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SCHOOL CALENDAR

The Board of Education recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the District.

For purposes of receiving State school aid, such days will number no fewer than 180 and no less than the minimum number of hours of student instruction and shall comply with the number of hours stipulated by statute.

The Superintendent shall certify to the Department of Public Instruction the number of days and hours of student instruction during the previous school year.

115.01(10), 121.02(1)(f)(1), Wis. Stats.

Adopted: 6/18/01

SCHOOLDAY

The Board of Education authorizes the school day to be arranged and scheduled by the administration. It is to offer the maximum education for the time spent within the limitations of school facilities and the laws and regulations of the State.

The Superintendent may close the schools, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. The Superintendent shall prepare rules for the proper and timely notification of concerned persons and parents in the event of any emergency closing of the schools.

The Superintendent shall have the authority to determine, which school-related activities may be conducted if the school is closed for a period of time. The Superintendent shall prepare appropriate guidelines for communication to students, parents, and others regarding the scheduling and conduct of such activities.

118.24(2), Wis. Stats.

Adopted: 6/18/01

PUBLIC RECORDS

- I. The Board of Education recognizes its responsibility to maintain the public records of the District and to make such records available to residents of Wisconsin for inspection and reproduction. The official legal custodian of public records of the District is the Superintendent of Schools.
- II. The public records of this District include documents prepared, owned, used, in the possession of, or retained by the District, its Board, officers, or employees to the extent such writings are within the definition of public records under applicable law.
- III. Any person may make an oral or written request for any public records of the District. The person may inspect, and/or receive copies of the public record requested. The District may request that oral requests be in writing to make certain the exact record being requested is understood and provided. The District shall respond to such requests within ten (10) working days after receipt unless otherwise agreed to in accordance with the public records law as applicable, copying and labor costs may be charged.
- IV. No public record may be removed from the office in which it is maintained except by Board officers or employees in the course of the performance of their duties.
- V. Nothing in this policy shall be construed as preventing a Board member from inspecting, in the performance of official duties, any record of this District, except student records and certain portions of personnel records.
- VI. The District shall adhere to the State of Wisconsin guidelines to ensure proper compliance with the intent of this policy and the public records law.

Legal references:

Sections 19.21-19.39, 120.13(28) Wis. Stats.

34 C.F.R. §300.623 Federal Laws

Cross references:

Administrative Guideline 8310 – Fee Schedule

Adopted: 6/18/01

Revised: 1/12/04; 1/09/12

PERSONNEL RECORDS

The District shall maintain personnel records for all employees. These records will be utilized for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees and for meeting Board, State, and Federal reporting requirements.

The personnel file record will include applications for employment, confidential references, credentials and records relative to compensation, payroll deductions, evaluations and other matters considered relevant to this policy.

Individual personnel records are considered "confidential" documents and shall be subject to examination and review only as provided by State law, contract agreements, administrative rules and other established guidelines protecting their confidentiality.

Personnel records shall be maintained in the office of the Superintendent and/or Director of Business Services. An employee shall have the right to review contents of the employee's personnel file or records. Such review will take place by appointment in the company of authorized administrative or office personnel with confidential status as designated by the Superintendent and/or the Board of Education.

At their own expense employees shall have the right to receive copies of items contained in their files, with the exception of pre-employment recommendation statements of references considered confidential including closed university/college confidential papers. The cost of reproduction shall be determined by administrative guidelines.

Employees shall also have the right to indicate those items in personnel files believed to be obsolete or inappropriate. These items will be reviewed by the Superintendent or other appropriate administrative personnel and either be retained or destroyed at their discretion. Employees also have the responsibility of providing the District with personnel data as required by law, the Master Agreement and/or Board Policy.

103.13, Wis. Stats.

Cross References - PWSEA Master Contract and other labor contracts

Adopted: 6/18/01

PUPIL RECORDS

Section 1. General

All pupil records the Port Washington-Saukville School District maintains must remain confidential, except as permitted or required by this policy, and applicable state and federal law. The District has adopted this policy to maintain confidentiality of pupil records. Questions regarding confidentiality of pupil records and permitted or required disclosures should be directed to the Director of Special Services. The District must ensure that district employees collecting or using personally identifiable information receive training or instruction regarding the confidentiality requirements contained in this policy and applicable law. Throughout this policy there are references to legal documents. A number preceded with 's.' refers to a Wisconsin Statute. The reference to a 'Chapter' (e.g. Chapter 118) is also a reference to Wisconsin State Statutes. The specific law may be accessed at the following website: <http://www.legis.state.wi.us/rsb/stats.html> (Reviser of Statutes Bureau).

Section 2. Content

Pupil records are all records relating to an individual pupil maintained by the school. A "record" is any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristic. The District maintains several types of pupil records, including:

- A. "Behavioral records" includes those pupil records, which include psychological tests, personality evaluations, records of conversations, any written statement relating specifically to an individual pupil's behavior, tests relating specifically to achievement or measurement of ability, the pupil's physical health records other than his or her immunization records or any lead screening records required under s. 254.162, law enforcement officers' records obtained under s. 48.396 (1) or 938.396 (1) or (lm) and any other pupil records that are not progress records. [s.118.125(1)(a)]
- B. "Directory data" means those pupil records, which include the pupil's name, address, telephone listing, date and place of birth, majority field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received and the name of the school most recently previously attended by the pupil. [s.118.125(1)(b)]
- C. "Progress records" means those pupil records, which include the pupil's grades, a statement of the courses the pupil has taken, the pupil's attendance record, the pupil's immunization records, any lead screening records required under s. 254.162 and records of the pupil's school extracurricular activities. [s.118.125(1)(c)]

- D. “Pupil physical health records” means those pupil records that include basic health information about a pupil, including the pupil’s
1. immunization records,
 2. an emergency medical card,
 3. a log of first aid and medicine administered to the pupil,
 4. an athletic permit card,
 5. a record concerning the pupil’s ability to participate in an education program,
 6. any lead screening records required under s. 254.162,
 7. the results of any routine screening test, such as for hearing, vision or scoliosis, and any follow-up to such test, and
 8. any other basic health information, as determined by the state superintendent. [s. 118.125(1)(cm)]
- E. “Patient health care records”, which are all pupil records relating to a pupil’s physical health that are not contained in the list of pupil physical health records. [s. 146.81] Although technically pupil records, applicable law limits a parent’s right to information regarding a pupil’s reproductive health [s. 253.07(3)(c)] and HIV test results [s. 118.125(2m) and s. 252.15(5)(1)15], requiring the pupil’s consent. The Wisconsin Department of Public Instruction recommends ‘Patient Health Care Records’ be maintained separately from other pupil records, because the requirements relating to access to and disclosure of information from ‘Patient Health Care Records’ are more restrictive than the requirements for pupil records. (Reference: Wisconsin Department of Public Instruction, STUDENT RECORDS and CONFIDENTIALITY Bulletin, August 2004).

Section 3. What Is Not Considered Pupil Records

Pupil records, however, do **not** include the following:

- A. Any notes or records maintained for personal use by either teachers or others permitted by law, as long as these notes or records are not available to or shared with others.

