

**StEPP Attorney Manual**  
**School District of Belleville**  
625 W. Church St. | Belleville, WI 53508  
(608) 424.3315

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# Hearing Location and Opposing Attorney

Expulsion hearings will be held at the Belleville High School's library,  
located at:

**635 W. Church St.  
Belleville, WI 53508**

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

**JoAnn Hart  
Boardman & Clark  
(608) 286-7162**

**STUDENT CONDUCT**

All student behavior should be based on respect and consideration for the rights of others. Students have responsibility to know and follow the rules and regulations of the school.

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, for the educational purposes underlying all school activities and for the widely shared use of school property.

The building principal shall be responsible for developing and administering reasonable rules and regulations for students. Such rules and regulations shall not conflict with Board policies or statutory or case law.

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

The School District of Belleville shall not discriminate in standards and rules of behavior, including student harassment, on the basis of sex, race, national origin, color, ancestry, creed, religion, 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 REF.:           Sections 118.13 Wisconsin Statutes  
                              120.13(1)  
                              PI 9.03(1), Wisconsin Administrative Code

CROSS REF.:           411-Rule, Discrimination Complaint Procedures  
                              447, Student Discipline

APPROVED:           September 14, 1998

**CODE OF CLASSROOM CONDUCT**

One of the primary goals of the School District of Belleville 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 meaningfully participate in classroom learning activities.

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

**Prohibited Classroom Behaviors**

Teachers who remove a student from class should submit a written explanation of the reason(s) for removal to the principal by the end of the day if at all possible or within 24 hours of removal.

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

**Disruptive:**

1. Behavior that interferes with a person's work or school performance or creates an intimidating, hostile or offensive classroom environment.
2. Taunting, baiting, inciting and/or encouraging a fight or disruption.
3. Profanity.
4. Defiance of authority / insubordination.
5. Intentionally obstructing a student or staff member from carrying out his/her duties.
6. Restricting another person's freedom to properly utilize classroom facilities or equipment.
7. Cheating
8. Disruptive clothing as defined in the student handbook.

**Dangerous:**

1. Possession or use of a weapon or any article which may cause bodily harm to persons in the classroom.
2. Fighting.
3. Pushing or striking a student, teacher or staff member.
4. Use, possession, dispersion or sale of tobacco, alcohol or other mood-altering chemicals or paraphernalia associated with their use.
5. Willful damage to school property.

6. Theft.
7. Any other dangerous, unruly or disruptive behavior that interferes with the ability of the teacher to teach and/or maintain an appropriate academic environment.

### **Placement Options**

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

1. 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 and his/her designee determines that readmission to the class is the best or only alternative.
2. Another class in the school or another appropriate setting in the school as determined by the principal or his/her designee.
3. Another instructional setting.
4. An alternative educational program as defined by law. According to state statutes, an alternative educational program is defined as an instructional program approved by the school 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 a regularly scheduled curricular program.

### **Factors for Placement Decisions:**

- The reason the student was removed from class or the severity of the offense.
- The type of placement options available for a particular school and any limitations on such placements; for example, costs, availability, space, location or staff resources.
- The individual needs and interest of the student.
- The estimated length of time for the placement. Examples include the remainder of the class period or school day versus the remainder of the semester or school year.
- Whether the student has been removed from the same teacher's class before.
- The relationship of the placement to any disciplinary action. For example, if a suspension from school is required as a result of the student's conduct the placement is applicable after the suspension is served.
- State and Federal laws and regulations such as the Individuals with Disabilities Education Act or other district policies and procedures.

## **Parent/Guardian Notification**

The principal or his/her designee shall review each instance of a student removal from class in the following manner:

1. Review the written explanation for the removal from the teacher.
2. Inform the student of the reason(s) for removal.
3. Provide an opportunity for the student to present his/her version of the situation.
4. Make a placement decision regarding the student in accordance with district policy and procedures.

The principal or designee shall notify the parent or guardian of the student's removal from class and the placement decision. Parents or guardians may also be requested to meet with the principal and/or other school staff to discuss the incident and the placement decision.

Students and parents/guardians are advised to refer to the appropriate Student Handbook for additional specific guidelines regarding classroom and school behavior and conduct. For further assistance or clarification, please contact the building principal.

CROSS REF:        580 Use of Physical Force By Staff  
                         Student and Staff Handbooks

APPROVED:        August 9, 1999  
                         May 10, 2004

**STUDENT ALCOHOL AND OTHER DRUG USE**

Students are prohibited from procuring, possessing, using, consuming or being under the influence of alcohol or controlled substances while on school premises, in school motor vehicles and participating in school-sponsored or school - related activities.

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

Students who violate this policy or refuse to submit to a breath test to determine the presence of alcohol on one's breath shall be disciplined in accordance with established procedures, including suspension or expulsion, and may be referred to law enforcement officers.

School staff that suspect a student is under the influence of alcohol or controlled substances shall either refer the student to law enforcement, testing, or contact the parent/guardian(s).

