

**StEPP Attorney Manual**  
**Marshall Public School District**  
617 Madison Street, Marshall WI, 53559  
(608) 655.3466

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# Hearing Location and Opposing Attorney

Expulsion hearings within the Marshall Public School district will be held at:

**617 Madison Street  
Marshall WI, 53559**

The opposing attorney at expulsion hearings within the Marshall Public School District will be:

**Undetermined**

## MARSHALL PUBLIC SCHOOLS

### SERIES 400 STUDENTS

443

#### STUDENT CONDUCT

Students shall conduct themselves in keeping with their level of maturity, acting with due regard for the supervisory authority vested by the Board in all district employees. They shall be responsible for the care of school property and for acting with due regard for the welfare of others.

Students shall be expected to respect the rights of staff members and other students. Interference with those rights shall not be condoned. No student shall have the right to interfere with the efforts of the instructional staff to assist, disseminate and/or implement the learning program. Further, no student has the right to interfere with the motivation to learn or the learning activities and efforts of other students.

Each building principal, and his/her staff, is authorized to set and enforce reasonable school rules for the operation of the school. Such established standards of student conduct shall be included in student handbooks. In addition, teachers are authorized to set and enforce reasonable rules for their classroom.

Students are expected to abide by Board policies, including the Board's code of classroom conduct, and other established rules. Students may be subject to disciplinary action for violations of Board policies or established rules.

Marshall Public Schools shall not discriminate in standards and rules of behavior, including student harassment, on the basis of sex, race, religion, national origin, color, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

Legal References: Sections 118.13 Wisconsin Statutes  
120.13(1)  
PI 9.03(1), Wisconsin Administrative Code

Cross References: Board Rule 411, Student Discrimination Complaint Procedures  
Board Exhibit 443, Code of Classroom Conduct  
447, Student Discipline

Date of Adoption: April 26, 1995

Date of Revision: October 18, 2006

## MARSHALL PUBLIC SCHOOLS

### SERIES 400 STUDENTS

Board Exhibit 443

#### CODE OF CLASSROOM CONDUCT

One of the primary goals of the district is to establish and maintain a favorable academic atmosphere for students and staff. Effective learning cannot take place in a classroom where student behavior interferes with the ability of the teacher to teach effectively or the ability of other students to participate in classroom learning activities.

Students are expected to abide by the code of classroom conduct adopted by the Board and other appropriate classroom rules established by the building principal and/or classroom teacher for the purpose of maintaining order and a favorable academic atmosphere. Any student who violates the code of conduct or other classroom rules may be subject to removal from class and/or disciplinary action.

#### Student Removal from Class

A teacher may remove a student from class who exhibits the following behaviors:

- Behavior that interferes with a person's work or school performance.
- Harassing behavior that creates an intimidating, hostile or offensive classroom environment.
- Possession or use of a dangerous weapon or look-alike weapon in violation of Board policy or other article that might cause bodily harm to persons in the classroom.
- Fighting.
- Taunting, baiting, inciting and/or encouraging a fight or disruption.
- Pushing, striking or any improper physical contact with a student, staff member or volunteer.
- Profanity.
- Defiance of authority/insubordination.
- Interference – intentionally obstructing a student, staff member or volunteer from carrying out his/her duties.
- Restricting another person's freedom to properly utilize classroom facilities or equipment.
- Using, possessing or being under the influence of alcohol or any substance defined by law as a drug or a mood-altering substance unless specifically prescribed by the student's physician for the student's own use.
- Smoking or other use of any tobacco products or the conspicuous possession of tobacco products.
- Willful damage to school property.
- Theft.
- Cheating.

- Any other dangerous, unruly or disruptive behavior that interferes with the ability of the teacher to teach or the ability of other students to learn and/or maintain an appropriate academic atmosphere.
- Disrespectful language or belligerent behavior.

When a teacher determines that a student's removal from class is necessary, the teacher shall send the student to the building principal or designee and notify the principal or designee immediately of the reason(s) for removal. The teacher shall submit a written explanation of the reason(s) for removal to the building principal or designee by the end of the school day if at all possible or within 24 hours after removal. The teacher should attempt to contact the student's parent(s)/guardian(s) as outlined below.

After the building principal or designee receives a written or oral explanation for the student's removal from class, the student shall be informed of the reason for the removal. The student shall have an opportunity to present his/her version of the situation. The building principal or designee shall make a placement decision regarding the student and may notify the student's parent(s)/guardian(s).

### Placement Options

A building principal, or his/her designee, is required by law to place a student who has been removed from a class, on more than a temporary basis, by a teacher in one of the following:

- The classroom from which the student was removed if, after weighing the interests of the removed student, the other students in the class and the teacher, the principal or his/her designee determines that re-admission to the class is the best or only alternative.
- Another class in the school or another appropriate place in the school, as determined by the building principal or his/her designee.
- Another instructional setting in or outside of the school.
- An alternative education program as defined by law. According to state law, an alternative education program is defined as an institutional program approved by the Board that utilizes successful alternative or adaptive school structures and teaching techniques and that is incorporated into existing, traditional classrooms or regularly scheduled curricular programs and that is offered in place of regularly scheduled curricular programs.

### Factors for Placement Decisions

- The reason(s) the student was removed from class and the severity and/or frequency of the offense.
- The type of placement options available for particular schools and any limitations on such placements (e.g., costs, availability, location, space, staff resources).
- Student individual needs and interests.
- Classmate needs and interests.
- The estimated length of time for the placement (i.e., remainder of the class period or school day vs. remainder of the school year).
- Whether the student has been removed from a teacher's class before (repeat offender).

- The relationship of the placement to any disciplinary action (e.g., if student suspension from school is required as a result of the student's conduct, is the placement applicable before and/or after the suspension is served).
- Laws and regulations (e.g., Individuals with Disabilities Education Act) and other district policies and procedures.

#### Parent/Guardian Notification

1. If a student is removed from class, on more than a temporary basis, the teacher who removed the student shall attempt to contact the student's parent(s)/guardian(s) by the end of the school day if at all possible or within 24 hours after removal.
2. The building principal or designee may notify the student's parent(s)/guardian(s) of his/her placement decision. He/she shall notify the student's parent(s)/guardian(s) if there is a change of placement for a student with disabilities or the placement decision is to not re-admit the student to the class from which he/she was removed for the remainder of the school year.
3. If the student removed from class is also subject to disciplinary action for the particular classroom conduct (i.e., suspension or expulsion), the student's parent(s)/guardian(s) shall also be notified of the disciplinary action in accordance with legal and policy requirements.

Date of Adoption: October 18, 2006

Date of Revision: October 18, 2006

## MARSHALL PUBLIC SCHOOLS

### SERIES 400 STUDENTS

Board Exhibit 443.2

#### SCHOOL BUS TRANSPORTATION – CODE OF CONDUCT

The Marshall School District follows the policy established by the Department of Public Instruction which states in part, “parents must realize that school bus transportation is a PRIVILEGE, NOT A RIGHT. Pupils who misbehave may be denied the privilege of riding on the bus.”

Due to our concern for the safe transport of all children, the following behavioral rules must be observed by all students using school provided transportation.

1. Students will follow directives of the bus driver in a respectful fashion.
2. Students will remain seated until their destination is reached.
3. Any behavior which is potentially hazardous to any occupant of the bus will not be permitted.
  - a. Loud verbal behavior or improper language will not be permitted.
  - b. Tampering with school bus property and/or the possessions of others will not be permitted.
  - c. Physically aggressive behavior will not be permitted.
  - d. Illegal substances and/or dangerous items will not be permitted on the bus.
  - e. Igniting flammable materials will not be permitted on the bus.
  - f. Throwing of any object on the bus will not be permitted.

**1<sup>st</sup> CONDUCT REPORT** – Student meets with principal, parents notified.

**2<sup>nd</sup> CONDUCT REPORT** – Student meets with principal, parents notified, behavioral consequence assigned by principal.

**3<sup>rd</sup> CONDUCT REPORT** – Student meets with principal, parents notified, student removed from bus for up to three days.

**4<sup>th</sup> CONDUCT REPORT** – Student meets with principal, parents notified, student removed from the bus for up to five days – parent must meet with bus owner and principal before the child can resume riding.

