

StEPP Attorney Manual
Waunakee Community School District
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Table of Contents

• Hearing Location and Opposing Attorney-----	1
• Student Expulsion-----	2
• Early Reinstatement of Expelled Students-----	5
• Student Discipline, Suspension and Expulsion-STUDENTS WITH DISABILITIES-----	6
• Classroom Code of Conduct-----	7
• Student Dress Code-----	11
• Use and Possession of Tobacco Products-----	12
• Drug Free Schools Policy-----	13
• Care of School Property by Students-----	15
• Gangs and Gang-Related Activities-----	16
• Disciplinary Actions for Specific Gang-Related Activities---	19
• Anti-Bullying-----	21
• Searches and Search Procedures-----	24
• Procedures for Management of Student Aggressive Behavior-----	30
• Sexual Harassment-----	32

Hearing Location and Opposing Attorney

Expulsion hearings will be held at the Waunakee Community School District's central office, located at:

**905 Bethel Circle
Waunakee, WI 53597**

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

**Kirk Strang
Strang, Patteson, Renning Lewis, & Lacy
(844) 626-0906**

STUDENT EXPULSION

447.4

Independent Hearing Officer

The Waunakee Community School District Board of Education has adopted a resolution under Sec. 120.13(1)(e) to appoint an independent hearing officer to determine pupil expulsion from school. The resolution to appoint an independent hearing officer must be renewed annually. The hearing officer shall expel a pupil from school whenever he/she finds that the pupil engaged in conduct that constitutes grounds for expulsion under Wisconsin Statutes §§120.13(1)(c)1 or 2, or 120.13(1)(c)2m.

Prior to expelling a pupil, the hearing officer shall hold a hearing in accordance with state statute and District policy.

The hearing officer shall keep a full record of the hearing and shall inform each party of the right to a complete record of the proceeding. Upon request, the hearing officer shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if a minor, the pupil's parent or guardian.

The hearing officer shall issue a ruling at the conclusion of the expulsion hearing, if possible, but in any event, the hearing officer shall issue a ruling and a final written decision concerning the student's expulsion no later than prior to the end of the applicable statutory time limit on the student's suspension from school. If the expulsion hearing is held within five (5) school days of the end of the applicable statutory time limit on the student's suspension from school, the hearing officer may utilize the student's remaining suspension days plus five (5) additional school days to issue a final written expulsion decision following the expulsion hearing, provided that a ruling on the expulsion has been issued at the conclusion of the expulsion hearing.

The Board of Education student expulsion policy shall be in accordance with state law and, in the event of any inconsistency between Board policy and state law, state law shall control.

1. The school board or appointed independent hearing officer may expel a pupil from school whenever it finds the pupil guilty of repeated refusal or neglect to obey the rules, or finds that a pupil knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives, or finds that the pupil engaged in conduct while at school or while under the supervision of a school authority which endangered the property, health or safety of others, or finds that a pupil while not at school or while not under the supervision of a school authority engaged in conduct which endangered the property, health or safety of any employee or school board member of the school district in which the pupil is enrolled, and is satisfied that the interest of the school demands the pupil's expulsion.

2. In addition to the grounds for expulsion under subd. 1., the school board or appointed independent hearing officer may expel from school a pupil who is at least 16 years old if the school board finds that the pupil repeatedly engaged in conduct while at school or while under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity supervised by a school authority and that such conduct does not constitute grounds for expulsion under subd. 1., and is satisfied that the interest of the school demands the pupil expulsion.

(2m) The school board or appointed independent hearing officer shall commence proceedings under subd. 3. and expel a pupil from school for not less than one year whenever it finds that the pupil, while at school or while under the supervision of a school authority, possessed a firearm, as defined in 18 USC 921(a)(3). Annually, the school board shall report to the department the information specified under 20 USC 8921(d)(1) and (2)*.

3. For purposes of expulsion conduct that endangers a person or property includes making a threat to the health or safety of a person or making a threat to damage property.
4. Prior to expelling a pupil, the school board or appointed independent hearing officer shall hold a hearing. Not less than 5 days' written notice of the hearing shall be sent to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, specifying the following:
 - a. The specific grounds, under ss. 120.13 (1)(c) 1, 2 or 2m of the Wisconsin Statutes and the particulars of the pupil's alleged conduct upon which the expulsion proceeding is based;
 - b. The time and place of the hearing;
 - c. That the hearing may result in the pupil's expulsion;
 - d. That, upon request of the pupil and, if the pupil is a minor, the pupil's parent or guardian, the hearing shall be closed;
 - e. That the pupil and, if the pupil is a minor, the pupil's parent or guardian may be represented at the hearing by counsel;
 - f. That the hearing officer shall keep a full record of the hearing and, upon request, the hearing officer shall direct that a transcript of the record be prepared and that a copy of the transcript be given to the pupil and, if the pupil is a minor, the pupil's parent or guardian;
 - g. That if the hearing officer orders the expulsion of the pupil the school district shall mail a copy of the order to the school board, the pupil and, if the pupil is a minor, to the pupil's parent or guardian;
 - h. That within 30 days of the issuance of an expulsion order the school board shall review the order and shall, upon review, approve, reverse or modify the order;
 - i. That, if the pupil is expelled by the hearing officer or the order of the hearing officer shall be enforced while the school board reviews the order;
 - j. That, if the pupil's expulsion is approved by the school board, the expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal the school board's decision to the Department of Public Instruction (DPI);

- k. That if the school board's decision is appealed to the DPI, within 60 days after the date on which the DPI receives the appeal, the DPI shall review the decision and shall, upon review, approve, reverse or modify the decision;
- l. That the decision of the school board shall be enforced while the DPI reviews the school board's decision;
- m. That an appeal from the decision of the DPI may be taken within 30 days to the circuit court for the county in which the school is located;
- n. That the state statutes related to pupil expulsion are ss. 119.25 and 120.13(1) of the Wisconsin Statutes.

