
StEPP Attorney Manual
Wisconsin Heights School District
10173 US Highway 14
Mazomanie, WI 53560
(608) 767.2595

Hearing Location and Opposing Attorney

Expulsion hearings will be held at the Wisconsin Heights
High/Middle School Library located at:

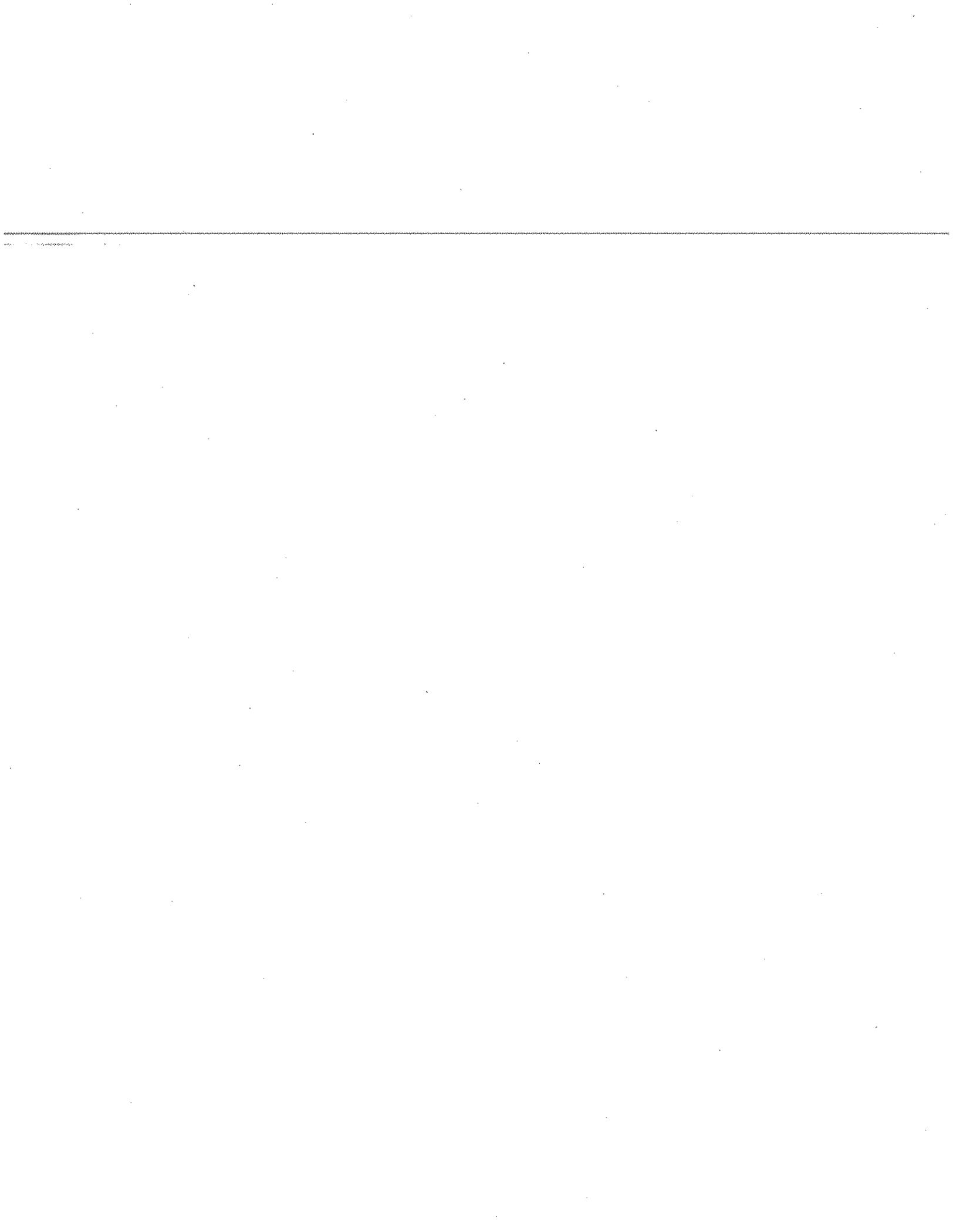
**10173 Hwy 14
Mazomanie, WI 53560**

The opposing attorney at expulsion hearings within the Wisconsin
Heights School District is:

**David Friedman
Friedman Law Firm
(608) 256-0155**

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WISCONSIN HEIGHTS SCHOOL DISTRICT
BOARD OF EDUCATION POLICIES
SERIES 400 - STUDENTS

44.3 - STUDENT CONDUCT

ADOPTED IN PART: JANUARY 18, 1988

REVISED: OCTOBER 13, 1997

AUGUST 9, 1999

MAY 21, 2007

Students shall conduct themselves in keeping with the standards of behavior established for students of that age, acting with due regard for the supervisory authority vested by the School Board in all District employees, for the educational purpose underlying all school activities, for the widely shared use of District property, and for the rights and welfare of other students.

The Board shall adopt a code governing the conduct of students in the classroom and other instructional areas. Other rules of conduct shall be established by each respective building principal. The rules shall be in conformance with all applicable Board policies, state statutes and administrative rules. The rules of conduct shall apply to all students at all times while on school premises or while in attendance at or engaged in any school-sponsored or supervised activity whether conducted on school premises or at some other location. The respective building principals shall advise students of the Board's code of student conduct and other established rules of student conduct in accordance with established procedures. Principals will post student handbooks containing student conduct rules on their respective building websites.

All employees of the District shall share responsibility for supervising the behavior of students and for seeing that students meet the student conduct rules established by the principal and the code of student conduct adopted by the Board. Students may be subject to disciplinary action for violations of the code of student conduct or other student conduct rules. In addition, failure to abide by the code of student conduct may result in student removal from an area and placement in an alternative setting as outlined in the code of student conduct.

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

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

LEGAL REF.: Sections 118.13 Wi Stats
118.164
120.13(1)
121.52(2)
PI 9.03(1), Wi Administrative Code

CROSS REF.: 112, Harassment
363, Acceptable Use of Instructional Technology
370, Interscholastic and Extracurricular Activities
377, Interscholastic Athletics
411-Rule, Student Discrimination Complaint Procedures
431, Student Attendance
443-Rule(1), Procedures for Disseminating Student Conduct Rules
443-Rule(2), Code of Student Conduct
443.2, Student Conduct on School Buses
443.3, Co-Curricular Participation Code of Conduct
443.4, Student Alcohol and Other Drug Abuse
443.5, Electronic Communication Devices
443.6, Mandatory Expulsion for Possession of Specific Weapons

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443.61, Explosive Devices on School Premises
443.7, Abusive and Derogatory Language and Behavior
447, Student Discipline
447.1, Staff Use of Physical Force
447.3, Student Suspensions/Expulsions
831, Tobacco Use on School Premises
832, Weapons on School Premises
Co-Curricular Code of Conduct
Athletic Handbook
Special Education Policy and Procedure Handbook

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443 - RULE(1) - PROCEDURES FOR DISSEMINATING STUDENT CONDUCT RULES

ADOPTED: OCTOBER 13, 1997

REVISED: AUGUST 9, 1999

MAY 21, 2007

The respective building principals shall advise students of established student conduct rules as follows:

1. **Elementary School (Grades K-5)**
Parents shall be provided with a student handbook at or near the beginning of each school year. Individual classroom teachers shall be advised of standards of student conduct and shall advise their respective students accordingly. The handbook or listing of the student conduct rules shall be reviewed annually by the principal.
2. **Middle School**
Students shall be provided with a student handbook at or near the beginning of each school year. The student handbook shall contain the standards of conduct as shall be applicable to that school and its grade levels. The handbook shall be reviewed annually by the principal.
3. **High School**
Students shall be provided with a student handbook at or near the beginning of each school year. The student handbook shall contain the standards of conduct as shall be applicable to that school and its grade levels. The handbook shall be reviewed annually by the principal.
4. **All Schools**
Principals shall post student conduct rules on their school website.