**5<sup>th</sup> CONDUCT REPORT** -- Student meets with principal, parents notified, student removal from the bus for up to the remainder of the school year – parent must meet with bus owner and principal before the child can resume riding.

\*The bus owner/school administration reserves the right to modify and assign consequences in response to the situation, in order to make the consequences properly fit the infraction.

Date of Adoption: December 21, 1994

Date of Revision: October 18, 2006

**SERIES 400  
STUDENTS**

411.1

**STUDENT HARASSMENT**

**PHILOSOPHY**

The students of the Marshall School District have the right and can expect to attend school in an environment free of harassment. Harassment is defined as behavior towards students or staff members based, in whole or in part, on religion, sex, race, national origin, age, ancestry, creed, color, political affiliation, membership in the National Guard, state defense force or any reserve component of the United States military or state military forces, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability or handicap or other bases prohibited under state or federal law, or any other characteristic that substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school and/or work environment.

This may include, but is not limited to, any blatant sexual overtures such as: leering, pinching, patting, displays of graphic or written material. This may also include, but is not limited to, subtle repeated verbal or physical action such as: comments, innuendoes, gestures, or actions which involve bullying and/or intimidating others. Besides anxiety caused by harassment demands on the individual, harassment may lead to reprisals. Reprisals may include, but are not limited to, the possibilities of harassment escalation, unsatisfactory academic evaluations, difference in academic treatment, sarcasm, or unwelcome comments to or by peers.

**POLICY**

The Marshall School Board charges the school administration with the responsibility of providing students with a learning environment free of any form of harassment toward, between and from students. All educators are charged with the responsibility of maintaining this environment, and to help students in understanding what constitutes harassment, how to file a complaint if it should occur, and be confident that students can seek advice in dealing with what they feel is harassment.

A complaint procedure must be developed by the district's administrators, be reviewed yearly, and be followed consistently by those administering the policy and complaint process.

Response to complaints must follow a procedure that is timely, requires written documentation of the disposition of each complaint, deals with the need for confidentiality, provides for an appeal process, appropriately provides for disciplining the offender or false accuser, and provides a program of education and intervention for both parties.

A process of educating all students, district employees, and school board members on what constitutes harassment and the consequences of its occurrence must be designed by the school administration, evaluated yearly, and consistently take place with all students and staff.

Any attempts at reprisal by the alleged harasser toward the complainant will be met with appropriate disciplinary action by the building administrator or district administrator.

In the event of a willful false accusation, the accused may request the school district to publicly exonerate them.

It is further the policy of the district that any sexual relationship between staff and student interferes with the educational process and involves elements of coercion by reason of the relative status of a staff member to a student. Therefore, a sexual relationship between staff and student is not permissible in any form or under any circumstances in or out of the school setting. A suspected relationship between a student and staff member will be reported to the district administrator or to the proper authorities (human services or law enforcement) as suspected sexual abuse.

## COMPLAINT PROCEDURE AND INVESTIGATION

Any student who believes she/he has been subjected to harassment by another student or by a district employee, substitute, or volunteer is strongly encouraged to report the incident to the building administrator as soon after the incident as possible. If a student is not comfortable with making a complaint to the building administrator, the complaint can be made to another faculty member. This faculty member and the student would jointly report the complaint to the building administrator. The faculty member must maintain complete confidentiality in dealing with the situation. At this meeting, the administrator will listen to all issues and concerns. A copy of the school board harassment policy will be shared with the individual. The building administrator will assist the complainant in putting the complaint in writing, if appropriate at this time. An investigation of the situation will take place under the leadership of the building administrator. The building administrator will meet with the person accused of harassment to determine the level or degree, if any, of harassment. If determined that harassment has occurred, or there is reason to do further investigation, the accused will be given a copy of the harassment policy and informed of the areas of concern, based upon the policy. Directions will be given to stop the behavior and make it clear that any repeat of behavior or any repercussions to the person being harassed will result in a formal harassment charge.

The District Administrator will be informed of all complaints filed in either a formal or informal manner. One written, separate record of each complaint will be filed by the district administrator and maintained in a secure, confidential manner, including those that are settled informally. Destruction of such records will be in compliance with the state records law regarding employees personnel files and student records.

A third party (someone who observes harassment but who is not the direct recipient) will follow the same procedures when reporting an alleged harassment after they witness an incident taking place.

## RESOLUTION OF COMPLAINT

Upon receiving a formal complaint, the building administrator shall make sure she/he understands the specific nature of the alleged harassment and when and where it took place. This will be facilitated by a complaint form to be completed by the building administrator in each case.

The person who has been accused of harassment must be notified by the building administrator of the charge as soon as practicable and preferably within two (2) school days from when the complaint was filed and be given the opportunity to respond to the allegation.

The building administrator's investigation into the matter must be completed as quickly as possible, and take no longer than ten (10) school days. If more time is needed, it can be granted by both parties and if not agreed to by them, permission to go beyond ten (10) school days must be received from the district administrator. The building administrator must report the resolution to the complainant and the accused within fifteen (15) school days unless permission is granted by the district administrator of a necessary longer period.

Throughout the entire investigation process, the complainant and accused can bring another person to any meetings. Parents shall be advised of the situation if the student is a minor, and may or may not be interviewed at the discretion of the investigation team. Parents will not be a part of other interviews in the investigation.

Following the investigation, the findings and resolution recommendations will be put in writing by the building administrator. The building administrator must then determine the resolution of the case and share findings and resolutions with the parties involved through a personal conference held separately with each party involved or together if desirable by the complainant. Others interviewed will not receive feedback from the investigation. The consequences/discipline will be presented privately to both parties. Student discipline may include, but will not be limited to, detention, suspension, or expulsion. Discipline of school employees may include, but will not be limited to, a written reprimand, suspension with pay, suspension without pay, non-renewal of contract, or dismissal. In addition, other interventions will be provided as deemed necessary.

If either party is unsatisfied with the investigation, the decision, and/or the resolution, they can appeal it to the district administrator who will review the findings and decision, conduct further investigation if necessary, and render a decision within five (5) school days of the date of the appeal, or as soon as practicable.

If the decision of the district administrator is not considered equitable by either party, a written request can be made to the school board president to appear before the board in executive session to discuss the case. The board will then make a decision as to whether the decision should stand or whether further investigation needs to take place. This decision will be made no later than the next meeting of the board in a regular monthly meeting or a special meeting of the board if encouraged or requested by the district administrator.

If either party is not satisfied with the response of the board, she/he may file a complaint with the State Superintendent of the Wisconsin Department of Public Instruction and/or file a complaint with the proper legal authorities.

#### INFORMING STUDENTS, PARENTS, AND STAFF OF POLICY AND PROCEDURES

Information of policies and procedures dealing with harassment should be in student and parent handbooks (as appropriate) and in handbooks that are developed for athletics and other student activities. The policy and procedures may be sent home to parents and students using the district mailing. This mailing may be in place of the above noted publication.

Explanations of harassment shall be provided to all students at the beginning of each school year, and information will be available at the guidance counseling offices in each building.

Special opportunities for students to get a better understanding of harassment and its consequences shall be made available through the curriculum and/or special programs on a yearly basis.

Policy books shall contain the policies and procedures related to harassment and staff are inserviced on the subject in accordance with local and state guidelines.

Legal References: Title VII of the Civil Rights Act of 1964  
Title IX of the Education Amendments of 1972  
Section 504 of the Rehabilitation Act of 1973  
Sections 118.16 Wisconsin Statutes  
111.36  
118.20  
118.125

Cross References: 443.61 Exhibit

Date of Adoption: October 15, 1997

Dates of Revision: February 18, 1998  
February 18, 2015

**SERIES 400  
STUDENTS**

Administrative Rule 411.1

**STUDENT SEXUAL HARASSMENT COMPLAINT PROCEDURES**

Informal Complaint Procedures

1. Any student who believes he/she has been subjected to sexual harassment by another student or by a district employee, substitute, volunteer, bus driver, vendor or Board member or observes harassment but who is not the direct recipient is strongly encouraged to report the incident to the building principal as soon after the incident as possible. If a student is not comfortable with making a complaint to the building principal, the complaint may be made to a teacher. This teacher and the student should jointly report the complaint to the Superintendent.
2. The building principal or Superintendent shall listen to all issues and concerns of the student. A copy of the Board's student sexual harassment policy shall be shared with the student. The student may request at this time to submit a written formal complaint. If the student wants to submit a written formal complaint, the building principal or Superintendent shall assist the student in putting the complaint in writing, if appropriate.
3. An investigation of the complaint shall take place under the leadership of the building principal or Superintendent. He/she shall meet with the person accused of harassment to determine the level or degree, if any, of harassment. If it is determined harassment has occurred or there is reason to do further investigation, the accused shall be given a copy of the student harassment policy, informed of the areas of concern based upon the policy, directed to stop the behavior, disciplined appropriately, and informed that any repeat of behavior or any repercussions or attempted repercussions to the person being harassed shall result in a formal harassment charge.
4. The building principal or Superintendent shall meet with the complainant and share the results of the inquiry and action taken. If the complainant is not satisfied with this response, the complainant may file a written formal complaint.

