH THE DISTRICT'S TITLE IX GRIEVANCE PROCESS FOR ALLEGATIONS OF TITLE IX SEXUAL HARASSMENT PROCEDURES**

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(Editor's Note: Some districts may elect to exclude this section, 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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As required by the federal Title IX regulations, the District will use its separately-adopted Title IX "grievance process" to address "formal complaints" of "sexual harassment," as those terms are defined in the federal regulations (see 34 C.F.R. §106.30). The District's Title IX grievance process is documented in ~~"113-Rule 1"~~ **413/513 Rule 1, and it is available on the District's website. Regarding the Title IX grievance process:**

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- 1. If a complaint or other report of possible sex-based harassment could have been pursued as a formal complaint of Title IX sexual harassment under the District's Title IX grievance process but the complaining party elects not to do so, then the District is not under any automatic obligation to process the report of sex-based harassment using the**

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¹ Note that your draft of 411 Rule include language addressing disciplinary consequences at this point of the policy. I noted in my earlier comments that such language is more appropriate in policy 411 and 411.1. I will note in those policies where consequences are addressed.

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~~general nondiscrimination complaint procedures defined above. However, even if the District does not initiate the use of its Title IX grievance process or the general complaint procedures defined below, the District will still fulfill any applicable legal obligations to appropriately respond to the reported information.~~

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~~2. The District is not required to use the general nondiscrimination complaint procedures defined below to further address any report, complaint, allegation, or basis for a finding of potential misconduct or liability that reaches a determination or that is otherwise resolved through the separate Title IX grievance process. 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.~~

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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 ~~["113-Rule 1"]~~ and are available on the District's website at ~~[insert website location]~~.

The following apply to Title IX complaints:

- ~~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

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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 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 ~~Section C-1~~ of these procedures. **Reports may also be made via an online reporting tool if available.** 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

- ~~***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 Board Policy 413/513~~insert applicable local policy—e.g., "Board Policy 113"~~. 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~~

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² This sentence added from second draft of hate speech rule.

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~~*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"~~1~~. The contact information for the student nondiscrimination coordinator (also referred to below as the "Compliance Officer") is as follows:

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Special Education Director and Student Nondiscrimination Coordinator
Waunakee Community School District
905 Bethel Circle Waunakee, WI 53597
608-849-2000

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tiffanyloken@waunakee.k12.wi.us ~~[REGULAR POSITION TITLE]~~ and Student Nondiscrimination Coordinator
{SCHOOL-DISTRICT}
{PHYSICAL OFFICE ADDRESS}
{OFFICE MAILING ADDRESS, only if different}
{OFFICE TELEPHONE}
{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 <https://www.waunakee.k12.wi.us/board/policies> ~~[insert website location]~~ and can also be obtained upon request from the main administrative office in any District school."*~~~~1~~

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- 2. Formal Processing and Investigation of a Complaint under these Procedures to be Based on a Written Statement.** Although a complaint may initially be made orally, the formal complaint procedures listed below shall be initiated based on a written statement of the 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, such as a parent) or a statement that is prepared by a District-designated nondiscrimination coordinator or a designee that documents an oral 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.

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~~*[Insert as a clarification if desired: "As needed, the Compliance Officer or a designee shall may, 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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- 3. Initial Processing and Investigation.** Upon receiving such a complaint or documenting a written statement of the 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.

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- a. ~~The Compliance Officer or a designee shall provide the person making the complaint with a written acknowledgement of receipt within insert number of days—e.g., "10" or "15" business 21 days of receiving or documenting the written statement of the complaint. 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~~ 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(s).
 - 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.
4. **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

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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.

5. **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, ~~they~~ he/she shall identify the basis for the request with reasonably 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.

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- 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 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.

6. **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

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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 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-3C-4" above—such as dismissal for egregious abuse of process) is subject to the reconsideration and appeal steps identified in "Section C-2(b)C-3(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.**

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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

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STUDENT DISCRIMINATION COMPLAINT PROCEDURES

411-Rule

~~Sample Rule 3~~ Waunakee Community School District

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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 3-4 through 4-5 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

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-3C-4"]* of the procedures listed above. To the extent the Board issues the resolution required in *["Section C-3C-4"]*, the Board shall respond to any request for reconsideration of that resolution that may be submitted under *["Section C-4C-5"]*.

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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

STUDENT DISCRIMINATION COMPLAINT PROCEDURES

411-Rule

~~Sample Rule 3~~ Waunakee Community School District

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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.

Editor's Note: If the district wishes to identify more specific contact information for OCR Chicago office, the following information is current as of July 31/February 16, 2024/2025.

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

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.

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.

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STUDENT DISCRIMINATION COMPLAINT PROCEDURES

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~~Sample Rule 3~~ Waunakee Community School District

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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.

L. Standard Behavior Reporting Procedures

District staff are expected to inform the appropriate administrator or the District's nondiscrimination coordinator for student matters as soon as they are aware of a concern.

Upon receiving a report, the District will promptly and thoroughly investigate the matter. The investigation will be conducted by designated administrators and will include interviews with the complainant, the alleged perpetrator, and any witnesses. If the District receives a report of harassment, the District will make an initial assessment of whether the allegations being made, if true, would constitute a violation of Policy 411 or 411.1³. If the District determines that the allegations, even if true, are not a violation of District policy, or state or federal law, the District will determine whether additional investigation is reasonably likely to generate additional information supporting the charge being made, and will proceed accordingly. The

³ Note I added 411.1. The original hate speech policy you sent to me was described as a modification of policy 411, but it was/is a modification of 411.1.

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STUDENT DISCRIMINATION COMPLAINT PROCEDURES

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purpose of this procedure is not to disqualify complaints but, instead, is meant to encourage meaningful reporting of usable information and assist corrective and responsive actions to maintain a safe and positive environment in the school community.

At the conclusion of this process, the appropriate administrator will communicate to the reporter and/or victims the general outcome in writing or email consistent with protecting the rights of all parties.⁴

Adoption Date:

Cross References: WASB PRG 411 Sample Rule 3

Adoption Date: March 1994

Revised: September 1995
April 1999
March 2002
February 2019
September 2024

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⁴ Your draft of the hate speech rule put this language between the informal and formal complaint procedures – the language is acceptable, but there is not an obvious place to put it, so I put it here.

STUDENT HARASSMENT BASED ON A Policy 411.1 LEGALLY-PROTECTED STATUS

~~Sample Policy 2~~ 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 ~~(if desired, insert as an interpretive clarification: "(including any non-conformance with sex-based 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. ~~This policy further addresses preventative education and instructional practices involving harmful speech that creates an environment that is intimidating, hostile or offensive and related to harassment so that the District fosters a positive educational environment. Harassment normalizes discrimination by making prejudiced views seem acceptable, which sows division and it harms relationships, unity, and civil discourse and creates an intimidating, hostile and offensive environment. Clear standards, education, and fostering respectful norms are essential to protect individual dignity while supporting critical thinking and free expression.~~

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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.

