

Book	Policy Manual
Section	Vol. 29, No. 2
Title	Overview & Comments
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WISCONSIN OVERVIEW AND COMMENTS

Volume 29, Number 2 June 2020

All production-related materials and questions should be directed to the Coshocton Office at 632 Main Street, Coshocton, Ohio 43812 (phone 800-407-5815, fax 740-622-2557). Billing questions should be directed to the Stow Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone 330-926-0514, fax 330-926-0525).

Please make any revisions on the BoardDocs software using the instructions provided to you. You may direct questions related to content to your Neola Associate. Questions regarding the software should be directed to the BoardDocs help desk staff.

If a District chooses not to adopt a policy or administrative guideline, the District is still obligated to follow applicable Federal and State laws relating to that topic.

The proposed new, revised, and replacement policies, administrative guidelines and forms included in this update have been thoroughly prepared and reviewed by Neola's legal counsel for statutory compliance. If you make changes or substitute in its entirety policies or other materials of your own drafting, those materials should be reviewed by your legal counsel to verify compliance. Neola does not review District-specific edits to update materials or District-specific policies for statutory compliance.

If a policy or guideline is marked as a revision, the changes have been marked in bold (to add material) and crossed out (to delete material). As you review a revised policy or guideline, you may choose to accept one, many, or all of the changes provided. If a policy or guideline is marked as a replacement, that means there have been enough changes made that justify a complete, clean replacement copy. As you review a replacement policy or guideline, you should also check the materials you have in your current policy or guideline to see if there is some specific wording you want to be included in the replacement policy. If so, a copy of any wording to be added and where it should be inserted should be forwarded with the replacement policy or guideline when it is returned to the Coshocton office for processing.

If the District authors language and adds it to a policy template or deletes content that is not marked as a choice in the policy template, then these actions will constitute District-specific edits.

Policies that are to be deleted from the policy manual require Board action to rescind the policy.

Your Neola Associate will contact you in the near future to schedule an appointment to review this update and ensure you are current on this and previous updates.

If you are not an administrative guidelines client, you did not receive those materials in this packet. Contact your Associate for more information about becoming an administrative guidelines client.

Processing Update Materials

Revisions to your policies and administrative guidelines should be made on the BoardDocs software using the instructions provided to you.

District-Specific Material

If the District chooses, during any step of the Update process, to incorporate District-specific material into a new policy or guideline that has been proposed or to insert District-specific material into a current policy or guideline for which revisions have been proposed in an update issued by Neola, then the District agrees to hold Neola harmless for those District-specific edits and acknowledges that Neola's warranty for legal challenges to that District-specific language in that policy or guideline will not be in effect. In addition, Neola retains ownership of the text from the original policy template that remains in a policy to which District-specific material has been added. District-specific materials include the following:

1. Materials from the District's existing materials that the District requests be incorporated during the drafting process;
2. New materials that the District develops in their entirety and exclusive of Neola; and
3. Revisions or deletions that substantively depart from Neola's templates.

Further, Neola does not recommend the use or incorporation of District-specific materials. Neola will, at the request of the District, incorporate District-specific materials into the licensed materials, with the implicit understanding that the District bears all risks associated with the District's decision to request that such District-specific materials be incorporated. Neola reserves the right to but is not obligated to, advise the District to seek its own legal review of District-specific materials.

Legal Alerts: Use of Surveillance
Facilities Use Policies

BYLAWS & POLICIES

Policy 0162 - Quorum (Revised)

Language has been added to clarify how a quorum is determined when one or more Board vacancies exist. These revisions are recommended for additional clarity.

Bylaw 0164.2 - Special Meetings (Revised)

This policy has been updated with a statutory change that broadens the way in which Board members may be notified of a special meeting of the Board. These revisions are recommended for legal compliance.

Policy 0167.3 – Public Comment at Board Meetings [Title revised]

The title of this policy and some of its content has been revised to better reflect the limited role of public comment at Board meetings, and provide flexibility for inclusion or exclusion of public comment on the agenda. These revisions are recommended but not required.