The Superintendent shall be kept informed of all complaints filed informally. If the Superintendent is the alleged harasser, the Board President shall be kept informed.

Formal Complaint Procedures

1. The complainant may submit a formal complaint to the building principal or Superintendent. Upon receiving a formal complaint, the building principal or Superintendent shall make sure he/she understands the specific nature of the alleged sexual harassment and when and where it took place.

2. The person who has been accused of sexual harassment must be notified by the building principal or Superintendent of the charge as soon as practicable and preferably within two business days from when the complaint was filed and be given the opportunity to respond to the allegation.
3. The building principal or Superintendent shall investigate the complaint. The investigation must be completed as quickly as possible and take no longer than 10 business days. If more time is needed, it may be granted by both parties and if not agreed to by them, permission to go beyond 10 business days must be received from the Superintendent or, if the Superintendent is the alleged harasser, the Board President. The building principals or Superintendent must report the resolution to the complainant and the accused within 15 business days unless a longer period of time is granted by the Superintendent or Board President.

Throughout the entire investigation process, the complainant and accused may bring another person to any meetings. Parents/guardians shall be advised of the situation and may or may not be interviewed at the discretion of the investigation team. Parents/guardians shall not be a part of other interviews in the investigation.

4. Following the investigation, the building principal or Superintendent must make a decision regarding the case. The decision must be made within 90 days of receipt of the written complaint unless the parties agree to an extension of time. The findings and decision shall be put in writing by the building principal or Superintendent. He/she shall share the findings and decision with the parties involved through a personal conference held separately with each party involved or together if desired by the complainant. Others interviewed shall not receive feedback from the investigation. The consequences/discipline shall be presented privately to both parties.

#### Appeal Procedures

1. If either party is unsatisfied with the investigation, decision and/or the resolution, he/she may appeal it to the Superintendent or, if the Superintendent is the alleged harasser, the Board President, who will review the findings and decision, conduct a further investigation if necessary and render a decision within five business days of the date of the appeal, or as soon as practicable.
2. If the decision of the Superintendent or Board President is not considered equitable by either party, a written request may be made to the Board President or Superintendent to appear before the Board to discuss the complaint. The complainant may be permitted to appear before the Board in executive session.
3. The Board shall make a decision as to whether the decision should stand or whether further investigation needs to take place. This decision shall be made no later than the next regular meeting of the Board or a special meeting of the Board held prior to the next regular meeting.

4. If either party is not satisfied with the response of the Board, he/she may file a complaint with the State Superintendent of Public Instruction and/or file a complaint with the proper legal authorities.

#### Confidentiality

District staff shall maintain confidentiality in dealing with sexual harassment complaints to the extent permitted by law.

#### Recordkeeping

One written, separate record of each complaint shall be filed by the Superintendent or, if the Superintendent is the alleged harasser, the Board President, and maintained in a secure manner, including those that are settled informally. Such records shall be kept confidential to the extent permitted by law. The destruction of such records shall be in compliance with the state records law.

#### Discipline and Other Action

Students found guilty of sexual harassment, knowingly making a false accusation or retaliating against or attempting retaliatory behavior toward the complainant shall be subject to discipline including, but not limited to, detention, suspension or expulsion. Employees found guilty of sexual harassment or retaliating against or attempting retaliatory behavior toward the complainant shall be subject to discipline including, but not limited to, a written reprimand, suspension with pay, suspension without pay, non-renewal of contract or dismissal and/or may be required to participate in counseling or assessment by a psychologist.

#### Informing Students, Parents/Guardians and Staff of Policy and Procedures

1. Information regarding the district's sexual harassment policies and procedures should be included in student and parent handbooks (as appropriate) and in handbooks that are developed for athletics and other student activities. Copies of the district's policies and procedures may be sent home to parents/guardians and students using the district mailing. This mailing may be in place of the above noted publication.
2. Explanations of sexual harassment shall be provided to all students at the beginning of each school year and information shall be available in the guidance counseling offices in each building.
3. Special opportunities for students to get a better understanding of sexual harassment and its consequences shall be made available through the curriculum and/or special programs on a yearly basis.

4. Policy manuals shall contain the district's sexual harassment policies and procedures.
5. Staff shall be inserviced on sexual harassment in accordance with local and state guidelines.

Date of Adoption: October 15, 1997

Date of Revision: February 18, 1998

Date of Revision by the Superintendent: March 20, 2002

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

443.3

**SMOKING BY STUDENTS**

Smoking and the conspicuous possession of tobacco products, including electronic cigarettes, by students while in or on school premises, or under the school's jurisdiction during school hours, or while participating in a school-sponsored event is prohibited. "School premises" include all property owned by, rented by or under the control of the School District of Marshall.

The administrative staff shall inform students about this policy and shall establish enforcement procedures.

Legal References: WI State Statutes 120.12(20); 101.123(a); 48.983(2)(c)

Cross References: 443.3 rule (Tobacco Use Policy Enforcement Procedures)

Date of Adoption: December 21, 1994

Date of Revision: April 16, 2014

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

443.4

**STUDENT ALCOHOL AND OTHER DRUG USE**

It is the policy of the Marshall school District that students and employees have the right to attend school and work in an environment that is free from the use of alcohol, illegal drugs and controlled substances. These substances interfere with the learning environment of students and the performances of students and employees.

The use, possession, sale, intent to sell or transfer of controlled substances including prescription drugs, drug paraphernalia or alcohol, or having such items as chemicals or alcohol in a person's system in or on school property, in any district owned or contracted vehicle or at school-sponsored events is prohibited. However, use of prescription drugs with a valid prescription and used for a legitimate medical purpose shall not violate this policy.

The District recognizes that alcohol and other drug abuse (AODA) by a student, his/her family members and/or other significant persons in the student's life may have an adverse effect on the student's attitude, behavior, learning and/or general health. It may even lead to the illness of chemical dependency or co-dependency. Since early intervention and, whenever possible, prevention is deemed best, the District shall offer an AODA program that provides for prevention, intervention and promotion of a drug-free lifestyle. Specifically, the District will:

1. Identify students who are affected in some way by their own or others alcohol and other drug use and refer them to appropriate help within the District or the community.
2. Hold students accountable for their behavior and discipline them accordingly if they violate provisions of this policy. In dealing with AODA related concerns, the District's primary educational intent is to be helpful, not judgmental.
3. Work with students and provide them with direction and support for growth and responsible behavior.
4. Cooperate with parents and community agencies whenever possible to expedite appropriate AODA referrals.
5. Strive to make the school environment sensitive to the needs of students with AODA concerns.
6. Ensure that the services provided through the Student Assistance Program (SAP) are available to all students at each building level, and that the staff providing assistance are trained specifically for their respective roles. Staff members participating in prevention and intervention activities will receive ongoing inservice and support for their contribution to the SAP program.
7. Annually inform students and their parents or guardians of this policy and its

implementing procedures.

8. Provide an ongoing review of the district's alcohol and drug program via the AODA advisory committee.
9. Include curriculum units designed to discourage student use and abuse of alcohol and other drugs.

## PREVENTION

All schools will establish an environment that discourages use and abuse of and dependency on alcohol and other drugs (AODA).