LEGAL REF.: Sections 118.45 Wisconsin Statutes  
120.13(1)  
Chapter 961

CROSS REF.: 447, Student Discipline

APPROVED: September 14, 1998

REVISED: April 11, 2005; August 11, 2008

## **SCHOOL DISTRICT OF BELLEVILLE**

112.1

### **NONDISCRIMINATION: SEXUAL AND OTHER HARASSMENT**

It is the policy of the School District of Belleville to maintain a learning and working environment that is free from discrimination and harassment based on sex, race, national origin, age, religion, disability, or any other prohibited basis of discrimination under applicable local, state, or federal law. All employees, students, Board members and volunteers are prohibited from engaging in harassment, including sexual harassment, of another employee, student, Board member, or volunteer.

The Board of Education acknowledges its obligation to comply with all regulations, requirements, and responsibilities defined by state and federal laws.

Harassment is defined as any verbal, written, visual or physical act which creates a hostile, intimidating or offensive work and/or learning environment or interferes with the employee's job performance or the student's learning performance when the harassment is done because of, in whole or in part, another's legally protected status or character. Harassment encompasses a broad range of behaviors occurring either as singular events or as patterned behavior, including, but not limited to the following:

1. Ethnic, racial, sexual or religious slurs, insults or jokes.
2. Physical or verbal threats directed towards an individual because of the individual's race, sex, religion, disability, or other protected status or characteristic.
3. Unwelcome sexual advances, touching, pinching, or persistent social invitations.
4. Sexual assault.
5. Racially or ethnically offensive or obscene pictures or drawings.

Sexual harassment means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Sexual harassment includes conduct directed by a person at another person of the same or opposite gender. Sexual harassment of a student by an employee, Board member or volunteer shall be presumed to be unwelcome.

Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for educational purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated.

#### Sexual Harassment of Employees, Board Members and Volunteers

The following are examples of conduct that constitutes sexual harassment of employees, Board members, and volunteers:

1. Requiring submission to sexual harassment that is made either explicitly or implicitly, as a term or condition of an individual's employment, or, with regard to volunteers, participation.
2. Requiring submission to or acting on the rejection of sexual harassment by an individual as the basis for employment or volunteer decisions affecting such individuals.
3. Engaging in conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

#### Sexual Harassment of Students

The following are examples of conduct that constitutes sexual harassment of students:

1. Requiring submission to sexual harassment that is made either explicitly or implicitly as a term or condition of a student's participation in an education program or activity.
2. Submission to or rejection of sexual harassment by an individual that is used as the basis for education decisions affecting such individuals.
3. Sexual harassment that is sufficiently severe, persistent or pervasive so as to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive learning environment.

Any employee, Board member, or volunteer who feels that he or she has a complaint should follow the Discrimination Complaint Procedure: Including Sexual and Other Harassment (Rule 112) for filing a complaint.

Any student who feels that he or she has a complaint should file the Student Discrimination Complaint Procedures (Rule 411) for filing a complaint.

There shall be no retaliation against an individual who files a complaint under this

policy. Any individual who engages in retaliatory conduct against a complainant shall be subject to disciplinary action.

Employees found to be in violation of this policy shall be subject to disciplinary action up to and including termination. Students found to be in violation of this policy shall be subject to school disciplinary measures consistent with District policies and procedures up to and including suspension, expulsion, and referral to law enforcement officials for possible legal action.

LEGAL REF.: Wis. Stat. § 118.13  
Wis. Stat. §111.32(13)  
Wis. Stat. §111.36(1)(b) and (br)  
Wis. Stat. § 111.321  
Title VII, Civil Rights Act of 1964  
Title IX, Education Amendments of 1972  
Americans with Disabilities Act

CROSS REF.: Rule 112- Discrimination Complaint Procedure: Including Sexual and Other Harassment  
Rule 411- Student Discrimination Complaint Procedures  
Policy 447-Student Discipline  
Policy 448- Bullying  
Policy 511- Nondiscrimination in Employment

APPROVED: February 13, 1995

REVISED: January 13, 1997  
April 15, 2013

## SCHOOL DISTRICT OF BELLEVILLE

443.2

### USE OF CELLULAR TELEPHONES AND COMMUNICATION DEVICES

Students are not to use cellular telephones, pagers, or similar communication devices during classes, instructional activities, or study halls. Students are also responsible to ensure that cellular telephones or other similar communication devices do not cause any disruptions.

Students are also prohibited from transmitting video images with cellular telephones, pagers, or similar communication devices while on school grounds, during the school day, or at school sponsored activities.

In no circumstance shall cellular telephones, pagers, or similar communication devices be used in school district bathrooms or locker rooms.

Should an emergency circumstance arise in which a student must maintain communication throughout the school day, the student should request permission from the principal to do so. Providing the principal grants permission, the student shall also discuss the issue with the teacher or staff member at the beginning of the activity in order to clarify an appropriate response to the situation.

The Principal and staff are authorized to restrict the possession or use of cellular telephones, pagers or similar communication devices during the school day or at school sponsored activities.

Students violating this policy are subject to discipline and/or confiscation of the device.