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44-3 - RULE(2) - CODE OF STUDENT CONDUCT

ADOPTED: AUGUST 9, 1999
REVISED: MAY 21, 2007

The Wisconsin Heights School District recognizes and accepts its responsibility to create, foster and maintain an orderly and safe environment, conducive to teaching and the learning process. Staff, including administrators and other responsible adults must use their training, experience and authority to create schools and classes where learning is possible. Students are expected to come to school and to each class ready and willing to learn.

Students should be able to attend school and classes as free as reasonably possible from unnecessary and unwarranted distraction and disruption. Such behavior interferes with the learning environment and will not be tolerated. A student who engages in conduct or behavior as outlined in this code may be removed from an area by a responsible adult and placed in an alternative setting in accordance with established procedures.

Removal from an area under this code does not prohibit the district from pursuing or implementing disciplinary measures, including but not limited to detentions, suspensions or expulsion, for the conduct or behavior for which the student was removed. In addition, a student who engages in conduct in violation of established Board policies, school rules, state laws or municipal ordinances may also be subject to disciplinary action.

For purposes of this code an "area" includes regular classes, cafeteria, play or parking area, restrooms, hallways, school offices and field trip locations, special classes, resource room sessions, labs, study halls, library time and school assemblies. "Responsible adult" means a person employed by the district.

REASONS FOR REMOVAL FROM AN AREA

Student removal from an area is a serious measure and should not be imposed in an arbitrary, casual or inconsistent manner. Behavioral expectations are always more constructive and more likely to be followed when they are communicated as clearly as possible to both students and staff. However, it is neither possible nor necessary to specify every type of improper or inappropriate behavior, or every inappropriate circumstance that would justify removal from an area under this code. A responsible adult's primary responsibility is to maintain an appropriate educational environment for the class as a whole. Therefore, notwithstanding the provisions of this code, in every circumstance, the responsible adult should exercise his/her best judgment in deciding whether it is appropriate to remove a student from an area.

Except as otherwise provided, a responsible adult may remove a student from an area for the following conduct or behavior:

1. **Conduct covered by the district's policies regarding suspension and expulsion** (e.g., conduct rule violations, possessing a firearm, knowingly conveying a threat to others or threat to destroy any school property by means of explosives). It should be noted that building administrators make decisions regarding suspension, and the District Administrator makes recommendations for expulsion. Thus, a responsible adult's decision to remove a student from an area for behavior covered by district policies regarding suspension and expulsion may, but not necessarily, mean that the student will also be suspended or expelled.
2. **Disruptive, dangerous or unruly behavior.** The following behavior, by way of example and without limitation, may be determined to be disruptive, dangerous or unruly:
 - a. Being under the influence of alcohol or other controlled substances or controlled substance look-alikes, or otherwise in violation of district student alcohol and other drug policies.
 - b. Inappropriate physical contact or threat intended or likely to hurt, distract or annoy others such as hitting, biting, pushing, shoving, poking, pinching, grabbing or fighting.
 - c. Inappropriate verbal conduct intended or likely to upset, distract or annoy others such as name calling, teasing or baiting, or encouraging a fight or disruption.
 - d. Behavior that may constitute sexual or other harassment (e.g., racial or ethnic slurs)

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- e. Disruption and intimidation caused by gang or group symbols or gestures, gang or group posturing to provoke altercations or confrontations.
 - f. Repeated or extreme inappropriate conduct likely to disrupt the educational environment, particularly when others are talking (e.g., lecture by responsible adult, response by other student, presentation by visitor) or during quiet study time.
 - g. Throwing any object, particularly one likely to cause harm or damage such as books, pencils, scissors, etc.
 - h. Inciting other students to act inappropriately or to disobey the responsible adult, school or class rules.
 - i. Destroying the property of the school or another student.
 - j. Repeated disruption or violation of classroom rules.
 - k. Behavior that causes the responsible adult or other students fear of physical or psychological harm.
3. **Conduct which otherwise interferes with the ability of the responsible adult to teach effectively.** Students are required to cooperate with the responsible adult by listening attentively, obeying all instruction promptly and responding appropriately when called upon. A student's non-compliance may, in turn, distract others either by setting a bad example or by diverting the class attention from the lesson to the student's inappropriate behavior. By way of example and without limitation, such behavior includes:
- a. Open defiance of the responsible adult, manifest in words, gestures or other overt behavior.
 - b. Open disrespect of the responsible adult, manifest in words, gestures, or other behavior.
 - c. Open behavior likely or intended to sabotage or undermine classroom instruction.
4. **Conduct which is incompatible with effective teaching and learning in the class.** In some cases, a responsible adult may believe that a student should be removed from the class for the good of the student and in the best interests of the class as a whole. Such reasons may, but need not be disciplinary in nature, and include for purposes of illustration and without limitation, irreconcilable personality differences or issues between students in the area.

PROCEDURES TO BE FOLLOWED FOR REMOVING A STUDENT FROM AN AREA

Except when the behavior is extreme, a responsible adult should generally warn a student (preferably in private) that continued misbehavior might lead to a consequence. Every effort should be made to reinforce positive behaviors and provide alternatives to more extreme consequences and removal from an area. Best practice suggests that the adult notify the parent(s)/guardian(s) both when they have a concern and when the student has made an effort or progress. When the responsible adult determines that removal is appropriate, s/he should take one of the following courses of action:

1. Obtain coverage for the area and escort the student to the main school office. The responsible adult shall inform the building principal or designee of the reason for the student's removal from an area.
2. Seek assistance from the main school office or other available staff. When assistance arrives, the responsible adult or the other staff member should accompany the student to the main office. The principal or designee shall be informed of the reason for the student's removal.

When the student arrives at the main office, the building principal or designee shall give the student an opportunity to briefly explain the situation. If the building principal or designee is not available immediately upon the student's arrival, the student should be taken to the designated short-term removal area and the principal or designee should speak to the student as soon as possible.

On the same day, or the following school day, the responsible adult shall submit to the building principal or designee a short and concise written explanation of the basis for the student's removal from an area.

On the same day, the building principal or designee shall make and document a reasonable effort to notify the student's parent/guardian, by telephone and in writing, that the student was removed from an area. The written notice shall specify the area from which the student was removed, the duration of the removal, and the basis for the removal as stated by the responsible adult. If the student's removal from an area is also subject to disciplinary

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action for the particular classroom conduct (i.e., suspension or expulsion), the student's parent/guardian shall also be notified of the disciplinary action in accordance with legal and policy requirements.

PLACEMENT PROCEDURES

1. SHORT-TERM PLACEMENT

Each building principal shall designate a room or other suitable place in the school that will serve as the short-term removal area.

Following referral to the main office, the building principal or designee may place the student in the designated short-term removal area as determined appropriate by the responsible adult of the area from which the student was removed. At the discretion of the building principal or designee, the student may be placed in another appropriate area, program or educational setting, provided the students are supervised in such alternative setting.

Students placed in the short-term removal area shall be supervised. During their time of placement, students should do work of an academic nature. Such work should ordinarily be related to the work in the area from which the student was removed or may be related to the student's misconduct. In no event should a student's time in the short-term removal area be recreation or other free-time.

In most cases, a student shall remain in the short-term removal area for at least the duration of the class or activity from which he/she was removed. Prior to allowing the student to resume his/her normal schedule, the building principal or the responsible adult who removed the student from the area shall meet with the student to: (1) review the behavioral requirements for the class or area from which the student was removed, and (2) discuss what the student needs to do differently when he/she goes back to the class or area. In the event the student is not ready to return to regular classes, the building principal or designee may consider a different placement option as outlined below.