Policy 0172 – Legal Counsel (REVISED)

Language has been added to clarify protocols for contacting district legal counsel. These revisions are recommended but not required.

Policy 1130/3230/4230 – Conflict of Interest (REVISED)

The policy has been revised to clarify language regarding conduct creating a conflict of interest as well as to conduct that creates the appearance of a conflict. A Board is not limited to restricting conduct only when it can establish an actual conflict or nefarious intent (i.e. personal gain at the expense of the District), just that the conduct at issue creates a reasonable appearance of a conflict. The policy is also revised to allow for the inclusion of mandatory notice provisions regarding the outside activity. While the policy provides detail of the types of outside activities that would be impermissible, it is likely that not all situations can be predicted. Therefore, it is advisable to place the

employee in a position of notifying the Board of outside activities, and from that, the Board can determine if something is problematic.

Minor technical corrections have also been made.

The adoption of these revisions is recommended but not required.

Policy 1220 – Employment of District Administrator (REVISED)

Revised to remove the option and permissive language concerning the District Administrator's physical examination requirement, and to clarify the requirement per State law. The adoption of these revisions is recommended.

Policy 1260 – Incapacity of the District Administrator (REVISED)

The policy is revised to clarify the Board's process in evaluating and determining that the District Administrator is unable to work and to appoint an interim District Administrator. The adoption of these revisions is recommended.

Policy 2260.02 – English Language Proficiency (REVISED)

Provisions which were previously detailed in the corresponding Administrative Guideline have been incorporated into the policy to comply with the requirement of PI 13.05 that Boards adopt a policy incorporating the provisions addressed. The corresponding Administrative Guideline is deleted. These revisions are required to comply with the applicable regulations. The adoption of these revisions is recommended for legal compliance.

Policy 2412 – Homebound Instruction Program/2412F1 Application for Homebound Instruction (REVISED)

The policy has been revised to include situations where special education students have an IEP for homebound instruction. The form (2412 F1) corresponding to this policy for use as an "Application for Homebound Instruction" has been updated to better align with the current policy and regulatory language.

Policy 2450 - Community and Adult Education (REVISED)

Optional language has been included to allow for services under the Veterans Benefits and Transition Act. This revision is optional.

Policy 2460 – Programs for Students with Disabilities [revised title] (REVISED)

This policy has been revised to update the terminology and includes the required language assuring compliance with the applicable regulations. These revisions are recommended for currency of the policy.

Policy 2460.03 – Independent Educational Evaluation (IEE) (REVISED)

Drafting notes have been added to assist with examiner geographic availability and cost determinations. Districts should revisit their policy to revise, as needed, policy statements regarding distance and cost. These revisions are recommended, as appropriate.

Policy 2700.01 – School Performance and Accountability Reports (REVISED)

This policy was updated to reflect DPI's current position on school performance reports. Unfortunately, Wis. Stat. 115.38 has not been similarly updated to coincide with the DPI standard. This policy conforms with the DPI statements from their website, specifically stating that it is not necessary for schools to gather habitually truant student data and data regarding students entering postsecondary school. Until the legislative and regulatory provisions align, the policy recites the DPI notice verbatim. These revisions are recommended for additional clarity.

Policy 3120.04 – Employment of Substitutes (REVISED)

Removed option of the DA employing substitutes, as that is not an accurate description. Rather, the policy provides for substitute teachers through either direct employment or through contracted third-party providers, which may be delegated to the DA to determine or approved by the Board. Provisions regarding nepotism have also been added as options. Districts should review the added options to this policy for alignment with their practices. The adoption of the non-optional revisions is recommended.

Policy 3120.10, 4120.10 – Job Sharing (REVISED)

The policy is revised to note that job sharing may be a feasible option even if there is not cost-neutrality as compared to employing one full-time person. This revision should be consistent with the revisions made, if any, in the related administrative guidelines (AG 3120.10, discussed below).