School district employees, visitors, and the community shall also refrain from having cellular telephones, pagers, or similar communication devices disrupt school activities.

Students, staff, and parents shall be informed of this policy through the appropriate handbooks.

LEGAL REF.: Section 118.258 Wisconsin Statutes

CROSS REF.: 447 Student Discipline

APPROVED: September 4, 1998

REVISED: January 12, 2004

**SCHOOL DISTRICT OF BELLEVILLE**

443.3

**STUDENT POSSESSION AND USE OF TOBACCO PRODUCTS**

Students shall be prohibited from possessing or using tobacco products while on school premises and while participating in school-sponsored activities. "School premises" include all property owned by, rented by or under the control of the district.

Students who violate this policy shall be dealt with in accordance with established procedures. Minor students who possess tobacco products may be referred to law enforcement officers.

LEGAL REF.: Section 120.12(20) Wisconsin Statutes  
120.13 (1)

CROSS REF.: 447, Student Discipline

APPROVED: September 14, 1998

**LOCKER ROOM PRIVACY**

The District shall observe measures intended to protect the privacy rights of individuals using school locker rooms. The following provisions outline the extent to which that protection can and will be provided:

1. Locker rooms are provided for the use of physical education students, athletes and other activity groups and individuals authorized by the building principal or by District policy. No one will be permitted to enter into the locker room or remain in the locker room to interview or seek information from an individual in the locker room at any time. Such interviews may take place outside of the locker room consistent with applicable District policies and/or school rules.
2. No cameras, video recorders or other devices that can be used to record or transfer any images may be used in the locker room at any time.
3. No person may use a cell phone to capture, record or transfer a representation of a nude or partially nude person in the locker room or to take any other photo or video image of a person in the locker room.

Students and staff violating this policy shall be subject to school disciplinary action and possible legal referral, if applicable. Other persons violating the policy may be subject to penalties outlined in state law. The building principal or his/her designee shall be responsible for enforcing this policy.

This policy shall be publicized annually and posted in each locker room in the District.

LEGAL REFERENCES: Section 175.22 Wisconsin Statutes

CROSS REFERENCE:

APPROVED: October 13, 2008

## SCHOOL DISTRICT OF BELLEVILLE

445.1

### LOCKER SEARCHES

The school provides a locker for the convenience of the student to be used solely and exclusively for the storage of outer garments, footwear and school-related materials. No student shall use the locker for any other purpose.

The locker assigned to a student is the property of the School District. At no time does the District relinquish its exclusive control of such 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 principal, an assistant principal, or a school employee designated by the superintendent or building principal.

Any unauthorized item found in the locker may be removed. Items removed from the locker may be held by the school for return to the parent(s)/guardian(s) of the student or retained for disciplinary proceedings, or turned over to law enforcement officials. The adult student or parent(s)/guardian(s) of a minor student shall be notified of items removed from the locker and turned over to law enforcement officials.

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

LEGAL REF.: Wisconsin Statutes 118.325

CROSS REF.: Student, Faculty Handbooks  
445.1 Rule - Guidelines for Search of Student Storage Areas  
(Lockers)

APPROVED: October 12, 1998

REVIEWED: October 25, 1999

**GUIDELINES FOR SEARCH OF STUDENT STORAGE AREAS (LOCKERS)**

1. Where possible, the person to which the storage area is assigned should be present for the inspection.
2. It is recommended that, whenever possible, two members of the certified staff conduct the inspection together, particularly when the person is not present. At least one of the inspectors must be an administrator, who has full responsibility for the inspection. In the absence of an administrator, his/her specific designee will assume responsibility.
3. The inspector may seize any or all items which are dangerous and/or illegal and which are in plain view upon opening the storage area. Reasonable searches among the personal effects contained within the area may be conducted where there is reasonable suspicion that the search will provide evidence that the person has violated or is violating the law or school policy.
4. Any items that are seized during a search by school authorities must be safeguarded until determination has been made by the appropriate authorities for disposition of the items. Following are the guidelines to be followed when items are removed from a storage area:
  - a. Items that are seized may be held by the school for return to the adult student, or a parent/guardian of a minor student, who shall be informed of his/her right to obtain items that may have been removed from the storage area.
  - b. If items that were seized involve a violation of the law, the suspect material shall be removed and turned over to law enforcement officials. The adult student, or a parent/guardian of a minor student, shall be notified of items that were removed and of the delivery thereof to law enforcement officials.
5. Any search by school officials must be documented. Such documentation must include the following information:
  - a. reason for the search
  - b. information relied on
  - c. storage area searched
  - d. list of items found
  - e. list of items seized
  - f. disposition of the matter

- g. signature of the person conducting the search
- h. signature of the witness
- i. date

This documentation report is placed in the school files for safekeeping and ready retrieval. Depending upon the search finding, the documentation can be used in subsequent school discipline or legal actions.

CROSS REF: 445.1 Locker Searches

APPROVED: October 12, 1998

REVIEWED: April 11, 2005

**THE SCHOOLS AND GOVERNMENTAL AGENCIES**

The Board of Education is committed to protecting students from individuals not associated with the school system but also recognizes its responsibility to cooperate with law enforcement agencies, the Department of Social Services, emergency services, or other community agencies.