2. LONG-TERM PLACEMENT

Long-term placement in an alternative setting is an extremely serious step that should not be undertaken hastily or for less than compelling reasons. Such a step could have profound consequences for the affected student, as well as for any other class or responsible adult to which the student may then be assigned. For these reasons, long-term placement should not ordinarily be considered or implemented except after a thorough consideration of alternatives by the building principal or designee. The building principal or designee shall make all long-term placement decisions under this code.

If a responsible adult believes that the best interests of the student and/or a class require the student's long-term placement in an alternative setting, the responsible adult should so notify the building principal in writing. Such statement should set forth as clearly and completely as possible: (a) the basis for the removal request, (b) the alternatives, approaches and other steps considered or taken to avoid the need for the student's removal from an area, (c) the impact, positive and negative, on the removed student, and (d) the impact, positive or negative, on the rest of the students.

Upon receipt of such statement, the building principal or designee, may at his/her discretion, consult with the responsible adult and/or other district staff. The principal/designee should also inform and consult with the student's parent/guardian and the student her/himself.

Following consideration of the responsible adult's statement and any other information, the building principal or designee shall, at his/her discretion, take one of the following steps:

- a. Place the student in an alternative education program as defined by law;
- b. Place the student in another area in the school;
- c. Place the student in another instructional setting; or

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- d. Return the student to the area/class from which the student was removed if the principal or designee determines that readmission to the area is the best or only alternative.

When making placement decisions, the principal or designee shall consider the following factors:

- a. The reason the student was removed from an area.
- b. The severity of the offense.
- c. The type of placement options available for students in that particular school and any limitations such as costs, space availability and location, on such placements.
- d. The estimated length of time of placement.
- e. The student's individual needs and interests.
- f. Whether the student has been removed from a responsible adult's area before.
- g. The relationship of the placement to any disciplinary action.

Long-term placement in an alternative setting is an administrative decision and is not subject to appeal. However, the student and/or the student's parent/guardian may meet with the building principal or designee and/or the responsible adult(s) who made the request for the student's long-term placement in an alternative setting. Where possible, this meeting shall take place within five days of the request for a meeting. The building principal or designee has the authority to make a determination regarding the student's placement and implement the placement plan.

REMOVAL AND PLACEMENT PROCEDURES FOR STUDENTS WITH DISABILITIES

A student with a disability may be removed from an area by a responsible adult and placed in an alternative education setting only to the extent authorized by state law, the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and/or related regulations.

CODE DISSEMINATION

Students, parents/guardians and responsible adults who have responsibilities under this code shall be informed of this Code of Student Conduct annually.

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44.32 - STUDENT CONDUCT ON SCHOOL BUSES

ADOPTED IN PART: AUGUST 8, 1994
REVISED: JUNE 28, 1999

The school bus is considered to be an extension of the classroom; therefore, the Board of Education shall require students to conduct themselves while on the bus in a manner consistent with established standards for classroom behavior. A set of bus rider rules shall be developed by the administration and distributed annually to all students who qualify for bus transportation.

Students who engage in conduct in violation of the bus rider rules shall be subject to disciplinary action. Where continuing or extremely serious problems exist, the student's bus riding privileges may be suspended in accordance with established procedures.

LEGAL REF.: Sections 120.13(1) Wis Stats
121.52(2)
TRANS 300, Wis Administrative Regulations
63 Atty. Gen. 526

CROSS REF.: 443.2-Rule, Rules Governing Student Bus Riders
443.2-Exhibit, Acknowledgement of Bus Rider Rules
112-Harassment
347-Rule, Guidelines Governing the Maintenance and Confidentiality of Student Records
443, Student Conduct
443.4, Student Alcohol and Other Drug Use
447.3, Student Suspension/Expulsion
723.5 Crisis Management
731.1 Vandalism
751, Student Transportation Services
751.21, Video Cameras on School Buses
831, Tobacco Use on School Premises
832, Weapons on School Premises

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44.32 - RULE - RULES GOVERNING STUDENT BUS RIDERS

ADOPTED: AUGUST 8, 1994
REVISED: OCTOBER 27, 1997
JUNE 28, 1999

The following rules have been established to protect student bus riders. Students are expected to obey them. Students are reminded that riding the school bus is a privilege; not a right.

BUS RIDER RULES

1. BEFORE THE BUS COMES

If a student is not going to ride the bus in the morning, and that would make the bus wait or go out of its way, the student/parent/guardian should call his/her bus driver or the bus company (767-2500).

2. WHILE WAITING FOR THE BUS

The school bus driver will pick student riders up at the same time every school day unless the bus is delayed by weather or mechanical trouble. **Students should be at their bus stop three to five minutes before the bus arrives.** Students must be at their pick-up spot on time. Student should wait for the bus off the roadway. If a student rider is not in sight when the bus arrives, the driver will **stop, look for student(s) and continue on if no activity is seen.**

If the bus stops on the student's side of the road, the student should wait until the bus comes to a complete stop and the door opens before walking toward the bus.

If the bus comes to the opposite side of the road the student must wait until the driver signals him/her to cross, even if the bus is completely stopped and the red lights are flashing. As students cross the road, they should stay away from the front bumper so the driver can see them.

If students switch buses in the morning, or if students board a bus at the high school in the afternoon, students should not crowd or push toward the door as the bus drives up.

3. WHILE RIDING ON THE BUS

Safe student transportation is uppermost in our minds, and the District wishes to insure the safety and protection of students. It is imperative that the following rules are understood, enforced and obeyed:

- a) Classroom behavior will be maintained at all times
- b) Students should remain seated while the bus is in motion. Students are not well protected from inquiry in an accident or sudden stops, unless they are sitting down. Students should stay seated until the driver says they may leave the bus.
- c) Students should keep their head, hands and arms inside the bus.
- d) Students should not consume food or drink on the bus.
- e) Students should keep the aisles clear.
- f) The school bus driver is in complete charge at all times on the bus, and has the authority to assign seats.

Video surveillance cameras may be used in the buses. The camera will be used for the purpose of providing for student safety and reducing disciplinary problems and vandalism on the bus, thereby allowing the driver to focus on driving the bus. If a student damages the seats or interior of the bus, the student or his/her parent(s)/guardian will be required to pay for it.

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4. WHILE LEAVING THE BUS

Students should move away from the bus as soon as they get off the bus. Students should stay away from the wheels of the bus.

If a student lives on the same side of the street as the bus door, he/she should go directly toward his/her home.

If a student must cross the street, he/she should remember the following:

- a) If the bus is using its flashing red lights, the student should walk 10 feet ahead of the bus and wait for the driver to signal him/her to cross.
- b) If the bus is using its flashing yellow lights, (which only happens in town) the student should walk directly to the sidewalk and wait for the bus to leave. Then, the student should cross the street at the nearest crosswalk.

If a student is unsure which of these two things to do, he/she should ask the bus driver.

Each time a student wants to go home with another student or get off the bus at a different stop, the student must give the school principal a note signed and dated by his/her parent/guardian. The office issues a standard bus pass that the student gives to the bus driver.

5. EXTRA CURRICULAR AND FIELD TRIPS

All of the rules above apply on extracurricular activity trips and field trips just as they do on regular bus trips.

Instead of riding the bus, students will be allowed to be transported to extracurricular activities or field trips by their own parent/guardian only. In such cases, the student's parent(s)/guardian must make a request in writing with the school personnel in charges of the extracurricular activity or field trip and the building principal.

6. BUS EVACUATION

The bus driver will conduct an evacuation drill on the bus twice each year. Student riders are expected to learn all about the emergency equipment and safety procedures on their school bus.

Student should remember that the rear door must never be opened except during an evacuation drill or a real emergency.