¹ This language is from draft two of the hate speech policy you asked me to review.

STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

Sample Policy 2 Waunakee Community School District

Page 2 of 7

~~As defined and prohibited under the federal Title IX regulations (see 34 C.F.R. §106.30), sexual harassment of a student also expressly includes conduct on the basis of sex within a District program or activity that either (1) involves a District employee conditioning the provision of an aid, benefit, or service of the District on a student's participation in unwelcome sexual conduct; (2) is unwelcome and sufficiently severe, pervasive, and objectively offensive so as to effectively deny a student equal access to an education program or activity; or (3) constitutes sexual assault, stalking, dating violence, or domestic violence as those terms are further defined under the Title IX regulations. 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, 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~~ **they are** 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.

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~~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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STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

~~Sample Policy 2~~ Waukegan Community School District

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~~Persons who engage in prohibited harassment in violation of this policy or in violation of the immediately preceding paragraph are subject to District-imposed discipline or other sanctions, and the District may provide victims of harassment with appropriate accommodations or other remedies or support.²~~

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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.}***

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.}

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:

- Multiple, repeated, or severe verbal or written ~~(including electronic)~~ comments ~~or gestures~~³ 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 ~~or communications~~ 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.

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Additional examples of conduct that may constitute or directly contribute to a finding of unlawful ~~sexual-sex-based~~ 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

² I added this language to replace the language in the 411 rule that I noted was in the wrong place – see FN 1 in that document.

³ Note that this part of the policy provides examples of prohibited conduct. It is not meant to cover all possible examples and the exclusion of other possible examples does not exclude them from being prohibited conduct. I have no problem with addition of the word "gestures"

STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

~~Sample Policy 2~~ Waunakee Community School District

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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 ~~insert either "sex, gender, sexual orientation, or lack of conformity to sex-based or gender-based stereotypes" or "sex, sexual orientation, or lack of conformity to sex-based stereotypes"~~. ~~{Editor's Note: Due to some uncertainty about the exact scope of sex-based harassment under applicable civil rights laws, some districts may elect not to expressly differentiate between "sex" and "gender" in the final example given in this paragraph. Other districts may prefer to include the express differentiation.}~~

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Applicability of Nondiscrimination Policies; Reports of ~~and~~ Complaints of Harassment

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

~~"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"~~ 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, as identified in "Board Policy 113 and Board Policy 411", or the office of the District Administrator"~~."~~

END OF EDITOR'S NOTE.}

Unlawful harassment that is based on a legally-protected status is a form of discrimination. As a result, ~~Board Policy 413/513/Board Policy 113~~ (Nondiscrimination in District Programs, Activities and Operations) and ~~Board Policy 411~~ (Student Nondiscrimination and Equal Educational Opportunities) apply in full to this policy. In addition, the District's expectations for employees to ~~intervene and~~ 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.

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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

⁴ This is from draft 2 of the hate speech policy.

STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

Sample Policy 2 Waunakee Community School District

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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, Board Policy 1131 identifies and provides contact information for designated coordinators, including identifying the primary coordinator for any student discrimination matter. To this end, any individual who believes they have been subjected to harassment, or who witnesses or becomes aware of harassment, is encouraged to report the incident immediately to a school administrator, counselor, or any trusted staff member so that this is brought to the attention of the District's nondiscrimination and equal opportunity coordinators. Reports may be made orally or in writing. The District will provide reporting forms in multiple languages and accessible formats as needed.

The District will maintain confidentiality to the extent possible, consistent with the need to investigate and address the reported conduct, while protecting the rights of all parties. (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.)

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 113413/513 and Board Policy 4111.

Instructional Materials and Texts⁵

Harassment and harmful language do not include educational materials or lessons that are used by the District, or its staff, in good faith. As a matter of policy, the District will not allow students or staff to read aloud slurs related to a legally protected status that may appear in texts that we teach out loud. In addition to not reading the word aloud, staff members are expected to acknowledge to students that while this word/phrase exists in a particular text and may be seen as having artistic or literary value, or may be essential to understanding the prevailing culture at the time the piece was written, the words will not be read out loud or spoken in class. The staff member will explain why the words are not being used, referencing the reasons identified above. Staff members with questions/concerns about this position should review district guidance on sensitive topics and speak to building administrators and/or the Directors of Curriculum and Instruction for their grade span.

Prevention and Education

A. The District will implement ongoing training and education programs for students, staff, and the community to promote understanding, respect, and inclusivity. These programs will address the impact of harassment and harmful language and the importance of standing against discrimination and hostility.

⁵ The remainder of this policy is language from the second draft of the hate speech policy.

⁶ I think this is sufficiently clear – the staff member is not to say the slur when explaining to the class why the slur is not to be read or spoken. It is important that the policy be clear on this point - staff may be subject to discipline for violation of this part of your policy and may argue that the policy is ambiguous. You may wish to say this more explicitly – say that the staff member will not say the slur (or write it on the board, etc.) under any circumstances.

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STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

~~Sample Policy 2~~ Waunakee Community School District

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B. The District will provide training in recognizing and responding to microaggressions, which are statements, actions or incidents regarded as manifesting unintentional or inchoate discrimination against protected classes of individuals.

C. The District will regularly review and update its anti-harassment policy and practices to ensure effectiveness and compliance with state and federal laws.

Policy Dissemination

A. This policy will be distributed annually to students, staff, and parents/guardians through handbooks, newsletters, registration and/or enrollment materials, and the District website.

B. The District will display information about this policy and reporting procedures prominently in all school buildings.

Compliance

This policy complies with all applicable federal and state laws, including Title VI, Title VII, and Title IX of the Civil Rights Act, the Americans with Disabilities Act, Section 504, and Wisconsin state statutes.