- B. Records necessary for, and only available to people involved in, the psychological treatment of a child. In the Port Washington-Saukville School District the individuals that are certified school psychologists are qualified to provide psychological treatment. The following services constitute psychological treatment:
 - 1. therapy notes;
 - 2. notes that comply with confidentiality regulations governing alcohol and other drugs;
 - 3. test protocols, test instruments and interpretive materials that are used in diagnostic evaluations and do not contain identifying information. (Answer sheets that do contain the pupil's name, are pupil records, and may require explanation and interpretation from school staff.)
- C. Law enforcement unit records, which are records maintained by a law enforcement unit that were created by that law enforcement unit for the purpose of law enforcement. A law enforcement unit is any individual, office, division, department, or other component of the District that is authorized by the school board to maintain the physical safety and security of the school, enforce any law or ordinance, or refer to the appropriate authorities a matter for enforcement, against any person other than the District. In the Port Washington-Saukville School District, the Special Services Department serves as a law enforcement unit.

Section 4. Regulations Related To The Access To Pupil Records

As discussed above, the District must protect confidentiality of and allow access to pupil records as provided by this policy and applicable law. As a result, the confidentiality and access provisions described in this policy are not exhaustive and are subject to changes in state and federal legislation. For example, the District must also comply with the provisions of the:

- A. Drug and Alcohol Patient Records Confidentiality Act regarding pupils who apply for or receive alcohol or drug abuse treatment services. [s. 118.126];
- B. Children's Online Protection Act regarding information available on its website;
- C. National School Lunch Act regarding information in pupil records regarding free and reduced price meal eligibility;

- D. **State Regulations under Chapter 767: ACTIONS AFFECTING THE FAMILY.** Under this policy and applicable law, parents who have been denied periods of physical placement with their child by a court under [s. 767.24 (4)] do NOT have the rights of a parent or guardian with respect to their child's progress records.
- E. **State Regulations under Chapter 253: MATERNAL AND CHILD HEALTH.** Under this policy and applicable law, parents are not allowed access to information relating to their adolescent's reproductive health without authorization from the adolescent. [s. 253.07(3)(c)]
- F. **State Regulations under Chapter 252: COMMUNICABLE DISEASES.** Under this policy and applicable law, parents may not access information related to the HIV test results of a pupil age 14 years and older without the pupil's consent. [s. 118.125 (2m) and s. 252.15(5)(1)15]
- G. Elementary and Secondary Education Act (No Child Left Behind Act). Under this policy and applicable law, the District also addresses related issues, such as a student's status of "homeless" must be kept confidential. This is true even if willingness to accept certain services to homeless students may inadvertently identify them as homeless. The dignity and privacy rights of homeless families, their children, and unaccompanied youth must be respected. For additional information on education rights found in the *Plyler v. Doe* ruling, see <http://www.ncasboston.org/SOA/alert.htm>.

Also under this policy and applicable law, the District must release pupil names, addresses, and phone numbers to military recruiters and to institutions of higher learning upon request, unless the pupil or parent requests that this information not be released without prior consent, pursuant to the procedures described herein.

Section 5. Access To Directory Data

On an annual basis, the District must notify all parents of the categories of information designated as directory data with respect to each pupil. This notice further states that parents must notify the school within fourteen (14) days if the parent does not want the District to disclose all or any part of the directory data regarding their child without the parent's prior consent. If the District allows the parent fourteen (14) days to respond, and does not receive notice from the parent that the directory data may not be disclosed without the parent's prior consent, the District must disclose the following information:

- A. Names and addresses of pupils expected to graduate during the current school year to a technical college district board.
- B. Directory data for the purpose of enforcing attendance, investigating alleged criminal or delinquent activity, or in response to a health or safety emergency to any representative of a law enforcement agency, district attorney, city attorney or corporation counsel, department of corrections, county department of social services, licensed child welfare agency, intake worker, court of record or municipal court.
- C. Under the Elementary and Secondary Education Act (No Child Left Behind Act), the District must release pupil names, addresses, and phone numbers to military recruiters and to institutions of higher learning upon request, unless the pupil or parent requests that this information not be released without prior consent, pursuant to the procedures described above.

Under this policy and applicable law, parents who have been denied periods of physical placement with their child do NOT have the rights of a parent or guardian with respect to their child's pupil records.

Section 6. General Access To Pupil Records (Excluding Patient Health Care Records)

The District must protect confidentiality of and allow access to pupil records as provided by this policy and applicable law. **A school district may disclose personally identifiable information from a pupil records under three conditions: 1) written consent from a parent, guardian or adult pupil; 2) by authority of statute, or 3) receipt of a court order.**

Pupils and their Parents. Upon request, the District must show a pupil's behavioral record to the adult pupil or a minor pupil's parent in the presence of a person qualified to explain and interpret the records. Upon request, the District must provide the adult pupil or the minor pupil's parent with copies of the pupil's behavioral and/or progress records. The District will comply with such requests as soon as practicable, and within forty-five (45) calendar days after the District receives the request. If the parents are separated or divorced, duplicate copies are to be available upon request.

Parent means a natural parent, legal guardian or guardian ad litem. Under this policy and applicable law, parents who have been denied periods of physical placement with their children by a court under (s. 767.24(4)] do NOT have the rights of a parent or guardian with respect to their child's progress records.

Section 7. Parent Or Adult Pupil Consent To Disclosure **(“Authorization to Obtain and Disclose Information”)**

When requesting consent for release or exchange of information from a parent or pupil, the District will provide the **“Authorization to Obtain and Disclose Information”** form. To consent to release or exchange of information, the parent or adult pupil must complete, sign and date the form. Upon the receipt of written permission, the District will release the pupil’s progress records or such portions of the pupil’s behavioral records as determined by the person authorizing the release.

Under this policy and applicable law, parents who have been denied periods of physical placement with their child to NOT have the rights of a parent or guardian with respect to their child’s pupil records.

For purposes of this policy, “consent” means written consent that includes all of the following information (**NOTE:** *Electronic consent is NOT permissible due to questions regarding how a parent can “authenticate” his or her consent.*):

- name of the pupil whose record is being disclosed;
- type of information to be disclosed;
- names of the person(s) making the disclosure;
- purpose of the disclosure;
- individual, agency or organization to which disclosure may be made;
- signature of the pupil, if an adult, or the parent of a minor pupil and the relationship to the pupil;
- date on which the consent is signed; and
- time period during which the consent is effective.

The District may not disclose law enforcement officers’ records under this section unless the adult pupil or parent of a minor pupil specifically authorizes disclosure in the written permission.

The following is a list of individual positions and/or agencies that have been given legal access to a pupil without the consent of the parent or pupil, if certain conditions exist:

- A. **Persons Employed by the District.** The District must make pupil records available to District employees who are required to hold a teachers license, and to other District officials the School Board determines has a legitimate educational interest in the pupil’s records. A legitimate educational interest exists when a district employee or official reasonably needs to know the information to perform his or her professional responsibilities. This includes, but is not limited to:

1. performing educational or discipline related tasks in connection with a pupil;
2. providing services to a pupil or the pupil's family, such as emergency health care, counseling, special education, or related services, and school or job placement services; and
4. performing administrative or other duties for the District.