- I. The implementation of all Board policies and procedures regarding the use of alcohol and other drugs is the responsibility of the building principal or his/her designee who will:
  - a. Publish the policies and procedures in the student handbook or District newsletter
  - b. Identify a building level AODA contact person who will:
    - 1) Institute the procedures to process referrals, conduct initial AODA screens and make recommendations.
    - 2) Cooperate with community agencies which conduct AODA assessments and provide AODA specific therapy.
    - 3) Establish and facilitate the process of referral to the Student Assistance Program (SAP).
- II. The District will continue to offer educational and staff development opportunities specific to AODA education. The K-12 curriculum will continue to be assessed for appropriate contributions to AODA education.
- III. Students are encouraged to refer themselves or others for assistance with alcohol and other related problems and concerns.
  - a. Student confidentiality shall be maintained in accordance with state and federal laws.
  - b. Students may contact any staff member who will then make a referral to the building AODA contact person.

## INTERVENTION

Responsibilities related to non-emergency suspicion of a student being under the influence of drugs or alcohol.

The Employees will:

1. Notify the building principal who will escort the student to the office

2. The student will be interviewed by the principal who may choose to have trained staff members proceed with a drug identification test.
3. The student may be required to submit to a breath test to determine the presence of alcohol or a urine screening test to determine the presence of drugs if the student denies being under the influence of alcohol or drugs and no immediate mitigating evidence is provided to reduce suspicion. Refusal to submit to testing for presence of drugs/alcohol shall be treated as a positive test. Parents/guardians will be expected to pay the costs of necessary screening tests.
4. Parents or guardians will be contacted by the building principal.

## CONSEQUENCES

If a student is found using, possessing selling, intending to sell or transferring controlled substances including prescription drugs, drug paraphernalia or alcohol, or having such items in a person's system in or on school property, in any district owned or contracted vehicle or at school-sponsored events or the student refuses to submit to testing, the following consequences may be invoked at the District's discretion:

### First Offense:

- An out of school suspension that may be up to fifteen (15) days in length pending Board approval with a possible recommendation made for expulsion
- Referral to building level AODA trained professional for alcohol and drug screening
- Referral to an outside agency for an AODA assessment completed at parent expense
- Re-admit conference with student and parents/guardians following suspension
- Contract established which may include such things as closed campus, UA's provided at parent expense and no unexcused absences or tardies
- Referral to local law enforcement
- A contract that is broken may result in referral for expulsion

### Second Offense:

- An out of school suspension that may be up to fifteen (15) days in length pending Board approval with a possible recommendation made for expulsion
- Required completion of an outside AODA assessment provided at parent expense
- Verification that a student follows the recommendations made by an outside provider. If a student fails to follow the recommendations, he/she may be referred for a pre-expulsion conference.
- Re-admit conference with student and parents/guardians following suspension
- Re-visit contract for closed campus, UA's, unexcused absences or tardies
- Referral to local law enforcement
- A contract that is broken may result in referral for expulsion

The results of the breath test screening device or a UA, or the fact that a pupil refused to submit to such testing will be made available for use in any hearing or proceeding regarding the discipline, suspension or expulsion of a student due to alcohol use.

An immediate referral to local law enforcement will occur if a student is found to be engaging in the selling, distribution or intent to sell or distribute controlled substances, including prescription drugs, drug paraphernalia or alcohol on school grounds or at school events. A referral for expulsion will follow.

Legal References:     Sections 118.164 Wisconsin Statutes  
                                  118.257  
                                  118.45

Cross References:

Date of Adoption:     December 21, 1994

Date of Revision:     January 16, 2008

**SERIES 400  
STUDENTS**

443.5

**STUDENT POSSESSION OR USE OF PERSONAL ELECTRONIC EQUIPMENT**

The Marshall Public Schools Board of Education shall allow students to possess cellular telephones during the school day on school premises and at school-sponsored activities.

Unless there are clear guidelines and appropriate supervision, students' use of personal electronic devices during the instructional day can be disruptive to the learning environment. Therefore, students may only use personal electronic devices during the school day under the specific circumstances and conditions authorized in this policy.

**Conditions for Possession of Personal Electronic Devices**

In general, students are permitted to possess a personal electronic device in the school setting as long as the device remains stored, powered off, and unused:

- A. Throughout the entirety of the school day which includes the period of time between the beginning of the first class and end of the last class of the school day;
- B. In any school bathroom, locker room, or other dressing area at any time.
- C. While being transported in authorized district vehicles during the school day, unless explicitly permitted by the transportation provider, driver of the vehicle, and/or chaperone of the trip.

Such a device shall be considered stored if it is outside of view and reasonably secured in a locker, backpack/purse or pocket. Any headphone, ear piece or similar equipment associated with a device shall also be stored and not worn.

For purposes of this policy, "personal electronic devices" are defined as personally owned cellular telephones, personal digital assistants, personal media devices, electronic games, digital cameras, or any other electronic device with communications functions and/or the capability to capture, record, transmit and/or play back voice or image information.

1. Students who bring any device to school do so at their own risk of possible loss, theft, damage or liability. This is true even if the device has to be confiscated for violation of this policy. Marshall Public Schools shall not be responsible for the safety or securing of personal electronic equipment that students choose to bring to school.
2. Students may be permitted to use a device at times designated by the principal or with teacher permission.
3. Any student who possesses or uses a device and/or associated equipment that is not stored, that is not powered off, or in a manner that violates this board policy or any other policy or school rule shall be subject to consequences, including, but not necessarily limited to, disciplinary

action, required surrender of the device, and/or potentially having his/her privilege of using a device at school further restricted by the school principal or his/her designee.

If there is reasonable suspicion that a student possesses, on school grounds or on district authorized transportation, a personal electronic device with information that violates the law or school policies, school officials may examine the device and search its contents relevant to the suspected violation. Such searches will be conducted in accordance with board policy.

4. Use of a device is subject to the provisions of the Marshall Public Schools Acceptable Use Policy (363.2).
5. The following situations represent limited exceptions to paragraphs 1, 2 and 3 of this policy:
  - A. If a school principal or his/her designee determines that a device was used appropriately by a student in an emergency situation, the school shall not discipline the student for such possession/use.
  - B. An individual student or parent/guardian on behalf of an individual student, may request permission in advance from the student's school principal or his/her designee to possess and use a device for a medical, educational or other legitimate purpose that the principal/designee determines is necessary for the student's education. This shall include one-time permissions that are granted by a staff member with authority from the principal/designee to an individual student to make a specific telephone call or other specific communication.
  - C. For an educational or other legitimate purpose, a principal or his/her designee may authorize in advance the limited use of a device by a student during the school's educational day in a manner that is otherwise prohibited under ~~paragraph 1~~ of this policy, with the following limitations:
    - i. No exception to this policy may be authorized under sub-paragraph 5.c as applied to the use of any device's communications functions during the school's educational day.
    - ii. No exception to this policy may be authorized under sub-paragraph 5.b or under sub-paragraph 5.c with respect to the possession or use of any device in a school bathroom, locker room or other similar private dressing area.
  - D. The principal or his/her designee shall determine whether the possession and use of a device is within the scope of any advance authorization.
  - E. The school principal or the District Administrator shall have discretion to prospectively revoke any prior authorization that operated as a limited exception to this policy as referenced above.
6. Students shall annually be provided with a copy of the rules that govern the possession and use of the devices covered by this policy.

7. Nothing within this policy shall be construed to limit a student's ability to use a device in a manner that functions as assistive technology necessary for a student's education and this is required under an individualized education plan or a Section 504 agreement.

Violations of this policy shall result in disciplinary action in accordance with the parent-student handbook in effect for the student's school.

Date of Adoption: February 15, 1995

Dates of Revision: November 15, 2006  
November 19, 2014

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

443.6

**DISORDERLY CONDUCT**

The Marshall Public School System shall be operated in a safe and orderly manner. All students and staff have a right to expect to function within the confines of the Marshall School District's buildings and grounds in a peaceful and safe manner. Any acts of physical and/or verbal threats or assaults toward a student and/or district employee are strictly forbidden and may result in disciplinary measures being taken.

Anyone who engages in an activity which disrupts the educational process, the school routine or who attempts to harass another individual shall be asked to cease such activity immediately by a teacher, administrator, or other adult. If the individual does not heed the warning, the police department may be summoned and the individual may be charged with a Class B misdemeanor.