Legal Ref.: Sections 120.13(2)(c) Wisconsin Statutes
118.13
Individual with Disabilities Education Act
PI 9.03(1), Wisconsin Administrative Code

Cross. Ref.: 411-Rule (1), Student Discrimination /Harassment Complaint Procedures
447.4-Rule, Early Reinstatement from Expulsion
447.5, Discipline of Students with Disabilities

Adopted: 12/13/82

Revised: 9/14/87
March 1994
September 1994
12/11/95
March 2002
August 2014

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

EARLY REINSTATEMENT OF EXPELLED STUDENTS

447.4-Rule

The Board of Education, or its independent hearing officer or panel authorized by the school board, may specify one or more early reinstatement conditions in an expulsion order if such conditions are related to the reasons for the students' expulsion.

Early reinstatement condition is defined as: (1) a condition that a student is required to meet before he/she may be granted early reinstatement or (2) a condition that a student is required to meet after his/her early reinstatement but before the expiration of the term of expulsion specified in the expulsion order.

If the expelled student or parent/guardian does not believe the early reinstatement condition(s) is related to the reasons for the expulsion, an appeal may be made to the Board within fifteen (15) days after the date on which an expulsion order is issued by an independent hearing officer. The Board's decision is final and not subject to appeal.

Determining whether expelled students have met early reinstatement conditions:

If the Superintendent or designee determines that a student has met the early reinstatement condition(s) that he/she is required to meet before reinstatement, the student may be granted early reinstatement. The Superintendent's designee must be someone other than a principal, administrator or teacher in the student's school. The determination of the Superintendent or designee is final.

If a student violates an early reinstatement condition that the student was required to meet after his/her early reinstatement but before the expiration of the term of expulsion, the Superintendent or principal or teacher designated by the Superintendent may revoke the student's early reinstatement. Before revoking the student's early reinstatement, however, the Superintendent or designee must do all of the following:

1. Advise the student of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated;
2. Provided the student an opportunity to present his/her explanation of the alleged violation; and
3. Make a determination that the student violated the early reinstatement condition and that revocation of the student's early reinstatement is appropriate.

If the student's early reinstatement is revoked, prompt written notice of the revocation and the reason for the revocation (including the early reinstatement condition violated) must be given to the student and, if the student is a minor, to the student's parent/guardian.

Within five (5) school days after the revocation of a student's early reinstatement, the student or parent/guardian may request a conference with the Superintendent or designee. If requested, the conference must be held within five school days of the request.

If, after the conference, the Superintendent or designee finds that the student did not violate an early reinstatement condition or that the revocation was inappropriate, the student must be reinstated to school under the same reinstatement conditions as the expulsion order and the early reinstatement revocation must be expunged from the student's records.

If the Superintendent or designee finds that the student violated an early reinstatement condition and that the revocation was appropriate, he/she must mail separate copies of the decision to the student and, if the student is a minor, to the student's parent/guardian. The decision of the Superintendent or designee is final.

If a student's early reinstatement is revoked, the student's expulsion must continue to the expiration of the term of expulsion specified in the expulsion order unless the student or parent/guardian and the school board, or independent hearing officer or panel, agree in writing to modify the expulsion order.

Legal Ref.: Sections 120.13 (2)(h) Wisconsin Statutes
118.13

Cross Ref.: 447.4 Student Expulsions
411-Rule (1), Student Discrimination/Harassment Complaint Procedures

Adopted: August 2000

Revised: March 2002
August 2014

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

STUDENT DISCIPLINE, SUSPENSION AND EXPULSION – STUDENTS WITH DISABILITIES

447.5

1. Suspension

In the instances where an identified student with disabilities is suspended, the District shall document the basis for the suspension. In appropriate cases, the District will also consider convening an IEP Team meeting to determine if program modifications are necessary.

2. Expulsion

If a student with a qualifying disability is subject to possible expulsion, a meeting will be convened to determine whether the student's behavior(s) are a manifestation of his/her disability and if the student's placement is appropriate. If the student's behavior is determined to be a manifestation of his/her disability, the student shall not be expelled. If the student's behavior is determined to be a result of inappropriate placement, but not a manifestation of his/her disability, the student shall not be expelled unless expulsion is permitted by law.

The suspension of a student with a qualifying disability may be extended to not more than ten (10) days if a notice of expulsion hearing has been sent. Additionally, a student with a qualifying disability may be placed in an interim alternative educational setting for up to 45 days while a due process hearing is pending if the student's behavior(s) involved a weapon or drugs.