Those with legitimate educational interests may include a person employed by or working on behalf of the District as a school board member, administrator, supervisor, instructor, support staff member (including health or medical staff and police-school liaison personnel); a person or company with whom the District contracts to perform a specific task (such as an attorney, auditor, medical consultant or therapist); a parent or pupil serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks; or other school district officials.

Nothing in this policy prohibits the District from using a pupil's records in connection with the suspension or expulsion of the pupil, unless otherwise prohibited by law.

In addition, information concerning the pupil's physically harmful behavior may be disclosed to the pupil's teachers and to any other school district official (as defined above) who has a legitimate educational or safety interest in the information. The Director of Special Services will determine who has a "legitimate educational interest", based on

1. evidence that a pupil engaged in behavior that seriously physically harmed another individual within the previous twelve (12) months; or
2. that a pupil has engaged in a pattern of behavior causing serious physical harm to another individual; or
3. there is reasonable cause to believe that the pupil may engage in behavior at school or under the supervision of a school authority that is physically harmful to another individual.

The information must be limited to information reasonably necessary to meet educational needs of the pupil and the safety needs of other pupils and school personnel. The teacher or other school district official may not disclose the

information to any other person. Such information may also be disclosed in connection with a health or safety emergency, as described below.

- B. **Parents of Pupils Who Have Reached 18 Years of Age.** The District may disclose personally identifiable information from an adult pupil's record to the pupil's parent or guardian if the pupil is financially dependent on his/her parent(s), unless the pupil has informed the District in writing that the information may not be disclosed. If the pupil is not financially dependent on his/her parent(s), the District will disclose the information if the adult pupil gives the District written permission, as described in the paragraph entitled **"Persons Named In Authorization for Release of Records"** of this section.
- C. **Public Officers and the Department of Public Instruction.** The District must provide any public officer with records that Chapters 115 through 121 of the Wisconsin Statutes require the District to maintain. The District must provide the Department of Public Instruction with any information contained in a pupil record that relates to an audit and evaluation of state or federal supported programs, or that is required to determine compliance with requirements under Chapters 115 through 121 of the Wisconsin Statutes.
- D. **Interagency Agreement.** For the purpose of providing services to a pupil before adjudication, a school board may disclose pupil records to a law enforcement agency, district attorney, city attorney, corporation counsel, agency, as defined in s. 938.78 (1), intake worker under s. 48.067 or 938.067, court of record, municipal court, private school, or another school board if disclosure is pursuant to an interagency agreement and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person except as permitted under this subsection. [s. 118.125 (2)(n)]
- E. **Disclosure to Appropriate Parties in Emergency.** The District may disclose pupil records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of **any** individual. [s. 118.125 (2)(p)]
- F. **County Department of Social Services (Attendance Records Only).** If a pupil violates a school attendance provision of a dispositional order, the District must notify the County Department of Social Services caseworker who is responsible for supervising the child within five (5) days after the violation. [s. 118.125 (2)(cm)]

- G. **Law Enforcement Agency (Attendance Records Only).** The District shall provide a law enforcement agency with a copy of a pupil's attendance record if the law enforcement agency certifies in writing that the pupil is under investigation for truancy or for allegedly committing a criminal or delinquent act and that the law enforcement agency will not further disclose the pupil's attendance record except as permitted under s. 938.396 (1) to (1x). The school employee who discloses a copy of a pupil's attendance record to a law enforcement agency for purposes of a truancy investigation shall notify the pupil's parent or guardian of that disclosure as soon as practicable after that disclosure. [s. 118.125 (2)(cg)]
- H. **Fire Investigator (Attendance Records Only).** The District must provide a copy of a pupil's attendance record to a fire investigator under s. 165.55 (15) if the fire investigator certifies the following in writing: 1) the pupil is under investigation for arson; 2) the attendance record is necessary for the fire investigator to pursue the investigation; and 3) the fire investigator will only disclose the pupil's attendance record for the purpose of pursuing the investigation. [s. 118.125 (2)(ch)]
- I. **Courts.** The District must disclose pupil records to a court in response to a subpoena or court order for:
1. parties to an action for in camera inspection, and to be used only for impeachment of a witness who has testified in the action [s. 118.125 (2)(f)],
 2. the pupil records of a pupil in compliance with a court order under s. 48.236 (4)(a), 48.345 (12)(b), 938.34 (7d)(b), 938.396 (1m)(c) or (d) or 938.78 (2)(b)2. after making a reasonable effort to notify the pupil's parent or legal guardian [s.118.125 (2)(L)],
 3. names of pupils the District knows to be dropouts residing within the county in which the circuit court is located or the municipality in which the municipal court is located.
- J. **Technical College District, Health and Family Services, Department of Workforce Development (Names of Withdrawn Pupils Only).** Upon request, the District must provide the names of pupils who have withdrawn from the District prior to graduation under the technical college district board in which the District is located. The District must also provide this information, upon request, to the Department of Health and Family Services,

the Department of Workforce Development or a county department, as required by law.

Section 8. Access To Pupil Physical Health Records

Access to pupil physical health records is to be treated differently than progress records and/or behavioral records when dealing with agencies within the community.

- A. **Department of Health and Family Services – Immunization Records Only.** The District must make information from a pupil's immunization records available to the Department of Health and Family Services to carry out the purposes permitted by law.
- B. **State and Local Health Officials – Lead Screening Records Only.** Information from any pupil lead screening records shall be made available to state and local health officials to carry out the purposes permitted by law.

Section 9. Access to Patient Health Care Records

"Patient health care records" are all pupil records relating to a pupil's physical health that are not contained in the list of "pupil physical health records". In general, this includes records relating to the health of a child that contains such information as diagnosis, opinions, and judgments made by a health care provider. As a result, any District employee receiving patient health care records must keep that information confidential, unless disclosure is permitted by this policy or applicable law. Access to "patient health care records" must be under the direction of the District nurse or the Director of Special Services.

For example, the law permits disclosure to persons with the informed consent of the pupil or a minor pupil's parents for most records, except parents who have been denied periods of physical placement with their child and do NOT have the rights of a parent or guardian with respect to their child's patient health care records. Any pupil record that concerns the results of a test for the presence of HIV, antigen or non-antigenic products of HIV or an antibody to HIV (the virus, which causes acquired immunodeficiency syndrome-AIDS) shall be confidential and may be disclosed to other persons only with the informed consent of the test subject. Also, parents may not access information related to the HIV test results of a pupil age 14 years and older without the pupil's consent. [s. 118.125 (2m) and s. 252.15 (5)(1)15]

The District's patient health care records may be released upon request without informed consent as allowed by applicable law, and to a District employee or agent, if the following apply:

- A. The employee or agent has responsibility for the preparation or storage of patient health care records;

- B. Access to patient health care records is necessary to comply with a requirement in federal or state law. This includes school district employees and agents who need the information to carry out specific duties relating to the identification, evaluation, placement and provision of a free and appropriate public education to a child with a disability under state and federal special education laws; or
- C. The information is necessary for the staff person to respond to a health emergency.