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Legal References:

Wisconsin Statutes

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

Wisconsin Administrative Code

[PL 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](#)

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STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS Policy 411.1

~~Sample Policy 2~~ Waunakee Community School District

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447.5, Student Discipline Suspension/Expulsion of Students with Disabilities 454, Child Abuse and Neglect
{Insert appropriate cross references to the policy as applicable to your district.}

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Proposed Code #	Proposed Title	Current policy code	WASB recommendation	WASB Comment (if any)	WCSD Recommendation:
411.1	Sexual Harassment	412		Review later after US DOE Title IX regulations are finalized. This policy will be replaced with a sample from PRG 411.1 that will cover a student harassment beyond sexual harassment and which will potentially cover sexual harassment not covered by district policy 413/513.	Repeal
431	Student Attendance	430 Exhibit	Replace policy 430 and rules 430 (1) to (4) with PRG 431 Sample Policy 1 and Sample Rule 1	Note that your current policies and rules do not address tardiness, which is covered in Sample Rule 1. There are several local policy decisions to be made which I highlighted.	Repeal
453.4 &	Administering Medications to Students	453.4 &	Replace current policy with PRG 453.4 sample policy 1 and current rule with PRG 453.4 sample rule 1	This policy and the associated rule should be reviewed by the school nurse prior to presentation by the board.	Update to PRG
453.5 and 453.5 R	Life Threatening and Allergy Management	453.5 and 453.5 R	Keep current policy and rule	The PRG does not have a sample policy on allergy management. This policy and rule were adopted in 2012 and should be reviewed by school nurse.	Repeal
720	Student Safety	455	Consolidate this policy and others into a school safety plan coded 720	Existing WCSD Policy 455, WCSD Policy 523.3, WCSD policy 720 and WCSD Policy 731 should be consolidated into a school safety policy 720 (and perhaps related policies grouped with 720). I will address this with the 700 policies.	Repeal

	Child Enticement	455.2	Consider grouping this with other school safety policies	This policy is better coded as a rule under policy 720. It is a type of school safety response plan and should be consistent with the school safety program adopted under 720. The PRG does not have a sample that covers this content and it is acceptable as written.	Repeal
672	Purchasing	672		Review with other policies relating to internal controls.	Update per edits
771.1	Use of Copyrighted Materials	771	Renumber and adopt 771.1 sample policy 2		Update to PRG
771 R1 and R2	Copyright Law Requesting permission to use copyrighted materials		Review with district legal counsel	The PRG does not offer sample rules covering this content. The rules provide very specific guidance on what constitutes Fair Use under the copyright law and how requests for permission to use copyright protected material should be made - this guidance should be reviewed by legal counsel.	Per T. Schell Review
884	Relations with Health Authorities	884	Keep current policy, see note for possible edit.	The PRG does not provide a sample covering this content. The policy is mostly acceptable as written. You may wish to clarify the statement "Teachers may consult health authorities about an individual student's health problems, . . ." While there are exceptions, parental consent is generally required for sharing of student information.	Repeal
885	Relations with Social Services Authorities	885	Keep current policy	The PRG does not provide a sample covering this content. The policy is acceptable as written.	Repeal

SEXUAL HARASSMENT/HARASSMENT

412/512

The Waunakee Community School District is committed to providing a learning and working environment for its students and employees that is free from intimidation and sexual harassment. This policy applies to all District employees and students and will also be distributed to all contractors, vendors and other agents of the District.

Forms of harassment, other than sexual harassment, are to be considered a violation of this policy.

It shall be a violation of this policy for any member of the Waunakee Community School District staff to harass another staff member or student through conduct or communications of a sexual nature. It shall also be a violation of this policy for students to harass other students or staff members through conduct or communications of a sexual nature. For purposes of this policy, sexual harassment includes, but is not limited to:

- 1) Unwelcome sexual advances, unwelcome requests for sexual favors, verbal, written, visual depictions or physical conduct of a sexual nature, and other inappropriate verbal or physical conduct of a sexual nature, whether or not repeated, when made by any member of the school staff to a student, when made by any member of the school staff to another staff member, when made by any student to another student, or when made by a student to a staff member when:
 - a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education, or when
 - b) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, or when
 - c) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or education environment.
- 2) A range of subtle and not so subtle behaviors, which may involve individuals of the same or different sex. Behaviors that may be considered sexual harassment include, but are not limited to the following:
 - * verbal harassment or abuse, sexual jokes and innuendo
 - * pressure for sexual activity or sexual favors, unwanted sexual advances
 - * remarks to a person with sexual or demeaning implications, including remarks about an individual's body, sexual prowess, or sexual deficiencies
 - * unwelcome touching, leering or whistling

- * suggesting or demanding sexual involvement accompanied by implied or
- * explicit threats concerning one's grades, job, etc.
- * insulting or obscene comments or gestures
- * display or sexually suggestive objects or pictures
- * other physical, verbal or visual conduct of a sexual nature

e) It is not considered harassment of any sort for members of management to enforce job performance and conduct standards in a fair and consistent manner.

Waunakee Community School District encourages reporting of all perceived incidents of harassment and/or retaliation, regardless of the alleged offender's identity or position. In addition, the District encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it stop immediately. Often this action alone will resolve the problem.

If for any reason a person believes that he/she has been the victim of, or has been witness to, conduct constituting sexual harassment and/or retaliation by any staff member, student or contractor/vendor or agent of the District and does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the person should immediately report the alleged offensive behavior to his/her supervisor, counselor or teacher. If this does not resolve the complaint the person should file a written complaint with the Equity Coordinator (Director of Human Resources) using the Discrimination/Harassment Complaint Form. In the event that the Equity Coordinator is involved in the alleged offensive behavior, the person may report the incident and file a complaint with the superintendent.

All reports of harassment or retaliation will be investigated promptly. The investigation may include interviews with persons involved, and where necessary, with persons who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality of any information related to complaints, complaint investigations, and identity of person(s) named in complaints will be maintained to the extent consistent with adequate investigation and appropriate corrective action and legal requirements.

The District will take appropriate corrective action, including disciplinary action, against any individual who engages in harassment, who impedes investigation of a harassment complaint, or who retaliates against any individual for reporting harassment or for assisting or participating in investigation of a harassment complaint. Corrective action may include, for example, training, referral to counseling, reassignment, and/or disciplinary action, as the District believes appropriate under the circumstances. Employees who violate this policy will be subject to disciplinary action at the discretion of management, including, without limitation, suspension and termination. Students who violate this policy will be subject to suspension and/or expulsion. Both employees and students who violate this policy may be referred to law enforcement agencies should there be an alleged violation of criminal law.

Nothing in the policy restricts the right of an individual to file a complaint with police authorities regarding sexual harassment. In fact, the superintendent may request that a complaint be filed by the grievant as the result of his/her investigation of the complaint.

Legal Ref.: Sections 111.36 Wisconsin Statutes
118.13
118.20
Title VII, Civil Rights Act of 1964 (as amended)
PI 9 Wisconsin Administrative Code
Title IX or the Education Amendments of 1972

Cross Ref.: 411-Rule (1), Student Discrimination/Harassment Complaint Procedure
447.3, Student Suspension
447.4, Student Expulsion
447.5, Student Discipline Suspension/Expulsion of Students with Disabilities
454, Child Abuse and Neglect
511-Rule, Employment Discrimination/Harassment Complaint Procedures
522.3, Employee Misconduct Reporting

Cross Ref.: Complaint Procedures
Current Employee Agreements

Adopted: 4/22/91

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

Waunakee Community School District

TRUANCY REFERRAL INFORMATION

430-Exhibit

Waunakee Community School District

Referring School Official _____ School Contact Person _____

Referral Date _____ a.
b.