Legal Ref.:

Sections 115.787 (3)(b)1

118.13 Wisconsin Statutes

120.13(1) PI 11

Individuals with Disabilities Education Act

Section 504, Rehabilitation Act

Cross Ref.: 411-Rule (1), Student Discrimination/Harassment Complaint Procedures

Special Education Handbook

447.3, Student Suspension

447.4, Student Expulsion

Adopted: December 1982

Revised:

March 1994

December 1995

January 2000

March 2002

August 2014

Waunakee Community School District

CLASSROOM CODE OF CONDUCT

The Waunakee Community School District is committed to maintaining an educational atmosphere of excellence. Teachers are expected to create a positive classroom environment that is conducive to learning and self-discipline. Students are expected to behave in a manner that is based on respect and consideration for the rights of others. Students are to allow teachers to instruct effectively and students to participate in learning activities. Students are further expected to know and abide by the rules of behavior established by the classroom teacher, school administration, and Board of Education. Parents/guardians should be aware of their children's activities, performance and behavior in school, and are asked to cooperate and consult with the school to prevent or address any concerns.

Student behavior that is dangerous, disruptive, unruly or that interferes with the teacher's ability to teach effectively will not be tolerated. Any student who engages in such behavior may be subject to removal from class and placement as outlined below. In addition, the student may be subject to disciplinary action in accordance with established Board of Education Policies, school rules, municipal ordinances and state/federal laws and regulations. Removal from class under this Code does not prohibit the District from pursuing or implementing other disciplinary measures, including but not limited to detentions, suspension or expulsion, for the conduct for which the student was removed.

For the purpose of this Code, a "class" is any class offered as part of the normal schedule of instruction or any extension of such class (i.e. field trip). This excludes co-curricular activities and other school activities that are not typically defined as classes.

A "teacher" is any certified instructor, intern, student teacher, counselor, nurse, administrator, or designee in the employ of the District. A "teacher of a class" means the regularly assigned teacher of the class, or any teacher assigned to teach, monitor, assist in or oversee the class.

This Classroom Code of Conduct applies to all students in grades K-12.

1. Student Removal From Class

A student may be removed from class for, but not limited to, the following reasons: dangerous, disruptive, damaging, or unruly behavior, behavior that violates expectations set forth in Board of Education Policies and Student Handbooks, behavior that interferes with the ability of the teacher to teach effectively or interferes with the ability of others to learn, and behavior which is inconsistent with class decorum.

When a student is removed from class, s/he will be sent or escorted to the building administrator or designee. The teacher removing the student will notify the building administrator or designee and inform him/her of the reason(s) for the student's removal. A written explanation of the reason(s) shall be given to the administrator or designee within 24 hours of the student's removal from class.

2. Placement Procedures

This Code of Conduct distinguishes between two, essentially separate kinds of removal from class: short term or temporary removal, and long-term removal. The building administrator or designee shall decide whether a student who has been removed from a class for violating the Classroom Code of Conduct is to be placed in either a long term or short term placement. When making placement decisions, the building administrator or designee shall consider the following factors: the interests of the other students in the class and the teacher, the reason(s) the student was removed from class, the type of placement options available to students in the district, the estimated length and time of placement, the student's individual needs, whether the student has been removed from a class previously and the relationship of the placement to any disciplinary action. The administrator or designee may consult with other appropriate school personnel, as s/he deems necessary when making or evaluating placement decisions. A student's parents/guardians may also be consulted regarding student placement decisions when determined by the administrator or designee to be in the best interest of the student involved or when required by law.

All placement decisions shall be made consistent with established Board of Education Policies and in accordance with state/federal laws and regulations.

a) Short Term Placement Procedures

In the majority of cases, a student shall remain in the short term removal area for at least the duration of the class or activity from which s/he was removed. The building administrator or designee shall inform the student of the reason(s) for removal from class, and shall allow the student an opportunity to present his/her version of the situation. The building administrator or designee shall then, after weighing the interest of the removed student, the other students in the class, and the teacher, determine if readmission to the class is the best or only alternative. In the event it is not deemed appropriate to return the student to regular classes, the building administrator or designee shall either retain the student in short term removal, or, where necessary, appropriate and practical, shall take steps to have the student sent home.

b) Long Term Placement Procedures

A student warrants long term removal from class when his/her actions have been severe and serious and/or there have been repeated violations of the Classroom Code of Conduct.

Students who are removed long term from a class will be placed in an alternative educational setting. This setting may include, but is not limited to, the following:

1. Another instructional setting.
2. Another class or another appropriate place in the school.
3. An alternative education program approved by the Board of Education. State law defines an alternative education program 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, or offered in place of regularly scheduled curricula programs.

In any long-term placement provided, the student must continue to receive an educational program and services comparable to, though not necessarily identical with, those of the class from which s/he was removed. Such program need not be in the precise academic subject of the student's former class.

Long-term removal is an administrative decision not subject to a formal right of appeal. However, the parents/guardians of the student, and/or the student, may have the right to meet with the building administrator or designee. When possible, such a meeting shall take place within three (3) school days of the request. At the meeting, the building administrator or designee shall inform the parents/guardians and/or student as fully as possible regarding the basis for the removal, the alternatives considered and the basis for the decision. Nothing in this Code shall prevent the building administrator or designee from implementing a removal to another class, placement or setting, prior to any meeting, over the objection of the parents/guardians or student.

3. Parent/Guardian Notification Procedures

- a. The teacher who initiated the removal of a student from class will attempt to notify parents/guardians within 24 hours of the incident that caused the student to be removed from his/her class. The classroom teacher shall keep written logs or records regarding all attempts to contact the parents/guardians of the removed student and provide these to the building administrator or designee within 24 hours of the student's removal from class.