Patient health care records maintained by schools are considered education records and are thus subject to the Family Education Rights and Privacy Act (FERPA) rules, and not the privacy portions of HIPAA. When a school wants or needs health information from outside health care providers, schools will need to adhere to the disclosure requirements of the outside health care providers (which are HIPAA-governed) in order to gain access to the information. (Reference: Wisconsin Department of Public Instruction, STUDENT RECORDS and CONFIDENTIALITY Bulletin, August 2004).

Section 10. Use For Suspension Or Expulsion

The District is permitted to use a pupil's records in connection with the suspension or expulsion of the pupil or the use of such records by a multidisciplinary (IEP) team [s. 118.125 (5)(a)]. Law enforcement officers' records obtained under s. 48.396 (1) or 938.396 (1) or (lm), records of the court assigned to exercise jurisdiction under Chapters 48 and 938 obtained under s. 938.396 (7)(a), (am), (ar), (b), or (bm), and records of a municipal court obtained under s. 938.396 (7)(ar) may not be used by a school district as the sole basis for expelling or suspending a pupil or as the sole basis for taking any other disciplinary action, including action under the school district's athletic code, against a pupil. [s. 118.125 (5)(b)]

Section 11. Fees For Copies Of Pupil Records

The District may charge a fee for copies of pupil records, unless the fee effectively prevents a parent of an eligible pupil from exercising the right to inspect and review the records. Where the fee represents an unusual hardship, the District's record custodian may waive it in part or in its entirety.

The District's record custodian is the Director of Special Services. The fees for copies of the records will be the actual, necessary and direct cost of reproduction and/or transcription of the record unless a fee is otherwise specifically established or authorized to be established by law. A schedule of fees may be obtained from the record custodian. The District may not charge a fee to search for or retrieve pupil records. [34CFR99.11(b)]

Section 12. Maintaining Pupil Records

Each building principal has primary responsibility for maintaining the confidentiality of pupil records (including records related to Section 504) kept in his/her own building, law enforcement unit

records (which are not pupil records, as discussed above), AODA records, and patient health care records (including information regarding a pupil's reproductive health and HIV testing) must be maintained separately from a pupil's other records.

The Director of Special Services has primary responsibility for maintaining the confidentiality of all pupil records stored at the central office (excluding disciplinary records) for pupils with disabilities under IDEA, for pupils who have been referred for diagnostic evaluations.

All requests for inspection of progress and behavioral records, other than those regarding special education or pupil services records, should be directed to the building principal. All requests for inspection of special education or pupil services evaluations should be directed to the Director of Special Services. All requests for inspection of patient health care records should be directed to the school nurse.

The District must maintain a record of requests for access and disclosures with each pupil record as long as the pupil records are maintained. This record does not include access by parents, the pupil, school officials, any party with written consent from the parent, any party seeking directory information and subpoenas. When the records is required, it must include the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

The District must maintain a record of all persons, including parents and school personnel, obtaining access to patient health care records. A record of access to patient health care records must also include the time of the release and identify the specific records released.

Custodians of pupil records are immune from liability for nondisclosure of information, if the act was not malicious. A school district is not liable for nondisclosure of information, unless it acted with gross negligence or reckless, wonton or intentional misconduct. [s. 118.125 (2)(d)]. (Reference: Wisconsin Department of Public Instruction, STUDENT RECORDS and CONFIDENTIALITY Bulletin, August 2004)

The District shall treat law enforcement unit records of juveniles in the same manner as a law enforcement agency is required to treat law enforcement officers' records of juveniles under s. 938.396 (1) to (1x) and (5). [s. 118.125 (7)]

Section 13. Transferring Pupil Records

Building principals are responsible for transferring records within the District when pupils transfer between buildings. Building principals must ensure that professional staff reviews the records of each pupil transferring from elementary level to middle school level to high school level to ensure compliance with the IDEA and Section 504. The building principal of the sending building is responsible for transferring records to the receiving building. If building principal of the receiving building does not receive the records, he/she must contact the sending building to request the records immediately.

The District must transfer all of a pupil's records, including behavioral records, to another public or private school or school district without consent within five (5) working days after one of the following occurs:

- A. the District receives written notice from the pupil, if he/she is an adult, or his/her parent/guardian if the pupil is a minor, that the pupil intends to enroll in the other school or school district; or
- B. the District receives written notice from another public or private school or district that the pupil has enrolled; or
- C. the District receives written notice from a court that the pupil has been placed in a juvenile correction facility or secured child caring institution or secured group home.

The District must transfer pupil records only. As a result, personally identifiable records that are not pupil records (including, but not limited to, personal notes or records used for the psychological treatment of the pupil, as defined above) may not be transferred.

When transferring patient health care records generated within the District, the District must seal these records in a separate envelope and address them to the receiving school or district's health care provider. To transfer patient health care records received from outside providers, the District must request informed consent from the pupil's parents, (and depending on the contents, the pupil). If the District receives consent, it must transfer the record as a sealed patient health care record. If the District does not receive consent, the District must prepare a summary of the educationally relevant information and transfer it without consent as a pupil physical health record. The District must retain copies of these records as required by applicable law, and the "Destroying Pupil Records" section, below.

Section 14. Destroying Pupil Records

The District will maintain all pupil progress records for five (5) years after the pupil ceases to be enrolled in the school. This includes records of pupils who transfer out of the District, graduate, or leave the District for any other reason.

The District will maintain pupils' behavioral records for one (1) year after the pupil ceases to be enrolled in the District, unless the parent or adult pupil specifies in writing that the records may be maintained for a longer period of time or unless otherwise required for compliance purposes. This includes records of pupils who transfer out of the District, graduate, or leave the District for any other reason.

Special education records for pupils with disabilities under the IDEA must be maintained for five (5) years after the pupil graduates or otherwise ceases to be enrolled in the District.

When a pupil is initially identified as a pupil with a disability under the IDEA, the District must notify the adult pupil or parent of this requirement in writing. The notification must request consent to maintain the pupil's special education records for five (5) years after the pupil ceases to be enrolled in the District.

If the consent "*to maintain the pupil's special education records*" is not obtained at the time of initial identification and is not on file, the following procedures shall be followed:

Within three (3) months of graduation or immediately when a pupil otherwise ceases to be enrolled, the District must notify adult pupils and parents in writing of this requirement. The notification must request consent to maintain the pupil's special education records for five (5) years. If the District does not receive such consent, either at the time of initial identification, graduation, or when the child ceases to be enrolled in the District, the District must remove personal identifiers from the records so that they may be kept for the five-year period. The District must maintain a separate list of codes and corresponding personal identifiers for audit purposes.

The District will maintain patient health care records for seven (7) years after they are created or received from a source outside the District. The school nurse is responsible for maintaining these records.

The District may not destroy any education records if there is any outstanding request to inspect and review the records. [34CFR 99.10(b)]

Section 15. Amending Pupil Records

A parent of a minor pupil, or an adult pupil, who believes that information contained in pupil records is inaccurate, misleading or violates the privacy or other rights of the pupil may request amendment of the records by submitting a written request to the Director of Special Services.