I. Student's Name _____ **Grade** _____

Student's Address _____ Home Phone No. _____

Student's Date of Birth _____

II. Parent's Name: (Father) _____ Work Phone _____

(Mother) _____ Work Phone _____

Parent's Address: _____

III. Summary of Days Absent

Date absent from school/class	Absent all day	<u>Periods Absent in A.M. Classes</u>	<u>Periods Absent in P.M. Classes</u>

Total Number of Absences/Out of _____ Days.

- IV. History of truancy/previous attendance: (Statement regarding the number of percent of truancy in previous semester or school years)

- V. Statement of social/behavioral problems or other issues that may relate to the problem:

- VI. Statement of school's perception of the parent's and student's attitude toward the problem:

- VII. Statement of school's recommendation to local social service agency:

- VIII. Summary of school action to correct problem:

Effectiveness of Action

Type of Action	Date	Attendance Improved	Attendance Did Not Improve
Referral to other Community/County Resources			
Referral to Municipal Court			

ADMINISTERING MEDICATIONS TO STUDENTS

Policy 453.4

Waukeek Community School District

Page 1 of 2

~~*{This sample policy provides general guidance for the administering of prescription drugs and nonprescription drug products to students by school personnel. It includes minimum staff training requirements, assigns general oversight responsibility to a designated school district employee(s), and allows certain students to possess and self-administer their own medication under established conditions.}*~~

Medications should be administered to school children at home, rather than at school, whenever possible. School personnel (including employees, registered nurses serving the district, volunteers and/or licensed school bus drivers) who are authorized to do so in writing by a building principal may administer medications to students under the procedures and conditions established to implement this policy that are developed with the assistance of a school nurse and adopted by the School Board.

The ~~*identify the appropriate position — e.g., registered nurse serving the school building principal or his/her designee*~~ shall be responsible for overseeing the receipt of the written medication instructions and consents, the maintenance of complete and accurate medication administration records, the proper storage of medications, and the disposal of outdated and unused medications in accordance with District procedures. The ~~*identify the appropriate position*~~ shall be responsible for ensuring that the written medication administration instructions that are on file in the District are periodically reviewed by a registered nurse.

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No school personnel, other than a health care professional, shall be involuntarily required to administer any medication to a student by any means other than ingestion. Authorized school personnel who voluntarily agree to administer a prescription drug or nonprescription drug product that must be injected into a student, inhaled by a student, rectally administered to a student, or administered into a nasogastric, gastrostomy or jejunostomy tube shall complete all state-mandated and District-required training before administering medication to a student through such means.

Students may possess (carry) and use an inhaler or epinephrine contained in an authorized delivery system/mechanism with the written approval of the student's physician and parent or guardian. ~~*Insert if desired and consistent with local intent and practices; "In addition, older and responsible students may also possess and self-administer their own prescription drugs and nonprescription medications at school, provided that the student does so in compliance with relevant District policies and procedures."*~~

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No District policy or procedure shall be interpreted to limit or detract from the immunities and other limitations on liability available under the law to nurses and other persons who engage in or assist with the administration of medication to students.

Legal References:

Wisconsin Statutes

[Section 118.125](#)

[maintenance and confidentiality of student records]

[Section 118.29](#)

[administration of drugs to students by school personnel and emergency care; policies and procedures required]

[Section 118.291](#)

[student possession and use of inhalers]

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ADMINISTERING MEDICATIONS TO STUDENTS

Policy 453.4

Waukeek Community School District

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- [Section 118.292](#) [student possession and use of epinephrine]
- [Section 118.2925](#) [life-threatening allergies in schools; allergy management plan and use of epinephrine]
- [Section 121.02\(1\)\(g\)](#) [school district standard; provision of emergency nursing services]
- [Section 146.82](#) [confidentiality of patient health care records]
- [Section 146.83](#) [access to patient health care records]
- [Section 441.18](#) [authority of certified advanced practice nurse to prescribe and deliver opioid antagonists to designated individuals and to issue a standing order to persons authorizing the dispensing of an opioid antagonist]
- [Section 448.037](#) [authority of physician or physician assistant to prescribe and deliver opioid antagonists to designated individuals and to issue a standing order to persons authorizing the dispensing of an opioid antagonist]

Wisconsin Administrative Code

- [N 6.03\(3\)](#) [supervision and delegation of nursing acts]
- [PI 8.01\(2\)\(a\)2](#) [required emergency nursing services policies, including protocols for administering medication]

Cross References:

- [WASB PRG 453.4 Sample Policy 1](#)
- [453.1 Emergency Nursing Services](#)
- [453.4, Medication Administration to Students](#)
- [453.4-Exhibit A, Prescription Medication Consent Form](#)
- [453.4-Exhibit B, Over-the Counter Medication Consent Form](#)
- [453.5, Life-Threatening Allergy Management](#)
- [453.5 Rule, Standing Order for Allergic Reaction](#)

Adoption Date: 5-11-92

- Revised:**
- March 1994
 - October 1997
 - December 2000
 - March 2002
 - March 2011
 - April 2012
 - May 2016
 - June 2018
 - May 2020
 - XXXX 2025

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MEDICATION ADMINISTRATION PROCEDURES

Waukeek Community School District

453.4-Rule

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~~This sample rule outlines general procedures for administering prescription drugs and nonprescription drug products to students. It includes protocols for obtaining and reviewing required written instructions and consent, storage and disposal of medications, and recordkeeping. This sample rule is intended to implement PRG 453.4 Sample Policy 1.~~

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IMPORTANT: Section 118.29(4) of the state statutes provides that in developing the required policy and procedures related to the administration of medication to students, school boards "shall seek the assistance of one or more school nurses." Accordingly, before adopting any procedures based on this sample (in whole or in part) or otherwise substantively amending the district's local procedures, a district must obtain assistance and input from a school nurse. The WASB advises that the final procedures be formally adopted by a vote of the school board.¹

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1. Authorization for School Personnel to Administer Medication to Students

~~A building principal (or the District Administrator, or their designee) shall designate, in writing, the names of appropriate school personnel (including employees, registered nurses serving the district, volunteers and/or licensed school bus drivers) who will have the authority to administer medications to students in a manner consistent with all relevant policies and procedures.~~

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a. The principal, **District Administrator or their designee**, may make a general designation of authority (1) for any registered nurse serving the District to administer any medication by any means permitted within the scope of the individual's nursing license; and (2) for other school personnel to administer medication via ingestion, eye drops, ear drops, topical application, an inhaler, and/or an epinephrine auto-injector or epinephrine prefilled syringe, provided that the individual has completed any applicable state-mandated training. Nothing in this paragraph prevents, in certain cases, a principal or registered nurse serving the schools from expressly limiting the personnel who will have authority to administer particular medication to a particular student.

