

NEOLA & HASD EXPLANATION OF BYLAW & POLICY CHANGES

NEOLA - Policy 0100 - Definitions (REVISED) Definitions have been clarified for consistency with current terminology. This revision is required for consistency with policy updates.

NEOLA - Policy 0121 – Authority (REVISED) This revision deletes unnecessary language regarding the Board in light of the definition. This revision is required for consistency with policy updates.

NEOLA - Policy 0142.5 – Vacancies (REVISED) This policy has been revised to include options for satisfying the statutory requirement to fill a vacancy within sixty (60) days after the vacancy occurs. This is recommended but not required.

NEOLA - Policy 0143 – Authority of Individual Board Members (REVISED) The title of this policy is modified to better describe the content of the policy as well as the means by which the Board exercises its authority. This revision is recommended but not required.

NEOLA - Policy 0164.2 – Special Meetings (REVISED) This policy has been revised for greater consistency with the open meetings law. This revision is recommended but not required.

NEOLA - Policy 0167.6 – Email - Public Records (REVISED) This policy has been modified to include options if the District Records Custodian is not the District Administrator, as well as to clarify the responsibility of individual Board members under the public records law. This revision is recommended but not required.

NEOLA - Policy 0167.7 – Use of Personal Communication Devices (REVISED) This policy has been modified to include options if the District Records Custodian is not the District Administrator, as well as to clarify the responsibility of individual Board members under the public records law. This revision is recommended but not required.

NEOLA - Policy 0174.2 – School Performance Report (REVISED) The legal citation has been added; This policy remains consistent with the current statutory language and will be updated when the statute is updated. This revision is recommended but not required.

NEOLA - Policy 1213/3213/4213 – Student Supervision and Welfare (REVISED) The policy is revised to incorporate a broader and more complete description of prohibited content relative to students. While posting videos is referenced presently, the sentiment captured in the policy extends to pictures, as well as video, and also to other forms of visual depiction (i.e. memes, digital imagery, anime, etc.). The intent with this policy as with others focusing on electronic media is to use language broad enough to capture those things that are known as well as those not yet conceived of but would nonetheless be of the quality of conduct targeted by such a policy. Adoption is recommended, but not required.

NEOLA - Policy 1241 – Non-Reemployment of the District Administrator (REVISED) The policy is revised to correct a cross-reference and to clarify language regarding the Board's discharge of its obligations relative to employing the best persons, which cannot be assured in and of itself. Rather, the Board can assure emphasis on a process designed to do so, and that the determination of whether such a person is best is a determination made by the Board. This revision is recommended but not required.

NEOLA - Policy 1461, 3161, 4161 – Unrequested Leaves of Absence/Fitness for Duty (REVISED) Language has been revised for greater management flexibility and authority, along with recognition of potential ADA obligations. Policy 1461 has also been modified to move multiple references to instances where the District Administrator may be the administrator on leave into a single statement. This revision is recommended but not required.

NEOLA - Policy 1619.02/3419.02/4419.02 – Privacy Protections of Fully Insured Group Health Plans (REVISED) These policies have been revised to reflect current options under fully insured and self-funded group health plans. The changes are recommended but not required.

NEOLA - Policy 1662/3362/4362 – Employee Anti-Harassment (REVISED) The policy is revised to clarify that the District Administrator or the other Compliance Officer (CO), if any, shall investigate a complaint that alleges policy violations on the part of one of the COs. The revisions are recommended.

NEOLA - Policy 2210 – Curriculum Development (REVISED) The policy language is modified to incorporate requirements found in State law regarding the contents of the District curriculum. These revisions are recommended to be consistent with State statute.

NEOLA - Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity (REVISED) The policy is revised to incorporate specific Electronically Stored Information (ESI) record retention requirements identified by the Office of Civil Rights. OCR has taken the position, in the course of policy audits, that inclusion of these record retention provisions needs to be included in the policy language. As a practical matter, records pertaining to a complaint and investigation process are already subject to retention requirements and this policy language does not change that; it simply states it in the policy. Also included is additional language regarding the use of the District's outside legal counsel for advice during the course of an investigation, or in cases where it is appropriate, to refer the investigation to outside counsel. There may be situations where this is appropriate (i.e. the complaint involves allegations against a Board member) and it is important that the policy contemplates such circumstances. Finally, it is important to remind Districts that training staff and COs in particular regarding the contents and scope of this policy, as well as on the procedures for conducting quality investigations, is a critical aspect of the policy. These revisions are strongly recommended to be in compliance with OCR standards.

NEOLA - Policy 2261 – Title I Services (REVISED) This policy is revised to implement guidance on Title I service delivery, including supplement not supplant guidance. The adoption of these revisions is required.