When such agencies request permission to interrogate a student at school, the Principal shall attempt to inform the student's parent(s) or guardian(s). Generally, the school shall also attempt to contact the parent (s) or guardian(s) of the student any time that police or other agencies are contacted with the exception being incidents in which the parent(s) or guardians(s) may be directly related to the incident being addressed.

Whenever it has been determined that an agency has a legitimate purpose in interrogating a student within the confines of the district, the Principal or representative shall be present throughout the proceedings.

No student shall be released to an agency, other than a law enforcement or child protection agency, without proper warrant or written parental/guardian permission, except in the event of emergency or for the protection of life or property as determined by the Principal or representative.

When an agency removes a student from district premises, the Principal or representative shall notify the District Administrator in a timely manner.

On occasion, principals will need the assistance of police, emergency services, or other community agencies. Principals should avoid unnecessary and inappropriate police involvement but are expected to be proactive in calling the police when necessary, and are generally not to leave the decision to the discretion of other staff members except by delegation in their temporary absence. The situations listed below are examples of situations in which the police or other agencies may be contacted:

- A. Refusal of a person to leave school property after being requested to do so by the appropriate school authority.
- B. Disorderly conduct.
- C. Illegal possession or use of tobacco including smoking on school grounds.
- D. Willful destruction of school property--particularly if the District is likely to seek restitution.
- E. Theft--particularly if items are of value and insurance claims will be filed.
- F.** Obvious crime.
- G. Arson.

- H. Assaults or serious fighting--if not controlled or if serious injury results.
- I. Forgery--if assistance is needed in determining whether it is forgery.
- J. Possession of a dangerous weapon.
- K. Possession of alcohol or drugs.
- L. Sale or distribution of controlled substances.
- M. Blackmail, threatening, or extortion of students or staff members.
- N. Bona fide threat against a person's life or threats of terrorist acts, bomb scares, etc.
- O. Illegal or inappropriate operation of a motor vehicle.
- P. Child abuse or molestation.
- Q. mass walkout from or sit-in on school property--if not controlled or if property damage or personal injury result.
- R.** Setting off firecrackers, pulling fire alarms, vandalism, and similar mischief (discretionary, but advised if reoccurring or the situation is getting out of hand).
- S. A student leaving school property without permission, a missing person situation, or a self-inflicted injury by a student.

### **Interrogation Procedures**

School officials stand in loco parentis (in place of the parent) in respect to the child. This requires the school official to protect, to the best of his/her ability, the due process rights of the student.

- A. All attempts to notify the parent(s) or guardian(s) should be diligently documented (see D below).
- B. Police and other authorities should investigate alleged law violations off of school property if at all possible. The investigation can take place immediately on school property at the request of the principal if the alleged law violation took place on school property.
- C. When police or other authorities arrive at the school and wish to interview a student or investigate an alleged law violation, they will contact the principal indicating the nature of their investigation and their desire to question a student or students.
- D. If the principal concurs that the questioning is appropriate, s/he will send for the student, if applicable, and move him/her to an unoccupied room and remain in the room during the questioning. If the situation involves an alleged law violation, the parent(s) or guardian(s) are to be contacted before any questioning takes place. If the situation involves suspected child abuse, notification of parent(s) or guardian(s) will be determined by the investigator.
- E. Before the student is questioned, the principal shall attempt to contact the parent(s) or guardian(s) and offer to remain in the room during the questioning to ensure that the student's rights are not violated, unless the parent is in attendance.

The District Administrator should be advised of any such situations as soon as feasible.

LEGAL REF.: Section 118.257. Wisconsin Statutes

CROSS REF.: 445.1 Locker Searches  
445.3 Search and Seizure  
832 Weapons on School Premises  
447 Student Discipline  
447.2 Code of Classroom Conduct  
Student and Staff Handbooks

APPROVED: October 11, 1999

REVISED: May 10, 2004

**SEARCH AND SEIZURE**

Pursuant to Board of Education Policy 445.3, the following guidelines shall be used when school administrators have reason to suspect that an illegal or dangerous substance or object or stolen property may be in the possession of a student:

- A. All requests or suggestions for the search of a student or his/her possessions shall be directed to the principal or the person in charge of the students while out of the District.
- B. Wherever possible, before conducting the search, the Principal or designee shall notify the student, request his/her consent to the inspection if other than his/her locker, and inform the student that s/he may withhold consent. Such consent, if offered, shall be given voluntarily and with the knowledge that it could have been withheld. The principal shall conduct the search, however, with or without the consent.
- C. Wherever possible, an adult third party shall be present at any search of a student or his/her possessions.
- D. The principal or designee may conduct a student search upon reasonable suspicion to suspect the presence of an illegal or dangerous substance or object, or anything contraband under school rules.
- E. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student, whether during a student search or otherwise.
- F. Wherever possible, the student shall be present at any search of his/her possessions.
- G. Whenever the search is prompted by the reasonable suspicion that possession of a substance or object immediately threatens the safety and health of the student or others, the principal shall act with as much speed and dispatch as is required to protect persons and property in the school while keeping clearly in mind the student's rights and the potential consequences of inappropriate or hasty action.