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b. In the event any school personnel other than a registered nurse will be asked to administer other medication to students or other individuals in a manner not covered by a general designation under the previous paragraph, the principal, **district registered nurse**, shall make case-by-case determinations of the school personnel who will have the authority to administer such medications, and ensure that such personnel have completed all state-mandated and District-required training. A registered nurse serving the school or other health care professional shall assist the principal in ensuring that such personnel receive any additional instruction, support and supervision as may be appropriate.

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c. No school personnel, other than a health care professional, shall be involuntarily required to administer medication to students by any means other than ingestion. However, a registered nurse serving the school must decline to perform any medical act or service which the nurse is not competent to perform due to lack of education, training or experience.

¹ I left this part of the introductory note in as a reminder to review this policy with the school nurse prior to presentation to the board.

MEDICATION ADMINISTRATION PROCEDURES

453.4-Rule

Waukeek Community School District

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- d. If a student requires assistance from school personnel in the administration of any medication or through any means that constitutes the delegation of a nursing act, or any other specialized health care services that constitutes the delegation of a nursing act, it shall be the responsibility of a registered nurse serving the school to: (1) delegate such tasks to appropriate school personnel, with proper authorization from the building principal; and (2) ensure that school personnel engaging in such activities receive appropriate training, instruction and supervision.
- e. All school personnel authorized to administer medication to students shall receive a copy of these procedures.

2. Notification to School Personnel

If a student requires medication to be administered at school or at school activities, including administration by school personnel, the student's parent or guardian shall notify the ~~identify the appropriate position(s) – e.g., building principal, registered nurse serving the school, or health office staff~~ of the student's needs. An adult student may directly notify such school staff of his/her medication-related needs.

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3. Administration of Prescription Medication

~~Except for the specific emergency situations identified below,~~ authorized school personnel will administer a prescription drug to a student only if all of the following conditions are met:

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~~Editor's Note: A district should delete the bracketed introductory phrase appearing in this sentence if the district's final adaptation of this sample includes neither section 4 of this sample, addressing separate emergency authority in connection with glucagon and epinephrine, nor section 5 of this sample, addressing emergency administration of an opioid antagonist in an opioid-related overdose situation.~~

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- a. The school has received written consent from the student's parent(s) or guardian(s) for designated school personnel to administer medication to the student in the dosage prescribed by the health care practitioner.
- b. The school has received written instructions from the student's health care practitioner regarding the administration of the prescribed medication. These instructions shall include the medication name, dose, route, frequency, time/conditions, duration and the health care practitioner's name and contact information. Where applicable or where requested by school personnel, such instructions may also include relevant precautions, information about possible reactions and/or interventions, and the circumstances under which the health care practitioner should be contacted.
- c. The prescription medication is supplied to the school in the original pharmacy-labeled package and it specifies the name of the student, the name of the prescriber, the name of the prescription drug, the dose, the effective date, and the directions in a legible format.

² Note the instruction to delete the bracketed language (highlighted in yellow) if the policy does not allow any exceptions for emergencies. Your current policy and rule allow limited exceptions. Note that all text highlighted in green are editor's notes that should be deleted from the final draft of the policy and rule.

MEDICATION ADMINISTRATION PROCEDURES

453.4-Rule

Waukegan Community School District

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- d. If the prescription medication is required to be injected into the student, inhaled by the student, rectally administered to the student, or administered into a nasogastric tube, a gastrostomy tube or a jejunostomy tube, the school personnel designated to administer the medication to the student has completed all state-mandated and District-required training required for administering medication through that particular means prior to administering the medication to the student. Such additional training is not required for health care professionals (e.g., registered nurses).

4. Administration of Glucagon or Epinephrine by School Personnel in Emergency Situations

Editor's Note: If the district chooses not to authorize and provide appropriate training for the emergency administration of glucagon and/or epinephrine (i.e. in the absence of a student-specific prescription and student-specific written consent and instructions), then the district should delete or modify this section as needed. State law allows, but does not require, school districts to authorize such emergency administration of glucagon and epinephrine. School districts are also not required to obtain or have on hand a supply of non-patient-specific glucagon or epinephrine. However, a district likely would need to have a supply of the medication(s) on hand in order for the drugs to be available for possible administration in an actual emergency. School officials should be aware that it may be difficult for a school to obtain a non-patient-specific prescription for epinephrine auto-injectors or prefilled syringes if the district does not adopt a physician-approved school allergy management plan, as authorized by section 118.2925 of the state statutes.)

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School personnel who have been authorized to do so in writing and who have received all state-mandated and any District-required training may administer glucagon or epinephrine to a student (1) in an emergency situation if all of the requirements for the administration of a prescription medication, as defined in the previous section, have been met, or (2) under the following additional special circumstances:

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- a. With respect to epinephrine, such school personnel may use an epinephrine auto-injector or prefilled syringe to administer epinephrine to any student who appears to be experiencing a severe allergic reaction if, as soon as practicable, the person administering the drug reports the allergic reaction by calling the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider.

Editor's Note: If the district has a board-adopted and physician-approved school allergy management plan, as authorized by section 118.2925 of the state statutes, school officials should make sure that the information in this paragraph is aligned to and consistent with the protocols that the plan establishes for the emergency administration of epinephrine to students and other persons.)

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- b. With respect to glucagon, such school personnel may administer glucagon to any student who the school bus driver, employee, or volunteer knows is diabetic and who appears to be experiencing a severe low blood sugar event with altered consciousness

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³ Review editor's note regarding inclusion of this section of rule and delete from final draft.

⁴ WCSD policy 453.5 Life-Threatening Allergy Management references "Guidelines for Managing Life-Threatening Allergies" which may include the board adopted school allergy management plan referenced in the editor's note. This section of the rule should be aligned with that plan.

MEDICATION ADMINISTRATION PROCEDURES

453.4-Rule

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if, as soon as practicable, the person administering the drug reports the event by calling the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider.

5. Administration of Opioid Antagonist (e.g., Narcan) by School Personnel in Emergency Situation

Editor's Note: If the district chooses not to authorize the emergency administration of opioid antagonists (as provided in the next paragraph of this sample), then the district should not include this section in its adopted procedures. State law allows, but does not require, districts to authorize the administration of an opioid antagonist (e.g., Narcan®) to an individual who appears to be undergoing an opioid-related drug overdose. School districts are also permitted, but not required, to work with an authorized prescriber to obtain a prescription for an opioid antagonist that does not name the individual to whom the medication will be administered. However, as a practical matter, if a district chooses to authorize the emergency administration of opioid antagonists, the district would likely need to obtain such a prescription in order for the drugs to be available in the event of an actual emergency.

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School personnel who have been authorized to do so in writing and who have received all state-mandated and any District-required training may administer an opioid antagonist, if the drug is available (e.g., if the District has worked with a prescriber to obtain a supply that is kept on hand), to any student or other person who appears to be undergoing an opioid-related drug overdose if, as soon as practicable, the person administering the drug reports the drug overdose by calling the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider.