The written request should: (1) describe the specific part of the pupil record the parent or pupil believes is inaccurate, misleading or otherwise in violation of privacy or other rights and (2) state the amendment requested. The Director of Special Services must decide whether to amend the record. If the Director of Special Services refuses to amend the record, he/she must inform the parent or adult pupil of the decision in writing within fifteen (15) business days after receiving the request. The written decision must include notice of the right to a hearing before the Board of Education.

If the parent or adult pupil requests a hearing, the Board shall hold the hearing within fifteen (15) calendar days after receiving that request. The District shall notify the parent or adult pupil of the date, time and location of the hearing in advance. At the hearing, the parent or adult pupil shall have

a full and fair opportunity to present evidence, and the opportunity to be assisted and represented by one or more individuals, including an attorney of their choice, and at their own expense. The Board will issue a written decision within fifteen (15) calendar days after the hearing. The decision will be based solely on the evidence presented at the hearing and include the summary of the evidence and reasons for the decision.

If, as a result of the hearing, the Board of Education decides that the record is inaccurate, misleading or otherwise in violation of the privacy or other right of the pupil, it must amend the record accordingly and inform the parent or adult pupil of the amendment.

If, as a result of the hearing, the Board of Education decides that the record is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the pupil, it must inform the adult pupil or parent of the right to place a statement in the record. The District must maintain the statement as part of the record and be disclosed whenever a portion of the records to which it relates is disclosed. Any statements placed in a pupil's records pursuant to this section must be maintained as long as the record or contested portion is maintained.

Section 16. Annual Notices Regarding Pupil Records

Annually, the District must notify parents and pupils of their right to:

- A. Inspect and review the pupil records, and the procedure to exercise this right;
- B. Seek amendment of the pupil's school records if they believe the records are inaccurate or misleading or otherwise in violation of their privacy rights, and the procedure for requesting the amendment of records;
- C. Consent to the disclosure of the pupil's school records, unless otherwise authorized without consent;
- D. File a complaint with the Family Policy Compliance Office of the U.S. Department of Education.

The notice includes a statement of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest. The District must ensure parents who are disabled and parents who have a primary or home language other than English are effectively notified. When a pupil transfers into the district after the District has given this notice, the District must provide a copy of the notice to the pupil and his/her parents.

As noted above, on an annual basis, the District must notify all parents of the categories of information designated as directory data with respect to each pupil. This notice must be in writing and state that parents must notify the school within fourteen (14) days if the parent does not want the

District to disclose all or any part of the directory data regarding their child without the parent's prior consent. If the District allows the parent fourteen (14) days to respond, and does not receive notice from the parent stating the directory data may not be disclosed without the parent's prior consent, the District may disclose the directory data to any person without the parent's consent.

Annually, and before the provision of service, a health care provider within the District must provide a pupil's parents with the provisions of access to patient health care information within the District.

Annually, on or before August 15, the District must report to the appropriate county departments the names of pupils who reside in the District, are 16 years of age or older, are enrolled in or are eligible to be enrolled in a special education program, are not expected to be enrolled in an education program two years from the date of the report, and may require community services for mental health, alcoholism or drug abuse. The District must obtain parent consent or, where appropriate, pupil consent before filing this report.

Section 17. Complains Regarding Alleged Pupil Records Law Violations

Adult pupils or parents of minor pupils may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education for any alleged violation of the federal Family Educational Rights and Privacy Act (FERPA) at the following address:

*Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605*

Parents of pupils with disabilities may also contact the Wisconsin Department of Public Instruction. They may obtain further information by consulting the District's statement of parent rights under the IDEA, or contacting the Director of Special Services at (262) 268-6079 or 100 W. Monroe St., Port Washington, WI 53074.

Cross reference: **Wisconsin Statutes**

s. 118.125
s. 165.55 (15)
Chapter 48
Chapter 938

Federal Regulations

34CFR Part 99

Adopted/Revised: 11/8/04

CONFIDENTIALITY

It is the policy of the Board of Education that when the District receives information identified to be confidential or exempt from disclosure under the Public Records Law, Common Law, Privilege Case Law, or Federal Law, the District will maintain the confidentiality of said information to prohibit its unauthorized disclosure.

19.36(1), Wis. Stats.

Adopted: 6/18/01

RECORDS RETENTION POLICY

The Board of Education recognizes the importance of records retention and the safety of those records. The Board further recognizes that not all records need to be kept permanently and those records can be purged as outlined in State and Federal Statutes.

The Wisconsin Department of Public Instruction has set forth a Records Retention Schedule for School Districts. This schedule is a guide to a complete records retention policy.

The Administrative Council shall use this information to establish Administrative Guidelines.

Adopted: 9/8/03

SCHOOL SAFETY AND CRISIS INTERVENTION

The Board of Education believes that the employees, students of the District, and visitors, are entitled to function in a safe school environment. In this regard, the Board has adopted policies related to conduct in the school setting as well as those that address various crisis situations.

The Administrative Council shall promulgate administrative guidelines for responding to a crisis situation, developing school safety plans, and providing effective intervention for students who may show warning signs that relate to violence or other threatening behaviors.

A school safety plan will be developed for each school in the District and approved by the Board. Each school's plan will be reviewed on a regular basis.

120.12(26) Wis. Stats.

Adopted: 6/18/01

EMERGENCY EVACUATION OF SCHOOLS

The Board of Education recognizes that its responsibility for the safety of students extends to possible natural and man-made disasters and that such emergencies are best met by preparedness and planning.

The Board authorizes a system of emergency preparedness, which shall ensure that:

- A. the health and safety of students and staff are safeguarded;
- B. minimum disruption to the educational program occurs;
- C. students are helped to learn self-reliance and trained to respond sensibly to emergency situations.

All threats to the safety of District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

Each building contains a crisis intervention manual, which outlines the evacuation procedures. The Director of Special Services shall review the manual on an annual basis and make any recommended changes to the Crisis Intervention Committee.

118.07, 121.02(g)(i), Wis. Stats.

Cross Reference - School Safety Plan

Adopted: 6/18/01
Rev. 1/12/04

PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD

The Board of Education is concerned for the safety of the students and staff members and will make every attempt to comply with all Federal and State statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of school officials or from the presence of asbestos materials used in previous construction.

Toxic Hazards

These hazards exist in chemicals, pesticides, and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment.

The Board will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will:

- A. identify potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with material safety data sheets (MSDS's);
- B. ensure that all incoming materials, including portable containers, are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party;
- C. maintain a current file of MSDS for all hazardous materials present on District property;
- D. design and implement a written communication program, which:
 - 1. lists hazardous materials present on District property;
 - 2. details the methods used to inform staff and students of the hazards;
 - 3. describes the methods used to inform contractors and their employees of any hazardous substances to which they may be exposed and of any corrective measures to be employed;

- E. conduct a training program for all District employees on such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the District's plan for communication, labeling, etc.;
- F. ensure that application of pesticides and herbicides on District property meet Federal health and safety standards, and are applied by appropriately trained, authorized personnel.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities.