**Reasonable Suspicion**

As used in this section, "reasonable suspicion for a search" means grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student:

- A. has violated or is violating a rule or behavioral norm contained in the student handbook;

- B. has violated or is violating a particular law;
- C. possesses an item or substance which presents an immediate danger of physical harm or illness to students and staff or District property.

### **Lockers and Other Storage Areas Provided for Student Use**

- A. All lockers and other storage areas provided for student use remain the property of the District. These lockers and storage areas are subject to inspection, access for maintenance, and search pursuant to these guidelines. A student using the locker or storage area has, by statute, no expectation of privacy in that locker or storage area or the contents contained therein. No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the principal. Unapproved locks may be removed and destroyed.
- B. The principal may search student lockers and storage areas and the contents contained therein at any time for any justifiable reason.
- C. The principal or designee may, at any time, request assistance of the law enforcement agency having jurisdiction over the facilities of the District. The law enforcement officer must have probable cause, however, to conduct a search of the lockers and storage areas and the contents contained therein.

### **Desks and Other Storage Areas**

A desk or any other storage area in the school provided for student use as well as the contents contained therein, may be searched when the principal has reasonable suspicion for a search.

### **Vehicles**

- A. Any vehicle brought on District premises by a student may be searched when the principal has reasonable suspicion to justify the search.
- B. Searches of vehicles of staff members or visitors shall be conducted by law enforcement personnel.

### **Student**

- A. The personal search of a student may be conducted by the principal or designee when s/he has reasonable suspicion for a search of that student. Authorized searches of the student's person are:
  - 1. the student's pockets;

2. purses, briefcases, or any other object in the possession of the student;
  3. removal of an article of exterior clothing such as a jacket.
- B. Strip searches are not to be conducted by any official, employee, or agent of the District.
  - C. Personal searches, whenever possible, shall be conducted in a private room by a person of the same gender as the student and designated by the principal. At least one (1) but not more than three (3) additional staff members of the same gender as the student being searched shall witness but not participate in the search.

At the request of the student to be searched, an additional person of the same gender as the student designated by the student, and then reasonably available on school premises, shall witness the search. The student's parents shall be notified of the search as soon as reasonably possible.

### **Use of Breath - Test Instruments**

The principal or designee may arrange for a breath test for blood-alcohol to be conducted on a student whenever s/he has individualized reasonable suspicion to believe the student has consumed an alcoholic beverage.

### **Use of Canines**

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

- A. The presence of the dogs on school property must be authorized, in advance, by the building principal or be pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer specially trained to safely and competently work with the dog.
- C. 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.
- D. The dog will be allowed to examine a student's possessions, including vehicles, but any search of a student's person will be based upon individualized reasonable suspicion.
- E. The dog may be allowed to examine school property such as lockers as permitted by the building principal. Any limitation as to areas of school property to be examined by the dog shall be established by the building principal at the time the use of dogs is authorized.

## **Method of Search**

The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, correlated items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search based on simple curiosity.

## **Items Found**

Anything found in the course of a search which is evidence of a student violation of school rules or Federal/State laws may be seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the principal or designee until it is presented at the hearing. Such items or evidence may also be turned over to any law enforcement officer after proper notation and receipt.

LEGAL REF.:           Section 948.50, 118.325, 118.45, 125.09\_Wi. Statutes  
                          U.S. Constitution. 4<sup>th</sup> Amendment  
                          Safe Schools, Legal Resource Manual; 1999

CROSS REF.:           362.1 Rule – Use of the Internet  
                          445.1 – Locker Searches  
                          445.2 Rule – Schools and Governmental  
                          445.3 – Search and Seizure  
                          Student and Faculty Handbooks

APPROVED:            January 10, 2000

REVISED:             April 11, 2005

**SEARCH AND SEIZURE**

The Board of Education has charged school authorities with the responsibility of ensuring 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 lockers used by students, or the person or property, including vehicles, of a student, in accordance with the following policy. This authorization to search shall also apply to all situations and activities in which the student is under the jurisdiction of the Board of Education.

**School Property, Lockers, and Desks**

The Board of Education acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Desks and lockers are public property and school authorities may make reasonable regulations regarding their use. The District retains ownership and possessor control of student desks and lockers and the same may be searched at random by school personnel at any time. A showing of reasonable cause or suspicion is not a necessary precondition to a search under this paragraph. Students shall not have an expectation of privacy in lockers, desks, or other school property as to prevent examination by a school official. The Board directs the school principals to provide students with written notice of this policy at least annually and to conduct a routine inspection at least annually of all such storage places.