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6. Administration of Nonprescription (Over-the-Counter) Medication

Authorized school personnel will administer nonprescription drug products to a student only if all of the following conditions are met:

- a. The parent or guardian has provided the appropriate school personnel with written consent and instructions.
- b. If the nonprescription medication is supplied by the student's parent or guardian, it is supplied in the original manufacturer's package, and the package lists the ingredients and recommended therapeutic dose in a legible format. School personnel may administer nonprescription medication to a student in a dosage other than the recommended therapeutic dose only if the request to do so is accompanied by the written approval of the student's health care practitioner.
- c. If the nonprescription medication is required to be injected into the student, inhaled by the student, rectally administered to the student, or administered into a nasogastric tube, a gastrostomy tube or a jejunostomy tube, the school personnel designated to administer the nonprescription medication to the student has completed any DPI-

⁵ I did not find anything addressing the emergency administration of Narcan in your policies or in a search of the district website.

MEDICATION ADMINISTRATION PROCEDURES

Waunakee Community School District

453.4-Rule

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approved training that is required for administering medication through that particular means prior to administering the medication to the student. Such training is not required for health care professionals (e.g., registered nurses).

7. Student Possession and Use of Inhalers and Epinephrine

- a. An asthmatic student may possess (carry) and use a metered dose inhaler or dry powder inhaler while in school or at a school-sponsored activity under the supervision of a school authority if all of the following conditions are met:
 - the student uses the inhaler before exercise to prevent the onset of asthmatic symptoms or uses the inhaler to alleviate symptoms;
 - the student has the written approval of the student's physician and, if the student is a minor, the written approval of the student's parent or guardian; and
 - the written approval(s) is on file in the school records.
- b. A student may possess (carry) and use an epinephrine auto-injector (e.g., Epipen®) or epinephrine prefilled syringe if all of the following conditions are met:
 - the student uses the epinephrine to prevent the onset or alleviate the symptoms of an emergency situation;
 - the student has the written approval of his/her physician and, if the student is a minor, written approval of the student's parent or guardian; and
 - the written approval(s) is on file in the school records.

When providing the required approvals to building principals for students to possess and use their inhalers or epinephrine auto-injectors or prefilled syringes, parents and guardians and physicians should consider the student's knowledge of his/her medication and his/her ability to use the inhaler or epinephrine independently. If the physician or parent or guardian determines that it is appropriate to have assistance from school personnel in administering the inhaler or epinephrine to the student in any emergency or non-emergency situations, the medication must be administered in accordance with procedures outlined above for the administration of prescription medication.

8. Student Possession and Use of Other Prescription and Nonprescription Medication

Editor's Note: This section presents one possible approach to the topic of student possession and possible self-administration of medication. This area is less regulated by state law than many of the topics addressed in previous sections of this sample rule (above). School district officials and nurses serving the district should carefully review this section and modify the content as needed to reflect the district's intent and practice. Ensure that any allowance for direct student possession and self-administration of medication is consistent with any related statements about this issue that are included in the related board policy (e.g., PRG 453.4 Sample Policy 11.)

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MEDICATION ADMINISTRATION PROCEDURES

Waukegan Community School District

453.4-Rule

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Responsible students, as determined by the agreement of the parent or guardian ~~and building principal~~ and in consultation with a nurse serving the school as needed, may be permitted to possess and self-administer medications other than asthma inhalers and epinephrine in authorized delivery systems/mechanisms (as separately addressed above) without first obtaining written practitioner approval for such self-administration. The following factors, among others, will be considered in determining whether a student will be granted this permission:

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- a. The type of medication;
- b. The reason for medication;
- c. The age of the student; and
- d. The responsibility of the student, including but not limited to compliance with all dosage and administration instructions provided by the manufacturer and/or the student's practitioner, compliance with all school rules and regulations relating to the presence of drugs in the schools, and the student's ability to provide for the safe and appropriate storage of the medication.

Although exceptions may be considered, this section regarding permission for self-administration of medication is intended to apply primarily to such requests by high school students. For students under the age of 18, a parent or guardian will provide the District with a signed, written statement of consent for self-administration by the student that identifies the name of the medication.

Any permission granted under this section may be revoked by the District, or withdrawn by the parent or guardian, at any time.

9. Medication Storage and Disposal

- a. All prescription and nonprescription student medication in the District's possession shall be kept in a safe and secure location(s). Medication will be stored to maintain quality in accordance with the manufacturer's or health care practitioner's storage instructions. Medication which needs to be accessible to the student will be stored in an appropriate location per student need.
- b. For field trips and other co-curricular or extracurricular activities held off school premises, student medication will be stored in a secure location determined appropriate by the activity supervisor, keeping in mind the manufacturer's or health care practitioner's storage instructions.
- c. Parents and guardians will be asked to pick up any unused portions of prescription and nonprescription medications within ~~if identify the appropriate time period~~ 5 days after completion of the school year or when the student's medications have been discontinued. Unused medications will not be sent home with students.
- d. Student medications that have reached their expiration date and medications that have not been picked up by the student's parent or guardian will be disposed of in a safe and

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MEDICATION ADMINISTRATION PROCEDURES

Waukegan Community School District

453.4-Rule

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proper manner in accordance with [DPI's Guidelines for Disposal of Medications in the Schools](#).

10. Recordkeeping

- a. ~~The building principal~~ **nurse serving the school** is responsible for maintaining written records of the school personnel who have been authorized to administer medication to students and of documentation of staff completion of all required training courses (including the dates on which such training occurred).
- b. Upon receipt of a student's medication at the school, school personnel will document the date of receipt, the type of medication, and verify the amount of medication supplied to the school. The person receiving the medication shall ensure that the student's name is affixed to the package of any nonprescription drug product.
- c. The written consents and instructions from the student's parent or guardian and from the health care practitioner, the medication supply receipt documentation, and the staff training documentation required above will be kept on file in the school. ~~The~~ **identify the appropriate position—e.g., registered nurse serving the school/school nurse or health assistant** will review the medication administration instructions received from the health care practitioner and/or parent or guardian prior to school personnel administering medications to help ensure the safety of students. In addition, a registered nurse ~~or health assistant~~ serving the school will review the written instructions from the student's parent or guardian annually or more often if changes in medication dosage occur.
- d. School personnel designated to administer medication to students, whether at school or during co-curricular or extracurricular activities, shall do the following:
 - Record each dose of prescription or nonprescription medication administered to a student on the medication administration log, including the date and time given. If the medication is not administered to the student as scheduled, the reason shall be noted on the log (e.g., student was absent from school, the student refused to take the medication, lack of supply of the medication from the student's parent or guardian).
 - Document any medication administration that deviates from the instructions of the health care practitioner and parent or guardian (medication administration error) on the medication administration log. Some examples of medication errors include: administration of a medication to the wrong student, administration of the wrong medication to a student, administration of the wrong dosage of medication to the student, administering the medication via the wrong route, administration of the medication at the wrong time, and failure to administer a medication in accordance with the appropriate health care practitioner and parent or guardian instructions. An incident report should be completed and submitted to the ~~identify the appropriate position—e.g., nursing serving the school, and building principal or both~~. The student's parent or guardian and health care practitioner (if applicable) should also be notified of the incident.