- b. The building administrator or designee shall notify the parents/guardians of the student in writing via the building Disciplinary Referral Form, when a teacher has removed a student from class. This notification shall include the reason(s) for the student's removal from class and the placement decision involving the student. This notice shall be given as soon as possible after the student's removal from class and after a placement determination has been made.
- c. If the removal from class and change in educational placement involves a student with a disability, parent/guardian notification shall be made consistent with the District CWD (Children With Disabilities) Handbook, and state/federal laws and regulations.
- d. If the student removed from a class is also subject to disciplinary action (ex: detention, suspension, expulsion) for the particular classroom conduct, the student's parents/guardians shall also be notified of the disciplinary action in accordance with policy and legal requirements.

The District shall not discriminate in enforcing the Classroom Code of Conduct on the basis of sex, race, religion, national origin, ancestry, color, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

Cross Ref.: 447-Rule, Management of Aggressive Student Behavior
447.1, Corporal Punishment /Use of Force
447.2, Student Detention
447.3, Student Suspension
447.4, Student Expulsion
447.5, Discipline of Students with Disabilities
Special Education Handbook

Adopted: 4/5/99

Revised: 6/7/99
March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

STUDENT DRESS CODE

443.1

The responsibility for the appearance of the students of Waunakee Community School District rests with the parents and the students themselves.

They may determine such students' dress providing that such attire is not destructive to school property, does not create a health or safety hazard, is not obscene as defined in Board policy, and does not interfere with the educational process.

Clothing that promotes the use of controlled substances, alcohol or tobacco products are also not to be worn by students while in attendance at school or at school functions. Clothing which promotes such use runs contrary to the philosophy of the Waunakee Community School District which is to promote a safe and healthy lifestyle for all students.

Legal Ref.: Sections 118.035 Wisconsin Statutes
120.13(1)(a)

Cross Ref.: 440, Student Expression Activities
443.8, Gang and Gang-Related Activities

Adopted: 12/13/82

Revised: 4/22/91
March 1994
6/7/99
March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

USE AND POSSESSION OF TOBACCO PRODUCTS

443.3

Smoking, chewing, or possession of tobacco products by students while in or on school properties, or under the school's jurisdiction during school hours, or while participating in a school-sponsored event is prohibited.

Students under the age of 18 that are in violation of this policy will be reported to law enforcement officials for legal action.

On the first offense of smoking, possession, or use of tobacco, a student shall be given a suspension in accordance with Board policy and legal requirements. Repeated violations may lead to stronger disciplinary action including expulsion.

Professional personnel should carry on intensive programs of education designed to fully inform students about the hazards of smoking.

Legal Ref.: Sections 48.983 Wisconsin Statutes
101.123
120.12 (20)
120.13(1)(b)
254.92

Cross Ref.: 447.3, Student Suspensions

Adopted: 12/13/82

Revised: 5/14/84
10/13/87
4/22/91
5/11/92
March 1994
March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

DRUG FREE SCHOOLS

443.4

The program, as developed and implemented by the Waunakee Community School District, provides for a developmentally based drug and alcohol education and prevention program for students enrolled in all grades of the District from early childhood level and continuing through the twelfth grade. The program addresses the social and health consequences of drug and alcohol use, as well as the legal ramifications of such use, and provides age-appropriate and effective techniques for resisting peer pressure to use illegal drugs and/or alcohol.

Information provided to students shall communicate that the use of illegal drugs and the unlawful possession and use of alcohol is illegal and harmful to one's health.

Students of the Waunakee Community School District are hereby notified that the unlawful manufacture, distribution, dispensing, selling, purchasing, possession of or being under the influence of a controlled substance, alcohol, or drug paraphernalia (as defined in State Statute 961.571) or any other substance that causes intoxication or results in mind or mood alterations, including deliberate use of over-the-counter or unregulated substances for this purpose but excluding substances taken as directed with a valid prescription on District property, including all District -owned vehicles, is prohibited at all times. These same provisions shall be in effect at all school-sponsored events or extra-curricular activities while off school premises. "Look alike drugs" shall be considered the same as controlled substances for the purposes of this policy and related policies.

Students who violate the provisions of the District's Drug-Free Schools policy will be subject to disciplinary action, including suspension or expulsion. In addition, referral for prosecution will be imposed on students who violate the standards of the District's policy.

Drug and alcohol counseling and rehabilitation and re-entry programs are available to students of the District. Information regarding such programs is available in the District office or by contacting the student assistance program (CORE) director.

A copy of the Drug-Free Schools policy will be provided to parents and students through annual publication in the District school handbooks and by posting it within the school buildings. Parents/ guardians and students will be notified that compliance with the established standards of conduct is absolutely mandatory.

Legal Ref.: Sections 118.127
118.24(2)(f)
118.257
118.45
120.13(1)(a)
125.09(2)(a)
938.396

Chapter 961 Wisconsin Statutes
Drug Free Schools and Communities Act Amendment of 1989

Cross Ref.: CORE Program
347-Rule (2), Law Enforcement and Other Agency Record Information
377.2, Random Drug Tests and Co-Curricular Participants
443.1, Student Dress Code
443.4-Rule, Alcohol Testing of Students
447.3, Student Suspension
447.4, Student Expulsion
447.4-Rule, Early Reinstatement for Expelled Student
447.5, Discipline of Students with Disabilities
522.1, Drug Free Workplace

Adopted: April 1991

Revised: March 1994
May 2000
March 2002
December 2002
December 2005
May 2007
August 2008

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

CARE OF SCHOOL PROPERTY BY STUDENTS

443.5

Students and/or their parents/guardians will be required to pay for damage to school property that results from rule violations, negligence, malicious mischief, etc. If payment is not made, the Board of Education may file this claim with the proper authorities.