Legal References: Sections 111.329130, 111.36, 118.13 Wisconsin Statutes  
813.125  
947.013

Cross References: 443 Student Conduct  
443.61 Student Harassment  
447 Student Discipline  
447.1 Corporal Punishment/Use of Physical Force

Date of Adoption: April 26, 1995

Date of Revision: February 18, 1998

## MARSHALL PUBLIC SCHOOLS

### SERIES 400 STUDENTS

443.71

#### ANTI BULLYING

The Marshall Public Schools Board of Education supports an educational environment that is free of bullying. It is the policy of the District that its students, employees, or volunteers will not be allowed to engage in any form of bullying or intimidation toward other students, employees, or volunteers.

Bullying includes aggressive behavior that is intentional and involves an imbalance of power between the bully and the bullied. It is typically repeated over time by either an individual or a group. Bullying takes many forms, including, but not limited to, physical assaults, verbal assaults, nonverbal or emotional threats. Bullying is a form of victimization and is not necessarily a result of or part of an ongoing conflict. Behaviors characterized as bullying may take place at school; during a school-sponsored activity; on school busses; or through the use of school equipment in the case of "cyber-bullying."

The three main types of bullying are:

1. Physical: Physical bullying involves harmful actions against a person's body. Examples include, but are not limited to: hitting, pinching, poking, pulling hair, choking, kicking, tripping, spitting, hazing, biting, excessive tickling, and inappropriate touching. It also involves interfering with another person's property and stealing.
2. Verbal: Verbal bullying involves speaking to a person or about a person in a way that is derogatory, unkind or hurtful. Examples include but are not limited to: teasing, name calling, insulting or inappropriate remarks, threatening, spreading rumors, and making discriminatory remarks or false accusations.
3. Non-verbal/Emotional: Non-verbal bullying refers to behaviors that upset, exclude, or embarrass others. Examples include, but are not limited to: intentionally leaving a person out of a game or activity, extortion, manipulating friends, ostracizing, pressuring peers, making rude gestures such as poking out tongue or staring, writing hate notes about a person that will be upsetting to that person, using computers or telecommunications to send embarrassing, slanderous, threatening or intimidating messages to or about a person/s.

Students who believe they have been subjected to bullying or any parents/guardians who believe their student has been subjected to bullying should report the incident(s) to the classroom teacher or activity supervisor for resolution. If the issue is not resolved to the satisfaction of the student

and/or student's parent/guardian, the concern may be submitted in writing to the building principal for review and action. If an employee or volunteer believes they have been subjected to bullying, they should report the incident to the principal or volunteer supervisor for review and action. These complaints will be investigated promptly and be kept confidential within the bounds of the district's investigation and the law. If a student, parent, employee, or volunteer is not satisfied with the outcome of the informal investigation, the complainant may present a complaint in writing to request a formal investigation of the complaint under the district's discrimination complaint procedures.

Third party witnesses are strongly encouraged to report observed incidents of bullying to the Administration. Efforts will be made, when requested, to maintain the confidentiality of a witness's identity unless the witness is requested to testify in a hearing.

Retaliation against any individual who complains of bullying or anyone who participates in a bullying investigation is strictly forbidden by the District, and anyone who practices such retaliation will be subject to immediate discipline, up to and including suspension or expulsion.

Legal References:

Cross Reference: Board Exhibit 443.71 Bullying Incident Report  
443.72 Cyber Bullying

Date of Adoption: December 16, 2009

Date of Revision:

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

Administrative Exhibit 443.71

**BULLYING INCIDENT REPORT**

For use when reporting bullying incidents at school. It may be used by school officials when investigating this or other related incidents.

Report made by: \_\_\_\_\_ Date: \_\_\_\_\_

Exact location/s of incident: \_\_\_\_\_

Date of incident: \_\_\_\_\_ Approximate time of incident: \_\_\_\_\_

Check those that apply:

- |                                    |   |  |                                       |
|------------------------------------|---|--|---------------------------------------|
| <input type="checkbox"/> Kicking   | <input type="checkbox"/> Teasing        | <input type="checkbox"/> Exclusion from game | <input type="checkbox"/> Intimidation |
| <input type="checkbox"/> Hitting   | <input type="checkbox"/> Embarrassment  | or activity                                  | <input type="checkbox"/> Other:       |
| <input type="checkbox"/> Pushing   | <input type="checkbox"/> Tripping       | <input type="checkbox"/> Name calling        | _____                                 |
| <input type="checkbox"/> Spitting  | <input type="checkbox"/> Hate notes     | <input type="checkbox"/> Rude gestures       | _____                                 |
| <input type="checkbox"/> Insulting | <input type="checkbox"/> Discrimination | <input type="checkbox"/> Spreading rumors    | _____                                 |
| <input type="checkbox"/> Hazing    | <input type="checkbox"/> Put downs      | <input type="checkbox"/> Cyber-bullying      | _____                                 |

Please describe in detail exactly what occurred, anyone who was involved, and possible witnesses. Details are very important.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Continue on back if necessary)

Signature

Date Submitted

**Legal References:**

Cross Reference: 443.71 Anti Bullying  
443.72 Cyber Bullying

Date of Adoption: December 16, 2009

Date of Revision:

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

Administrative Rule 443.71

**ANTI BULLYING GUIDELINES**

Students who have been bullied will be supported by:

1. Being offered an opportunity to discuss the incident with a safe contact, school counselor, or principal.
2. Offering on-going support with the goal of restoring confidence and a feeling of safety in the school environment.
3. Follow-up with the complainant by the investigating district staff member to ensure that the problem has been resolved.
4. Students need to be encouraged to continue to report if problems do not stop.

Students who have bullied will be supported by:

1. Being offered an opportunity to discuss the incident with a safe contact, school counselor, or principal.
2. Identifying the bullying behavior and the need to change.
3. Working to discover why the student became involved in the act of bullying.
4. Developing a plan with the safe contact, school counselor, or principal for a more socially acceptable behavior in a future situation.
5. Enlisting the assistance of the parents/guardians to assist in changing the behavior/attitude of the student.

District employees will do the following to help promote respectful relationships and to keep students feeling safe at school:

1. Participate in staff development in order to recognize and respond appropriately to bullying behavior.
2. Closely supervise students in the building and on campus, where appropriate.
3. Watch for signs of bullying and stop it when it happens.
4. Respond quickly and sensitively to bullying reports.
5. Take parental concerns about bullying seriously.
6. Look into all reported bullying incidents.
7. Assign consequences for bullying.
8. Provide immediate consequences for students who retaliate against students who report acts of disrespect or bullying.

Legal References:

Cross Reference: 443.71 Anti Bullying  
443.71ae Bullying Incident Report  
443.72 Cyber Bullying

Date of Adoption: December 16, 2009

Date of Revision:

## MARSHALL PUBLIC SCHOOLS

### SERIES 400 STUDENTS

443.72

#### CYBERBULLYING

The Marshall School District's computer network and the internet, whether accessed on campus or off campus, during or after school hours, may not be used for the purpose of harassment. All forms of harassment over the internet, commonly referred to as "cyberbullying", are unacceptable and viewed as a violation of this policy and the District's acceptable use policy/procedures.

Malicious use of the District's computer system to develop programs or to institute practices that harass other users or gain unauthorized access to any entity on the system and/or damage the components of any entity on the network is prohibited. Users are responsible for the appropriateness of the material they transmit over the system. Hate mail, harassment, discriminatory remarks, or other antisocial behaviors are expressly prohibited.

Cyberbullying includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, web site postings, including blogs. It is also recognized that the author (poster or sender) of the inappropriate material is often disguised (logged on) as someone else.

Students and community members, who believe they have been the victims of such misuses of technology, as described in this policy, should not erase the offending material from the system. A copy of the material should be printed and brought to the attention of the building principal, district administrator or designee.

The administration shall fully investigate all reports of cyberbullying. This may also include contacting law enforcement.

In situations in which the cyberbullying originated from a non-school computer, but brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be substantially disruptive to the educational process so that it markedly interrupts or severely impedes the day to day operations of a school. In addition, such conduct must also be in violation of publicized school policy. Such conduct includes, but is not limited to, harassment, or making a threat off school grounds that is intended to endanger the health, safety or property of others at school, a district employee or school board member.

Disciplinary action may include, but is not limited to, the loss of computer privileges, detention, suspension or expulsion for verified perpetrators of cyberbullying. In addition, when any kind of

threat is communicated or when a hate crime is committed, this shall be reported to law enforcement.