UNSATISFACTORY BUS CONDUCT

The following infractions of the Bus Riding Rules would cause the bus driver to send a bus misconduct report to the principal and the bus terminal manager. Students who do not respond to verbal directions will receive a bus misconduct report from the bus driver or terminal manager. Copies of these reports will be sent to the student's parent(s)/guardian and will be kept on file in the principal's office and the bus terminal for further reference. The administrators of the District have the authority to discipline and/or suspend school bus riding privileges.

Minor infractions include but are not limited to:

- * Standing on the bus
- * Eating or drinking on the bus without permission
- * Littering

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The bus driver has discretion on how he/she will handle minor infractions. (Note to parents/guardians: In most cases, drivers give several warnings for minor infractions before writing a report and only write a report when the student's behavior becomes a chronic problem.)

Major infractions include but are not limited to:

- * Arguing or talking back to the driver or chaperone
- * Shouting
- * Profane language or gestures
- * The use of ANY and ALL tobacco products including smoking, chewing or spitting tobacco
- * Conduct in violation of the District's student alcohol and other drug use policy (e.g., possession of alcohol or other controlled substances on the bus, being under the influence of alcohol or drugs on the bus)
- * Carrying matches or any kind of hazardous material
- * Carrying weapons (knives, guns, needles, etc.)
- * Throwing or shooting objects on the bus
- * Destruction of property
- * Hanging or throwing things out of windows
- * Verbal or physical harassment of another student or of adults. (Harassment is defined as any unwanted, deliberate or repeated unsolicited comments, gestures, graphic materials, physical contacts or solicitation of favors which create an intimidating, hostile or offensive environment.)
- * While on an extracurricular activity or field trip, behaving in a manner that is unsportsmanlike, degrading or embarrassing to the Wisconsin Heights District or the contracted bus company

BUS DISCIPLINE PROCEDURES

FIRST BUS REPORT: The principal will **inform the parent(s)/guardian(s) and may** speak to the student about the offense and discuss what disciplinary measures the parent/guardian, bus driver and/or terminal manager deem necessary to correct the situation.

SECOND BUS REPORT: The principal will request a conference with the student, parent/guardian, and possibly the driver. Parent/guardian notification regarding the conference will be made by telephone, in writing or by personal meeting. The purpose of the conference is to change the undesirable behavior of the student and make the parent(s)/guardian and the student aware that the student's bus riding privileges may be suspended. The parent(s)/guardian will again be given a copy of the Bus Rider Rules and asked to sign the acknowledgment.

THIRD BUS REPORT: The principal will call the student's parent(s)/guardian and will suspend the student's bus riding privilege for up to three days.

FOURTH BUS REPORT: The principal will call a conference with the student, parent(s)/guardian, bus terminal manager and bus driver. The principal will suspend the student's bus riding privilege for up to five days.

FIFTH BUS REPORT: The principal will hold a conference with parent(s)/guardian, student, bus terminal manager and bus driver. A student may be suspended from bus riding privileges for no more than five days, unless notice of a hearing has been sent and then not more than 15 days. A hearing, similar to an expulsion hearing, will be held in accordance with section 120.13(1) of the Wis State Statutes before a student's bus riding privileges are suspended for the length of time referred to in this section (remainder of the year). All due process rights will be afforded under the law. The Board of Education, or a hearing officer or panel designated by the Board resolution, will conduct the hearing and see that all due process rights are afforded to the student.

Students in violation of any rules listed as major infractions may be subject to enforcement of penalties beginning at step #3 THIRD BUS REPORT. The administration of the Wisconsin Heights School District and/or bus company reserves the right to immediately remove a student from the bus when he/she poses a sudden, immediate and grave threat to the health and safety of other passengers or the driver.

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STUDENT AND PARENT/GUARDIAN ACKNOWLEDGEMENT OF RULES

All students (including students who are not regular bus riders) and their parent(s)/guardians should read and discuss these rules, sign an acknowledgement that they have done so and return the signed acknowledgement to the school within one week of receipt of the rules.

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44-33 – CO-CURRICULAR PARTICIPATION CODE OF CONDUCT

ADOPTED: JUNE 26, 2006
REVISED: FEBRUARY 8, 2010

Co-curricular activities are an integral part of district-sponsored programs. Participation is a privilege that provides opportunities difficult to duplicate in other activities.

The Co-curricular Participation Code of Conduct is intended to emphasize the highest standards of attitude and behavior for all co-curricular participants in grades 9-12. It is meant to inspire and motivate acceptable behavior. It is to be used in conjunction with the Wisconsin Heights Athletic Handbook, WHSD policy, applicable WIAA rules and state statutes.

It shall be the responsibility of the high school principal to draft, maintain, and update as needed, the actual High School Co-curricular Participation Code of Conduct rules and procedures. It is to be included on an annual basis in the student handbook.

The basic principles and beliefs contained in the High School Co-curricular Code of Conduct apply to participants in co-curricular activities regardless of grade level 6-12.

LEGAL REF.: Section 118.13 Wisconsin Statutes
120.12 (2)& (23)
120.13

CROSS REF.: 370, Interscholastic and Extracurricular Activities
Athletic Handbook
Co-Curricular Code of Conduct

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44.34 - STUDENT ALCOHOL AND/OR OTHER CONTROLLED SUBSTANCES USE

ADOPTED: DATE UNKNOWN
REVISED: MAY 21, 2007
OCTOBER 13, 2014

It is the intent of the Wisconsin Heights School District for students to attend school in an environment free from the non-medical use of alcohol and controlled substances. These substances interfere with the learning environment of students and the performance of students and employees. In the Wisconsin Heights School District, the alcohol and controlled substances policy does not apply to a student or employee who is under a physician's order to take prescribed medication.

The following actions are prohibited by students in or on school property, in any District-owned or contracted vehicle or at school-sponsored activities:

1. the use, possession, distribution, manufacture, sale or possession with intent to sell controlled substances, alcohol or drug paraphernalia (as defined by local, state and federal statutes); unauthorized inhalants and look-alike drugs, and
2. being under the influence of alcohol, or controlled substances.

Parents/guardians and students will be informed of the established standards of conduct and possible sanctions related to the use and abuse of alcohol, and substances denoted in this policy. Failure to abide by this policy will result in disciplinary action up to and including suspension and/or expulsion from school, and may also result in referral to law enforcement officials for prosecution under specific state and federal laws and local ordinances.

Information and policies regarding district employee disciplinary actions can be found within the Master Agreement.

The District shall help students, parents/guardians and staff become aware of policies, procedures and programs that exist to deal with the problems associated directly or indirectly with use and abuse of substances denoted in this policy. The District will participate in programs, including student assistance programs, which focus on prevention of alcohol and controlled substances use and abuse and provide intervention and support for those students affected, directly or indirectly, by controlled substances or alcohol problems. These programs should be part of a network of community services and be provided through both school and community efforts.