NEOLA - Policy 2261.01 – Parent and Family Member Participation in Title I Programs (REVISED) This replacement policy is provided to implement the parent and family engagement requirement incorporated in Title I regulations and guidance. The adoption of this replacement policy is recommended.

HASD – Policy 2416 - Student Privacy and Parental Access to Information – Student Records & Policy 8330 - Student Records (Revised) Updates to the Directory Data, clarifying how to request for directory data and procedure to follow. Updates being done for safety of students.

NEOLA - Policy 2700.01 – School Performance and Accountability Reports (REVISED) The policy is revised to remove Title I detail from this policy and cross-reference the Title I specific policy which details the Title I performance analysis requirements required by Every Student Succeeds Act (ESSA). These revisions are recommended.

NEOLA - Policy 3122.01/4122.01 – Drug-Free Workplace (REVISED) This policy has been expanded to include a requirement that staff handbooks contain information regarding the standards expected of staff members and includes updated options involving THC and off-duty conduct. These revisions are recommended but not required.

NEOLA - Policy 3410.01/4410.01 – Compensation for Part-time Staff (REVISED) This policy has been revised to provide greater management flexibility. Reference to a collective bargaining agreement has been retained in the event of a certified bargaining unit, as base wage bargaining is still required in that context. This revision is recommended for consistency with current law.

HASD – Policy 3440 / 4440 – Job-Related Expense Reimbursement (Revised) Updates to the Reimbursement Guidelines to include Airfare and reimbursement if staff members extend a trip longer than the days approved for a conference.

HASD – Policy 5112 – Entrance Age (Revised) Clarification for a five (5) year old to register in the 4K Program

NEOLA - Policy 5113 – Open Enrollment Program (REVISED) Policy language is added to address the distinction between space availability determinations regarding grade levels and programs, and service availability in terms of whether a service is even available in the District. Reference to the Chapter 220 program is removed as well as the State has discontinued the program. These revisions are recommended.

NEOLA - Policy 5200 – Attendance (REVISED) The policy is revised to include permission for certain qualifying students to participate in elections as an election official under certain conditions. This revision is recommended for compliance with State statute.

NEOLA & HASD - Policy 5330 – Administration of Medication (REVISED) This update includes a legal alert discussing the status and the evolution of CBD and marijuana usage in the U.S. and its effect on schools. Specifically, the legal alert discusses developments in the legal landscape related to those items.

This policy is revised to include an option that expressly prohibits possessing, using, carrying, or distributing in school or on school grounds drugs or other products which, even though not defined as a drug, are used or marketed for use for medicinal purposes, such as to relieve pain or to relieve the symptoms of an underlying medical condition (including aspirin, ibuprofen, dietary supplements, CBD oil products, etc.). This expressly prohibits students' carrying Tylenol or Advil on their person, as well as other forms of supplements and the like, including CBD. While products such as CBD are not necessarily harmful and not necessarily unlawful, they are unregulated products that cannot necessarily be readily identified as safe and lawful products as opposed to closely related harmful and unlawful products. For example, a pill may be aspirin, or it may be an opioid, likewise, a vile containing an oil labeled Hemp-derived CBD oil may, in fact, be that, but it may also be marijuana-derived oils containing an unlawful concentration of THC.

It remains up to each District and potentially in each individual case to determine whether CBD oils will be administered by school personnel, may be included in an IEP or 504 plans, or will simply be excluded entirely from the school environment. However, it is appropriate to clearly provide school personnel with an absolute prohibition on student possession of these products in school. Generally, the policies prohibit the possession of any drug in school except as otherwise permitted (Policy 5350). CBD oils fall outside of a definition of "drug," as well as the definition of over-the-counter medication as defined in Policy 5330 nor does CBD oil fall into the definition of a supplement. These include both lawful, hemp-derived, CBD oils. and CBD oil that may be marijuana derived. The language added in this policy is intended to provide broader authority than what is in Policy 5350, but without disrupting the purpose of Policy 5350, namely to address the inherent dangers of drugs (which may or may not apply to lawful CBD).

This policy has been modified to include updated references to substances, not FDA approved, as well as CBD products and essential oils. These modifications are recommended but not required.

Updates to remove Glucagon per direction to the HASD Nursing Staff from the DPI.

HASD – 5430 – Class Rank-Laude System (NEW) Reviewed and updates made through Curriculum Committee 7/15/2019 and feedback from parents during the 2019-2020 school year

HASD – 5451.01 – Valedictorian/Salutatorian Nomination and Wisconsin Academic Excellence Scholarship (Revised) Update to policy of which classes will continue to follow current policy.