Policy 3131, 4131 – Staff Reduction (REVISED)

The policy is revised to incorporate language providing for a process of using staff furloughs, defined as temporary lay-offs, to cover budget shortages or to relieve staff during unexpected school closure. The use of furloughs has to be consistent with contract language that may prevent employee hour reduction or compensation reduction. For example, a teacher contract may provide for a set rate for the year and required days of work without any authority to deviate from those without terminating the contract, which is a permanent change. Likewise, administrative contracts typically provide for set compensation for a set number of workdays. Whether a school closure situation permits the furlough of such an administrator depends on the specific language of the contract. Neola recommends that any plan to implement furloughs be reviewed by legal counsel to evaluate the plan including as it pertains to individual employment contracts and compliance with the Fair Labor Standards Act (FLSA).

Policy 3215, 4215 – Use of Tobacco and Nicotine by Staff (REPLACEMENT)

These policies are revised to incorporate more comprehensive terms recommended by the Wisconsin Department of Health Services, and to incorporate language that permits the application of the policy prohibitions to the broad range of devices (cigarettes, vaping, Juul, etc.), including those not yet known. The revision also includes an option that authorizes school officials to regulate attire that displays tobacco or nicotine products when worn at school-sponsored events.

These revisions are recommended to assure comprehensive policies providing for tobacco-free facilities by also including that facilities be free from other nicotine delivery systems.

Policy 3231, 4231 – Outside Activities (REVISED)

The policy has been revised to add a reference to Policy 3230, Conflict of Interest, to assure these two policies are read together, and to clarify options provided. These revisions are strongly recommended.

Policy 3362.01, 4362.01 – Threatening Behavior Toward Staff Members (REVISED)

The policy is revised to more clearly describe the protections of staff that the policy is intended to provide and to cross-reference policy 8462.01. These revisions are recommended.

Policy 4130 – Assignment and Transfer (REVISED)

This policy is revised to clarify who is responsible for the assignment and transfer of support staff. Note that this policy must be consistent with Policies 4120, 4140, and 4430 regarding whether the District Administrator or the Board is responsible for support staff employment decisions.

Policy 5111 – Eligibility of Resident/Non-Resident Students (REVISED)

This policy has been revised to include qualifiers under the statute with regard to sufficient space for certain categories of non-resident students and language clarifying rights of home-schooled students pursuant to statute. This revision is required for consistency with statutes.

Policy 5460 – Graduation Requirements (REVISED)

This policy is revised to be consistent with PI 18. The revisions are recommended for consistency with DPI rules.

Policy 5512 – Use of Tobacco and Nicotine by Students (REPLACEMENT)

This policy revision is made consistent with the revisions in Policy 3215/4215, above.

Policy 5630.01 – Use of Seclusion and Physical Restraint with Students (REVISED)

Language has been added to define "incident" and other clarifications for consistency with current legal terminology. The revisions are recommended for such consistency.

Policy 6145 – Borrowing (DELETED)

This policy is deleted and its contents incorporated into Policy 6147.

Policy 6147 – Debt Management (NEW)

This policy is provided per the request of several school district auditors. The policy describes the various different debt methods, the procedures, and the board philosophy regarding debt management. The policy incorporates the provisions of the borrowing policy, Policy 6145.

Policy 7230 – Gifts, Grants and Bequests (REVISED)

Nondiscrimination language pertaining to the management of gifts, grants and bequests has been updated and the language regarding Board or administrative approval of such items has been clarified with optional value limits. These revisions are recommended but not required.

Policy 7434 – Use of Tobacco and Nicotine on School Premises (REPLACEMENT)

This policy revision is made consistent with the revisions in Policy 3215/4215, above.

Policy 7440.03 – Small unmanned Aircraft Systems (NEW)

This policy is provided to describe the circumstances under which approval may be provided for District staff to use unmanned aircraft (e.g. "Drones") in a manner compliant with the WIAA and the FAA. The policy requires approval for staff usage of drones on school property, but places the obligation to be compliant with FAA regulations on the operator of the drone.

Adoption of this policy is recommended, but not required. However, the operation of drones must be compliant with FAA regulations and WIAA restrictions, regardless of whether the Board adopts this policy.