Damage to school property due to accident through the instructional or extra-curricular program will not be billed.

Legal Ref.: Section 895.035 Wisconsin Statutes

Cross Ref.: 443.8, Gangs and Gang-Related Activities
731.1, Vandalism

Adopted: 12/13/82

Revised: March 1994
March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

GANGS AND GANG-RELATED ACTIVITIES

443.8

The Waunakee Community School District Board of Education recognizes that the commission of antisocial acts or criminal acts by individual students or groups of students interferes with the mission of the District.

The Board further recognizes that the presence of gangs, gang symbols, gang activities, and gang affiliations can cause a disruption of or interfere with school and school activities.

As a result, student(s) antisocial or criminal activities as monitored by school employees will not be tolerated and will be reported to school administrators for appropriate action.

Violation of this policy will subject students to appropriate disciplinary action which may include suspension, expulsion, and/or criminal charges filed with police agencies.

Adopted: March 1994

Revised: March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

GANGS AND GANG-RELATED ACTIVITIES

443.8-Rule

Students enrolled in the Waunakee Community School District shall not be involved in antisocial or criminal activities which disrupt school or school sponsored activities.

Student "gang" activities that cause or may cause a disruption of school or school-sponsored activities are prohibited.

It will be the responsibility of school staff to monitor and document the existence of gang activity in the schools.

If the school principal records student involvement for monitoring purposes, the parents/guardians of the student will be informed in writing by the principal

The Director of Student Services will coordinate all efforts related the Board's gang policy and any other gang abatement activities undertaken by the district.

Related Definition:

A "gang" as defined by this policy, is a group of three or more individuals with a unique name, identifiable marks or symbols, whose members claim turf or territory, associate on a regular basis, and engage in antisocial or criminal activity.

The Board lists the following criteria for identifying youths as gang members. School administrators shall monitor student behavior by using the criteria to identify gang involvement as follows:

The criteria includes:

- 1) Having gang tattoos
- 2) Wearing gang garb that could include the color of clothing, head covering or methods of grooming.
- 3) Displaying gang markings or slogans on personal property or clothing.
- 4) Possessing literature that indicates gang membership.
- 5) Admitting gang membership.
- 6) Being arrested with known gang members.
- 7) Attending functions sponsored by the gang or known gang members.
- 8) Obtaining information from a reliable informant.
- 9) Getting statements from relatives identifying the youth as a gang member.
- 10) Receiving information from other law enforcement agencies that a youth is a gang member.
- 11) Exhibiting behavior fitting police profiles of gang related drug dealing.
- 12) Being stopped by the police with a known gang member.
- 13) Loitering, riding or meeting with a gang member.
- 14) Selling or distributing drugs for a known gang member.
- 15) Helping a known gang member commit a crime.

Legal Ref.: Section 118.13 Wisconsin Statutes
 120.13
 121.92(1)(i)
 121.52 (2)
 895.035

PI 9.03(1), Wisconsin Administrative Code

Cross Ref.: 347-Rule (2), Law Enforcement and Other Agency Records
 447-Rule, Procedures for Management of Student Aggressive Behavior
 447.1, Corporal Punishment/Use of Physical Force
 447.3, Suspension of Students
 447.4, Expulsion of Students
 447.5, Discipline of Students with Disabilities
 443.8 Exhibit (2), Disciplinary Actions for Specific Gang-Related Activities

Adopted: March 1994

Revised: March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

**DISCIPLINARY ACTIONS FOR SPECIFIC
GANG-RELATED ACTIVITIES**

443.8 Exhibit (2)

Insignia/Gang Clothing/Gang Signs:

Students are prohibited from wearing gang clothing or using gang insignias or signs in school or at school functions.

Students in violation of this policy will be suspended from school for up to five (5) school days or until such time as the offensive insignia/clothing is either disposed of or removed. A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Students who refuse to remove or dispose of the insignia/clothing will be suspended for up to five (5) school days. A repetition of this offense may result in a recommendation for expulsion.

Graffiti:

Any student discovered to have been responsible for gang graffiti on school buildings or property will be suspended from school for up to five (5) school days. A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Any student discovered to be with another student at the time of the graffiti is applied will also be suspended from school for up to five (5) school days.

Any students suspected of applying gang graffiti will be prosecuted to the fullest extent of the law.

Parents/guardians and students will be held liable for the damage and are responsible for paying any costs of having the damage professionally removed and/or repaired.

Attacks:

Any student who is involved in or participates in any gang-related attack upon the person of a student or students or school employee during school hours, on the way to/from school, at any school-sponsored event, or (in the case of a school employee) at any time if connected with the employee's school responsibilities, will be suspended from school for up to fifteen (15) school days and will be recommended for expulsion.

Students involved in a gang-related attack will be prosecuted for the attack to the fullest extent of the law.

Any threat of attack will be considered an attempt to intimidate and will result in a suspension from school for up to fifteen (15) school days with a possible recommendation for expulsion.

A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Meetings:

Students found to be congregating or meeting with gangs on school grounds are subject to suspension from school for up to fifteen (15) school days and a possible recommendation for expulsion. A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Recruiting:

Any student found to be recruiting a student for gang membership or threatening a student for either not joining a gang or wishing to withdraw from a gang shall be suspended for five (5) school days and recommended for expulsion. A student must return to school accompanied by a parent/guardian for a conference with the school principal.