LEGAL REF.: Sections 118.125 Wisconsin Statutes

118.126
118.127
118.257
118.45
120.13(1)
125.02(8)(m)
125.09(2)

Chapter 961 of the Wisconsin Statutes and the Individuals with Disabilities Education Act (as amended)

CROSS REF.: 347-Rule, Guidelines for the Maintenance and Confidentiality of Student Records
443, Student Conduct
443-Rule(2), Code of Student Conduct
443.4-Rule, Procedures for Dealing with Student Alcohol and/or Controlled Substances Use
443.5, Electronic Communication Devices
446, Student Search and Seizures
447, Student Discipline
447.3, Student Suspensions/Expulsions
453.1, Emergency Nursing Services
453.4, Administering Medication to Students
456, Student Assistance Program

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522.1, Employee Alcohol and Other Drug Use/Abuse
831, Tobacco Use on School Premises
Special Education Policy and Procedure Handbook
Co-Curricular Activity Code

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44.34-RULE - PROCEDURES FOR DEALING WITH STUDENT ALCOHOL AND/OR CONTROLLED
SUBSTANCES USE

ADOPTED: DATE UNKNOWN
REVISED: MAY 21, 2007
DECEMBER 14, 2009
OCTOBER 13, 2014

A. **Definitions**

1. Alcohol: All fermented malt beverages (including beer and malt liquor) and intoxicating liquors as defined by current state law.
2. Inhalants: Chemicals that give off fumes or vapors such as solvents, including gasoline, paint thinner, electronic cigarettes, tobacco related devices, glue or white out, aerosols or amyl and butyl nitrate and nitrous oxide (laughing gas).
3. Controlled Substances: All controlled substances as defined by current state law.
4. Drug Paraphernalia: Drug paraphernalia as defined by current state law and to include the following: all products, materials, containers or equipment which are used or intended to be used for producing, storing, concealing, inhaling, ingesting, injecting or otherwise introducing a prohibited substance into the body. The vagueness of this term and the difficulty of prohibiting the use of an otherwise innocent article because it is sometimes associated with prohibited drug use may make effective implementation of a ban on paraphernalia somewhat difficult. Administrator discretion is necessary in this area.
5. Look-Alike Drugs: Look-alike drugs as defined by current state law.
6. Under the influence of Alcohol or Controlled Substances: Because of the student's consumption of alcohol or a controlled substance, or both: (1) the student is deprived of the clearness of intellect and self-control which the student would otherwise possess; or (2) the student's ability to maintain good decorum or a favorable academic atmosphere or to benefit from curricular activities is impaired.
7. Possession or Use: To have on one's person or under one's control, regardless of intent to use.
8. Selling/Distributing: Generally, this term applies to providing for a consideration or offering to so provide a substance prohibited under Board policy. This definition applies regardless of whether or not a prohibited substance or consideration is actually exchanged. The giving away or sharing of a prohibited substance with another person is also to be included under this definition regardless of whether or not there is evidence of the intent to profit or otherwise gain from the act.

B. **Enforcement Procedures**

When the Board's student alcohol and other controlled substances policy is violated, cases will be handled on an individual basis and administrators may use any or all of the following alternatives:

- Contact police
- Contact paramedics or detoxification unit
- Contact parent or guardian
- Contact AODA Coordinator for screening
- Suspension
- Placement on restricted student status
- Expulsion

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A student may be required to submit to a breath test to determine the presence of alcohol if a designated school official or law enforcement officer has reasonable suspicion that the student is under the influence of alcohol in violation of this policy. A student may be required to submit a saliva test to determine presence of controlled substances if a designated school official or law enforcement office has reasonable suspicion that the student is under the influence in violation of this policy. Such test shall be administered by a law enforcement officer or trained school official and shall meet state requirements. A student may be disciplined for refusing to submit to a breath test.

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443 - ELECTRONIC COMMUNICATION DEVICES

ADOPTED: MAY 7, 1990
REVISED: JUNE 12, 2006
MAY 21, 2007

Students of the Wisconsin Heights School District are prohibited from using any electronic communication devices (ECDs) including, but not limited to, cell phones and pagers during the school day in school buildings, school vehicles, and at all school-sponsored activities that occur during the regular school day. ECDs may be brought to school by a student, but they can only be used prior to the beginning of the school day and after students have been released for the day. At all other times they must be turned off and out of sight.

The Board of Education recognizes that there may be special circumstances that necessitate student use of ECDs, such as a medical or family emergency. Therefore students, with written consent of a building administrator, may be granted permission to use ECDs during regular school hours.

If the use of ECD is granted, the use may not in any way:

- A. disrupt the educational process in the School District,
- B. endanger the health or safety of the student or anyone else;
- C. invade the rights of others at school;
- D. involve illegal or prohibited conduct of any kind.

The use of an ECD in any locker room, bathroom, or other area in which students dress is prohibited at all times.

Any student possessing an ECD shall be responsible for its care. At no time shall the District be responsible for the preventing of theft, loss or damage to any ECD.

Students will be notified of this policy on an annual basis through registration packet materials and/or student handbooks.

Legal Ref.: Sections 118.258 WI Statutes
120.13

CROSS REF. 443, Student Conduct
447, Student Discipline
447.3, Student Suspensions/Expulsions

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44-36 - MANDATORY EXPULSION FOR POSSESSION OF SPECIFIC WEAPONS

ADOPTED: APRIL, 1995

Pursuant to the provisions of the Gun Free Schools Act of 1994 and to corresponding state statutes, any student has determined to have brought a weapon, as defined below, to any school, school site, school function or activity including school buses or other vehicles owned, operated or leased by the district shall be expelled from school for a period of one (1) calendar year.

For purposes of this section, a weapon shall be defined as;

- any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
- the frame or receive of any weapon described above
- any firearm muffler or firearm silencer
- any explosive, incendiary, or poison gas
 1. bomb
 2. grenade
 3. rocket having a propellant charge of more than four ounces
 4. missile having an explosive or incendiary charge of more than one quarter ounce
 5. mine, or
 6. similar device
- any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter
- any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

REPORTING TO LAW ENFORCEMENT AUTHORITIES: In any case where an infraction of this policy shall be determined to have occurred, the student(s) shall be referred to applicable law enforcement authorities.

MODIFICATION OF ONE YEAR EXPULSION DURATION:

The District Administrator may modify, on a case by case basis, the one (1) year expulsion. The Administrator, at his/her discretion, may empanel an ad-hoc advisory panel to gather pertinent information and formulate a recommendation with respect to modification of the suspension duration as mandated under this policy.

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443.01 - EXPLOSIVE DEVICES ON SCHOOL PREMISES

ADOPTED: JANUARY 25, 1999

No student shall possess, distribute, fire or explode any firecracker, bomb or other explosive or incendiary device or threaten to use such a device on school property, on a school bus, or at school-sponsored activities. This prohibition also applies to any other objects or materials that might endanger the welfare of the student or others.

Explosive devices considered under this policy include any explosive, incendiary, or poison gas as defined by the Federal Gun-Free Schools Act.

Students violating this policy shall be subject to disciplinary action in accordance with the consequences and penalties set forth in established student disciplinary policies and rules. Any student making a bomb threat will be referred to the Board of Education for expulsion. Any student who has been determined to have possessed an explosive, incendiary or poison gas while at school or a school-sponsored activity shall be expelled from school by the Board for a period of not less than one year. The Board may modify this expulsion term on a case-by-case basis.

Law enforcement agencies and the criminal justice or juvenile justice system shall be notified when a student violates this policy. Civil and/or criminal charges may be made.

LEGAL REF.: Sections 120.13(1) Wis Stats
947.015
Gun-Free Schools Act of 1994

CROSS REF.: 446.1 Locker Searches
447, Student Discipline
447.1, Staff Use of Physical Force
447.3, Student Suspensions/Expulsions
723.3, Emergency School Closings
723.5, Crisis Management Plan
832, Weapons on School Premises
Crisis Management Procedures Handbook

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44.37 - STUDENT ABUSIVE AND DEROGATORY LANGUAGE AND BEHAVIOR

ADOPTED: JULY 12, 2010
REVISED: APRIL 22, 2013

A major goal of the Wisconsin Heights School District is to provide a learning environment based on mutual respect of students, teachers, staff and administrators. The district also recognizes the importance of developing student/staff attitudes and behaviors that reflect the expectations of constructive citizenship in the adult world. The value of positive human relations in a multicultural society will be stressed.