HASD – 5451.01 – Wisconsin Academic Excellence Scholarship (Revised) Update to policy of which classes will begin the new policy to follow the Laude System (approved by Curriculum Committee 7/15/2019)

NEOLA - Policy 5517 – Student Anti-Harassment (REVISED) This policy is revised to include record retention requirements and to incorporate language on grooming behaviors, referenced as "boundary invasions". The policy is also revised to make it clear that complaints brought under the harassment policy that do not allege actions covered by the policy are still to be referred for investigation under the District's anti-bullying policy, as-appropriate. These revisions are recommended and, as to the records retention requirements, are required per policy audits conducted by the Office of Civil Rights (OCR).

NEOLA - Policy 5630 – Corporal Punishment (REVISED) This policy has been modified to more clearly express the coverage of the statute as applying to all officials, employees, and agents of the board. This revision is recommended for consistency with the statute.

NEOAL - Policy 6605 – Crowdfunding (REVISED) This policy is revised to incorporate more precise definitions and to provide additional safeguards against abuse or fraud in the use of crowdfunding mechanisms related to District programs or other interests. These revisions are recommended but not required.

NEOLA - Policy 7440.01 – Video Surveillance and Electronic Monitoring (REVISED) Policy revision is made to include audio footage as a component of video or electronic surveillance, both in the definition of those terms and with respect to notice to those entering an area covered by surveillance. Also, the notice language is revised to specify that notice is provided in an area that is "subject to" recording, not that events are in fact being recorded. While this is both more accurate (as there may be reasons why at any given time something is not recorded) it also protects the school by clarifying that the use of video/audio surveillance is not a guarantee of constant such

surveillance, only that the District has the capability and does intend to use such surveillance, and therefore it may be recording at any time.

Note that the records retention section references a period of time that footage is retained after which it is destroyed. Revision is made to the policy to remove the option stating that it “shall” be destroyed. Managing the assurance of the elimination of footage as opposed to noting its potential destruction, due to being overwritten, is more feasible and more likely to be the actual practice. Likewise, as technology progresses and retention becomes more feasible (i.e. more condensed storage function, etc.) the period of retention will likely expand.

Likewise, a separate reference to the retention of the records is removed because although the State Public Records Board, in conjunction with DPI, has developed a records retention schedule, which Districts have by and large adopted, it does not cover video surveillance footage specifically. The footage is then only a record covered by the retention schedule if it is identified before being destroyed as containing content that fits within an existing record category (i.e. behavioral record, personnel record, etc.). What to do with footage taken in the normal course of day-to-day surveillance is an area that remains a constant discussion item for the State Public Records Board, but as of yet no clear guidance has emerged. Accordingly, the policy relies on technological capability, coupled with the identification of periods of footage that trigger specific retention requirements. These revisions are recommended.

NEOLA - Policy 7455 – Accounting System for Fixed Assets (REVISED) This policy has been modified to include an option that simply refers to the limit established pursuant to the Federal Grant Guidelines, rather than a dollar amount. This revision is recommended but not required.

HASD – Policy 7510 – Use of Facilities and Properties (Revised) Added wording to know if student is a resident or an Open Enrolled student

NEOLA - Policy 7540 – Staff Technology Acceptable Use & Safety (REVISED) These policies have been revised to reflect current practices and terminology. The revisions are recommended but not required.

NEOLA - Policy 8310 - Public Records (REVISED) Modifications to reflect “District Records Custodian” terminology. These revisions are recommended for clarity and consistency.

NEOLA - Policy 8390 – Animals on District Property (REVISED) The policy has been updated to include definition and discussion of emotional support animals, and their presence on school grounds. This provision is not required, and the law does not currently necessitate consideration of emotional support animals on school grounds. Likewise, the provisions in this optional revision may not be appropriate for some Districts or schools. This revision is provided as an option.

NEOLA - Policy 8800 – Religious and Patriotic Ceremonies and Observances (REVISED) This policy has been revised to include the correct policy title for Policy 9700 - Relations with Non-School Affiliated Groups. Further, this policy has been revised to delete the reference to language requiring the District Administrator to develop Administrative Guidelines, but the language is modified to require staff who conducts such activities to protect the rights and privacy of any nonparticipating student. The revisions to this policy are strongly recommended.

NEOLA - Policy 9130 – Public Requests, Suggestions, or Complaints (REVISED) The policy is revised to clarify the process regarding public complaints and suggestions. Revisions are made: 1) to clarify and clearly retain within the Board control over scope of issues appropriate for consideration under the policy; 2) to clarify the process involved in hearing information and the Board’s authority to control the process; and 3) to assure that matters are referred for proper handling to the administration if received by the Board or individual Board member. These revisions are important to allow for the timely review of concerns brought forward, and also to assure the protection of staff, students, and to retain the flexibility to handle and resolve complaints informally. These revisions are recommended.