Weapons:

Lockers, book bags, gym bags, coats or jackets or other containers which are brought into the school may be searched at any time by school personnel pursuant to Board policy or should they have a reasonable suspicion of the presence of a weapon, mace, tear gas, chemical weapon, or other object deemed dangerous.

Students found to have such weapon on school property or at school-related activities or while under the supervision of school personnel at any time or threatening to bring a weapon onto school grounds will be immediately suspended from school for up to fifteen (15) school days and will be recommended for expulsion.

Cross Ref.: 443.6, Electronic Communication Devices-Students
443.7, Weapons on School Premises
447.3, Student Suspension
447.4, Student Expulsion
447.5, Discipline of Students with Disabilities
445.1, Searches

Adopted: March 1994

Revised: 12/11/95
March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

ANTI-BULLYING

443.9

Introduction

The Waunakee Community School District strives to provide a safe, secure and respectful learning environment for all students in school buildings, on school grounds, and school buses, other district owned vehicles and at school-sponsored activities. Bullying has a harmful social, physical, psychological and academic impact on bullies, victims and bystanders. The school district consistently and vigorously addresses bullying so that there is no disruption to the learning environment and learning process.

Definition

Bullying is deliberate or intentional behavior using words or actions, intended to cause fear, intimidation or harm. Bullying may be repeated behavior and involves an imbalance of power. The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age; national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic or family status.

Bullying behavior can be:

1. Physical (e.g. assault, hitting or punching, kicking, theft, threatening behavior)
2. Verbal (e.g. threatening or intimidating language, teasing or name-calling, racist remarks)
3. Indirect (e.g. spreading cruel rumors, intimidation through gestures, social exclusion and sending insulting messages or pictures by mobile phone or using the internet – also known as cyber bullying)

Prohibition

Bullying behavior is prohibited in all schools, buildings, property and educational environments, including any property or vehicle owned, leased or used by the school district. This includes public transportation regularly used by students to go to and from school. Educational environments include, but are not limited to, every activity under school supervision.

Procedure for Reporting/Retaliation

All school staff members and school officials who observe or become aware of acts of bullying are required to report these acts to the building principal or designee.

Any other person, including a student who is either a victim of the bullying or is aware of the bullying or any other concerned individual is encouraged to report the conduct to the building principal or designee.

Reports of bullying may be made verbally or in writing and may be made confidentially. All such reports, whether verbal or in writing, will be taken seriously and a clear account of the incident is to be documented. A written record of the report, including all pertinent details, will be made by the recipient of the report.

The school official receiving a report of bullying shall immediately notify the school district employee assigned to investigate the report. The following school district employees have been identified as the investigator:

- Arboretum Elementary - Building Principal or designee
- Heritage Elementary - Building Principal or designee
- Prairie Elementary - Building Principal or designee
- Waunakee Intermediate School - Building Principal or designee
- Waunakee Middle School - Building Principal or designee
- Waunakee High School - Building Principal or designee

There shall be no retaliation against individuals making such reports. Individuals engaging in retaliatory behavior will be subject to disciplinary action.

Procedure for investigating reports of bullying

The person assigned by the district to conduct an investigation of the bullying report shall, interview the person(s) who are the victim(s) of the bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report.

Parents and/or guardians of each pupil involved in the bullying will be notified prior to the conclusion of the investigation. The district shall maintain the confidentiality of the report and any related pupil records to the extent required by law.

Sanctions and supports

If it is determined that students participated in bullying behavior or retaliated against anyone due to the reporting of bullying behavior, the school district administration and school board may take disciplinary action, including: suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate. Pupil services staff will provide support for the identified victim(s).

Disclosure and Public Reporting

The policy will be distributed annually to all students enrolled in the school district, their parents and/or guardians and employees. It will also be distributed to organizations in the community having cooperative agreements with the schools. The school district will also provide a copy of the policy to any person who requests it.

Records will be maintained on the number and types of reports made, and sanctions imposed for incidents found to be in violation of the bullying policy.

Adopted: August 2010

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

SEARCHES

445.1

School officials have an affirmative duty to investigate any suspicion that conduct or materials dangerous or harmful to health and welfare of students or school personnel or property are present within the school or on school grounds. School officials shall cooperate with law enforcement personnel in any such investigation.

Legal Ref.: Sections 118.32
118.325 Wisconsin Statutes (Now coded as 882.1)
Wisconsin Supreme Court decision
(In the Interest of Angelia D.B., Case No. 95-3104)

Cross Ref.: 445.1-Rule, Search Procedures
882-Rule (1), Police-School Procedures and Liaison Program

Adopted: 12/13/82

Revised: 9/9/85
5/11/92
March 1994
2/12/96
March 2002

Waunakee Community School District

SEARCH PROCEDURES

445.1-Rule

A. Cooperation with Law Enforcement Agencies

If law enforcement personnel seek permission from school authorities to search a student or the student's property or locker to obtain evidence related to criminal activities, the school officials shall require the police to obtain a valid search warrant unless: 1) there is uncoerced consent by the person whose interests are involved, 2) probable cause and circumstances are such that taking the time to obtain a warrant would frustrate the purpose of the search or, 3) a valid arrest has been made and the search is incidental to the arrest. School officials shall make a good faith effort to notify parents/guardians when a request is made to search a student or the student's property.

B. Law Enforcement Officials May conduct searches at the request of school officials.

C. Search by School Authorities

1) Who May Conduct a Search

a) A school official or his/her designee and one additional person may conduct a search. Under no circumstances will school staff conduct or be party to a strip search.