Policy 8390 – Animals on District Property (REVISED)

This policy is revised to include (as an option) reference to therapy dogs and the conditions appropriate for their presence at school. Note that the policy does not and is not intended to require or assure access to therapy dogs, only to include them and guidelines associated with them given that many schools are incorporating the use of therapy dogs at school in some circumstances. In the event that such animals are permitted, it is recommended that appropriate parameters be adopted as well. The option is recommended for Districts who are using or may use therapy dogs.

Policy 8395 – Student Mental Health Services (NEW)

This is a new policy offered to assist Districts in providing mental health services to students at school. The policy incorporates mental health service delivery models recommended by the Department of Public Instruction through its "three models of service delivery". The most comprehensive model involves contracting with a health care provider in order to establish a clinic site on school grounds operated by the health care provider to provide mental health services. These arrangements are more and more common but do require significant negotiation and development of comprehensive operating agreements that are particular to the situation. The policy provides an opportunity for the Board to authorize the District Administrator to pursue such an arrangement but would require an agreement approved by the Board.

This policy is not required but recommended in the event that the District pursues arrangements with outside entities for the provision of such services.

Policy 8710 – Insurance (REVISED)

The policy is revised to include a reference to insurance coverage requirements for contracted services and includes reference to identifying the District as additional insured on such policies. Lastly, the revised section provides that where required construction contracts shall include payment and performance bonds in addition to other insurance requirements.

The legal citation has also been added to refer to the statutory requirement for construction projects ("public works" projects). The adoption of this policy revision is recommended.

Policy 8900 – Fraud (REVISED)

This policy is revised to reflect reporting if the District Administrator is the one suspected of fraud. The adoption of this policy revision is recommended.

ADMINISTRATIVE GUIDELINES

AG 2260.02 – English Language Proficiency (DELETED)

This AG should be deleted because the information has been included in the corresponding policy.

AG 2411 – School Counseling and Academic and Career Planning (REVISED)

Language has been added cross-referencing this guideline to Policy 2260.02. This revision is recommended for consistency with current policies.

AG 3120.10, 4120.10 – Job Sharing (REVISED)

Language added to require a proposal from potential job-sharing partners to address continuity of education in the event one of the partners is unavailable for an extended period of time (i.e. medical leave, etc.). Language is also added to require job share partners to attend required professional staff development, and related meetings. This revision is recommended by not required.

AG 3122.01, AG4122.01 – Drug-Free Workplace (REVISED)

The option regarding searches of personal belongings has been revised to be compliant with applicable law. While it is appropriate to assert authority to search the contents of district property (i.e. cabinets, desk drawers, etc.) conducting a search of a staff member's personal items, even if stored in a District-owned location, may only occur if there exists a basis to do so, and then only to the extent justified by a basis for the search in the first instance. For example, if there was information that a staff member was in possession of alcohol at school, it would not be reasonable to search that staff member's wallet, but it may be reasonable to search a purse or bag. District officials who determine that a search of a staff member's personal belongings are encouraged to consult with law enforcement and/or legal counsel prior to conducting a search.

The adoption of this revision is strongly recommended for accurate guidelines.

AG 3231A, 4231A – Participation in Political Activities (REVISED)

These guidelines are revised to include additional points regarding the use of District technology to engage in political activities and personal technology during work hours.

AG 3362.01/4362.01 – Reporting Threatening Behavior (REVISED)

The guideline is revised to include cross reference to Policy 8462.01 – Threats of Violence, to assure consistency and compliance with state law requirements concerning reporting threats of violence in or targeting a school.

AG 5200 – Attendance (REVISED)

The guideline has been revised to clarify parent notification provisions and adds options regarding habitually truant and tardy students.

AG 5605 – Disciplining Students with Disabilities (REVISED)

The definition of weapon is cross-referenced with the definitions specified in Policy 5772. This revision to the guideline is recommended for consistency with the policy.

AG 5610 – Suspension and Expulsion (REVISED)