**Student Person and Possessions**

The Board of Education recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure. Administration is directed that no student be searched without "reasonable suspicion" that the search will turn up evidence that the student has violated, or is violating, either a particular law or a particular rule of the school. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the Principal or Designee. The Principal or Designee shall attempt to obtain the freely offered, voluntary consent of the student to the inspection or a search of places or things that are owned or controlled by the student e.g. clothing, backpacks, purses, or gym bags. Under no circumstance may the person seeking consent threaten a student with punishment if the student refuses to give consent to search. A refusal to consent also does not give a school official "reasonable suspicion" that a student is hiding something.

However, provided there is "reasonable suspicion" pursuant to the above paragraphs, the Principal or Designee may conduct the search without such consent. Whenever possible, a search will be conducted by the Principal or Designee in the presence of a staff member other than the Principal or Designee. A search prompted by the "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.

The search of a student's person or intimate personal belongings shall be conducted outside the presence of other students so as to avoid subjecting the student to unnecessary embarrassment or ridicule. The search of personal possessions should be done by a person of the student's gender, in the presence of another staff member of the same gender, or only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

In no cases shall any school employee strip-search a student.

### **Student Vehicles**

The student shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property. A school administrator with "reasonable suspicion" to believe that a search of a vehicle and its contents will produce evidence of a violation of a particular law, a school rule, or a condition that endangers the safety or health of the student driver or others, may search the contents of a vehicle that is owned or operated by a student and that is parked on school grounds if 1) the school has "reasonable suspicion" that there is evidence or contraband in the vehicle; or 2) the student has given consent to the search of the vehicle. The principal or Designee may request the assistance of law enforcement officials in conducting such a search.

School officials should not conduct a non-consensual search of a student-owned or operated vehicle that is not parked on school grounds but may request law enforcement officials to conduct such a search.

### **Use of Silent Video or Electronic Records**

The Board of Education directs the administration to exercise prudence in the use of silent video surveillance.

School officials may use silent video surveillance to monitor buses, parking lots, hallways, classrooms, cafeterias, gymnasiums, athletic fields, playgrounds, libraries, or other general areas. In no case shall silent video surveillance be used in areas where students and staff can reasonably expect privacy e.g. private offices, locker rooms, dressing areas, or bathrooms.

Students and staff shall not expect privacy regarding information or activities undertaken on the school computers or network. Any such records or activities are subject to review by school authorities at any time.

### **Use of Canines**

The Board of Education authorizes the use of specially trained dogs. Dogs shall not be used for conducting personal searches but may be used to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property is authorized in advance by the Principal or is pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer trained to safely and competently work with the dog.
- C. 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.
- D. The dog will be allowed to examine a student's possessions, including vehicles, but any search of a student's person will be based upon individualized reasonable suspicion.
- E. The dog may be allowed to examine school property such as lockers as permitted by the building principal. Any limitation as to areas of school property to be examined by the dog shall be established by the building principal at the time the use of dogs is authorized.

### **Law Enforcement Agencies**

The Principal or Designee or the District Administrator may request the assistance of a law enforcement agency in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Principal or Designee or District Administrator, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers.

### **Administrative Management of Searches**

The Principal or Designee shall be responsible for the written recording of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The Principal or Designee shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

Anything found in the course of a search pursuant to this policy that is unauthorized by school authorities, or which constitutes evidence of a violation of a particular law or school rule, or which endangers the safety or health of any person, shall be seized

and utilized as evidence if appropriate. Seized items that may not lawfully be possessed by the owner shall be retained for disciplinary proceedings or turned over to law enforcement officials. Seized items shall be returned to the owner only if the items may be lawfully possessed by the owner and at the time such is no longer required to be possessed by the authorities.

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

LEGAL REF.:           Section 948.50, 118.325, Wisconsin Statutes  
                          U.S. Constitution, 4th Amendment  
                          Safe Schools, Legal Resource Manual; 1999

CROSS REF.:           362.1 Rule - Use of the Internet  
                          445.1 - Locker Searches  
                          445.2 Rule - Schools and Governmental Agencies  
                          755     Use of Silent Video Surveillance Equipment  
                          756     Student and Faculty Handbooks

APPROVED:            January 10, 2000

REVISED:             May 10, 2004  
                          April 11, 2005

**BULLYING**

The School District of Belleville believes that a safe and civil learning environment is important for all students. The District will consistently and vigorously address bullying so that there is no disruption to the learning environment. If the behavior is motivated by a characteristic protected by state or federal law, Board Policy 411 and Rule 411 should also be reviewed, relating to Pupil Nondiscrimination and Student Discrimination Compliant Procedures. Harassment and bullying of a sexual nature is governed by Board Policy 112.1, Sexual and Other Harassment.

Bullying is expressly prohibited on School District of Belleville property and at school-related functions. "School district property" or "at school-related functions" means all school district buildings, school grounds, school property, swimming pool, school technology, school bus stops, school buses, or any other vehicles 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 School District of Belleville. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

For purposes of this policy, bullying is defined as a person's conscious, willful or deliberate act or attempted act, through the use of words or actions, that is intended to cause physical injury, emotional distress or suffering, or property damage, which interferes with a student's school performance or creates an intimidating, hostile or offensive learning environment. It may be repeated over time and involve an imbalance of power. The learning environment is defined as consisting of every activity under the supervision of the School District of Belleville.