1) A school official is defined as a Board member, a superintendent, an assistant superintendent, a principal, or an assistant principal.

2) A designee is defined as any District employee designated by a school official for the purpose of conducting a search. If there is a certified school employee present, that individual shall be the designee.

3) On a field trip, during an extra-curricular activity, or on a school bus, any school official or his/her designee, male or female, may conduct a search without an additional person. Any search must be conducted within the guidelines of the procedures covered under

2) Documentation

For all searches in which the student refuses to cooperate, the individual doing the search shall maintain a written record of all actions leading up to and including the search. In all other searches, records will be maintained at the discretion of the individual doing the search.

3) Search of Students

In the interest of the welfare of the students and the school community, it may be necessary to search a student or the student's property. The search may be conducted if the school official or his/her designee has a reasonable suspicion that the student has obtained, or has in his/her possession, items in violation of school regulation, local ordinance or state law.

No school official may conduct such search unless he/she suspects, from reliable information or personal observation, that a student is in violation of school rules, local ordinance or state law.

In such cases, the following procedure will be used:

- a) The student will be informed of the reason for conducting the search.
- b) Permission of the student to conduct the search will be requested.

1) Conducting the search with the student's consent.

The school official or his/her designee who is conducting this search has the right to request a student to empty pockets, purses, backpacks, or other articles used to carry personal effects; to remove hats, shoes, and/or to roll socks down. The school official or his/her designee can also request a student to remove outer garments, such as sweatshirts, sweaters, jackets or vests if worn over blouses, shirts or t-shirts. No school official or school employee has the right to request the removal of any other clothing or to conduct a strip search as defined under Section B) 3, b) 2 c).

If the student cooperates, the school official or his/her designee may notify the student's parent or guardian of the reason for such search.

- 2) Procedure if a student refuses to cooperate.
If a student refuses to cooperate, the school official or his/her designee has the authority to proceed, subject to the limitations described below.

a) Pre K-8 Students

An attempt will be made to contact the student's parent or guardian in order to request him/her to encourage the student to cooperate. If the parent or guardian cannot be reached or if the student continues to refuse to cooperate, the school official or his/her designee may turn the matter over to law enforcement officials for appropriate action. The student may be detained until the law enforcement official arrives.

If the parent or guardian has not been contacted and the law enforcement officials are involved, the school official or his/her designee will notify the parent or guardian as soon as possible as to the reason for such search.

b) 9-12 Grade Students

The school official or his/her designee may involve a parent/guardian or to turn the matter over to law enforcement officials. The student may be detained until the law enforcement official arrives. If the matter is turned over to the law enforcement officials, the school official or his/her designee will notify the parent or guardian as soon as possible of the search and the reason for the search by law enforcement officials.

c) Danger to Students or Other Individuals (K-12)

If a school official or his/her designee has reason to suspect that a student is carrying a dangerous or illegal item or substance and if a school official or his/her designee believes that an immediate search is necessary, he/she may search a student's pockets or belongings and conduct a pat-down search. The student may be detained until such time as a law enforcement official arrives.

At no time will a strip search be conducted by a school official or his/her designee. A strip search as defined in state law means "a search in which a detained person's genitals, pubic area, buttocks

or anus or a detained female person's breast is uncovered and either is exposed to view or touched by a person conducting a search."

d) Involvement of Law Officials

Rather than conduct a search, a school official or his/her designee may contact a law enforcement official to take appropriate action.

4) Search of Lockers

The Board of Education has provided school lockers for the purpose of providing students with a convenient receptacle for clothing, books, and other articles necessary or convenient for a student's use during the school day. The student has no property interest in any locker. The Board retains the ownership and possessory control of all student lockers. Lockers and their contents are subject to search by the administration to protect the health and welfare of the student body. A search will be conducted only when appropriate and necessary. Whenever practicable, the search will be made in the presence of the student concerned, although this is not required. Authorization to search a locker will be given only by the principal or a designee. The search will be made in the presence of two school officials as outlined in B) a), 1), 2). A record will be kept by the school of all locker searches, including the reason for the search and the findings. It is recognized that all lockers are opened and/or inspected for housekeeping and repair purposes periodically. This locker search policy shall be provided to students annually in their handbook.

Adopted: 12/13/82
Revised: 9/9/85
5/11/92
March 1994
March 1996
August 10, 1998
March 2002

Waunakee Community School District

**PROCEDURES FOR MANAGEMENT OF
STUDENT AGGRESSIVE BEHAVIOR**

447-Rule

When a student exhibits behavior that presents a physical threat to the safety of District staff or students, these procedures shall be followed:

- 1) The student should be temporarily removed from school or the classroom until an investigation can be made to review the situation. Written reports from staff involved should be filed in the student's behavioral record and copies routed to the building principal and the superintendent.
- 2) The appropriateness of the placement of the student in the building and/or classroom(s) in which the behavior occurred should be assessed by appropriate building/district staff.
- 3) Instruction should continue to be provided to the student involved during the course of investigation (i.e., in-school suspension, instruction at home or at another site).
- 4) The placement of the student should be changed if the assessment indicates that the student is inappropriately placed given his/her current condition. This will be done only with the involvement of appropriate building level and District office staff. The final authority in charge of placement for students manifesting aggressive behavior rests with the superintendent or special education designee.
- 5) If the assessment indicates that the original placement is appropriate, the student may be returned to the classroom under these conditions:
 - a) The principal will submit a written report which includes an assessment of the student's ability to return safely to the classroom, along with corrective measures to be taken. For students with disabilities IEP team reports will serve this purpose; individual IEP Team member reports are required.
 - b) Staff involved with the returning of the student shall be apprised of the total situation.
 - c) The affected staff member will be provided training by District personnel or other agencies to assist in the management of the student as needed.
- 6) School personnel may use necessary physical force in accordance with board policy (i.e., self-defense, preventing self-inflicted harm or harm to other students, restraining students from damaging public property and removing dangerous or unlawful objects).