The above documentation should occur immediately after the medication is

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MEDICATION ADMINISTRATION PROCEDURES

Waukegan Community School District

453.4-Rule

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administered to the student to assure accuracy and safety.

- e. School personnel shall maintain the confidentiality of student health and medication administration-related records in accordance with applicable state and federal laws and regulations and the District's student records policy and procedures.

11. Definitions

As used in these procedures, above, the terms "practitioner," "health care professional," "nonprescription drug product," "prescription drug," and other terms expressly defined in section 118.29 of the state statutes are intended to have the meaning of the corresponding statutory definition. ~~Insert these two key definitions, if desired: "For example:~~

~~a. "Practitioner" (including "health care practitioner" as used above) means "any physician, naturopathic doctor, dentist, optometrist, physician assistant, advanced practice nurse prescriber, or podiatrist licensed in any state."~~

~~b. "Health care professional" means "a person licensed as an emergency medical services practitioner under s. 256.15, a person certified as an emergency medical responder under s. 256.15 (8) or any person licensed, certified, permitted or registered under chs. 441 or 446 to 449." Registered nurses are "health care professionals" under this definition."~~

~~Editor's Note: If desired, a district could insert additional complete statutory definitions of other key terms by copying the relevant definitions from section 118.29(1).~~

Cross References:

[WASB PRG 453.4 Sample Policy 1](#)

Cross References:

WASB PRG 453.4 Sample Rule 1
[453.1 Emergency Nursing Services](#)
[453.4 Medication Administration to Students](#)
[453.4-Exhibit A, Prescription Medication Consent Form](#)
[453.4-Exhibit B, Over-the Counter Medication Consent Form](#)

Adoption Date: 5-11-92

Revised: March 1994

October 1997

December 2000

March 2002

April 2012

May 2020

XXXX, 2025

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MEDICATION ADMINISTRATION PROCEDURES

Waunakee Community School District

453.4-Rule

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Standing Order for Allergic Reaction (Anaphylaxis)

453.5-Rule

Anaphylaxis is an allergic reaction that may be triggered by a food allergy, insect sting or drug reaction. **If a person with a known history of severe allergic reaction is exposed to a known allergen, activate the emergency medical services immediately. Do not wait for symptoms to develop.**

In the event of an anaphylaxis of a student, staff member or community member and the person does not have their own prescribed Epi-Pen; Epinephrine will be administered by a district school nurse or health assistant according to the following procedure.

1. Assess the person for symptoms of shock or respiratory distress.
 - a. **Respirations:** may be wheezy, labored or absent
 - b. **Pulse:** may be rapid, weak or difficult to detect
 - c. **Color:** may be pale, mottled or cyanotic
 - d. **Skin:** may be cool, moist or clammy; urticarial (hives) may be present, nail capillary refill time may exceed two seconds
 - e. **Blood pressure:** may be low or undetectable
 - f. **Mucous Membranes:** may be swollen (Eyes, nose and mouth)
 - g. **Other:** stupor, agitation, restlessness, vomiting, diarrhea, headache and unconsciousness
2. Monitor the airway, keeping it open. As needed remove secretions/vomit and assist with ventilation.
3. If person has ANY signs or symptoms of an allergic reaction and if no other specific physician order is available, administer epinephrine as follows:
 - a. **Under 60 pounds**
 - i. First dose: Epi-Pen Jr. (0.15 mg epinephrine) according to Epi-Pen Jr. directions.
 - ii. Subsequent injections may be given every 15-20 minutes, in accordance with observed symptoms (Section 1 above) or instruction from 911 center, if available.
 - b. **Over 60 pounds**
 - i. First dose: Epi-Pen (0.3 mg epinephrine) according to Epi-Pen directions.

- ii. Subsequent injections may be given every 15-20 minutes, in accordance with observed symptoms (Section 1 above) or instruction from 911 center, if available.
- c. Epi-Pen or Epi-Pen JR may be administered through clothing.
 - i. Pull off blue safety cap.
 - ii. Form fist around injector, keeping fingers away from orange tip.
 - iii. Swing back slightly, and jab firmly into outer thigh.
 - iv. Hold in place for at least 10 seconds. Massage area
 - v. Discard injector in sharps container or provided plastic case
 - vi. Stay with student until EMS arrives.
 - vii. Record event on health service log, and incident report.

4. First Aid

- a. Lay person flat, facing up (supine position); raise feet 8 to 12 inches. (Position on side if vomiting.)
- b. Keep person warm, but not overheated.
- c. Do not administer any solid or fluid by mouth.
- d. If bee stinger is noted in skin, remove by gently scraping at skin level.
- e. Monitor person closely, as sudden clinical deterioration can occur despite treatment.
- f. **DO NOT LEAVE THE PERSON ALONE!**

ANY TIME EPI-PEN IS GIVEN CALL 911

If known, state that the person has a peanut/bee/allergy and has been exposed/stung. State that Epi-Pen has been given and time of medication if known.

Physician Signature

Date

School Nurse Signature

Date

School Nurse Signature

Date

Director of Student Services

Date

Adopted: April 2012

STUDENT SAFETY

The safety of students shall be assured through close supervision of students in all school buildings and grounds and through special attention to the following:

- 1) Maintaining a safe school environment. Safety experts shall be called in periodically to inspect the physical condition of all buildings and grounds.
- 2) Observation of safe practices on the part of school personnel and students, particularly in those areas of instruction or extracurricular activities which offer special hazards.
- 3) Offering safety education to students as germane to particular subjects such as laboratory courses in science, shop courses, and health and physical education.
- 4) Providing, through the services of the school nurse or other designated person, first aid care for students in case of accident or sudden illness.
- 5) Providing adequate supervision of playgrounds when they are used by students during school hours.

In addition to the above safety measures, school personnel shall be sensitive to noticing suspicious individuals loitering in or near school buildings or in automobiles nearby and shall immediately report their observations to the principal. The principal shall notify the police if the circumstances seem to warrant it.

Teachers shall instruct students not to accept gifts or automobile rides from strangers, and the students will also be instructed to tell the teachers, their parents, police, or school patrols of any suspicious individuals.