Asbestos

In compliance with Asbestos Hazard Emergency Response Act (AHERA) and the Occupational Safety and Health Act (OSHA), the Board recognizes its responsibility to:

- A. inspect all District buildings for the existence of asbestos or asbestos-containing materials;
- B. take appropriate actions, in accordance with State law and EPA regulations, based on the inspections;
- C. establish a program for dealing with friable asbestos, if found;
- D. maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos;
- E. comply with EPA regulations governing the transportation and disposal of asbestos and asbestos-containing materials.

The Superintendent shall appoint a person to develop and implement the District's Asbestos-Management Program, which will ensure proper compliance with Federal and State laws and the appropriate instruction of staff and students.

The Superintendent shall also ensure that, when conducting asbestos abatement projects, each contractor employed by the District is licensed pursuant to the Wisconsin Department of Health Regulations.

Nothing in this policy concerning toxins or asbestos should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an

accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

The District may provide, however, legal representation and indemnification against civil liability with regard to claims or actions resulting from or arising out of negligence or alleged negligence of those persons responsible for inspecting, monitoring, removing, treating asbestos or material containing asbestos, or supervising these activities, provided the employee was performing the duties while in the course of the employee's employment or while acting within the scope of the employee's authority. The District reserves the right to deny representation and indemnification in those circumstances wherein the employee's actions demonstrate gross negligence or willful and wanton misconduct.

This policy may apply to work performed by authorized employees prior to the date of its adoption.

The District will comply with any lead-screening requirements promulgated by the Department of Health and Social Services.

101.58 et seq., 254.162, 254.20, Wis. Stats.

15 U.S.C. 2601 20 U.S.C. 4022

20 U.S.C. 4014 20 U.S.C. 4011

20 U.S.C. 4011 et seq.

Asbestos Hazard Emergency Response Act of 1986 (AHERA)

Asbestos School Hazard Abatement Act of 1984

Asbestos School Hazard Abatement Reauthorization Act of 1990

Adopted: 6/18/01

REPORTING ACCIDENTS

The Board of Education directs that all reasonable efforts be made to ensure a safe learning and working environment for the students and employees of this District. To that end and so that legitimate employee claims for worker's compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury to a student, an employee of the Board, or a visitor to the schools must be reported promptly and in writing to the District Business Office. Injured persons shall be referred immediately to the appropriate personnel for such medical attention as may be needed.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a District form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the principal or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action in accordance with applicable policy or contractual standards.

Adopted: 6/18/01

**CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES
AND NONCASUAL-CONTACT COMMUNICABLE DISEASES**

The Board of Education recognizes that control of the spread of communicable disease spread through casual-contact is essential to the well-being of the school community and to the efficient District operation.

For purposes of this policy, "casual-contact communicable disease" shall include diphtheria, scarlet fever and other strep infections, whooping cough, mumps, measles, rubella, and others designated by the Wisconsin Department of Public Health.

In order to protect the health and safety of the students, District personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations, which pertain to immunization and other means for controlling communicable disease spread through normal interaction in the school setting.

On the recommendation of the school nurse, the teacher may remove from the classroom, and the principal may exclude from the building or isolate in the school any student who appears to be ill or has been exposed to a communicable disease, except that the principal may act independently if the school nurse is not present in the building when the decision needs to be made.

The Superintendent, with the advice of the school nurse, shall develop administrative guidelines for the control of communicable disease, which shall include:

- A. instruction of professional staff members in the detection of these common diseases and measures for their prevention and control;
- B. excluding students from District property to the care of a responsible adult;
- C. preparation of standards for the readmission of students who have recovered from casual-contact communicable diseases;
- D. filing of reports as required by statute and the State Department of Health.

Control of Non-casual Contact Communicable Diseases

The Board of Education seeks to provide a safe educational environment for both students and staff. It is the Board's intent to ensure that any student or member of the staff who contract a communicable disease that is not communicated through casual contact will have their status in the District examined by an appropriate panel of resource people and that the rights of both the affected individual and those of other staff members and students will be acknowledged and respected.

For purposes of this policy, "non-casual contact communicable disease" shall include:

- A. Acquired Immune Deficiency Syndrome - AIDS;
- B. AIDS Related Complex - ARC;
- C. persons infected with HIV (human immunodeficiency);
- D. Hepatitis B;
- E. other like diseases that may be specified by the State Board of Health.

In its effort to assist in the prevention and control of communicable diseases of any kind, the Board has established policies on Immunization and Control of Casual Contact Communicable Diseases. The purpose of this policy is to protect the health and safety of the students, District personnel, and the community at large from the spread of the above-mentioned diseases.

The Board seeks to keep students and staff members in school unless there is definitive evidence to warrant exclusion. When the Superintendent learns that a student or District employee may be infected with a non-casual contact communicable disease, the Superintendent shall immediately convene a review panel consisting of appropriate staff members, the infected person's physician, and the Ozaukee County Health Department to determine if the initial evidence warrants exclusion.

If the evidence is not sufficient to justify exclusion, the person shall remain in the current school environment unless there exists a threat to the person's health or safety through exposure to other communicable diseases.

If the County Health Officer determines the evidence indicates the person should be excluded from the school environment, the person shall be temporarily excluded following due-process procedures as described in the District's administrative guidelines.

The District shall provide an alternative education program for any student excluded from the school setting as a consequence of the review panel's decision. Such a program shall be in accordance with the Board's policy and administrative guidelines on Homebound Instruction.

When the Superintendent learns that a student with special education needs may be infected with a non-casual contact communicable disease, the I.E.P. Committee or 504 Team will serve as the District's representative on the communicable disease review panel, which will be convened within forty-eight (48) hours.

The rights of any affected student, as well as those of any affected staff member, shall be protected in accordance with Federal and State laws on privacy, confidentiality, and due process. In addition, the exclusion of any staff member from the District by the County Health Officer's decision will be done in accord with applicable law, policy, and any contractual obligations.

Further, it is the Board's policy that all students and staff members should maintain normal contact with an affected student or staff member whose continued presence in the school setting has been determined by this process.

The Board directs the Superintendent to develop an educational program that will ensure proper instruction of students, professional staff, and/or support staff on the principal means by which non-casual contact communicable diseases are transmitted, as well as how they are not transmitted, and the more effective methods for restricting and/or preventing these diseases.

252.19, 252.21, Wis. Stats.
Cross Reference - 8330

Adopted: 6/18/01

CONTROL OF BLOODBORNE PATHOGENS

The Board of Education seeks to protect those staff members who may be exposed to blood borne pathogens and other potentially infectious materials in their performance of assigned duties.

The school district shall employ an environmental firm to assist in overseeing the following:

- A. identify those categories of employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials;
- B. provide for inoculation of the Hepatitis B vaccine at no cost to the staff member and in accordance with Federally-mandated scheduling;
- C. ensure proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment;
- D. establish appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure;
- E. provide for record-keeping of all of the above which complies with both Federal and State laws;
- F. adhere to the exposure control plan.

29 C.F.R. 1910.1030

Adopted: 6/18/01
Rev. 1/12/04

STUDENT ABUSE AND NEGLECT

Information concerning alleged child abuse is confidential. Any unauthorized disclosure by an official or employee of the District is a violation of the law and may subject the disseminator to civil liability for resulting damages and disciplinary action.