In addition to the above procedures, any student that verbally or physically assaults staff members or other students shall be referred to law enforcement agencies for possible legal action.

Legal Ref.: Sections 118.31 Wisconsin Statutes
120.13(1)

Cross Ref.: 447.1, Corporal Punishment/Use of Physical Force

Adopted: 5/11/92

Revised: March 1994
March 2002

Waunakee Community School District

Policies of the Board of Education

Series 400: Students

Series 500: Personnel

SEXUAL HARASSMENT/HARASSMENT

412/512

The Waunakee Community School District is committed to providing a learning and working environment for its students and employees that is free from intimidation and sexual harassment. This policy applies to all District employees and students and will also be distributed to all contractors, vendors and other agents of the District.

Forms of harassment, other than sexual harassment, are to be considered a violation of this policy.

It shall be a violation of this policy for any member of the Waunakee Community School District staff to harass another staff member or student through conduct or communications of a sexual nature. It shall also be a violation of this policy for students to harass other students or staff members through conduct or communications of a sexual nature. For purposes of this policy, sexual harassment includes, but is not limited to:

- 1) Unwelcome sexual advances, unwelcome requests for sexual favors, verbal, written, visual depictions or physical conduct of a sexual nature, and other inappropriate verbal or physical conduct of a sexual nature, whether or not repeated, when made by any member of the school staff to a student, when made by any member of the school staff to another staff member, when made by any student to another student, or when made by a student to a staff member when:
 - a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education, or when
 - b) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual, or when
 - c) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or education environment.

- 2) A range of subtle and not so subtle behaviors, which may involve individuals of the same or different sex. Behaviors that may be considered sexual harassment include, but are not limited to the following:
 - * verbal harassment or abuse, sexual jokes and innuendo
 - * pressure for sexual activity or sexual favors, unwanted sexual advances
 - * remarks to a person with sexual or demeaning implications, including remarks about an individual's body, sexual prowess, or sexual deficiencies
 - * unwelcome touching, leering or whistling

- * suggesting or demanding sexual involvement accompanied by implied or
- * explicit threats concerning one's grades, job, etc.
- * insulting or obscene comments or gestures
- * display or sexually suggestive objects or pictures
- * other physical, verbal or visual conduct of a sexual nature

e) It is not considered harassment of any sort for members of management to enforce job performance and conduct standards in a fair and consistent manner.

Waunakee Community School District encourages reporting of all perceived incidents of harassment and/or retaliation, regardless of the alleged offender's identity or position. In addition, the District encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it stop immediately. Often this action alone will resolve the problem.

If for any reason a person believes that he/she has been the victim of, or has been witness to, conduct constituting sexual harassment and/or retaliation by any staff member, student or contractor/vendor or agent of the District and does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the person should immediately report the alleged offensive behavior to his/her supervisor, counselor or teacher. If this does not resolve the complaint the person should file a written complaint with the Equity Coordinator (Director of Human Resources) using the Discrimination/Harassment Complaint Form. In the event that the Equity Coordinator is involved in the alleged offensive behavior, the person may report the incident and file a complaint with the superintendent.

All reports of harassment or retaliation will be investigated promptly. The investigation may include interviews with persons involved, and where necessary, with persons who may have observed the alleged conduct or may have other relevant knowledge. Confidentiality of any information related to complaints, complaint investigations, and identity of person(s) named in complaints will be maintained to the extent consistent with adequate investigation and appropriate corrective action and legal requirements.

The District will take appropriate corrective action, including disciplinary action, against any individual who engages in harassment, who impedes investigation of a harassment complaint, or who retaliates against any individual for reporting harassment or for assisting or participating in investigation of a harassment complaint. Corrective action may include, for example, training, referral to counseling, reassignment, and/or disciplinary action, as the District believes appropriate under the circumstances. Employees who violate this policy will be subject to disciplinary action at the discretion of management, including, without limitation, suspension and termination. Students who violate this policy will be subject to suspension and/or expulsion. Both employees and students who violate this policy may be referred to law enforcement agencies should there be an alleged violation of criminal law.

Nothing in the policy restricts the right of an individual to file a complaint with police authorities regarding sexual harassment. In fact, the superintendent may request that a complaint be filed by the grievant as the result of his/her investigation of the complaint.

Legal Ref.: Sections 111.36 Wisconsin Statutes
118.13
118.20
Title VII, Civil Rights Act of 1964 (as amended)
PI 9 Wisconsin Administrative Code
Title IX or the Education Amendments of 1972

Cross Ref.: 411-Rule (1), Student Discrimination/Harassment Complaint Procedure
447.3, Student Suspension
447.4, Student Expulsion
447.5, Student Discipline Suspension/Expulsion of Students with Disabilities
454, Child Abuse and Neglect
511-Rule, Employment Discrimination/Harassment Complaint Procedures
522.3, Employee Misconduct Reporting

Cross Ref.: Complaint Procedures
Current Employee Agreements

Adopted: 4/22/91

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September 1995
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March 2002
April 2002

Waunakee Community School District