Legal References:

Cross Reference: 443.71 Anti Bullying  
Board Exhibit 443.71 Bullying Incident Report

Date of Adoption: December 16, 2009

Date of Revision: July 17, 2013

**SERIES 400  
STUDENTS**

443.8

**STUDENT THREATS TOWARD OR ASSAULT OF STAFF**

The Marshall Public Schools shall be operated in a safe and orderly manner. All students and staff have a right to expect to function within district buildings and on district grounds in a peaceful and safe manner. Therefore, no student shall verbally or physically threaten or physically assault an employee. A student violating this policy shall be disciplined as follows:

- A student who verbally or physically threatens an employee shall be subject to disciplinary action which may include suspension or suspension and recommendation for expulsion. The student's parent/guardian shall be notified.
- A student who physically assaults an employee may be suspended from school and recommended for expulsion if such assault was not provoked by prior physical assault on the student by the employee. An employee using necessary and reasonable force for a purpose permitted by state law shall not be construed as assault.

Depending on the seriousness of the offense, law enforcement officers may be notified. In addition, criminal and/or civil action may be taken.

Legal References:     Sections 118.31 Wisconsin Statutes  
                                  120.13(1)  
                                  940.20(5)

Cross References:     447.1, Corporal Punishment/Use of Physical Force  
                                  447.3, Student Suspensions/Expulsions

Date of Adoption:     April 26, 1995

Date of Revision:     October 18, 2006

**SERIES 400  
STUDENTS**

443.81

**POSSESSION OR USE OF WEAPONS**

It is the policy of Marshall Public Schools that no one shall possess or use a dangerous weapon or look-alike weapon in school buildings, on school grounds, in school vehicles or at school-sponsored activities except at otherwise specifically provided. According to state law, any person who knowingly possesses or goes armed with a dangerous weapon on school premises is guilty of a misdemeanor or a felony, depending upon the seriousness of the offense. A minor who violates this law is subjected to the provisions outlined in Chapter 48 of the state statutes, unless jurisdiction is waived. Students in the Marshall School District must be aware of the fact that such acts of misconduct will not be tolerated.

A dangerous weapon or look-alike weapon is defined in state statutes as a gun, knife, razor, martial arts equipment, metal buckle or any other object which, by the manner in which it is used or intended to be used, is capable of inflicting bodily harm or could pretend to be capable of inflicting bodily harm. Marshall Public Schools include the use of pepper spray, and/or any other chemical defense item as part of this policy.

Law enforcement officers and the district administrator, or his/her designee, shall be contacted as soon as possible, if there is time, in a given weapons situation and if there is not an immediate threat to safety. If there is not time, or the situation warrants immediate action, the school staff should attempt to confiscate the weapon. The building principal will also report confiscation of weapons to the police.

A dangerous weapon(s) taken from a student will be reported to the student's parents/guardians. Disciplinary measures taken will be the responsibility of the building principal and will include suspension, referral to law enforcement authorities, and referral for expulsion. A pre-expulsion conference will be held by the district administrator and a recommendation for expulsion will be presented to the Board of Education if the facts in the situation indicate that the health and safety of students or faculty have been endangered.

The district may place a child with a disability who brings a firearm to school in an interim alternative educational setting before determining whether the behavior of bringing a firearm to school was a manifestation of the child's disability. However, the child's placement cannot be changed until the interim alternative educational setting is determined by the individuals described in s. PI 11.05(2)(b), Wis. Admin. Code.

The following are three exceptions to this policy:

1. Weapons under the control of law enforcement personnel are permitted;
2. Weapons that are registered and handled in a legal manner for the purpose of education may be authorized by the principal; and
3. Weapons properly registered and handled during the community use of school facilities may be permitted.

Legal References: Sections 941.235 Wisconsin Statutes  
948.60  
948.605  
948.61

Date of Adoption: February 15, 1995

Dates of Revision: January 24, 1996  
October 15, 2014

## MARSHALL PUBLIC SCHOOLS

### SERIES 400 STUDENTS

446

#### STUDENT SEARCHES

A student's person and/or personal belongings (e.g., purse, bookbag) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of an illegal or unauthorized item, with an adult witness present, when feasible. If a pat-down search of a student's person is conducted, it shall be conducted in private by a school authority of the same sex and with an adult witness present.

If a school authority has reasonable suspicion to believe that the student has on his/her person an item imminently dangerous to the student or to others, a more intrusive search of the student's person may be conducted. Such a search may only be conducted in private by a school authority of the same sex, with an adult witness of the same sex present, and only upon the approval of the Superintendent or his/her designee, unless the health or safety of the student or others will be endangered by the delay which might be caused by following these procedures. Under no circumstances, however, may a strip search be conducted by school or school district officials, employees or agents.

For purposes of this policy, "unauthorized item" means any item dangerous to the health or safety of students, school personnel or others, disruptive of any lawful function, mission or process of the school or at any time described as unauthorized in school rules available beforehand to students.

Legal Reference: Section 118.32 Wisconsin Statutes

Cross References: 443.4, Student Alcohol and Other Drug Use  
443.5, Student Possession or Use of Two-Way Communication Devices  
446.1 Student Locker Searches  
446.2 Use of Canine Units  
446.3 Use of Metal Detectors  
831, Tobacco Use on School Premises  
832, Possession or Use of Weapons

Date of Adoption: December 21, 1994

Date of Revision: November 17, 2004

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

446.1

**LOCKER SEARCHES**

The school locker assigned to a student is the property of Marshall Public Schools and remains at all times under the control of the district. However, students are expected to assume full responsibility for the security of their lockers.

A locker may be searched as determined necessary or appropriate without notice, without student consent and without a search warrant. The search may be conducted by the Superintendent, a building administrator, a guidance counselor, a police-school liaison officer or a school employee designated by the Superintendent or a building administrator.

Any illegal or unauthorized item found in a locker may be removed. Items removed from a locker may be held by the school for return to the student's parent(s)/guardian(s) (without liability to the school for safekeeping) unless the inspecting authority suspects that possession or storage of the item found in the locker involves a violation of law, in which case the suspect item removed from the locker shall be turned over to law enforcement officials. The student and his/her parent(s)/guardian(s) shall be notified by the inspecting authority of items removed from the locker and of the delivery thereof to law enforcement officials in cases of contents so disposed of and of the parent's/guardian's right to obtain other items removed from the locker.

For purposes of this policy, "unauthorized item" means any item dangerous to the health or safety of students, school personnel or others, disruptive of any lawful function, mission or process of the school or at any time described as unauthorized in school rules available beforehand to students.

The district shall include a copy of this policy in the student handbook that is distributed annually to each student enrolled in the district.

Legal Reference: Section 118.325 Wisconsin Statutes

Cross References: 443.4, Student Alcohol and Other Drug Use  
443.5, Student Possession or Use of Two-Way Communication Devices  
446, Student Searches  
446.2 Use of Canine Units  
831, Tobacco Use on School Premises  
832, Possession or Use of Weapons

Date of Adoption: December 21, 1994

Date of Revision: November 17, 2004

## MARSHALL PUBLIC SCHOOLS

### SERIES 400 STUDENTS

446.2

#### USE OF CANINE UNITS

School officials are authorized to allow the use of trained dogs on school property to detect marijuana or other illegal drugs or contraband on school premises.

Canines accompanied by law officials may be used for exploratory sniffing of locker exteriors, vehicles parked on school property and any other area of school property deemed appropriate. This activity will be carried out on a random or periodic basis and/or when reasonable suspicion exists.

#### RULE:

1. School officials may make random searches of district-owned lockers if the school has a written policy on the practice and that policy is widely disseminated to the student body.
2. Canines may be used without prior immediate notification of students and/or school personnel.
3. Canines may be called by the school principal/designee upon notification of the district administrator/designee.
4. Under normal circumstances, canines will be used at least once a school year at all secondary schools (middle and high school). Canines may also be used at any district elementary school, given reasonable suspicion.
5. Students will be restricted to their classrooms or commons/study areas while canines are in use.
6. In the event of a canine "hit" the locker or other area will be searched more extensively using established procedures.