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 also includes teasing, put-downs, threats, name-calling, cruel rumors, false accusations, intimidation, hazing and inappropriate touching, gestures, symbol display or verbal/non-verbal/written communication that makes a student feel uncomfortable or unsafe even if the person engaging in such behavior does not feel he/she is harassing/bullying.

It is the responsibility of all School District of Belleville school employees, students and concerned individuals who observe or become aware of acts of bullying to report these acts confidentially to designated employees at the building level

including building principals, school counselors, school psychologists or other employees designated to be the recipients of such reports. All such reports, either verbal or in writing, will be taken seriously and a clear account of the incident is to be documented. The building principal or his/her designee will be responsible for the investigation and disposition of all reports of bullying in his/her building. The building principal or his/her designee shall seek the assistance of the Director of Pupil Services with regard to investigation and/or disposition of reports of bullying.

An investigation to determine the facts will take place as soon as possible to verify the validity and the seriousness of the report. Parents and/or guardians of each student involved in the bullying will be notified by the building principal that a report has been made if the report is deemed to, in fact, be a case of bullying. The School District of Belleville shall keep the complaint and any related pupil records confidential to the extent required by law for all students involved.

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. Students who commit acts of bullying and/or retaliation against an individual for reporting bullying may be subject to school disciplinary measures consistent with School District of Belleville policies and up to and including suspension, expulsion, and a referral to law enforcement officials for possible legal action.

The School District of Belleville 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.

LEGAL REF.: Wis. Stat. § 118.13; 118.46

CROSS REF:        Policy 411    Pupil Nondiscrimination  
                      Policy 411R   Discrimination Complaint Procedures  
                      Policy 112.1   Nondiscrimination: Sexual and Other Harassment

APPROVED:        August 9, 2010

REVISED:         April 15, 2013

# SCHOOL DISTRICT OF BELLEVILLE

831-Rule

## TOBACCO USE ON SCHOOL PREMISES ADMINISTRATIVE RULES

### Enforcement

All individuals on school property share in the responsibility for adhering to and enforcing this policy. Any individual who observes a violation on school property may report it to the principal or supervisor in accordance with the procedure listed below.

### Employees

1. If a violation occurs, a written noncompliance report shall be issued by the principal or supervisor and a copy of this report shall be retained in the personnel file.
2. If a second violation occurs, the employee shall be referred by the principal or supervisor to the superintendent for disciplinary action.

### Spectators and Visitors – Public Events

1. Posted notices shall be used to inform spectators and visitors of the tobacco free schools' policy.
2. Spectators or visitors who use tobacco on school property shall be reminded by the principal, supervisor, or his/her designee of the tobacco free schools' policy.
3. If someone refuses to stop using tobacco, they will be asked by the principal, supervisor, or his/her designee to leave the school property.

### Students

1. Students who use tobacco on school property shall be disciplined in accordance with established procedures.
2. Consistent refusal or neglect to obey the rules may lead to expulsion.

LEGAL REF.: 101.123 Wisconsin State Statutes  
120.12 (2)

CROSS REF.: 443.3

APPROVED: April 14, 1997

***FIREARMS AND OTHER WEAPONS***

It is the policy of the School District of Belleville to provide a safe and healthy environment for all persons on its premises or attending any of its activities or functions.

To aid in reaching that goal, the District shall strictly enforce a policy that, to the extent permitted by law, limits the possession, use, or storage of firearms and other weapons by students, employees, and other visitors on school property, in or on school vehicles, and at school-related activities. Although the Wisconsin Carrying Concealed Weapon (CCW) Law generally allows individuals with training and registration to carry concealed weapons in some public places, there are specific laws that make such concealed carry illegal when it occurs in or around schools in which education of children occurs and on other property owned or operated by the District, and the District is not required to post signs in order for such prohibition of firearms and weapons (concealed or otherwise) to apply in such locations.

In furtherance of the above goals, it is the policy of the District that all persons are prohibited from possessing, being armed with, storing, or using a firearm or other weapon, whether unconcealed or concealed, in or on grounds of a school, on school premises, in or on school vehicles, or at school-related activities, unless otherwise specifically permitted by law. This prohibition applies to all students, employees, volunteers, parents, guardians, contractors, or other visitors at all times regardless of whether or not they are licensed to carry a weapon. The only exceptions to this policy are law enforcement officers in their official capacity/duties and in cases in which the possession or use of a weapon has been approved as part of a school activity.

This policy applies to firearms (as that term is defined under Wis. Stat. s. 948.605(1)(ac) and 18 U.S.C. s. 7151(a)(3)), any dangerous weapons (as that term is defined under Wis. Stat. s. 948.61(1)(a)), and weapon (as that term is defined under Wis. Stat. s. 175.60(1)(j)), unless state law otherwise specifically restricts the District from prohibiting such weapon. Examples of a weapon under this policy include, but are not limited to: a gun, knife, razor, karate stick, martial arts device, explosives device, chemical spray agent (including pepper spray), biological agent, metal buckle, billy club, and any other object, device or instrument which, in the manner it is used or intended to be used, is capable of inflicting bodily harm, could pretend to be capable of inflicting bodily harm, or could cause great bodily harm or death. Similarly, this policy will also include facsimile or other "look alike" weapon and object.