The Board has implemented a protective behavior program within its curriculum with the goal that children will learn ways to avoid abusive/assaultive situations. In compliance with State law, any District teacher, counselor, nurse, social worker, administrator or other school employee having reasonable cause to suspect that a child seen in the course of performing their duties has been abused or neglected, shall immediately report such incidents to the appropriate authorities. A procedure for the reporting of such incidents shall be established by the administration under the administrative procedures.

It is not the responsibility of school personnel to prove that the child has been abused or neglected, nor to determine whether the child is in need of protection. School personnel shall not contact the child's family or any other person to determine the cause of any suspected abuse or neglect. School personnel will cooperate with the authorities with their investigation of the reported abuse/neglect.

No District employee shall be discharged from employment for making such a report. In addition, State law guarantees immunity from any civil or criminal liability that may result from making a report on child abuse or neglect. State law also provides for the protection of the identity of any individual who makes such a report.

Each principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by a staff member. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent.

The Superintendent shall establish any necessary procedures to implement this policy and to comply with State law under the administrative guidelines.

Because the failure to report is punishable by a fine and/or jail sentence, this policy shall annually be distributed as widely as possible by such means as posting or publishing, and shall be included in employee handbooks.

The Board recognizes the stress related to filing a report. The Board will provide complete support, as needed, to all employees involved in child abuse/neglect cases.

48.981, Wis. Stats.

Adopted: 6/18/01

FOOD SERVICES

The Board of Education shall provide cafeteria facilities in all school facilities where space and facilities permit, and will provide food service for the purchase and consumption of lunch for all students.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, delivery, consumption, and disposal of food and beverages as well as to the fiscal management of the program.

Lunches sold by the school may be purchased by students and staff members and guests in accordance with the administrative guidelines established by the Superintendent.

The operation and supervision of the food-service program shall be the responsibility of the Director of Business Services and the Food Service Director. Food services shall be operated on a self-supporting basis with revenue from students, staff, Federal reimbursement, and surplus food. The Board shall assist the program by furnishing available space, initial major equipment, and utensils. No foods or beverages other than those associated with the District's food service program are to be sold during food service hours.

A periodic review of the food service accounts shall be made by the Director of Business Services and auditors. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment.

The Superintendent shall ensure State and Federal guideline compliance.

115.34-115.345, 120.10(16), 120.13(10), Wis. Stats.
7 C.F.R. 210,215,220,240

Adopted: 6/18/01

FREE AND REDUCED-PRICE MEALS

The Board of Education recognizes the importance of good nutrition to each student's educational performance.

Children, eligible for free or reduced-price meals, shall be determined by the criteria established by the Child Nutrition Program. These criteria are issued annually by the Federal government through the State Department of Education.

The Board designates the Superintendent and/or Director of Business Services to determine in accordance State and Federal standards, the eligibility of students for free and/or reduced-price meals.

The schools shall annually notify all families of the availability, eligibility requirements, and/or application procedure for free and reduced-price meals by distributing an application to the family of each student enrolled in the school and shall seek out and apply for such Federal, State, and local funds as may be applied to the District's program of free and reduced-price meals.

115.34-115.345, 120.10(16), 120.13(10), Wis. Stats.

P.I. 42, Wis. Adm. Code

42 U.S.C. 1771 et seq.

Adopted: 6/18/01

VENDING MACHINES

The Board of Education recognizes that vending machines can produce revenues, which are useful to augment programs and services to students and staff. It will, therefore, authorize their use in District facilities providing that the following conditions are satisfied.

- A. The installation, servicing, stocking, and maintenance of each machine is contracted for with a reputable supplier of vending machines and their products.
- B. The District's share of the revenues is managed by the District in accordance with relevant Board policies and administrative guidelines.
- C. No food or beverages are to be sold or distributed, which will compete with the District's food-service program, as per Board Policy 8500.

The Superintendent shall develop and implement administrative guidelines, which will ensure these conditions are adhered to on a continuing basis.

Adopted: 6/18/01

TRANSPORTATION

- I. Pursuant to Section 121.54, Wisconsin Statutes, the Board of Education shall provide free bus transportation for school children residing outside the incorporated limits of the municipality in which the school they attend is located, providing they live 2 or more miles from their attendance center. Transportation shall be provided for students attending private schools in accordance with SS.121.54(2)(v).
- II. The contractor is responsible for complying with safety standards and practice while boarding and unloading children. Neither the School District nor the contractor are responsible for children prior to the time they board the school bus or after they are properly off loaded from the bus at the end of the school day.
- III. Children who are entitled to regular bus transportation may be required to proceed to a bus stop near, but not necessarily adjacent, to home driveway locations. Where the safety of the bus and/or all other child riders may be jeopardized, children may be required to use a bus stop location no more than one-half mile from the intersection of the private road or driveway with the public road.
- IV. As per Wisconsin statute, all mileage measurements shall be from the intersection of the centerline of the private road or driveway with the public road servicing the residence. When measuring the distance from a residence to a school, the following method of computation will be used.
- V. Measurements between residence and school shall be along the usually traveled route. A measurement shall consist of a round trip from the residence (intersection of the mid-line of the driveway or private road or service walk, the private road servicing the residents) to the school via the usually traveled bus route, entrance to the school service road at the flagpole entrance and return to the residence starting point.
- VI. The resulting mileage shall be divided by 2 to establish the distance between residence and school. (Note: For the Thomas Jefferson Middle School, there is no "flagpole entrance". The north parking lot with its natural one-way traffic flow for bus loading will be used in lieu of the flagpole.)
- VII. Special transportation will be provided at no cost for students with disabilities, regardless of where they live within the District boundaries, if the transportation is determined to be a related service. Related services are determined by the team preparing the student's individual educational program (IEP)

Specialized transportation is to be considered as a related service as defined in state and federal laws and regulations. The need for special transportation will be determined on an annual basis at the student's IEP meeting and will be authorized by the local educational agency (LEA [school district]) representative.

Specialized transportation may be provided to students experiencing a temporary medical condition as prescribed by the student's physician.

VIII. Bus Routes

- A. Bus routes for children attending schools located within the School District shall be established in such a manner as to ensure that no child need spend more than 1 $\frac{3}{4}$ hours per day on a school bus. Time shall be measured from boarding to unloading. Return routes shall be established using the principal of "first on, first off".
- B. Bus routes for children attending school outside the District but within 5 miles of the District borders, should be established in such a manner as to ensure that no child need spend more than 2 hours and 15 minutes per day on the school bus. Time shall be measured from boarding to discharge. Return routes should be established using "First on, first off".

IX. Eligibility for regular bus transportation will be determined from the residence of the child. Route and designated bus stops will be determined for the place of residence of the eligible children.

X. For those instances where parents wish their children to use a designated bus stop other than the one designated for the legal residence, the following criteria must be met:

- A. Eligibility for regular transportation must be based on the legal residence of the child.
- B. Written request for a change in the designated bus stop must be made by the parent or guardian. Said request shall be approved by the District Office administrator(s) if it meets the tests listed below. A copy shall be kept on file in the District office.
- C. Each such change shall meet the following tests before approval:
 - 1. There shall be no change in the established bus route(s).
 - 2. There must be room on the bus if the change affects a route other than the route, which the child is assigned by the child's legal residence.