Legal Ref.: Section 118.07-118.10 Wisconsin Statutes
120.12(26)
121.02(1)(g) & (I)
PI 8.01(2), Wisconsin Administrative Code

Cross Ref.: 453.1-Rule, First Aid Procedures
455.1, Supervision of Students
720, District Safety Policy
721, Buildings and Grounds Inspections
722.1, Accident Reporting
723-Rule, Emergency Procedures
860, Visitors to the Schools
882.1, Sex Offender Notification
School Safety Plans

Adopted: 5/11/92
Revised: March 1994
March 2002

Waunakee Community School District

CHILD ENTICEMENT

455.2

When any school personnel becomes aware of any incident of child enticement, they should report it to the building principal. Children themselves may report such incidents. These incidents are to be treated seriously. In these times of childhood abuses, it is better to be on the side of caution, communication and thorough investigation.

When an incident is reported, the principal or designee will implement the following procedure:

1. Conduct an interview with the child or children, taking a written record of their description of the events.
2. Call the police to evaluate the facts and determine the seriousness of the incident.
3. Call the parent or guardian and inform them of the incident. Invite them to come to school.

If the incident is serious, the following procedures are to be implemented:

ELEMENTARY SCHOOLS

1. Notify the superintendent or designee immediately by phone. The superintendent, after consulting with the investigating law enforcement agency will determine the release of information.

The purpose of consulting with the police department is to coordinate the dissemination of information without jeopardizing the police investigation. Information released to staff, parents, children, media, etc., should be limited to confirmation of the incident and that staff and students have been notified. The media should be referred to the police department for further information.

2. The principal will notify all teachers and other appropriate staff of the enticement incident. Only the details resulting from step one above will be shared.
3. The superintendent or designee will notify other public schools by phone sharing information determined in step one above. Student identity and personal injury details remain confidential.
4. The principal will prepare and send home a written notice to the parents/guardian of all students regarding the event. Student identity and personal injury details are to be kept confidential.

5. An announcement about personal safety will be made to students at the end of the school day, cautioning students to go straight home and to not speak to strangers. Remind elementary students that when approached they should:

- Say "NO"
- Get away
- Tell someone (an adult)
- Sometimes you need to make a lot of noise

MIDDLE SCHOOL AND HIGH SCHOOL

Above procedure should be followed if determined to be appropriate after police investigation. Variations in the procedures should be determined with the police department and the superintendent or his/her designee. Communication should be through students to parents if it is determined that such is necessary.

Cross Ref: 882 Relations with Police Authorities

Adopted: March 1996

Waunakee Community School District

PURCHASING

The Board of Education authorizes the superintendent and ~~business manager~~ **Director of Business Services** to purchase and supervise the purchasing of all materials, goods, and supplies for the District in accordance with state law and policy guidelines.

All purchases shall be made at the best price available giving consideration to quality, conformity to developed specifications, and suitability to the requirements of the educational system and delivery terms.

I. General Guidelines

- A. Except as otherwise provided by Board policy all purchases of goods, services, and equipment for which the District will be responsible for payment must be on official purchase orders, properly signed and executed. Credit cards may be used under the procedures established by the business manager. Staff may directly purchase goods and equipment under the procedures established by the business manager.
- B. Given equality of service, quality, delivery and price, the District shall purchase, whenever possible, from local suppliers and services. The employee shall not feel bound to purchase any item locally that can be secured at a savings from outside services.
- ~~B.C.~~ Use of "Resale" account within the District budget shall not be used as competition for area businesses.
- ~~C.D.~~ Gift card cards shall not be purchased from taxpayer funds. Gift cards may be purchased from non-taxpayer funds like Fund 21 and Fund 60. The maximum value of a gift card shall not exceed \$100. Gift cards purchased by District social workers or through the Student Financial Assistance Fund are exempt from the \$100 maximum. Distribution of all gift cards must be documented by the purchaser of the gift cards.

II. Payment and Assurance Requirements

All district contracts for the performance of labor or furnishing the materials for a public improvement or public works project shall meet the payment and assurance requirements outlined in State law and District procedures.

Legal Ref.: Sections 120.12(1) Wisconsin Statutes

120.13(33)
779.14(lm) Wisconsin Statutes
946.10
946.12
946.13

Cross Ref.: 375, Student Activity Funds Management
524.1, Staff Conflicts of Interest
665, Petty Cash Account
672.1, Bidding Requirements
672.3, Cooperative Purchasing
672.4, Sales/Vendor Relations
851-Rule, Sales/Advertising Exceptions
933 Construction Contracts Bidding and Awards
933-Rule, Standards for Performance and Payment Assurances

Adopted: 10/11/82

Revised: March 1994
August 10, 1998
April 2002
November 2005
July 2012
May 2014
July 2019

Waunakee Community School District

Policies of the Board of education

Series 800: School-Community Relations

RELATIONS WITH HEALTH AUTHORITIES

884

The Board of Education encourages District staff to work with the school and county health departments to maintain a healthful and safe school environment; to promote the good health of students and their families; to educate students in preventive medicine and good health practices; and to help students develop a sense of responsibility for personal and community health.

Specifically, the Board approves of these cooperative health programs:

Health Education. The school nurse will serve as a resource person and consultant on certain health topics.

Communicable Disease Control. Health authorities will train school personnel to identify symptoms of communicable diseases and coordinate appropriate home follow-up procedures.

Screening. Health authorities will work with school staff to screen student vision and hearing and to test students for scoliosis.

Resource Persons for Teachers. Teachers may consult health authorities about an individual student's health problems, or new approaches to health education.

Individual Student Consultations. Health officials also may be available to consult with students directly if any student so desires.

Legal Ref.: Sections 118.29 Wisconsin Statutes
 120.12(16)
 121.02(1)(e)
 121.02(1)(e)

Cross Ref.: 453.1, Emergency Nursing Services
 453.2, Immunizations
 453.3, Communicable Diseases
 523.5, Infection Control
 453.31, Students with CMV or AIDS
 760, Food Services Management

Adopted: 2/14/83
Revised: March 1994
 July 2002

Waunakee Community School District

RELATIONS WITH SOCIAL SERVICE AUTHORITIES

While the Waunakee Board of Education is concerned primarily with the education of each student, it is also concerned with the total welfare and development of the student. Where possible, the Board will work fully and extensively with county social service agencies.

A referral to court services should be considered as a process in improvement and long-range planning to help the student, his/her parents or guardians, and the school. The court is an authoritative agency and has a definite and positive role in helping some students and their parents/guardians which school personnel must carefully evaluate.

Attendance referrals to court should be made in accordance with state law.

The schools have a policy of cooperating with the Division of Court Services when workers come to the school for information regarding school adjustment or for a conference with the student under supervision. District personnel can only disclose student record information except as specifically authorized by state and federal law and established district procedures.

Legal Ref.: Sections 118.125 Wisconsin Statutes
 118.15
 118.16
 118.17
 118.162

Cross Ref.: 347-Rule (1), Student Record Procedures
 430-Rule (2), Truancy Procedures

Adopted: 2/14/83

Revised: March 1994
 July 2002

Waunakee Community School District