Employees who have questions about whether an item is covered by this policy should contact the District Administrator. Employees are responsible for making sure that any item in their possession is not prohibited by this policy.

"School property" covered by this policy includes, without limitation, all District-owned or leased space. District owned vehicles and buses are covered by this policy at all times regardless of whether they are on school property.

Any school district employee who reasonably believes that an employee, visitor, student, or other person has a weapon (whether concealed or not concealed) in violation of this policy must report such belief to a supervisor, administrator, or office staff. There will be no retaliation against any employee who in good faith makes a report of a violation of this policy or who assists in an investigation of such a report.

Any student, volunteer, visitor, or other person that has reason to believe that an employee, student, visitor or other person has a weapon (whether or not concealed) in violation of this policy should report such belief to the building principal, district administrator, event supervisor, or district employee. Any district staff receiving such information will respond with utmost confidentiality and follow up immediately within the parameters of this policy.

Upon reasonable suspicion that any other person possesses a weapon in violation of this policy, when feasible, the person will be requested to remove the weapon from the school property. If the person refuses to remove the weapon voluntarily, he/she will be asked to leave. If he/she refuses to leave, the District will contact law authorities for assistance.

Law enforcement officers shall be summoned to the schools to handle any situation involving a firearm or weapon that presents an immediate threat to safety. Any person violating this policy in regards to an immediate threat shall be referred to law enforcement officials for prosecution under applicable laws.

Employees found to be in violation of this policy are subject to disciplinary action that may include suspension and/or termination and/or legal action consistent with any employee handbook or applicable collective bargaining agreement.

Students found to be in violation of this policy are subject to disciplinary action that may include suspension and/or expulsion from school and/or legal action. A student who brings a firearm or weapon to a school may also be referred to the criminal justice system or juvenile delinquency system.

In accordance with statutory requirements, a student possessing a firearm on school premises or while under the supervision of a school authority without authorization, and in violation of this policy, will be suspended from school and recommended by

administration for expulsion for not less than year. The school board may modify the expulsion requirement on a case-by-case basis.

It is recognized that a circumstance may arise in which a student inadvertently possesses a firearm or other weapon upon arriving on school property. Any student in such a circumstance should report the situation to the Principal as soon as the student recognizes the situation. The Principal shall arrange for the firearm or weapon to be secured or removed from school property. Students adhering to this process and cooperating fully in the response, shall be subject to disciplinary consequences at the discretion of the Principal.

Any student who possess a weapon other than a firearm on school premises or while under the supervision of a school authority, without authorization and in violation of this policy will have disciplinary consequences imposed that are appropriate to the offense, taking into consideration the student's age, history and circumstances.

A student who violates this policy shall also be subject to discipline which may include suspension and/or a recommendation to the Board of Education for expulsion at the discretion of the principal.

The Principal shall contact and discuss any/all firearms or weapons incident with the student's parent(s)/guardian(s).

CROSS REF.: 352 Field Trips; 443 Student Conduct; 445.1 Locker Searches; 445.2 The Schools and Governmental Agencies; 445.3 Search and Seizure; 447 Student Discipline; 447.2 Code of Classroom Conduct; Student, Employee Handbooks

LEGAL REF.: Wisconsin Statutes, Sections 29.301; 120.13 (1)(a), 1 (bm), 1(c)2m., (1)(g); Wis. Stat. § 175.60; Wis. Stat. § 941.23; Wis. Stat. § 943.13; Wis. Stat. § 948.60; Wis. Stat. § 948.605; Wis. Stat. § 948.61; Individuals with Disabilities Education Act. Gun-Free Schools Act of 1994

APPROVED: April 11, 2005  
February 13, 2012

**VANDALISM**

School district property constitutes a significant investment of public funds; therefore, it is in the best interest of students and taxpayers alike to have that investment protected. The Board believes it is the duty of students, staff and community to protect the public school property and physical plant from destruction and defacement. The Board further believes that acts of vandalism are reprehensible and that they should be discouraged by all appropriate means, with restitution for damages required and made whenever possible. It is the expectation of the Board, therefore, that destruction or vandalism of any property belonging to the taxpayers of the School District will be paid for or repaired by the offenders. Such an offense may also be turned over to the local law enforcement authorities at the discretion of the administration.

The Board urges all students and citizens to report any incidents of vandalism to school property and the name(s) of the person(s) believed to be responsible. All employees of the District are expected to report to the building administrator incidents of vandalism and, if known, the name(s) of those responsible.

Students who engage in acts of vandalism of school property will be subject to discipline up to and including expulsion pursuant to Sections 120.13(1)(b) and (c) of the Wisconsin Statutes and may be denied participation in graduation ceremonies.

Approved:                      November 11, 2002