Legal Reference: Section 118.325 Wisconsin Statutes

Cross References: 446.2 - RULE

Date of Adoption: November 17, 2004

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

446.3

**USE OF METAL DETECTORS**

In view of the escalating presence of weapons in our schools, the District may use hand-held or walk-through metal detectors to check an individual's person or personal effects. Additionally, if a school official has reasonable suspicion to believe that a particular individual is in possession of an illegal, dangerous and/or unauthorized metal-containing object or weapon, the school official may conduct a metal detector check of the individual's person

Cross References: 832, Possession or Use of Weapons

Date of Adoption: November 17, 2004

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

447

**STUDENT DISCIPLINE**

All district employees shall share the responsibility for supervising the behavior of students and for seeing that they meet established standards of conduct.

All teachers shall be responsible for ensuring that proper student conduct is maintained in their respective classrooms, in the halls, on school premises and during school-sponsored activities off school premises. In cases of misconduct when ordinary and usual methods of correction are ineffective, the teacher may send the student to the building principal for further action. If a problem situation arises which the teacher cannot adequately handle alone, the building principal shall be contacted. Serious conduct problems shall be handled in accordance with established procedures.

In each instance in which an employee acts to help a student conduct himself/herself properly, emphasis shall be placed upon the growth of the student in the ability to conduct himself/herself properly.

Teachers and administrators should guard against making remarks to other students concerning a student's shortcomings or engaging in discussions with a student in such a way as to reflect discredit upon the student before others. All information concerning the student or his/her family background should be held in confidence to the extent permitted by state or federal law.

Marshall Public Schools shall not discriminate in disciplinary measures, including suspension and expulsion, on the basis of sex, race, religion, national origin, color, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

Legal References:     Sections 118.13 Wisconsin Statutes  
  120.13(1)  
  121.52(2)  
  PI 9.03(1), Wisconsin Administrative Code

Cross References:     Board Rule 411, Student Discrimination Complaint Procedures  
  443, Student Conduct  
  447.1, Corporal Punishment/Use of Physical Force  
  447.3, Student Suspensions/Expulsions

Date of Adoption:     April 26, 1995  
Date of Revision:     October 18, 2006

**SERIES 400  
STUDENTS**

447.3

**STUDENT SUSPENSIONS/EXPULSIONS**

**Suspension**

Each principal and/or the principal's designee is authorized to suspend a student from school for the maximum number of school days allowed by state law. A student may be suspended from school if it is determined that the student:

1. Violated a school or Board rule;
2. Knowingly conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
3. Engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others. Conduct that endangered a person or property includes making a threat to the health or safety of a person or making a threat to damage property;
4. Engaged in conduct while not at school or while not under the supervision of a school authority which endangered the property, health or safety of others at school or under the supervision of a school authority. Conduct that endangered a person or property includes making a threat to the health or safety of a person or making a threat to damage property;  
or
5. Endangered the property, health or safety of any employee or Board member of the school district in which the student is enrolled. Conduct that endangered a person or property includes making a threat to the health or safety of a person or making a threat to damage property.

A student shall be suspended from school for possessing a firearm on school premises or while under school supervision in accordance with state law and Board policy. In addition, a student shall be suspended from school when required by law.

Prior to any suspension, the student shall be advised of the reason for the proposed suspension and any supporting evidence. The student shall be given the opportunity to explain his/her version of the facts if the student denies the charges. If it is determined that the student is guilty of the misconduct charged and that the suspension is reasonably justified, the student shall be suspended. If the student is a minor, his/her parent/guardian shall be given prompt notice of the suspension and the reason for the suspension.

The Superintendent or any principal or teacher designated by him/her shall have the power to suspend a student for not more than five school days, except as otherwise specifically provided by law. If a notice of an expulsion hearing has been sent, a student may be suspended for not more than a total of 15 consecutive school days or up to 10 consecutive school days if the student

has a disability. The building principal or designee shall determine whether the suspension will be served in or out of school.

A suspended student shall not be denied the opportunity to take any quarterly, semester or grading period examinations or to complete course work missed during the suspension period.

A meeting shall be required between the administrator/designee suspending the student, the student and a parent/guardian of the student prior to the student returning to school or as soon as possible after the student's return.

No student who is under suspension shall be present within any school building or upon any school grounds under the jurisdiction of the Board during the period of suspension except when the right of the suspended student to be in any school building or upon any school grounds is guaranteed by law.

### **Expulsion**

The Board may expel a student from school when it finds:

1. The student is guilty of repeated refusal or neglect to obey school rules or regulations;
2. The student knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives;
3. The student engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others. Conduct that endangered a person or property includes making a threat to the health or safety of a person or making a threat to damage property;
4. The student while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority. Conduct that endangered a person or property includes making a threat to the health or safety of a person or making a threat to damage property;
5. The student endangered the property, health or safety of any employee or Board member of the school district in which the student is enrolled. Conduct that endangered a person or property includes making a threat to the health or safety of a person or making a threat to damage property; or
6. The student is at least 16 years old and repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under any reasons outlined above; and
7. The Board is satisfied that the interest of the school demands the student's expulsion.

Possessing a dangerous weapon while at school or while under the supervision of a school authority shall result in expulsion proceedings as outlined in state law. The term "dangerous weapon" means a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or readily capable of, causing death or serious bodily injury. In addition, a student shall be expelled from school when required by law.

Expulsion procedures shall be carried out in accordance with state law. The Board shall expel a student from school for not less than one year whenever it finds that the student possessed a firearm on school premises or while under school supervision as required by law.

No student who is under expulsion shall be present within any school building or upon any school grounds under the jurisdiction of the Board during the period of expulsion except when the right of the expelled student to be in any school building or upon any school grounds is guaranteed by law.

If a student who has been expelled seeks to enroll in another school district during the term of his or her expulsion, upon request, the district shall provide the school board of the other school district with a copy of the expulsion findings and order, a written explanation of the reasons why the student was expelled and the length of the term of the expulsion.

The board may specify conditions in a student expulsion order that would allow the student to be reinstated to school early before the end of the term of his/her expulsion. The early reinstatement conditions shall be related to the reasons for the expulsion and shall be enforced in accordance with state law requirements.

Legal References: Sections 118.16(4) Wisconsin Statutes  
120.13(1)

Cross Reference: Board Rule 431, Student Attendance Procedures

Date of Adoption: October 18, 1995

Dates of Revision: October 18, 2006  
January 28, 2014

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

Board Exhibit 447.3 (A)

**EXPULSION CHECKLIST**

1. Not less than five days prior to the date of expulsion hearing, the school board shall send written notice of the hearing, separately:

- a. to pupil, AND
- b. if pupil is a minor, to parent/guardian

2. The notice of hearing shall:

- a. specify the particulars of the alleged refusal, neglect or conduct;
- b. state time and place of hearing;
- c. state that hearing may result in pupil's expulsion;
- d. include copy of current s120.13(1)(c), Stats., printed in full on the face or back of the notice.

3. Pupil or parent/guardian of minor may request closed hearing.

4. Pupil and, if pupil is a minor, the parent or guardian may be represented at hearing by counsel.

5. Prior to expulsion, the school board shall conduct hearing and keep written minutes of the hearing. A tape recording is acceptable.

6. Expellable offenses-based on facts presented at hearing, the school board makes written findings that:

- a. the pupil is guilty of repeated refusal to neglect to obey the rules OR
- b. the pupil knowingly conveyed or caused to be conveyed any threat of false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives OR
- c. the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others, OR
- d. the pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority, OR
- e. the pupil endangered the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled.

AND the board is satisfied that the interest of the school demands the pupil's expulsion.

7. School board shall mail copy of expulsion order, separately:

- a. to pupil, AND
- b. if pupil is a minor, to parent/guardian

8. Inform pupil and, if pupil is a minor, the parent/guardian of right to appeal to state superintendent.

9. All time lines have been met.

Legal References: S 120.13(1)(c), WI Statutes.