3. There shall be no additional cost to the School District.
 4. Other children shall not be inconvenienced by the change.
- XI. The School District does not assume transportation obligations for nonresident students attending school in the District.
- XII. Areas of Unusual Hazard
- A. As per Sec. 121.54(9) Wis.Stats., the Board shall prepare a map and accompanying narrative designating areas of unusual hazards. In determining whether a student's travel would be subject to an unusual hazard, and therefore qualify for District-provided transportation, the Board shall consider the following factors:
 - B. Width of the shoulder of the road – Children should not be expected to walk in traffic lanes of a highway. The speed and number of vehicles traveling any of the roadways would indicate that traffic lanes are unsafe for pedestrians. Shoulder width on each side of the roadway should be at least 3 feet and should be maintained free of snow and other obstructions.
 - C. Traffic Count – There are usually more vehicles using main highways than using secondary roads. However, a traffic count can be misleading because of variations at different times of the day. Motorists hurrying to and from work during rush hours, which coincide with school hours, present a hazard to children.
 - D. Lack of crossing guards – Some municipalities provide school crossing guards at busy intersections; other communities provide no extra protection for student pedestrians.
 - E. Lack of law enforcement – Posted speed limits are often ignored unless adequate enforcement is provided.
 - F. Ages of children – While certain conditions present a degree of hazard to people of all ages, older children can be expected to accept more responsibility and exercise better judgment than younger children.
 - G. Railroad crossing – Moving trains, as well as trains stopped at crossings, present hazards to young people on their way to school.

- H. Lack of sidewalks – Sidewalk installations are often delayed in rapidly developing suburban areas. This forces children to walk in the streets on their way to and from school.
 - I. Nature of traffic – A concentration of heavy truck traffic increases the hazards of any road. Areas near large manufacturing plants or office buildings experience heavy traffic when shifts change.
 - J. Inadequate pedestrian safeguards near school areas – Many children are transported to and from school by parents. Shortly before the start and the close of the school day, large numbers of vehicles converge on the school presenting extra hazards to children who must walk.
 - K. Temporary hazards – Construction projects, street repairs, excavations, and similar projects present additional problems and temptations to children walking to and from school.
 - L. Secluded areas – A hazard may be present where small children must walk through parks and other secluded areas.
- XIII. Annually, prior to the development of school bus routes, the Director of Business Services shall determine hazardous transportation needs based on the criteria listed in this policy. Changes to the current hazardous transportation plan and map will be brought to the Board for appropriate action prior to July 15th.

Legal reference:
Sections 120.13(27m), 121.52, 121.53, 121.54 et seq. Wis. Stats.

Adopted: 6/18/01
Revised: 1/14/08

TRANSPORTATION BY PRIVATE VEHICLE

The Board of Education authorizes the transportation of students by private vehicle when conducting District business.

All transportation must be approved in advance in accordance with the Superintendent's administrative guidelines.

The parent of the participating student will be given, on request, the name of the driver and the description of the vehicle.

No person shall be approved to transport students in a private vehicle who is not an employee of this Board, an approved volunteer, and/or the parent of a student enrolled in this District, the holder of a valid license to operate a motor vehicle in the State of Wisconsin, and signed the form provided by the District.

No person shall be permitted to transport students who is not the holder of automobile insurance in an amount required by the District's administrative guideline. The Superintendent may withdraw the authorization of any private vehicle driver whose insurance is not adequate.

Any private vehicle used for the transportation of students must be owned by the approved driver or the spouse of the approved driver and must conform to registration requirements of the State.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not professional staff members are requested to report student misconduct to the principal.

Expenses incurred by drivers of private vehicles in the course of transporting students will be reimbursed by the Board at the approved mileage rate and upon presentation of evidence of cost for tolls and parking fees.

121.52, 121.53, Wis. Stats.

Adopted: 6/18/01

INSURANCE

The Board of Education shall purchase the type and amount of insurance necessary to protect the District from major financial losses.

Insurance purchased shall include, but need not be limited to, the following:

- A. negligent acts, errors, or omissions
- B. fire and extended coverage on buildings and contents
- C. comprehensive bodily injury, property damage on automobiles, buses, and trucks
- D. boiler and machinery
- E. special coverage for equipment not ordinarily covered under a standard policy
- F. employee insurance coverage as specified in the Master Agreement(s) or by Board action
- G. worker's compensation coverage
- H. legal liability for Board members and employees

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming that service and company reliability are satisfactory. The Director of Business Services shall administer the insurance program.

120.12(6), Wis. Stats.

Adopted: 6/18/01

BONDING

The Board of Education recognizes that prudent trusteeship of the resources of this District dictate that employees responsible for the safekeeping of District monies be bonded.

The District shall be indemnified against loss of money by bonding of employees holding the positions of Director of Business Services and Bookkeeper in the amounts not less than \$100,000.00 and in accordance with State law.

All other employees handling money shall be covered under a blanket bond in an amount not less than \$100,000.00.

The amount of the bonds shall be reviewed annually by the Director of Business Services and the District's insurance consultant to determine the appropriate level of coverage.

The District shall bear the cost of bonding each employee required to be bonded by this policy.

120.13(23), Wis. Stats.

Adopted: 6/18/01

STUDENT ACCIDENT INSURANCE

The Board of Education recognizes the need for insurance coverage for injuries to students caused by accidents occurring in the course of attendance at school and participation in the athletic and extra-curricular programs of the schools. Therefore, at the beginning of each school year, the Board may offer parents the opportunity to participate in group accident insurance at the expense of the parents.

A signed statement of insurance coverage on the part of the student's parent or guardian shall be a prerequisite for student registration in any school activity having a potential for bodily injury.

The Superintendent shall recommend suitable and qualified insurance carriers and notify all parents of their availability.

121.13(2), Wis. Stats.

Adopted: 6/18/01

RELIGIOUS / PATRIOTIC CEREMONIES AND OBSERVANCE

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of the individual's choice. The rights of any minority must be protected. Official or unofficial sponsorship of religiously oriented activities by the school are offensive to some and tend to supplant activities, which should be the exclusive province of individual religious groups, churches, private organizations, or the family.

District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The District shall not function as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on District property by any party shall be in accordance with Policy and Administrative Guidelines 7510 - Use of District Facilities and 9700 - Relations with Special Interest Groups.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited, although acknowledgement of, explanation of, and teaching about religious holidays of various religions is encouraged.

The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.

The flag of the United States shall be displayed in each school during school hours of each school day and/or at other appropriate places during all school sessions, weather permitting.

Professional staff members are authorized to lead students in the Pledge of Allegiance. However, no student or employee shall be compelled to participate in the reciting of the Pledge. The Superintendent shall develop administrative guidelines, which ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student.

118.06(1), Wis. Stats.

118.06(2), Wis. Stats.

20 U.S.C. 4071 et seq.

Gregoire vs. Centennial School District 907 F2d 1366, (3rd Circuit, 1990)

Lee vs. Weisman, 1123 S. Ct 2649, 120 L. Ed. 2d 467 (1992)

Adopted: 6/18/01