- A. Behavior that is counterproductive to the achievement of these goals will not be tolerated in any aspect of the school program, including off-campus events and extra-curricular activities.
1. Comments or gestures which are vulgar or obscene, derogatory comments that are racial, sexual, physical or relate to religious beliefs or moral convictions are prohibited.
- B. Harassment, including racial and sexual is illegal. Such action degrades, intimidates, isolates, and discriminates against individuals, creating an unreasonable interference with academic performance. Examples of harassment include, but are not limited to:
1. Unwanted physical contact, including touching, pinching and brushing the body;
 2. Making a false, intimidating, hostile or offensive statement about someone's sex, color, national origin, appearance, sexual preference, political beliefs, religion or court record;
 3. Making statements or jokes about a person because of a physical handicap;
 4. Displaying graphic, sexually explicit clothing objects, posters, or pictures that show men, women, and children, racial minorities, students in a degrading or humiliating manner;
 5. Indecent exposure; lewd or lascivious behavior;
 6. Persistent requests for social/sexual encounters or favors;
 7. Sexual crimes and rape;
 8. Comments repeatedly emphasizing the sexuality, age, physical appearance, marital status, religion of an individual;
 9. Obscene gestures, nonverbal suggestive behavior (leering) or insulting sounds (whistles).

The above are examples and do not preclude other behaviors obviously intended to diminish the worth of an individual or the educational atmosphere of the school setting as perceived by that person and others.

- C. Violations of this policy will be referred to the Building Principal for appropriate action and this may include referral to Law Enforcement Authorities.

Also refer to Wisconsin Heights policy on Expulsion, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, the Age of Discrimination Act of 1975 and Wisconsin Heights Non-Discrimination policy.

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44.371 - STUDENT BULLYING

ADOPTED: JULY 26, 2010
REVISED: APRIL 22, 2013

The Wisconsin Heights School District believes that a safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

- Bullying includes aggressive or hostile behavior that is intentional and involves an imbalance of power between the bully and the bullied. It is typically repeated over time.
- Bullying takes many forms, including, but not limited to, physical or verbal assaults, nonverbal or emotional threats or intimidation, social exclusion and isolation, extortion, and the use of a computer or telecommunications to send embarrassing, slanderous, threatening, or intimidating messages.
- Bullying is a form of victimization and is not necessarily a result of or a part of an ongoing conflict.
- Bullying can also be characterized by teasing, put-downs, name-calling, cruel rumors, false accusations, and hazing.

"School district property" or "at school-related functions" means all school district buildings, school grounds, school property, school technology, school bus stops, school buses, or any other vehicle approved for school district purposes, the area of entrance or departure from school grounds, premises or events, and anywhere students are under the jurisdiction of the Wisconsin Heights School District.

An act of bullying, by either an individual student or a group of students, is expressly prohibited on school district property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct constitutes bullying that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student.

No employee of the school district shall permit, condone, or tolerate bullying.

Consent by a student being bullied does not lessen the prohibitions contained in this policy.

Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.

A person who engages in an act of bullying, reprisal, or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with the school district's policies and building procedure.

The school district may take into account but not be limited to the following factors: the developmental and maturity levels of the students involved; the circumstances; the severity of the behavior; and the past incidences or continuing patterns of behavior.

Consequences for students who commit acts of bullying may range from positive behavioral interventions up to and including suspension and/or expulsion. Consequences for other individuals engaging in acts of bullying may include, but not be limited to, exclusion from school district property and events.

The school district will act to investigate all complaints of bullying and will discipline or take appropriate action against any student of the school district who is found to have violated this policy.

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While it is the intent of the school district to prevent bullying, take actions to stop bullying, and to protect reporters of bullying, the school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel.

REPORTING PROCEDURE

- A. Any person who believes he or she has been the victim of bullying or any person with knowledge, belief of conduct that may constitute bullying, shall report the alleged acts immediately to the building employee most closely connected to the student or incident. This reporting procedure is not intended to prevent any person from reporting bullying directly to the building principal or school district human rights officer.
- B. Any employee that receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying, is required to report to the building principal or principal's designee in a timely manner.
- C. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school building office. However, oral reports shall be considered complaints as well. Anonymous reports may be investigated but the school district's ability to take action on such reports may be limited.
- D. Reports of bullying are classified as private educational and/or confidential investigative data and will not be disclosed except as permitted by law.
- E. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.
- F. Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future grades, or work assignments, or educational environment.

SCHOOL DISTRICT ACTION

- A. Upon receipt of a complaint or report of bullying, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B. The school district will take immediate steps, at its discretion, to protect the complainant, reporter, students, or other pending completion of an investigation of bullying, consistent with applicable law.
- C. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, or remediation. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the state statutes; school district policies, and other regulations.

REPRISAL

The school district will discipline or take appropriate action against any student of the school district who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment.

TRAINING AND EDUCATION

- A. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying.
- B. The administration of the school district will implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying.

NOTICE

The school district will give annual notice of this policy to students, parents or guardians, and staff, and a summary of this policy shall appear in the student handbook.

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44-372 – STUDENT CYBER BULLYING

ADOPTED: JULY 26, 2010
REVISED: APRIL 22, 2013

Summary

The Wisconsin Heights 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 cyber bullying, are unacceptable and viewed as a violation of this policy and the District's acceptable computer 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 of the system and/or damage the components of any entity of 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.

Definition

Cyber bullying 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, and 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.

Cyber bullying may include 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.

Process for Addressing Cyber bullying

1. A copy of the material should be printed and brought to the attention of the building principal, district administrator or designee. 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.
2. The administration shall fully investigate all reports of cyber bullying originating from the Wisconsin Heights School District computer network. This may also include contacting law enforcement.
3. In situations in which the cyber bullying originated from a non-school computer, but is brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be severely disruptive of 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. Reports that do not pertain to school safety may be forwarded to the appropriate local authority.

Disciplinary action

Disciplinary action may include, but is not limited to, the loss of computer privileges, detention, suspension or expulsion for verified perpetrators of cyber bullying. In addition, when any kind of threat is communicated or when hate crime is committed, this shall be reported to law enforcement.

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445- QUESTIONING OF STUDENTS BY NON-SCHOOL PERSONNEL

ADOPTED: JUNE 11, 2007

The Board of Education regards the protection of student rights as an important responsibility of the school. This cannot be separated from the legal and the moral responsibility the school has to parents/guardians. Acknowledging this, the District shall cooperate with law enforcement officers and the Department of Social Services representatives within the limits of the rights of individuals as expressed in state and federal laws.

All student interviews by law enforcement officers or representatives of the Department of Social Services conducted on school premises shall receive prior approval of the Principal or his/her designee. Such interviews shall be conducted at a time and place designated by the Principal or his/her designee and shall be conducted in such a manner as to minimize school disruptions.

Notification of the parent/guardian when minor students are to be interviewed by non-school personnel in the schools shall be governed by the following guidelines:

1. The term "notification" as it is used in this policy means a reasonable effort to contact the parent/guardian.
2. Elementary and middle school students:

For all elementary and middle school students, a parent/guardian will be notified prior to commencing the interview except in the case of child abuse or neglect referrals. The interview may proceed prior to notification of a parent/guardian if the situation is determined to require prompt action; if the situation is determined to be of a serious nature; or, if an attempt to notify the parent/guardian has been unsuccessful.

3. High school students:

In all cases where law enforcement personnel interview students, parents will be contacted by the principal or designee, either before or after these interviews.

Although prior notification of a parent/guardian is strongly encouraged whenever possible and practicable, high school students may be interviewed without such prior notification.

If the interviewee is to be arrested, prior notification is encouraged when practical. If this does not occur, subsequent contact by the Principal and/or his/her designee is required.

When deemed appropriate and necessary, a school staff member shall be present during a student interview with non-school personnel.

LEGAL REF.: Sections 48.19 WI Statutes
48.981(3)(c)
118.125
118.127
118.257
120.13(1)
938.396
946.40
946.41

OAG 5-94 (Attorney General's Opinion)

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CROSS REF.: 347-Rule, Guidelines for the Maintenance and Confidentiality of Student Records
443.61, Explosive Devices on School Premises
446, Student Search and Seizure
446.1, Use of Trained Dogs in Search Activities
454, Reporting Suspected Child Abuse or Neglect
832, Weapons on School Premises
Crisis Management Procedures Handbook

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446 - STUDENT SEARCH AND SEIZURE

ADOPTED: FEBRUARY 13, 2006

The Board of Education of the Wisconsin Heights School District has charged school authorities with the responsibility of safeguarding the safety and well being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as student lockers of the person or property of a student in accordance with provisions of this policy.

SEARCH OF SCHOOL PROPERTY

The Board acknowledges the need for in-school storage of student possessions and shall provide storage areas, including desks and lockers, for that purpose. The storage areas assigned to a student are the property of Wisconsin Heights School District. At no time does the District relinquish its exclusive control of such storage areas. A student storage area 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 District Administrator, building principal, school employee designated by the District Administrator or building principal, a police liaison officer, a law enforcement officer or other agency official at the request of or in conjunction with school authorities.

STUDENT PERSON AND POSSESSIONS

The Board recognizes that unreasonable search and seizure may violate the privacy of students and their belongings. Therefore, the Board directs that no search of a student or his/her personal possessions (including student vehicles parked on school property) be conducted without reasonable suspicion that the search will turn up evidence that a particular law, school policy or rule has been violated. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age and gender, the student's disciplinary history, and any other relevant circumstances or information.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Except as otherwise provided, a request for the search of a student or a student's possessions shall be directed to the building principal. Whenever possible, a search will be conducted by the building principal in the presence of the student and a staff member other than the principal. A search prompted by reasonable suspicion that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened. Under no circumstances may a school official, employee or agent conduct a strip search of any student.

The District Administrator or designee may request the assistance of a law enforcement agency in conducting a search of a student or his/her possessions.

Building principals shall be responsible for maintaining a written record of any search of a student or his/her possessions. The record shall include; the reasons for the search; information received that established the need for the search and the name of the informant, if any; the person(s) present when the search was conducted; any substances or objects found and the disposition of them; and any subsequent action taken. The principal shall be responsible for the custody, control and disposition of any illegal or dangerous substance or object taken from a student.

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SEIZURE OF ITEMS FOUND DURING A SEARCH

Anything found in the course of a search pursuant to this policy, which constitutes evidence of a violation of a particular law, school policy or rule, or which endangers the safety or health of any person shall be seized and utilized as evidence if appropriate. Seized items shall be returned to the owner if the owner may lawfully possess the items. Seized items that may not be lawfully possessed by the owner shall be referred to the appropriate legal authorities or destroyed.

The District Administrator shall prepare administrative guidelines to implement this policy and shall provide students and staff with written notice of this policy and its implementing guidelines at least annually.

LEGAL REF.: Sections 118.32 Wis Stats

118.325

948.50

U.S. Constitution, 4th Amendment

U.S. Supreme Court - *New Jersey v. T.L.O.* (105 S. Ct. 733, 1985)

Wisconsin Supreme Court - *In the Interest of Angelia D.B.: State of Wisconsin v. Angelia D.B.* (Case No. 95-3104)

CROSS REF.:

443.4, Student Alcohol and Other Drug Abuse

443.61 Explosive Devices on School Premises

446.1 Use of Trained Dogs in Search Activities

447, Student Discipline

447.3, Student Suspensions/Expulsions

723.3, Emergency School Closings

723.5, Crisis Management Plan

Crisis Management Procedures Handbook

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446.1 - USE OF TRAINED DOGS IN SEARCH ACTIVITIES

ADOPTED: FEBRUARY 13, 2006

The Board of Education authorizes the use of specially trained dogs to detect the presence of drugs and explosive devices such as bombs on school property under the following conditions:

- The presence of the dogs on school property is authorized in advance by the District Administrator or is pursuant to a court order or warrant.
- A law enforcement officer specifically trained to safely and competently work with the dog must handle the dog.
- The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.

CROSS REF.: 443.4, Student Alcohol and Other Drug Abuse
443.61, Explosive Devices on School Premises
446, Search and Seizure

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447 - STUDENT DISCIPLINE

REVISED: JANUARY 18, 1988
REVISED: MAY 21, 2007

The Board recognizes that students who cannot or will not control themselves and who disrupt the school program need to learn how to behave. All members of the school district's staff are responsible for doing as much as possible to help these students. However, behavior of students who do not respond to this help and are persistent in infringing upon the rights of other students to learn, in depreciating a teacher's status and efforts, in performing or exhibiting actions which degrade or harm other students or otherwise interfere with the operation of the school, shall not be tolerated.

The District Administrator, principals and every teacher in the school district shall insure that proper conduct and behavior is maintained by students in the classrooms, on school premises, on school buses and during school-sponsored activities. Students shall be informed that teachers and administrators are authorized to employ reasonable practices in disciplining students for misbehavior and/or violations of Board policies or school rules and regulations.

A positive approach in the disciplinary measures shall be used, taking into account the dignity of the student, the seriousness of the infraction and the need for positive motivation of students. In reference to discipline in the school, the ultimate goal is to develop an understanding of self-discipline and its necessity in our society.

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

LEGAL REF.: Sections 118.13 and 120.13(1) Wisconsin Statutes
PI 9.03(1) Wisconsin Administrative Code

CROSS REF.: 363, Acceptable Use of Instructional Technology
411-Rule, Student Discrimination Complaint Procedures
431-Rule, Student Attendance Procedures
443, Student Conduct
443.2-Rule, Rules Governing Student Bus Riders
443-Rule(2), Code of Student Conduct
443.4-Rule, Procedures for Dealing with Student Alcohol and/or Controlled Substances Use
443.6, Mandatory Expulsion for Possession of Specific Weapons
443.61, Explosive Devices on School Premises
447.1, Staff Use of Physical Force
447.3, Student Suspensions/Expulsions
Special Education Policy and Procedure Handbook
Co-Curricular Code of Conduct
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BOARD OF EDUCATION POLICIES
SERIES 400 - STUDENTS

44.7.1 – SECLUSION, RESTRAINT, AND STAFF USE OF FORCE

ADOPTED: JANUARY 25, 1999
REVISED: NOVEMBER 8, 2010
AUGUST 13, 2012

Corporal punishment shall not be used in the Wisconsin Heights School District. For purposes of Board policy, "corporal punishment" is defined as the intentional infliction of physical pain used as a means of discipline. It includes, but is not limited to, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline.

School official, employees or agents are not prohibited, however, from using reasonable and necessary force under the following conditions:

- To quell a disturbance or prevent an act that threatens physical injury to any person
- To obtain possession of a weapon or other dangerous object within a student's control;
- For the purpose of self-defense or the defense of others, or for the protection of property in accordance with state statutes;
- To remove a disruptive student from school premises, a motor vehicle or school-sponsored activity;
- To prevent a student from inflicting harm on him/herself; or
- To protect the safety of others.

Furthermore, school officials, employees or agents are required to follow state and federal guidelines when it is deemed necessary to enforce seclusion and restraint.

2011 Wisconsin Act 125 creates statutory provisions governing the use of seclusion and physical restraint of students.

- Seclusion
 - The Act defines "seclusion" as the "involuntary confinement of a pupil, apart from the pupils, in a room or area from which the pupil is physically prevented from leaving."
 - An individual employed by or under contract with the governing body in charge of a school may use seclusion on a student at a school only if:
 - The student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others, and it is the least restrictive intervention feasible;
 - An individual maintains constant supervision of the student, either by remaining in the room or area with the student or by observing the student through a window that allows the covered individual to see the student at all times;
 - The room or area in which the student is secluded is free of objects or fixtures that may injure the student;
 - The student has adequate access to the bathroom facilities, drinking water, necessary medication, and regularly scheduled meals;
 - The duration of the seclusion is only as long as necessary to resolve the clear, present and imminent risk to the physical safety of the student or others; and
 - No door connecting the room or area in which the student is secluded to other rooms or areas is capable of being locked.
- Physical Restraint
 - The Act defines "physical restraint" as "a restriction that immobilizes or reduces the ability of a pupil to freely move his or her torso, arms, legs or head."

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- An individual employed by or under contract with the governing body in charge of a school may use physical restraint on a student at school only if:
 - The student's behavior presents a clear, present, and imminent risk to the physical safety ~~or the student or others, and is the least restrictive intervention feasible;~~
 - There are no medical contraindications to its use;
 - The degree of force used and the duration of the physical restraint do not exceed the degree and duration that are reasonable and necessary to resolve the clear, present, and imminent risk to the physical safety of the student or others;
 - None of the following maneuvers or techniques are used:
 - Those that do not give adequate attention and care to protecting the student's head;
 - Those that cause chest compression by placing pressure or weight on the student's chest, lungs, sternum, diaphragm, back, or abdomen;
 - Those that place pressure or weight on the student's neck or throat, on an artery, or on the back of the student's head or neck or that otherwise obstruct the student's circulation or breathing;
 - The action does not constitute corporal punishment; and
 - The individual does not use a mechanical or chemical restraint on the student. The use of supportive equipment to properly align a student's body, assist a student in maintaining balance, or assist a student's mobility, under the direction and oversight of appropriate medical or therapeutic staff, does not constitute the use of a mechanical restraint.

- Reporting
 - Whenever seclusion or physical restraint is used on a student at school, the school principal or his or her designee shall:
 - Notify the student's parents of the incident and the availability of a written report describing the incident as soon as possible (but no later than one business day after the incident); and
 - Within two business days after the incident, prepare a written report containing:
 - The student's name;
 - The date, time, and duration of the use of seclusion or physical restraint;
 - A description of the incident, including description of the actions of the pupil before, during, and after the incident; and
 - The names and titles of covered individuals present during the incident.

 - The report must be retained by the school and made available for review by the student's parent within three business days of the incident.

- Training
 - No individual may use physical restraint on a student at school unless he or she has received specific training on its use. The school's governing body must ensure that each school has at least one individual who has received physical restraint training and must retain records of training.

 - An individual who has not received training in the use of physical restraint may use it on a student only in an emergency, and only if an individual who has received training is not immediately available.

 - The Act clarifies that, if a student is not confined to an area from which he or she is physically prevented from leaving, an individual is not prohibited from:

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- Directing a disruptive student to temporarily separate himself or herself from the general activity in the classroom;
- Directing a student to temporarily remain in the classroom to complete tasks while other students participate in activities outside the classroom; or
- Briefly touching or holding a student's hand, arm, shoulder, or back to calm, comfort, or redirect the student.

- The Act indicates that neither a member of the school's governing body nor a law enforcement officer authorized to perform duties in a school are "covered individuals" for the purposes of the Act.

The Act takes effect on September 1, 2012, per the statutory language.

LEGAL REF.: Sections 118.31 Wis. Stats
939.48

CROSS REF.: 443, Student Conduct
443.61, Explosive Devices on Student Premises
723.5, Crisis Management Plan
832, Weapons on School Premises

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44.7.3 – STUDENT SUSPENSIONS AND EXPULSIONS

ADOPTED: JULY 1, 1995
REVISED: JUNE 12, 2006

SUSPENSIONS

Principals shall be empowered to suspend students from school. The nature and duration of suspensions shall be pursuant to the provisions of applicable Wisconsin statutes. Suspensions, whether in-school or out-of-school, may, at the discretion of the principal, be ordered when:

1. A student violates established rules and regulations as enumerated in a student handbook or otherwise made known to students in a reasonable manner.
2. A student engages in conduct while at or not at school which endangers the health, safety, or property of others at school or under the supervision of a school authority.
3. A student knowingly conveys 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.
4. A student engages in conduct while not at school or while not under the supervision of a school authority which endangers the health, safety or property of any employee or board member of the District.
5. Required by law (e.g. possessing a firearm in violation of state law and Board policy).

All student suspensions shall be administered in accordance with state law requirements and established District procedures.

EXPULSIONS

The Board may expel a student from school for the following types of conduct if it is satisfied that the interest of the school demands the student's expulsion:

1. repeated refusal or neglect to obey school or Board rules;
2. engaging in conduct which endangered the property, health or safety of others at school or under the supervision of a school authority;
3. 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;
4. engaging in conduct while not at school or while not under the supervision of a school authority which endangered the property, health, or safety of any employee or Board member of the District;
5. repeatedly engaging 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 such conduct does not constitute grounds for expulsion under (1) through (4) above. (This reason for expulsion applies to students 16 years of age or older).

The Board shall expel a student from school for engaging in conduct outlined in state law which requires the student's expulsion (e.g., possessing a firearm in violation of law and Board policy).

Any consideration of expulsion for a student with a disability will conform to legal requirements.

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The Board may specify conditions in a student's 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 condition(s) shall be related to the reason(s) for the expulsion and shall be enforced in accordance with state law requirements.

LEGAL REF.: Sections 118.13 Wisconsin Statutes
120.13(1)
PI 9.03(1) Wisconsin Administrative Code
Individuals with Disabilities Education Act (as amended)

CROSS REF.: 411, Equal Educational Opportunities
431-Rule, Student Attendance Procedures
443, Student Conduct
447, Student Discipline
832, Weapons on School Premises
Special Education Policy and Procedure Handbook

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447.3-RULE – STUDENT SUSPENSION PROCEDURES

ADOPTED IN PART: JULY 1, 1995
REVISED: JUNE 12, 2006

Prior to ordering the suspension of a student, whether in or out-of-school, the principal shall appropriately investigate the conduct of the student. If the principal's investigation determines that the student is found to be noncompliant with established school or school board rule and that the actions of the student demand suspension, the student shall be advised of the reason for the proposed suspension.

If the student is a minor, their parent(s) guardian(s), guardian ad-litem, foster parent(s) or other responsible caregiver(s), shall be notified of the suspension in a timely manner and be advised of the reason(s) for the suspension. Initial notice of suspension may be given verbally, however, in all cases, a letter stating the date(s) of the suspension and the reason(s) shall be sent to the responsible caregiver.

In no case shall a minor student be on suspension status without the advance knowledge of the responsible caregiver(s).

A copy of the written suspension order shall be maintained by the principal.

The suspended student or the pupil's parent(s) or other responsible caregiver(s), within five (5) school days following the commencement of a suspension, shall have the right to an appeal conference with the school district administrator or his/her designee who shall be someone other than a principal, administrator or teacher in the suspended pupil's school.

If the school district administrator or his/her designee finds that the suspension was without proper due process, excessive in severity, or that the student suffered undue consequences or penalties as a result of the suspension, the suspension may be expunged or modified. If expunged, reference to the suspension shall also be expunged from the student's record. This finding shall be rendered within fifteen (15) days of the conference.

The suspension appeal conference shall be closed and may be attended by the affected student, their parent(s) or other responsible caregiver, a representative selected by the student and/or responsible caregiver(s) and school personnel as shall be determined by the District Administrator to have information and a legitimate interest in the processes leading to the suspension decision.

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, as provided in the district's attendance policy/procedures. Students are eligible to receive full credit for all tests, exams, coursework, etc., that are made-up in accordance with the make-up procedures of each respective school.