Cross Reference:

Date of Adoption: February 15, 1995

Date of Revision:

**MARSHALL PUBLIC SCHOOLS**

PO Box 76  
Marshall, WI 53559

Board Exhibit 447.3 (B)

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**NOTICE OF PUPIL EXPULSION HEARING**  
**of [pupil name]**

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TO: PUPIL  
Pupil's Street Address  
City, WI zip

COPY TO: PUPIL'S PARENT(S)/GUARDIAN  
Parents' Street Address  
City, WI zip

PLEASE TAKE NOTICE that the Marshall School District Board will hold a hearing on the above-named pupil's possible expulsion from

\_\_\_\_\_ (school name). The hearing will be held on  
\_\_\_\_\_ (day), \_\_\_\_\_ (mo/day/yr.), in the administrative  
offices, located at \_\_\_\_\_ (street address/city/WI/zip code),  
commencing at \_\_\_\_\_ p.m. This hearing may result in the expulsion of the above-named pupil. If the  
pupil is expelled, the board will determine the length of the expulsion period, which may extend at a  
maximum to the pupil's 21<sup>st</sup> birthday.

The school administration had recommended that the pupil be expelled for (insert or attach alleged misconduct).

The school administration believes proof of the above conduct supports a finding that (mark the appropriate statutory ground(s)).

- The pupil is guilty of REPEATED refusal or neglect to obey the rules. OR
- The pupil knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives. OR
- The pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health, or safety of others. OR
- The pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health, or safety of others at school or under the supervision of a school authority. OR
- The pupil endangered the property, health, or safety of any employee or school board member of the school district in which the pupil is enrolled.

For these reasons, the school administration believes the interest of the school demands the pupil's expulsion.

PLEASE TAKE FURTHER NOTICE if the misconduct cited above is proven, in considering whether to expel the pupil, and if so, for what period of time, the board may also consider the pupil's complete disciplinary and academic records. These pupil records are available for your review as outlined in s.118.125, WI Statutes.

The administration intends to present witnesses at the hearing with knowledge of the incident(s) described above. The pupil and parent(s) each may be represented at the hearing by an attorney and the parties shall have the right to cross examine witnesses and to present such evidence and witnesses as deemed appropriate.

Address whether any existing suspension continues until the hearing and whether the pupil may return to school pending the hearing.

As required by law, the applicable pupil expulsion statute, s.120.12(1)(c), WI statutes, is included with this notice.

PLEASE TAKE FURTHER NOTICE upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed. Please contact \_\_\_\_\_ at \_\_\_\_\_ (phone) to request a closed hearing and for other questions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent of Schools, Marshall School District

Cc: Marshall Board Members  
Principal  
Pupil Services Director

Mailed separately to: Pupil and Parent(s)/Guardian

Legal References:

Cross Reference:

Date of Adoption: February 15, 1995

Date of Revision:

**MARSHALL PUBLIC SCHOOLS**

**SERIES 400  
STUDENTS**

Board Rule 447.3

**STUDENT SUSPENSIONS/EXPULSIONS**

1. Since current legal opinion does not view suspension as a change in placement, Wisconsin Statutes Section 120.13(1) applies to all students regardless of handicapping condition.

**A. SUSPENSION CONDITIONS**

The school district administrator or any principal or teacher designated by the school district administrator also may make rules, with the consent of the school board, and may suspend a pupil for not more than five (5) school days or, if a notice of expulsion hearing has been sent under par. (c) or (e) or s.120.13 for not more than a total of 15 consecutive days for noncompliance with such rules or school board rules, or for knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or for conduct by the pupil while at school or while under the supervision of a school authority which endangers the property, health, or safety of others, or for conduct while not at school or while not at school or while not under the supervision of a school authority or endangers the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled. Prior to any suspension, the pupil shall be advised of the reason for the proposed suspension. The pupil may be suspended if it is determined that the pupil is guilty of non-compliance with such rule, or of the conduct charge, and that the pupil's suspension is reasonably justified."

**B. PARENT NOTIFICATION**

The parent or guardian of a suspended student shall be given prompt notice of the suspension and the reason for the suspension.

**C. RIGHT TO A CONFERENCE**

The suspended student or his parent or guardian may, within 5 school days following commencement of the suspension, have a conference with the school district administrator or his designee who shall be someone other than a principal, administrator or teacher in the suspended student's school.

#### D. CONDITIONS FOR EXPUNGING STUDENT RECORDS

If the school district administrator or his designee finds that the pupil was suspended unfairly or unjustly or that the suspension was inappropriate, given the nature of the alleged offense, or that the pupil suffered under consequences or penalties as a result of the suspension, reference to the suspension on the student's school record shall be expunged. Such finding shall be made within 15 days of said conference.

#### E. EXAMINATION PRIVILEGES

A student suspended under this paragraph shall not be denied the opportunity to take any quarterly, semester or grading period examinations missed during the suspension period.

#### F. REQUIRED MEETING

A meeting is required between the administrator/designee suspending the student, the student and a parent/guardian of the student prior to the student returning to school. The results of this meeting must indicate an agreement by all parties that the student is ready to come back to school.

2. Current legal opinion indicates that the intent of legislation mandates regarding a free appropriate public education for all handicapped students is to assure the availability of educational programs and services, not to limit a school district's right to expel. Thus in accordance with Wisconsin law, "the school board may expel a student from school whenever it finds him/her guilty of repeated refusal or neglect to obey the rules, or finds that he/she engaged in conduct while at school or while under the supervision of a school authority which endangers the property, health or safety of others, or endangers the property, health or safety of any employee or school board member of the school district in which the pupil enrolled and is satisfied that the interest of the school demands his/her expulsion." Since expulsion clearly represents a change in special education placement, however, the following procedures must be utilized in the case of a student suspected of or identified as being handicapped:
  - A. For student suspected, but not identified, as being handicapped, screening procedures are to be employed to determine the appropriateness of a referral to a Multi-Disciplinary Team (M-Team)
    - a. If the student's misconduct is judged not to be related to an existing exceptional educational need(s), the expulsion procedures stipulated in Wisconsin Statutes, section 120.13(1)(c), may be initiated.
    - b. If the student's misconduct is is judged to be related to existing exceptional educational needs, referral should be made to an M-Team for recommendation as to appropriate educational programming and placement. (Parent consent is required prior to M-Team evaluation)

- B. For students currently identified as having exceptional educational needs, determination of the relationship between the student's handicap and misconduct is to be made by an M-Team.
- a. If no casual relationship is found between the student's handicapping condition(s) and the misconduct in question, the expulsion procedures stipulated in Wisconsin Statutes 120.13(c) may be initiated.
  - b. If a casual relationship is found to exist between the student's handicapping condition(s) and his/her misconduct, a re-evaluation of the child is to be made by an M-Team to determine whether an alternate placement would better meet his/her educational needs. Parental permission for changes in special education placement must be obtained prior to action by the school district.

Federal statutes prohibit changing a child's special education placement during a pending complaint proceeding. Suspension may be utilized as a short-term alternative.

Legal References:

Cross Reference:

Date of Adoption:

Date of Revision:

## MARSHALL PUBLIC SCHOOLS

### SERIES 400 STUDENTS

449

#### GANG RELATED BEHAVIOR

The Marshall Public School District recognizes that a school must create and maintain a safe and orderly environment in which learning can take place. The presence of gangs, gang affiliations and gang-related activities within the school disrupts that learning environment by threatening the safety of students, staff, and parents in the school building, and causes a disruption to the academic process.

The use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of grooming which, by virtue of its color, arrangement, trademark, symbol or any other attribute indicates or implies membership or affiliation with such a group is contrary to the school environment and educational objectives and creates an atmosphere where unlawful acts or violation of school regulations may occur.

As a result of those beliefs, the Marshall Public School System hereby bars all gangs, gang affiliations and gang-related activities from school buildings, school-related activities and school property at all time. A "gang" is defined as any identifiable group or club which exists without the sponsorship of the school or the sponsorship of any recognized adult community or civic organization and which engages in antisocial or criminal behavior activity.

Gang associations which involve initiations, hazing, intimidations and/or related activities or any such activities in general which could potentially cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to students are prohibited.

The district administrator will establish procedures and regulations to ensure that any student wearing, carrying or displaying association paraphernalia or exhibiting behavior or gestures which symbolize association membership, or causing and/or participating in activities which intimidate or affect the attendance of another student will be subject to disciplinary action.

The district administrator or his/her designee will provide training programs that will help facilitate staff identification of gang association behaviors and characteristics. An added goal of this program is to encourage student promotion of membership in authorized school groups and/or activities as an alternative to gang affiliations.

Legal References:

Cross References:

Date of Adoption: December 21, 1994

Date of Revision: