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* Identifies general policy category; is not represented by policy.

It is the desire of the Fall Creek Board of Education to provide an effective educational program for each student. The student's educational development is the central concern of the Board's policies and the administrative regulations.

Therefore, the Board expects the positive involvement of students and staff in the many learning opportunities making up the educational program. Administrators and teachers are expected to devote their time and effort to sound preparation and management of instruction and its related learning activities. The Board expects a reasonable amount of commitment and effort on the part of all students, commensurate with their ability and skill development. The Board also desires every student to have an opportunity whereby he/she may achieve the maximum benefit from his/her school education

APPROVED: April 22, 1991

EQUAL EDUCATIONAL OPPORTUNITIES 411

The School District of Fall Creek is committed and dedicated to the task of providing the best education possible for every child in the district for as long as the student can benefit from attendance and the student's conduct is compatible with the welfare of the entire student body.

The right of the student to be admitted to school and to participate fully in curricular, extracurricular, student services, recreational or other programs or activities shall not be abridged or impaired because of a student's sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

Complaints regarding the interpretation or application of this policy shall be referred to the building principal and processed in accordance with established procedures.

Notice of this policy and its accompanying complaint procedures shall be published in the District Newsletter at the beginning of the school year and posted in each school building in the district. In addition, a student nondiscrimination statement shall be included on any student and staff handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities.

LEGAL REF.: Section 118.13 Wisconsin Statutes
 PI 9, Wisconsin Administrative Code
 Title IX, Education Amendments of 1972
 Title VI, Civil Rights Act of 1964
 Section 504 of the Rehabilitation Act of 1973

CROSS REF.: 113-Rule, Complaint Procedures (Nondiscrimination)

APPROVED: December 2, 1991

COMPLAINT PROCEDURES
(NONDISCRIMINATION)

411-RULE

Any complaint regarding the interpretation or application of the district's student nondiscrimination policy shall be processed in accordance with the following complaint procedures:

1. Any student, parent, or resident of the district complaining of discrimination on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability in school programs or activities shall report the complaint in writing to the principal.
2. The principal, upon receiving such a written complaint, shall immediately undertake an investigation of the suspected infraction. The principal will review with other appropriate persons, the facts comprising the alleged discrimination. Within e.g. 15 days after receiving the complaint, the principal shall decide the merits of the case, determine the action to be taken, if any, and report in writing the findings and the resolution of the case to the complainant.
3. If the complainant is not satisfied with the building principal's decision, he/she may appeal the decision in writing to the district administrator. Within e.g. 15 days, the district administrator will review the case and make a written decision regarding the case. Copies of the written decision shall be mailed or delivered to the complainant and the building principal.
4. If the complainant is dissatisfied with the decision of the district administrator, he/she may appeal the decision in writing to the Board. The Board shall hear the appeal at its next regular meeting, or a special meeting may be called for the purpose of hearing the appeal. The Board shall make its decision in writing within e.g. 15 days after the hearing. Copies of the written decision shall be mailed or delivered to the complainant, the principal and the district administrator.
5. If the complainant is dissatisfied with the Board's decision, he/she may within 30 days appeal the decision in writing to the State Superintendent of Public Instruction.
6. Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a child with exceptional educational needs shall be processed in accordance with established appeal procedures outlined in the district's special education handbook.
7. Discrimination complaints relating to programs specifically governed by federal law or regulation shall be referred directly to the State Superintendent of Public Instruction.

Copies of these complaint procedures shall be included in any staff and student handbooks.

LEGAL REF.: Section 118.13 Wisconsin Statutes

PI 9, Wisconsin Administrative Code
Title IX, Education Amendments of 1972
Title VI, Civil Rights Act of 1964
Section 504, Rehabilitation Act of 1973

CROSS REF.: Special Education Handbook

APPROVED: December 2, 1991

SCHOOL DISTRICT OF FALL CREEK
336 E. Hoover Avenue
Fall Creek, WI 54742

DISCRIMINATION COMPLAINT FORM

Name _____ Date _____

Address _____
(Street)

_____ (City) (State) (Zip)

Telephone: _____
(Home) (School or work location)

Status of person filing complaint: _____ Student _____ Employee
_____ Parent _____ Other

Filing complaint alleging discrimination on the basis of: _____

Signature of complainant: _____

Date complaint filed: _____

Signature of person receiving complaint: _____

Date received: _____

Submit all copies to (employee designated to receive complaints), or the immediate supervisor, or their respective secretaries. The person receiving the complaint will sign and date the complaint. One copy will be returned to the complainant, one copy will be sent to the school or department affected by the complaint, and one copy will be sent to the complaint investigation officer.

Distribution: 1st copy – Complaint investigation officer
2nd copy – School/Department
3rd copy – Complainant

NOTIFICATION TO COMPLAINANT OF RIGHT
TO APPEAL TO THE STATE SUPERINTENDENT

SCHOOL DISTRICT OF FALL CREEK
336 E. HOOVER AVENUE
FALL CREEK, WI 54742

I have received written determination by the school board of my complaint alleging violation of s. 118.13, Wis. Stats. I understand that I have the right to appeal a negative determination to the State Superintendent within 30 days and that to make such an appeal I would contact the following:

COMPLAINT OFFICER
WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
125 SOUTH WEBSTER STREET
P.O. BOX 7841
MADISON, WI 53707-7841

Signature of Complainant

Date

Distribution: 1st copy – Local employee designated to receive complaints
2nd copy - Complainant

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 (Section 504) is one of several federal and state laws that protect students with disabilities. Section 504 is a federal civil rights statute prohibiting discrimination on the basis of disability in any program or activity receiving federal financial assistance.

As applied to public schools, Section 504 broadly prohibits discrimination by denying participation in public education, or the enjoyment of the benefits offered by public school programs because of a student's disability.

Section 504 guarantees the right to full participation and access to a free appropriate public education (FAPE). FAPE is documented on a Section 504 plan identifying the services and accommodations that are necessary for the student to access instruction and participate in educational and school-sponsored extracurricular activities. The law recognizes that equal treatment and services may not be sufficient to convey equal benefit; however, for nondiscrimination to occur, the school must provide services that level the playing field so that Section 504-eligible students have equal participation and opportunity for benefit.

Section 504 (34 CFR §104.4(b)(1)) specifically prohibits schools (as well as other programs or activities that received Federal financial assistance) from engaging in the following discriminatory actions:

- Denying a qualified student with a disability the opportunity to participate in or benefit from the aids, benefits, or services that are afforded other students.
- Affording a qualified student with a disability an opportunity to participate in or benefit from the aids, benefits, or services that are not equal to that afforded other students.
- Providing aids, benefits, or services to a qualified student with a disability that are not as effective as those provided to other students.
- Providing different or separate aids, benefits, or services to a qualified student with a disability unless necessary to provide aids, benefits, or services that are as effective as those provided to others.
- Aiding or perpetuating discrimination by providing significant assistance to an agency, organization, or person that discriminates on the basis of a disability.
- Denying qualified persons with disabilities the opportunity to participate as a member of a planning or advisory board because of their disability.
- Limiting a qualified student with a disability from the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other students.

To be equally effective, aids, benefits, and services do not have to produce identical results, but must afford equal opportunity to obtain the same result in the most integrated setting appropriate (34 CFR §104.4(b)(2)). A qualified student with a disability may not be denied the opportunity to participate in a program or activity that is not separate or different; providing unnecessarily

separate or different services is a discriminatory practice under Section 504

LEGAL REFERENCE: Section 504 of the Rehabilitation Act of 1973
Individuals with Disabilities Educational Act (IDEA) (P.L. 101-476)
Americans with Disabilities Act (ADA) of 1990
Title IX, Education Amendments of 1972
Title VI, Civil Rights Act of 1964
Wisconsin Statutes, Sections 111.31, 111.34, 118.13, 119.195
Parent and Educator Resource Guide to Section 504 in Public
Elementary and Secondary Schools, 2016

Parent / Child Rights in Identification, Evaluation, Accommodation and Placement

The following is a description of the rights that Section 504 of the Rehabilitation Act grants to children with disabilities and their parents. A child with a disability is a child who has a mental or physical impairment that substantially limits one or more major life activities. 34 C.F.R. S104.3(i). If your child is identified as a child with a disability under Section 504, you and your child have the following rights:

- 1. The district must allow your child take part in and receive benefits from public education programs without discrimination because of their disabling condition/disability.**
- 2. The district must advise you of your rights under federal law.**
- 3. You have the right to receive notice with respect to Section 504 identification, evaluation and/or placement of your child.**
- 4. The district must provide a free appropriate public education to your child. This includes the right to be educated with non-disabled children to the maximum extent appropriate in the least restrictive environment. It also includes the right to have the district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.**
- 5. The district must educate your child in facilities and receive services comparable to those provided to non-disabled children.**
- 6. Your child has the right to receive special education and related services if found to be eligible under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.**
- 7. Your child has a right to an evaluation, educational recommendation, and placement decision based upon a variety of information sources and developed by a team of persons who are knowledgeable of the child, the assessment data, and any placement options. If eligible under Sec. 504, this includes periodic re-evaluations at 3 year intervals or more frequently if warranted, or if parent or teacher requests.**
- 8. The district must provide transportation to and from an alternative placement setting, at no greater cost to you than would be incurred if the child were placed in a program operated by the district.**
- 9. Your child must have an equal opportunity to participate in non-academic and extracurricular activities offered by the district.**
- 10. You have the right to examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.**
- 11. You have the right to obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.**
- 12. You have the right to obtain a response from the district to reasonable requests for explanations and interpretations of your child's records.**
- 13. You have the right to request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the district refuses this request for amendment, it shall notify you within a reasonable time and advise you of your right to an**

impartial hearing.

14. You have the right to request mediation or file a grievance in accordance with the district's Section 504 mediation, grievance and hearing procedures.

15. You have the right to request an impartial hearing (due process hearing) regarding the Section 504 identification, evaluation, educational program, or placement of your child. You and the child may take part in the hearing and have an attorney represent you.

16. File a formal complaint with the U.S. Department of Education.

Office for Civil Rights

Chicago Office

U.S. Department of Education

John C. Kluczynski Federal Building

230 S. Dearborn Street, 37th Floor

Chicago, IL 60604

Phone: (312) 730-1560

The person in the district who is responsible for ensuring compliance with Section 504 is: Kelly Speckien, Special Education Director/School Psychologist 715-877-1036

RESPONSIBILITY FOR 504

Unlike IDEA, Section 504 is not a special education law nor does a district receive entitlements for services provided to 504 eligible students. Section 504 is the responsibility of the general education system. The district shall designate a District 504 Coordinator and the building principal shall assume the role of 504 Building Coordinator. Managing of individual cases, however, may be delegated to appropriate other staff members, depending upon the needs of individual students.

All schools within the Fall Creek School District utilize a building level team approach to review the educational needs of individual students. Each building team is consistent in their functioning as groups of people who are knowledgeable about individual students and who formulate and implement recommended intervention strategies and techniques. Building administrators are to utilize their building level team to process 504 referrals.

INITIATING A SECTION 504 EVALUATION

Referrals for a Section 504 evaluation can be initiated by parents or school personnel and may be based on the student's response to intervention in a multi-tiered system of support. In most circumstances, a request for evaluation from the parent or a referral resulting from observation by a classroom teacher triggers the obligation to evaluate a student for problems related to a suspected disability. If the school suspects that the student might be eligible for exceptional student education (ESE) services under IDEA, then an evaluation that meets the IDEA requirements should be conducted. However, there may be students for whom a disability and need for accommodations and support is suspected that may

result in the need to consider whether the student is disabled under Section 504. Examples may include the following:

- **Parent or teacher request based on suspicion of a disability;**
- **Documentation of a physical or mental impairment (e.g., medical diagnosis);**
- **A known chronic health condition;**
- **Persistent academic, learning, or behavioral problems;**
- **Behaviors that result in suspension or expulsion when appropriate behavior management approaches have been ineffective;**
- **Failure to demonstrate sufficient improvement with evidence-based interventions that are implemented with fidelity;**
- **Students are evaluated but not eligible for a disability under IDEA (i.e., the student is not sufficiently disabled to meet eligibility criteria or is not in need of ESE services).**

Even though 34 CFR §104.36 does not contain a requirement for obtaining parental consent for an evaluation to determine the existence of a disability under Section 504, the Office for Civil Rights (OCR) has interpreted Section 504 to require districts to obtain parental consent for initial evaluation (*Letter to Durham*, 27 IDELR 380 (OCR 1997)).

If upon receipt of a parental request for a Section 504 evaluation, the team determines that an evaluation is not required, they must indicate a refusal to evaluate and provide parents with their procedural safeguards (34 CFR §104.36).

Evaluation

Evaluation and disability determinations are made by the Section 504 team, which consists of a group knowledgeable about the student, the meaning of evaluation data, and the placement options (34 CFR §104.35(c)).

An evaluation under Section 504 is not a full and individual evaluation as required under IDEA. Data used for the evaluation and determination of a disability and required accommodations can be broad and may include, but is not limited to, medical records, school records, standardized test results, classroom observations, and anecdotal records. Section 504 evaluations may encompass record and work sample reviews; direct observation in the natural setting; interviews with the student, parent, and school personnel; and/or administration of more formal assessment measures. If formal tests and other evaluation procedures are used, they must meet the following criteria (34 CFR §104.35(b)):

- **Have been validated for the specific purpose for which they are used and are administered by trained personnel.**
- **Be tailored to assess specific areas of educational need and not merely those designed to provide a single intelligence quotient.**
- **Accurately reflect aptitude or achievement or whatever else the tests purport to measure rather than reflect the student's impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular factors).**

The evaluation should provide the team information about: 1) the physical or mental impairment at issue, 2) the major life activity or bodily function impacted by the impairment, and 3) the degree to which the impairment substantially limits the major life activity (or activities). This information is critical to the determination of whether the student has a qualifying disability and whether the student needs a Section 504 plan in order to have his/her educational needs met as adequately as those of nondisabled peers.

Section 504 regulations do not specify the time period within which an evaluation must be conducted. Typically, OCR and courts will use a “reasonable amount of time” standard. Absent specific guidelines, and given that Section 504 does not require a full and individual evaluation it would be prudent (though not required) to apply IDEA timelines when conducting Section 504 evaluations.

ELIGIBILITY CRITERIA

Section 504 was enacted to protect qualified individuals from discrimination based solely on their disability. Whether a particular student is protected under Section 504 requires a determination that the student is an “individual with a disability” and that the student is “qualified” under Section 504. A student is “disabled” under the Section 504 regulations if the student meets any one of the three “prongs” listed in 34 CFR §104.3(j)(1). An individual is considered disabled under Section 504 if the individual:

1. has a physical or mental impairment which substantially limits one or more major life activities,
2. has a record of such an impairment, or
3. is regarded as having such an impairment.

Although all students who fit the definition of disability under any of the prongs receive the nondiscrimination protections of Section 504, the requirements of a free appropriate public education (FAPE) under Section 504 are more limited and require additional analysis. Being identified as a student with a disability is necessary but is not sufficient to establish a need for FAPE under Section 504. The applicable prongs of the disability definition determine which of the Section 504 protections are extended to the student.

The list of major life activities under Section 504 includes, but is not limited to, the activities listed below. 12 • caring for oneself • bending • performing manual tasks • speaking • seeing • breathing • hearing • learning • eating • reading • sleeping • concentrating • walking • thinking • standing • communicating • lifting • working Major bodily functions are also major life activities under the law, and these major bodily functions include functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (for example, thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems.¹³ These lists, however, do not provide every possible major life activity or bodily function; therefore, if an activity or bodily function is not listed in the Amendments Act, it might still be considered a major life activity under Section 504.¹⁴

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Section 504 Disability and Need for Section 504 Plan Determination

The following are recommended steps when making the decision as to whether a student has a disability:

- Assemble a Section 504 team comprised of a group of individuals knowledgeable about the student, evaluation data, and placement options.
- Obtain consent prior to an initial evaluation.
- Conduct the evaluation – gather all available evaluation data, including information provided by the parent, and collect any additional data needed to answer the disability and need for services questions.
- Provide notice to the parent of the disability determination meeting.
- Identify the specific physical or mental impairment at the meeting.
- Identify the major life activity or bodily function impacted by the impairment at the meeting.
- Verify whether a substantial limitation in a major life activity exists. Determine the degree to which the identified physical or mental impairment substantially limits a major life activity.
- Determine whether a disability exists. Avoid basing this determination solely on a medical or clinical diagnosis with no evidence of the substantial limitation.
- If the student is determined to be disabled, determine if the student needs a Section 504 plan to meet his educational needs as adequately as the educational needs of nondisabled students are met. The disability determination and the need for a Section 504 plan should be based on current needs (validated by evaluation data) and not on anticipated future needs.

The Section 504 disability determination and the determination for the need for a Section 504 plan are separate determinations. The Section 504 team must first determine whether a student is Section 504 disabled, and, if so, whether the student requires a Section 504 plan. Office for Civil Rights (OCR) letters of finding have highlighted a view of Section 504 eligibility that requires public schools to separate the question of disability from the question of whether the student needs a Section 504 plan. OCR stated that:

The procedures also state that a student is not eligible under Section 504 as a student with a disability if the student does not need Section 504 services in order for the student's educational needs to be met, which conflates the determination of disability with placement and services decisions, which should be separate (110 LRP 7395, OCR 2009).

This language from OCR seems to indicate that a student can be technically Section 504 disabled under Prong One but not be eligible for Section 504 services, for example, because the impairment is in remission and no services are necessary for the student to receive a free appropriate public education (FAPE) or because there are mitigating measures present that ameliorate the impact of the student's disability so that no services are necessary.

Applying a similar analysis to the mitigating measures issue, OCR wrote the following:

Though the positive impact of accommodations is pertinent in evaluating the effectiveness of those accommodations, their impact should not be conflated with the issue of eligibility (55 IDELR 21, OCR 2009).

Based upon this guidance, it is clear that students who are disabled under Prong One are not necessarily entitled to a Section 504 accommodation plan. Where no plan is needed (there is no disability need to be addressed or accommodated because the student's educational needs are being met as adequately as those of nondisabled peers), the student is to be considered disabled, however, and is protected from discrimination on the basis of disability, thereby receiving manifestation determination protections in discipline, procedural safeguards, and periodic reevaluation of the disability (as needed). Put simply, a student does not have to demonstrate a need for services to be Section 504 disabled. Consequently, students who meet the definition of disability under Prong One due to the existence of an impairment, or one that is in remission but who have no current need for educational services, would not receive a Section 504 accommodation plan. Should the need for a Section 504 plan develop, however, the Section 504 team would reconvene and reevaluate the student and develop an appropriate Section 504 plan at that time.

DETERMINATION AND MITIGATING MEASURES

When determining whether a disability exists under Section 504, the team must address three questions.

1. Does the student have a physical or mental impairment?

The Section 504 team must specify the physical or mental impairment. Medical diagnoses are often helpful, but are not required, nor sufficient for establishing a disability or need for a plan under Section 504. A medical diagnosis or a medication prescription does not by itself establish this.

2. Does the physical or mental impairment affect one or more major life activities or bodily functions?

Identify the major life activities or bodily functions impacted by the impairment and how the impairment impacts functioning. A common error is to limit the analysis to learning and to ignore other major life activities and bodily functions. Learning does not have to be impacted for a student to be disabled under Section 504.

3. Does the physical or mental impairment substantially limit the major life activity or bodily function impacted by the impairment?

Using evaluation data, determine whether the learning and/or accessibility to other school activities are limited and to what extent as compared to the learning and accessibility provided to the average population.

If the answer to these three questions is YES, then the student is disabled under Section 504, and will receive the nondiscrimination protections of Section 504, including periodic reevaluations, procedural safeguards, and manifestation determinations, where applicable.

Once the team has determined that the student is disabled under Section 504, the team must then address whether the student needs an accommodation plan in order to be educated as adequately as his/her nondisabled peers. In determining the need for Section 504 services (i.e., Section 504 plan), the team must answer one additional question:

4. Does the student need Section 504 services in order for his/her educational needs to be met as adequately as nondisabled peers?

If a plan is needed, the student will receive services that are documented in a Section 504 plan that governs the provision of a Section 504 FAPE.

Mitigating Measures: Pursuant to the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), the determination of whether an impairment substantially limits a major life activity is required to be made without regard to the ameliorative effects of mitigating measures, such as:

- Medication, medical supplies, equipment, or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics, including limbs and devices; hearing aids and cochlear implants or other implantable hearing devices; oxygen therapy equipment and supplies; use of assistive technology;
- Reasonable accommodations or auxiliary aids or services; and
- Learned behavioral or adaptive neurological modifications.

To comply with the mitigating measures rule, the Section 504 team must identify the mitigating measures currently being used by the student. Once identified, the team must determine how the student's impairment would impact the major life activity at issue in the absence of the ameliorative effects of each mitigating measure. For example, if the student has been diagnosed with ADHD and is medicated (medication is a mitigating measure), the team must determine whether the student's impairment would substantially limit concentration or learning (or any other appropriate major life activity or major bodily function) if medication were removed. The team must identify each mitigating measure used and determine how the impairment would impact the major life activity without the positive impact of the mitigating measure.

OCR has determined that health plans and emergency plans are mitigating measures. When a student with a health plan or emergency plan is evaluated for the existence of a Section 504 disability, the positive or "ameliorative effects" of the health plan cannot be considered in determining whether the student is substantially limited (in the same manner as discussed previously with respect to medication) and, therefore, disabled (54 IDELR 61, OCR 2009).

ACCOMMODATION PLAN

Once a student is determined to be disabled under Section 504 **and** in need of services and accommodations, the Section 504 team will develop a Section 504 plan. Although Section 504 regulations do not specify that a written plan is required, the district must document activities and decisions made regarding students with disabilities (34 CFR §104.35(c); *Frequently Asked Questions about Section 504*, OCR 2013). Thus, best practice is to put Section 504 plans in writing. A Section 504 plan is not written for a student eligible under the IDEA; all special education and related services and other needed supports are documented on an individual educational plan (IEP) rather than a Section 504 plan for those students.

Although the required components of a Section 504 plan are not prescribed by law, best practice suggests a plan should address the educational impact of the identified disability(ies) and the services and accommodations necessary to facilitate equal access to education in the least restrictive environment.

- To assure information is available from the family, parents should be invited and encouraged to assist in developing the Section 504 plan.
- Services and accommodations should be based on information and data used in the evaluation and disability determination process.
- Services and accommodations should address the student's identified disability and need to receive services to ensure that the student's educational needs are met as adequately as those of his/her nondisabled peers.
- The plan should indicate how, where, and by whom the services and accommodations will be provided.
- The plan may include self-management of health conditions in the school setting or school-sponsored activities, if needed.
- The plan may include services and accommodations for the school building, classroom, or transportation; administrative adjustments; academic and instructional accommodations; and/or behavioral intervention and testing accommodations.
- The plan should indicate whether it is an initial plan, a revised plan, or continuation of an existing plan.
- A monitoring system should be developed and responsibilities assigned for implementation.
- Copies of the plan should be distributed to parents, teachers, and any responsible individuals.
- A copy of the plan should be placed in the student's records.

In general, a student identified as disabled under Section 504 should be provided the same types of accommodations for both classroom assignments and assessments. If a student needs additional time to complete assignments and tests, he or she should also be allowed extended time for classroom tests and standardized tests (if allowable).

Accommodations for testing situations, both classroom and standardized assessments, such as

the Florida Standards Assessment (FSA) or end of course (EOC) assessments must be addressed when developing the Section 504 plan and the testing accommodation(s) specified in the written plan. Accommodations used in the administration of standardized tests must be consistent with what is specified in the test administration manual. Allowable testing modifications include the following:

- Flexible scheduling
- Flexible setting
- Recording of answers

IMPLICATIONS FOR NON-STUDENT ADULTS

Section 504 physical accessibility requirements also apply for non-student adults who wish to participate in programs or activities taking place in school facilities. Reasonable accommodations will be made to make facilities accessible, usable and open to persons with disabilities.

CONSIDERATION FOR IDEA

If the student is determined to be 504 disabled, the team is to review the data to determine if there is reasonable cause to suspect a disability under IDEA. If so determined, the team shall be responsible for initiating a referral within the IDEA system. Policies and procedures for this system are outlined in the district's Special Education handbook. If the student is not 504 disabled, an IDEA referral is not necessary.

NOTICE/CONSENT FOR ACCOMMODATIONS

If the student requires a written accommodation plan, the District 504 Coordinator is to provide the parent/guardian with a copy. If the student does not qualify, written notice of this will also be provided to the parent/guardian using the 504 Team Evaluation Summary form. The district is not necessarily prohibited from implementing the accommodation plan if parent approval is not received. However, good practice dictates a partnership and therefore consent should be sought.

REVIEW OF ACCOMMODATION PLAN AND RE-EVALUATION

There are no specific legal timelines for review or re-evaluation. However, it would seem appropriate to utilize the same time lines as does IDEA, i.e. at least yearly for the review of the accommodation plan and at least every three years for a re-evaluation of 504 eligibility. Termination of the accommodation plan could also be the result of the annual review of the accommodation plan.

A. DEFINITIONS - SECTION 504 OF THE REHABILITATION ACT OF 1973

“No otherwise qualified individual with disabilities in the United States shall, solely by reason of her or his disability, as defined in section 706(8) of this title, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any executive agency or by the United States Postal Service.” (29 U.S.C. Sec. 794).

“Qualified Student with a disability”

" is a student with a disability who is: of an age at which students without disabilities are provided elementary and secondary educational services; of an age at which it is mandatory under state law to provide elementary and secondary educational services to students with disabilities; or a student to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

At the postsecondary educational level, a qualified student with a disability is a student with a disability who meets the academic and technical standards requisite for admission or participation in the institution's educational program or activity.

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

Physical or mental impairment: The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

II. What Is Long COVID and What Is Its Impact on Children and Students The U.S. Centers for Disease Control and Prevention (CDC) has identified long COVID as another term for post-COVID conditions. 10 According to the CDC, post-COVID conditions “are a wide range of new, returning, or ongoing health problems people can experience more than four weeks after first being infected with the virus that causes COVID-19. Even people who did not have symptoms when they were infected can have post-COVID conditions.”¹¹ Preliminary studies show that children and students of all ages may experience long COVID, which can produce a combination of symptoms, including: 12 • Tiredness or fatigue • Difficulty thinking or concentrating (sometimes referred to as “brain fog”) • Headache • Changes in smell or taste • Dizziness on standing (lightheadedness) • Fast-beating or pounding heart (also known as heart palpitations) • Symptoms that get worse after physical or mental activities • Chest or stomach pain • Difficulty breathing or shortness of breath • Cough • Joint or muscle pain • Mood changes • Fever • Pins-and-needles feeling • Diarrhea • Sleep problems • Changes in period cycles • Multiorgan effects or autoimmune conditions • Rash As the Departments of Justice and Health and Human Services explain, long COVID can be a disability under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. 13 III. Protections and Services Under IDEA and Section 504 for Children and Students with Long COVID A child or student experiencing long COVID or other conditions that have arisen as a result of COVID-19 may be eligible for special education and related services under IDEA and/or may be entitled to protections and services under Section 504. Some children and students who were already identified 3 as having a disability under IDEA and/or Section 504 and who have contracted COVID-19 may experience new or worsened symptoms related to their pre-existing disability, to COVID-19, or to both. If these symptoms persist in the form of long COVID, these children or students may need new or different related aids and services, specialized instruction, or reasonable modifications. Other children or students may be found eligible for services under IDEA and/or Section 504 for the first time because of the adverse impact of long COVID on the child’s educational achievement and functioning (IDEA) or if long COVID substantially limits one or more of the student’s major life activities (Section 504).

Major life activities: Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504. In the Amendments Act (see FAQ 1), Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Congress also provided a non-exhaustive list of examples of “major bodily functions” that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The Section 504 regulatory provision, though not as comprehensive as the Amendments Act, is still valid – the Section 504 regulatory provision’s list of examples of major life activities is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

Has a record of such an impairment: “...has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.” (34 Code of Federal Regulations, Part 104.3).

Is regarded as having an impairment: “...(A) has a physical or mental impairment that does not substantially limit major life activities, but is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment, or (C) has none of the impairments

defined but is treated by a recipient as having such an impairment.” **An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.** (34 Code of Federal Regulations, Part 104.3).

Other: **Bullying and Harassment**

Section 504 prohibits disability-based harassment by peers that is sufficiently serious to deny or limit a student’s ability to participate in or benefit from the school’s education programs and activities (in other words, creates a hostile environment).¹²¹ When a school district knows or reasonably should know of possible disability-based harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred.¹²² If an investigation reveals that the harassment created a hostile environment, the recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and, as appropriate, remedy its effects.¹²³ Bullying and harassment¹²⁴ of a student by his or her peers, based on disability, may deny a student equal educational opportunities.¹²⁵ Note, however, that the label used to describe an incident (for example, bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications.¹²⁶ Harassment of a student by another student (peer-on-peer) on the basis of his or her disability may take many forms, such as a student remarking out loud to other students during class that a student with dyslexia is retarded or dumb and does not belong in the class, or students repeatedly placing classroom furniture or other objects in the path of a classmate who uses a wheelchair, impeding the classmate’s ability to enter the classroom. Note that harassment does not have to include intent to harm, be directed at a specific targeted student, or involve repeated incidents in order for it to be considered discriminatory.¹²¹ This resource guide addresses only student-on-student bullying and harassment. Under Section 504 and Title II, students with disabilities are also protected from bullying or harassment by teachers, other school employees, and third parties. Such bullying can trigger a school’s obligation to address disability-based harassment, remedy a denial of FAPE, or both. See 34 C.F.R. §§ 104.4, 104.33; 28 C.F.R. pt. 35. OCR recommends that States and school districts consult with legal counsel regarding their responsibilities and duties in cases of bullying or harassment that involve school personnel

Athletics and Extracurricular Activities School districts must provide non-academic services and activities in a manner that provides students with disabilities an equal opportunity for participation.¹⁰¹ This requirement includes activities such as extracurricular athletics and special interest groups or clubs sponsored by the school district.¹⁰² School districts must afford qualified students with disabilities an equal opportunity for participation in extracurricular athletics in an integrated manner to the maximum

extent appropriate to the needs of the student.¹⁰³ This requirement means that a school district must make reasonable modifications to its policies, practices, or procedures whenever such modifications are necessary to ensure equal opportunity, unless the school district can demonstrate that the requested modification would constitute a fundamental alteration of the nature of the extracurricular athletic activity.¹⁰⁴ The fact that a student has a disability does not mean that the student must be allowed to participate in any selective or competitive program offered by a school district. Rather, school districts may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory. On the other hand, a modification might constitute a fundamental alteration if it alters such an essential aspect of the activity or game that it would be unacceptable even if it affected all competitors equally (for example, removing a base from a baseball diamond). Alternatively, a change that has only a peripheral impact on the activity or game itself might nevertheless give a particular player with a disability an unfair advantage over others and, for that reason, fundamentally alter the character of the competition (for example, allowing a student with a disability to start a race a few seconds before his non-disabled peers). Such changes would not be required under Section 504.

101 34 C.F.R. § 104.37. 102 Id. 103 34 C.F.R. §§ 104.37(a), (c), 104.34(b), 104.4(b)(1)(ii).

Physical Accessibility

School districts are required to ensure that students and others with disabilities, including parents, are not denied access to the school's programs or activities because of inaccessible facilities, including academic buildings, walkways, restrooms, athletic facilities, and parking spaces.¹⁰⁷ The requirements public schools must meet to ensure programs and activities are accessible depends on the date a building (or facility) was built (constructed) or altered (changes made to a building that affect its use for accessibility purposes). ¹⁰⁸ Under Section 504, for facilities constructed prior to June 4, 1977, program access is required.¹⁰⁹ In general terms, program access means that, although the facility or parts of the facility may not be physically accessible, the public school must still make its programs and activities available to students with disabilities. For example, if stairs lead to the upper floors of a school and the school does not have an elevator, ramp, or chair lift, and a student with a disability is unable to traverse the stairs, the student will be unable to reach the upper floors. A resolution to this problem could be moving classes that the student needs (or wants) to take from the upper floors to the accessible ground floor during the time period the student with a disability takes the class. Under Section 504, facilities (such as buildings) that were built or altered on or after June 4, 1977, are referred to as new construction.¹¹⁰ Specific construction and design standards apply to these facilities. The construction and design standards provide information, for example, about the required width of bathroom stalls, how steep a ramp may be, and the required height of countertops and tables. The construction and design standards have evolved over time, and the date of construction or alteration determines which accessibility requirements apply. ¹¹¹ For construction or alteration work that began on public schools on or after March 15, 2012, the 2010 ADA Standards for Accessible

Design (2010 ADA Standards) apply.¹¹² However, when a public school is required to meet the accessibility requirements of a specific design standard, such as the 2010 ADA Standards, compliance with the standard alone may not be sufficient to meet an individual student's needs. When this occurs, the public school has an obligation to provide access for the student.¹¹³ For example, if the main entrance to the school has a ramp that meets all of the required accessibility standards, but a student who attends the school and uses leg braces is unable to traverse the ramp, the school would need to find another way to ensure the student has access to its program and activities. One solution could be to allow the student to use the faculty entrance that has a flat entrance and a short walkway to the entrance door. 107 34 C.F.R. §§ 104.22-104.23; 28 C.F.R. §§ 35.150-35.151. 108 34 C.F.R. §§ 104.21-104.23; 28 C.F.R. §§ 35.149-35.151. 109 34 C.F.R. § 104.22. 110 34 C.F.R. § 104.23. Under Title II of the ADA, facilities that were built or altered after January 26, 1992, are referred to as new construction, and specific construction and design standards apply under Title II. 28 C.F.R. § 35.15

Rule - 411.3

Parent / Child Rights in Identification, Evaluation, Accommodation and Placement

The following is a description of the rights that Section 504 of the Rehabilitation Act grants to children with disabilities and their parents. A child with a disability is a child who has a mental or physical impairment that substantially limits one or more major life activities. 34 C.F.R. S104.3(i). If your child is identified as a child with a disability under Section 504, you and your child have the following rights:

1. The district must allow your child take part in and receive benefits from public education programs without discrimination because of their disabling condition/disability.
2. The district must advise you of your rights under federal law.
3. You have the right to receive notice with respect to Section 504 identification, evaluation and/or placement of your child.
4. The district must provide a free appropriate public education to your child. This includes the right to be educated with non-disabled children to the maximum extent appropriate in the least restrictive environment. It also includes the right to have the district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. The district must educate your child in facilities and receive services comparable to those provided to non-disabled children.
6. Your child has the right to receive special education and related services if found to be eligible under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.
7. Your child has a right to an evaluation, educational recommendation, and placement decision based upon a variety of information sources and developed by a team of persons who are knowledgeable of the child, the assessment data, and any placement options. If eligible under Sec. 504, this includes periodic re-evaluations at 3 year intervals or more frequently if warranted, or if parent or teacher requests.
8. The district must provide transportation to and from an alternative placement setting, at no greater cost to you than would be incurred if the child were placed in a program operated by the district.
9. Your child must have an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
10. You have the right to examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.
11. You have the right to obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. You have the right to obtain a response from the district to reasonable requests for explanations and interpretations of your child's records.
13. You have the right to request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the district refuses this request for amendment, it shall notify you within a reasonable time and advise you of your right to an impartial

- hearing.
14. You have the right to request mediation or file a grievance in accordance with the district's Section 504 mediation, grievance and hearing procedures.
 15. You have the right to request an impartial hearing (due process hearing) regarding the Section 504 identification, evaluation, educational program, or placement of your child. You and the child may take part in the hearing and have an attorney represent you.
 16. File a formal complaint with the U.S. Department of Education.
Office for Civil Rights
Chicago Office
U.S. Department of Education
John C. Kluczynski Federal Building
230 S. Dearborn Street, 37th Floor
Chicago, IL 60604
Phone: (312) 730-1560

The person in the district who is responsible for ensuring compliance with Section 504 is: Kelly Speckien, Special Education Director/School Psychologist 715-877-1036

RESPONSIBILITY FOR 504

Unlike IDEA, Section 504 is not a special education law nor does a district receive entitlements for services provided to 504 eligible students. Section 504 is the responsibility of the general education system. The district shall designate a District 504 Coordinator Managing of individual cases, however, may be delegated to appropriate other staff members, depending upon the needs of individual students.

All schools within the Fall Creek School District utilize a building level team approach to review the educational needs of individual students. Each building team is consistent in their functioning as groups of people who are knowledgeable about individual students and who formulate and implement recommended intervention strategies and techniques. Building administrators are to utilize their building level team to process 504 referrals.

INITIATING A SECTION 504 EVALUATION

Referrals for a Section 504 evaluation can be initiated by parents or school personnel and may be based on the student's response to intervention in a multi-tiered system of support. In most circumstances, a request for evaluation from the parent or a referral resulting from observation by a classroom teacher triggers the obligation to evaluate a student for problems related to a suspected disability. If the school suspects that the student might be eligible for exceptional student education (ESE) services under IDEA, then an evaluation that meets the IDEA requirements should be conducted. However, there may be students for whom a disability and need for accommodations and support is suspected that may result in the need to consider

whether the student is disabled under Section 504. Examples may include the following:

- Parent or teacher request based on suspicion of a disability;
- Documentation of a physical or mental impairment (e.g., medical diagnosis);
- A known chronic health condition;
- Persistent academic, learning, or behavioral problems;
- Behaviors that result in suspension or expulsion when appropriate behavior management approaches have been ineffective;
- Failure to demonstrate sufficient improvement with evidence-based interventions that are implemented with fidelity;
- Students are evaluated but not eligible for a disability under IDEA (i.e., the student is not sufficiently disabled to meet eligibility criteria or is not in need of ESE services).

Even though 34 CFR §104.36 does not contain a requirement for obtaining parental consent for an evaluation to determine the existence of a disability under Section 504, the Office for Civil Rights (OCR) has interpreted Section 504 to require districts to obtain parental consent for initial evaluation (*Letter to Durham*, 27 IDELR 380 (OCR 1997)).

If upon receipt of a parental request for a Section 504 evaluation, the team determines that an evaluation is not required, they must indicate a refusal to evaluate and provide parents with their procedural safeguards (34 CFR §104.36).

Evaluation

Evaluation and disability determinations are made by the Section 504 team, which consists of a group knowledgeable about the student, the meaning of evaluation data, and the placement options (34 CFR §104.35(c)).

An evaluation under Section 504 is not a full and individual evaluation as required under IDEA. Data used for the evaluation and determination of a disability and required accommodations can be broad and may include, but is not limited to, medical records, school records, standardized test results, classroom observations, and anecdotal records. Section 504 evaluations may encompass record and work sample reviews; direct observation in the natural setting; interviews with the student, parent, and school personnel; and/or administration of more formal assessment measures. If formal tests and other evaluation procedures are used, they must meet the following criteria (34 CFR §104.35(b)):

- Have been validated for the specific purpose for which they are used and are administered by trained personnel.
- Be tailored to assess specific areas of educational need and not merely those designed to provide a single intelligence quotient.
- Accurately reflect aptitude or achievement or whatever else the tests purport to measure rather than reflect the student's impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular factors).

The evaluation should provide the team information about: 1) the physical or mental impairment at issue, 2) the major life activity or bodily function impacted by the impairment, and 3) the degree to which the impairment substantially limits the major life activity (or activities). This information is critical to the determination of whether the student has a qualifying disability and whether the student needs a Section 504 plan in order to have his/her educational needs met as adequately as those of nondisabled peers.

Section 504 regulations do not specify the time period within which an evaluation must be conducted. Typically, OCR and courts will use a “reasonable amount of time” standard. Absent specific guidelines, and given that Section 504 does not require a full and individual evaluation it would be prudent (though not required) to apply IDEA timelines when conducting Section 504 evaluations.

ELIGIBILITY CRITERIA

Section 504 was enacted to protect qualified individuals from discrimination based solely on their disability. Whether a particular student is protected under Section 504 requires a determination that the student is an “individual with a disability” and that the student is “qualified” under Section 504. A student is “disabled” under the Section 504 regulations if the student meets any one of the three “prongs” listed in 34 CFR §104.3(j)(1). An individual is considered disabled under Section 504 if the individual:

1. has a physical or mental impairment which substantially limits one or more major life activities,
2. has a record of such an impairment, or
3. is regarded as having such an impairment.

Although all students who fit the definition of disability under any of the prongs receive the nondiscrimination protections of Section 504, the requirements of a free appropriate public education (FAPE) under Section 504 are more limited and require additional analysis. Being identified as a student with a disability is necessary but is not sufficient to establish a need for FAPE under Section 504. The applicable prongs of the disability definition determine which of the Section 504 protections are extended to the student.

The list of major life activities under Section 504 includes, but is not limited to, the activities listed below. 12 • caring for oneself • bending • performing manual tasks • speaking • seeing • breathing • hearing • learning • eating • reading • sleeping • concentrating • walking • thinking • standing • communicating • lifting • working Major bodily functions are also major life activities under the law, and these major bodily functions include functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (for example, thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems.¹³ These lists, however, do not provide every possible major life activity or bodily function; therefore, if an activity or bodily function is not listed in the Amendments Act, it might still be considered a major life activity under Section 504.¹⁴

Section 504 Disability and Need for Section 504 Plan Determination

The following are recommended steps when making the decision as to whether a student has a disability:

- Assemble a Section 504 team comprised of a group of individuals knowledgeable about the student, evaluation data, and placement options.
- Obtain consent prior to an initial evaluation.
- Conduct the evaluation – gather all available evaluation data, including information provided by the parent, and collect any additional data needed to answer the disability and need for services questions.
- Provide notice to the parent of the disability determination meeting.
- Identify the specific physical or mental impairment at the meeting.
- Identify the major life activity or bodily function impacted by the impairment at the meeting.
- Verify whether a substantial limitation in a major life activity exists. Determine the degree to which the identified physical or mental impairment substantially limits a major life activity.
- Determine whether a disability exists. Avoid basing this determination solely on a medical or clinical diagnosis with no evidence of the substantial limitation.
- If the student is determined to be disabled, determine if the student needs a Section 504 plan to meet his educational needs as adequately as the educational needs of nondisabled students are met. The disability determination and the need for a Section 504 plan should be based on current needs (validated by evaluation data) and not on anticipated future needs.

The Section 504 disability determination and the determination for the need for a Section 504 plan are separate determinations. The Section 504 team must first determine whether a student is Section 504 disabled, and, if so, whether the student requires a Section 504 plan. Office for Civil Rights (OCR) letters of finding have highlighted a view of Section 504 eligibility that requires public schools to separate the question of disability from the question of whether the student needs a Section 504 plan. OCR stated that:

The procedures also state that a student is not eligible under Section 504 as a student with a disability if the student does not need Section 504 services in order for the student's educational needs to be met, which conflates the determination of disability with placement and services decisions, which should be separate (110 LRP 7395, OCR 2009).

This language from OCR seems to indicate that a student can be technically Section 504 disabled under Prong One but not be eligible for Section 504 services, for example, because the impairment is in remission and no services are necessary for the student to receive a free appropriate public education (FAPE) or because there are mitigating measures present that ameliorate the impact of the student's disability so that no services are necessary.

Applying a similar analysis to the mitigating measures issue, OCR wrote the following:

Though the positive impact of accommodations is pertinent in evaluating the effectiveness of those accommodations, their impact should not be conflated with the issue of eligibility (55 IDELR 21, OCR 2009).

Based upon this guidance, it is clear that students who are disabled under Prong One are not necessarily entitled to a Section 504 accommodation plan. Where no plan is needed (there is no disability need to be addressed or accommodated because the student's educational needs are being met as adequately as those of nondisabled peers), the student is to be considered disabled, however, and is protected from discrimination on the basis of disability, thereby receiving manifestation determination protections in discipline, procedural safeguards, and periodic reevaluation of the disability (as needed). Put simply, a student does not have to demonstrate a need for services to be Section 504 disabled. Consequently, students who meet the definition of disability under Prong One due to the existence of an impairment, or one that is in remission but who have no current need for educational services, would not receive a Section 504 accommodation plan. Should the need for a Section 504 plan develop, however, the Section 504 team would reconvene and reevaluate the student and develop an appropriate Section 504 plan at that time.

DETERMINATION AND MITIGATING MEASURES

When determining whether a disability exists under Section 504, the team must address three questions.

1. Does the student have a physical or mental impairment?
The Section 504 team must specify the physical or mental impairment. Medical diagnoses are often helpful, but are not required, nor sufficient for establishing a disability or need for a plan under Section 504. A medical diagnosis or a medication prescription does not by itself establish this.
2. Does the physical or mental impairment affect one or more major life activities or bodily functions?
Identify the major life activities or bodily functions impacted by the impairment and how the impairment impacts functioning. A common error is to limit the analysis to learning and to ignore other major life activities and bodily functions. Learning does not have to be impacted for a student to be disabled under Section 504.
3. Does the physical or mental impairment substantially limit the major life activity or bodily function impacted by the impairment?
Using evaluation data, determine whether the learning and/or accessibility to other school activities are limited and to what extent as compared to the learning and accessibility provided to the average population.

If the answer to these three questions is YES, then the student is disabled under Section 504, and

will receive the nondiscrimination protections of Section 504, including periodic reevaluations, procedural safeguards, and manifestation determinations, where applicable.

Once the team has determined that the student is disabled under Section 504, the team must then address whether the student needs an accommodation plan in order to be educated as adequately as his/her nondisabled peers. In determining the need for Section 504 services (i.e., Section 504 plan), the team must answer one additional question:

4. Does the student need Section 504 services in order for his/her educational needs to be met as adequately as nondisabled peers?

If a plan is needed, the student will receive services that are documented in a Section 504 plan that governs the provision of a Section 504 FAPE.

Mitigating Measures: Pursuant to the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), the determination of whether an impairment substantially limits a major life activity is required to be made without regard to the ameliorative effects of mitigating measures, such as:

- Medication, medical supplies, equipment, or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics, including limbs and devices; hearing aids and cochlear implants or other implantable hearing devices; oxygen therapy equipment and supplies; use of assistive technology;
- Reasonable accommodations or auxiliary aids or services; and
- Learned behavioral or adaptive neurological modifications.

To comply with the mitigating measures rule, the Section 504 team must identify the mitigating measures currently being used by the student. Once identified, the team must determine how the student's impairment would impact the major life activity at issue in the absence of the ameliorative effects of each mitigating measure. For example, if the student has been diagnosed with ADHD and is medicated (medication is a mitigating measure), the team must determine whether the student's impairment would substantially limit concentration or learning (or any other appropriate major life activity or major bodily function) if medication were removed. The team must identify each mitigating measure used and determine how the impairment would impact the major life activity without the positive impact of the mitigating measure.

OCR has determined that health plans and emergency plans are mitigating measures. When a student with a health plan or emergency plan is evaluated for the existence of a Section 504 disability, the positive or "ameliorative effects" of the health plan cannot be considered in determining whether the student is substantially limited (in the same manner as discussed previously with respect to medication) and, therefore, disabled (54 IDELR 61, OCR 2009).

ACCOMMODATION PLAN

Once a student is determined to be disabled under Section 504 and in need of services and accommodations, the Section 504 team will develop a Section 504 plan. Although Section 504 regulations do not specify that a written plan is required, the district must document activities and decisions made regarding students with disabilities (34 CFR §104.35(c); *Frequently Asked Questions about Section 504*, OCR 2013). Thus, best practice is to put Section 504 plans in writing. A Section 504 plan is not written for a student eligible under the IDEA; all special education and related services and other needed supports are documented on an individual educational plan (IEP) rather than a Section 504 plan for those students.

Although the required components of a Section 504 plan are not prescribed by law, best practice suggests a plan should address the educational impact of the identified disability(ies) and the services and accommodations necessary to facilitate equal access to education in the least restrictive environment.

- To assure information is available from the family, parents should be invited and encouraged to assist in developing the Section 504 plan.
- Services and accommodations should be based on information and data used in the evaluation and disability determination process.
- Services and accommodations should address the student's identified disability and need to receive services to ensure that the student's educational needs are met as adequately as those of his/her nondisabled peers.
- The plan should indicate how, where, and by whom the services and accommodations will be provided.
- The plan may include self-management of health conditions in the school setting or school-sponsored activities, if needed.
- The plan may include services and accommodations for the school building, classroom, or transportation; administrative adjustments; academic and instructional accommodations; and/or behavioral intervention and testing accommodations.
- The plan should indicate whether it is an initial plan, a revised plan, or continuation of an existing plan.
- A monitoring system should be developed and responsibilities assigned for implementation.
- Copies of the plan should be distributed to parents, teachers, and any responsible individuals.
- A copy of the plan should be placed in the student's records.

In general, a student identified as disabled under Section 504 should be provided the same types of accommodations for both classroom assignments and assessments. If a student needs additional time to complete assignments and tests, he or she should also be allowed extended time for classroom tests and standardized tests (if allowable).

Accommodations for testing situations, both classroom and standardized assessments, such as the Florida Standards Assessment (FSA) or end of course (EOC) assessments must be addressed

when developing the Section 504 plan and the testing accommodation(s) specified in the written plan. Accommodations used in the administration of standardized tests must be consistent with what is specified in the test administration manual. Allowable testing modifications include the following:

- Flexible scheduling
- Flexible setting
- Recording of answers
- Mechanical aids

IMPLICATIONS FOR NON-STUDENT ADULTS

Section 504 physical accessibility requirements also apply for non-student adults who wish to participate in programs or activities taking place in school facilities. Reasonable accommodations will be made to make facilities accessible, usable and open to persons with disabilities.

CONSIDERATION FOR IDEA

If the student is determined to be 504 disabled, the team is to review the data to determine if there is reasonable cause to suspect a disability under IDEA. If so determined, the team shall be responsible for initiating a referral within the IDEA system. Policies and procedures for this system are outlined in the district's Special Education handbook. If the student is not 504 disabled, an IDEA referral is not necessary.

NOTICE/CONSENT FOR ACCOMMODATIONS

If the student requires a written accommodation plan, the District 504 Coordinator is to provide the parent/guardian with a copy. If the student does not qualify, written notice of this will also be provided to the parent/guardian using the 504 Team Evaluation Summary form. The district is not necessarily prohibited from implementing the accommodation plan if parent approval is not received. However, good practice dictates a partnership and therefore consent should be sought.

REVIEW OF ACCOMMODATION PLAN AND RE-EVALUATION

There are no specific legal timelines for review or re-evaluation. However, it would seem appropriate to utilize the same time lines as does IDEA, i.e. at least yearly for the review of the accommodation plan and at least every three years for a re-evaluation of 504 eligibility. Termination of the accommodation plan could also be the result of the annual review of the accommodation plan.

A. DEFINITIONS - SECTION 504 OF THE REHABILITATION ACT OF 1973

“No otherwise qualified individual with disabilities in the United States shall, solely by reason of her or his disability, as defined in section 706(8) of this title, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any executive agency or by the United States Postal Service.” (29 U.S.C. Sec. 794).

“Qualified Student with a disability”

" is a student with a disability who is: of an age at which students without disabilities are provided elementary and secondary educational services; of an age at which it is mandatory under state law to provide elementary and secondary educational services to students with disabilities; or a student to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

At the postsecondary educational level, a qualified student with a disability is a student with a disability who meets the academic and technical standards requisite for admission or participation in the institution's educational program or activity.

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

Physical or mental impairment: The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

What Is Long COVID and What Is Its Impact on Children and Students The U.S. Centers for Disease Control and Prevention (CDC) has identified long COVID as another term for post-COVID conditions. 10 According to the CDC, post-COVID conditions “are a wide range of new, returning, or ongoing health problems people can experience more than four weeks after first being infected with the virus that causes COVID-19. Even people who did not have symptoms when they were infected can have post-COVID conditions.”11 Preliminary studies show that

children and students of all ages may experience long COVID, which can produce a combination of symptoms, including: 12 • Tiredness or fatigue • Difficulty thinking or concentrating (sometimes referred to as “brain fog”) • Headache • Changes in smell or taste • Dizziness on standing (lightheadedness) • Fast-beating or pounding heart (also known as heart palpitations) • Symptoms that get worse after physical or mental activities • Chest or stomach pain • Difficulty breathing or shortness of breath • Cough • Joint or muscle pain • Mood changes • Fever • Pins-and-needles feeling • Diarrhea • Sleep problems • Changes in period cycles • Multiorgan effects or autoimmune conditions • Rash As the Departments of Justice and Health and Human Services explain, long COVID can be a disability under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. 13 III. Protections and Services Under IDEA and Section 504 for Children and Students with Long COVID A child or student experiencing long COVID or other conditions that have arisen as a result of COVID-19 may be eligible for special education and related services under IDEA and/or may be entitled to protections and services under Section 504. Some children and students who were already identified 3 as having a disability under IDEA and/or Section 504 and who have contracted COVID-19 may experience new or worsened symptoms related to their pre-existing disability, to COVID-19, or to both. If these symptoms persist in the form of long COVID, these children or students may need new or different related aids and services, specialized instruction, or reasonable modifications. Other children or students may be found eligible for services under IDEA and/or Section 504 for the first time because of the adverse impact of long COVID on the child’s educational achievement and functioning (IDEA) or if long COVID substantially limits one or more of the student’s major life activities (Section 504).

Major life activities: Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504. In the Amendments Act (see FAQ 1), Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Congress also provided a non-exhaustive list of examples of “major bodily functions” that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The Section 504 regulatory provision, though not as comprehensive as the Amendments Act, is still valid – the Section 504 regulatory provision’s list of examples of major life activities is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

Has a record of such an impairment: “...has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.” (34 Code of Federal Regulations, Part 104.3).

Is regarded as having an impairment: “...(A) has a physical or mental impairment that does not substantially limit major life activities, but is treated by a recipient as constituting such a

limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment, or (C) has none of the impairments defined but is treated by a recipient as having such an impairment.” An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504. (34 Code of Federal Regulations, Part 104.3).

Other: **Bullying and Harassment**

Section 504 prohibits disability-based harassment by peers that is sufficiently serious to deny or limit a student’s ability to participate in or benefit from the school’s education programs and activities (in other words, creates a hostile environment).¹²¹ When a school district knows or reasonably should know of possible disability-based harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred.¹²² If an investigation reveals that the harassment created a hostile environment, the recipient must take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and, as appropriate, remedy its effects.¹²³ Bullying and harassment¹²⁴ of a student by his or her peers, based on disability, may deny a student equal educational opportunities.¹²⁵ Note, however, that the label used to describe an incident (for example, bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications.¹²⁶ Harassment of a student by another student (peer-on-peer) on the basis of his or her disability may take many forms, such as a student remarking out loud to other students during class that a student with dyslexia is retarded or dumb and does not belong in the class, or students repeatedly placing classroom furniture or other objects in the path of a classmate who uses a wheelchair, impeding the classmate’s ability to enter the classroom. Note that harassment does not have to include intent to harm, be directed at a specific targeted student, or involve repeated incidents in order for it to be considered discriminatory. ¹²¹ This resource guide addresses only student-on-student bullying and harassment. Under Section 504 and Title II, students with disabilities are also protected from bullying or harassment by teachers, other school employees, and third parties. Such bullying can trigger a school’s obligation to address disability-based harassment, remedy a denial of FAPE, or both. See 34 C.F.R. §§ 104.4, 104.33; 28 C.F.R. pt. 35. OCR recommends that States and school districts consult with legal counsel regarding their responsibilities and duties in cases of bullying or harassment that involve school personnel

Athletics and Extracurricular Activities School districts must provide non-academic services and activities in a manner that provides students with disabilities an equal opportunity for participation.¹⁰¹ This requirement includes activities such as extracurricular athletics and special interest groups or clubs sponsored by the school district.¹⁰² School districts must afford qualified students with disabilities an equal opportunity for participation in extracurricular athletics in an integrated manner to the maximum extent appropriate to the needs of the student.¹⁰³ This requirement means that a school district must make reasonable modifications to

its policies, practices, or procedures whenever such modifications are necessary to ensure equal opportunity, unless the school district can demonstrate that the requested modification would constitute a fundamental alteration of the nature of the extracurricular athletic activity.¹⁰⁴ The fact that a student has a disability does not mean that the student must be allowed to participate in any selective or competitive program offered by a school district. Rather, school districts may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory. On the other hand, a modification might constitute a fundamental alteration if it alters such an essential aspect of the activity or game that it would be unacceptable even if it affected all competitors equally (for example, removing a base from a baseball diamond). Alternatively, a change that has only a peripheral impact on the activity or game itself might nevertheless give a particular player with a disability an unfair advantage over others and, for that reason, fundamentally alter the character of the competition (for example, allowing a student with a disability to start a race a few seconds before his non-disabled peers). Such changes would not be required under Section 504.

101 34 C.F.R. § 104.37. 102 Id. 103 34 C.F.R. §§ 104.37(a), (c), 104.34(b), 104.4(b)(1)(ii).

Physical Accessibility

School districts are required to ensure that students and others with disabilities, including parents, are not denied access to the school's programs or activities because of inaccessible facilities, including academic buildings, walkways, restrooms, athletic facilities, and parking spaces.¹⁰⁷ The requirements public schools must meet to ensure programs and activities are accessible depends on the date a building (or facility) was built (constructed) or altered (changes made to a building that affect its use for accessibility purposes).¹⁰⁸ Under Section 504, for facilities constructed prior to June 4, 1977, program access is required.¹⁰⁹ In general terms, program access means that, although the facility or parts of the facility may not be physically accessible, the public school must still make its programs and activities available to students with disabilities. For example, if stairs lead to the upper floors of a school and the school does not have an elevator, ramp, or chair lift, and a student with a disability is unable to traverse the stairs, the student will be unable to reach the upper floors. A resolution to this problem could be moving classes that the student needs (or wants) to take from the upper floors to the accessible ground floor during the time period the student with a disability takes the class. Under Section 504, facilities (such as buildings) that were built or altered on or after June 4, 1977, are referred to as new construction.¹¹⁰ Specific construction and design standards apply to these facilities. The construction and design standards provide information, for example, about the required width of bathroom stalls, how steep a ramp may be, and the required height of countertops and tables. The construction and design standards have evolved over time, and the date of construction or alteration determines which accessibility requirements apply.¹¹¹ For construction or alteration work that began on public schools on or after March 15, 2012, the 2010 ADA Standards for Accessible Design (2010 ADA Standards) apply.¹¹² However, when a public school is required to meet the accessibility requirements of a specific design standard, such as the 2010 ADA Standards, compliance with the standard alone may not be sufficient to meet an individual student's needs. When this occurs, the public school has an obligation to

provide access for the student.¹¹³ For example, if the main entrance to the school has a ramp that meets all of the required accessibility standards, but a student who attends the school and uses leg braces is unable to traverse the ramp, the school would need to find another way to ensure the student has access to its program and activities. One solution could be to allow the student to use the faculty entrance that has a flat entrance and a short walkway to the entrance door. 107 34 C.F.R. §§ 104.22-104.23; 28 C.F.R. §§ 35.150-35.151. 108 34 C.F.R. §§ 104.21-104.23; 28 C.F.R. §§ 35.149-35.151. 109 34 C.F.R. § 104.22. 110 34 C.F.R. § 104.23. Under Title II of the ADA, facilities that were built or altered after January 26, 1992, are referred to as new construction, and specific construction and design standards apply under Title II. 28 C.F.R. § 35.151

Rule - 411.3

B. SECTION 504 DISABILITY DEFINED

“Person with disability” means an individual who: (A) has a physical or mental impairment that substantially limits one or more major life activities; (B) has a record of such an impairment, or: (C) is regarded as having such an impairment.

Physical or Mental Impairment	Major Life Activities	Record of Impairment	Regarded as Impaired
Physiological disorder, contagious disease, cosmetic disfigurement or anatomical loss in one or more systems:	Mental or psychological disorder including	The individual has:	The individual has:
*Neurological retardation	*Mental	*Self-care	*An impairment not
*Musculoskeletal	*Organic brain syndrome	*Manual tasks	limiting a major life
*Respiratory	*Emotional or mental illness	*Walking	or
*Cardiovascular	*Specific disability	*Seeing	activity but treated as a disability by the
*Reproductive		*Hearing	covered entity
*Digestive learning		*Speaking impairment	
*Genito-urinary		*Breathing	
*Hemic		*Learning	
*Lymphatic		*Working	*No impairment, but treated as a
*Skin			disability by the
*Endocrine			covered entity.
* Substance abuse			1
1			
Currently does not include illegal drug abusers.			

DISPUTES AND DISAGREEMENTS REGARDING FAPE: GRIEVANCE PROCEDURE

Conflicts between parents and school personnel about Section 504 issues may be resolved through due process or through the school district's established grievance procedures.

The Fall Creek Schools has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by federal department or agency regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504 states, in part, that "no otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

Complaints should be addressed to Kelly Speckien, 336 E. Hoover Avenue, Fall Creek, Wisconsin 54742, 715-877-3331 who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within 10 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation shall be conducted by the District 504 Coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under the federal department or agency regulations, the Fall Creek Schools need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the District 504 Coordinator and a copy forwarded to the complainant no later than 10 days after its filing.
5. The District 504 Coordinator shall maintain the files and records of the School District of Fall Creek relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 10 days to the District Administrator.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the responsible federal department or agency. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the School District of Fall Creek complies with Section 504 and implementing regulations.

**PARENT/STUDENT RIGHTS IN IDENTIFICATION,
EVALUATION AND PLACEMENT**
(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you informed concerning decisions about your child and of your rights if you disagree with the decisions. You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling conditions;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to the identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education and the right to be educated with nondisabled students to the maximum extent appropriate. The school district must make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided nondisabled students;
6. Have your child receive special education and related services if she/he is found to be eligible;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities;
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement;
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access;
11. Receive a response from the district to requests for explanations of your child's school records;

12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses a request for amendment, it shall notify you and advise you of your right to a hearing;
13. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation program or placement. You and the student may take part in the hearing and have an attorney represent you. You may also ask for payment of reasonable attorney fees if you are successful in your claim.
14. File a local grievance.

The person in this district responsible for assuring that the district complies with section 504 is:

Kelly Speckien, School Psychologist
Fall Creek School District
336 E. Hoover Avenue
Fall Creek, WI 54742
Telephone: 715-877-3331

CLASSROOM AND FACILITY ACCOMMODATIONS

The intent of Section 504 is to "accommodate" for differences within the regular education environment. For this to be accomplished, all staff must be provided with awareness activities and given specific information concerning the district's procedures for dealing with Section 504 referrals.

As individual students are identified, the classroom teacher may need specific training in the area of the identified handicap (e.g., training from the school nurse on danger signs of an impending asthma attack, training from a physical therapist on correct positioning of a wheelchair-bound student at his/her desk, etc.). The following classroom/facility accommodations are presented as examples of ways in which Section 504 handicaps may be successfully addressed within the regular education environment.

I. Communication

- A. There may be a need to modify parent/student/teacher communications. For example:
 - develop a daily/weekly journal
 - develop parent/student/school contacts
 - schedule periodic parent/teacher meetings
 - provide parents with duplicate sets of texts
- B. There may be a need to modify staff communications. For example:

- identify resource staff
- network with other staff
 - schedule building team meetings
 - maintain on-going communication with building principal

- C. There may be a need to modify school/community agency communication. For example, with parent consent:
- identify and communicate with appropriate agency personnel working with student
 - assist in agency referrals
 - provide appropriate carryover in the school environment

II. Organization/Management

- A. There may be a need to modify the instructional day. For example:
- allow student more time to pass in hallways
 - modify class schedule
- B. There may be a need to modify the classroom organization/structure. For example:
- adjust placement of student within classroom (e.g., study carrel, proximity to teacher, etc.)
 - increase/decrease opportunity for movement
 - determine appropriate classroom assignment (e.g. open versus structured)
 - reduce external stimuli
- C. There may be a need to modify the district's policies/procedures. For example:
- allow increase in number of excused absences for health reasons
 - adjust transportation/parking arrangements
 - approve early dismissal for service agency appointments

III. Alternative Teaching Strategies

- A. There may be need to modify teaching methods. For example:
- adjust testing procedures (e.g., length of time, administer orally, tape record answers)
 - individualize classroom/homework assignments
 - utilize technology (computers, tape recorders, calculators, etc.)
- B. There may be a need to modify materials. For example:
- utilize legible materials
 - utilize materials that address the student's learning style (e.g., visual, tactile, auditory, etc.)
 - adjust reading level of materials

IV. Student Precautions

- A. There may be a need to modify the classroom/building climate for health purposes.
For example:
 - use an air purifier in classroom
 - control temperature
 - accommodate specific allergic reactions

- B. There may be a need to modify classroom/building to accommodate equipment needs. For example:
 - plan for evacuation for wheelchair-bound students
 - schedule classes in accessible areas

- C. There may be a need to modify building health/safety procedures. For example:
 - administer medication
 - apply universal precautions
 - accommodate special diets

APPROPRIATE QUESTIONING SEQUENCE WHEN THE EXISTENCE OF A HANDICAPPING CONDITION IS SUSPECTED:

Is the student handicapped under Section 504 of the Rehabilitation Act of 1973?

- A. Definition of “handicapped” under Section 504
 - 1. Is any person who has a physical or mental impairment which substantially limits one or more of such person’s major life activities, or
 - 2. Has a record of such impairment, or
 - 3. Is regarded (perceived) as having such an impairment.

If the answer to the question in I above is “yes”.

- A. Does the student need (qualify for) Special Education services under the IDEA (formerly EHA, PL. 94-142)?

- B. What does the student need in order to be afforded access to a FREE APPROPRIATE PUBLIC EDUCATION (FAPE)?

- C. What is the appropriate placement for the provision of services chosen after consideration of the full continuum of placement options?
 - 1. If the appropriate placement is regular education, what interventions or adaptations are needed?

 - 2. If the appropriate placement is special education, what is the LEAST RESTRICTIVE ENVIRONMENT (LRE)?

If the answer to the question in I above is “no”.

- A. Maintain documentation about the decision that includes the following:

1. The identity of the person involved in the group that made the decision which reflects that they were knowledgeable about the child.
 2. The evaluation data that was used to make the decision with any interpretations that might be required.
 3. Placement options that were considered.
- B. Provide WRITTEN NOTICE of the decision to the parent(s) which must include a complete statement of the parents' and student's rights under the IDEA and Section 504.

APPROVED: November 21, 2023

412.1

FULL TIME STUDENT

Any student enrolled in the School District of Fall Creek will be considered a full time student and will be counted as such for membership count purposes if he/she is:

1. Enrolled for more than one-half of the school day;
2. An exceptional educational need (EEN) student who has been assessed by the multi-disciplinary team and has been prescribed a program; or
3. A student receiving homebound instruction or a special program as approved by the student's parent or guardian and school officials (i.e. children at risk program, school age parent program).

A student who is enrolled in school for less than one-half of the school day will be considered a part-time student and will be counted as one-half time for membership count purposes. Also, a kindergarten student enrolled in the regular program will be considered full time for membership count purposes.

Each school office will have a record of all full and part-time students and will have copies of such records forwarded to the district administrator's office.

LEGAL REF.: Section 121.004 (7) Wisconsin Statutes

CROSS REF.: 322, School Day

APPROVED: December 11, 1978

REVISED: April 22, 1991

REVISED: November 20, 2000

SCHOOL ADMISSIONS 420

Any student seeking entrance into the School District of Fall Creek must reside within the established boundaries of the district, except as otherwise provided.

The building principal shall be responsible for the proper grade and program placement of students admitted to the district. Placement shall be made based upon an evaluation of the academic transcript information obtained from the previous school. If adequate academic transfer information is not available, the principal may require the student to take appropriate academic tests to assist in making a placement.

Parents or guardians of students admitted to the district's elementary and secondary schools shall present immunization records as required by law.

The School District of Fall Creek shall not discriminate in admissions to any school, class, program or activity on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

LEGAL REF.: Sections 115.28 (2) Wisconsin Statutes
 115.80
 118.13
 118.14
 140.05 (16)
 PI 9.03 (1), Wisconsin Administrative Code

CROSS REF.: 411 – Rule, Complaint Procedures (Nondiscrimination)
 421, Entrance Age
 422, Admission of Nonresident Students

APPROVED IN PART: January 15, 1979

REVISED: April 22, 1991

The Board recognizes the necessity of maintaining entrance age requirements for students starting school in order to keep the age differential among students at a minimum.

With this in mind, a child must be five years of age on or before August 31st, of the year he/she wishes to be admitted to kindergarten. A child is eligible to enter first grade if he/she is six years old on or before August 31st in the year he/she wishes to enter school. A child who has attended and completed kindergarten in another school district and whose parent(s)/guardian has moved to the School District of Fall creek may enter first grade even though he/she has not reached the age of six.

A child who does not meet the age requirements for kindergarten may apply for early admission. Applications for early admission must meet the standards, conditions and procedures adopted by the Board. The Board generally favors withholding a child from school one year rather than to readily admit students at ages when social development and maturity may be problems.

The administration shall verify the age and residence of children enrolled in the district schools. A student entering kindergarten shall complete the following forms: immunization report, medical report and emergency card.

LEGAL REF.: Sections 115.28 (8) Wisconsin Statutes
 115.80
 118.14
 140.05 (16)

CROSS REF.: 421--Rule, Early Admission to Kindergarten

APPROVED IN PART: January 15, 1979

REVISED: April 22, 1991

EARLY ADMISSION TO KINDERGARTEN 421-RULE

A child who is five years of age between September 1st and November 1st, inclusive, in the year he/she seeks admission to kindergarten may be admitted to kindergarten if he/she meets the academic and developmental readiness skills expected for successful participation in kindergarten. Evidence must exist that the child's educational welfare would best be served by placement in kindergarten. The process shall obtain information regarding skills and behavioral characteristics that are correlated with success in kindergarten.

The following procedures will be used for the early admission of a child to the Fall Creek kindergarten program.

- a. Parents/guardians who wish to have their child considered for early admission to kindergarten shall write a letter stating the reasons why they think their child is ready for early admission to the principal. The principal will forward this request to the school psychologist. Application shall be made by April 1st.
- b. The school psychologist will inform the parent/guardian of the early admission criteria. The parent/guardian will sign permission to evaluate forms. The school psychologist will coordinate staff to be part of the consultation team.
- c. An evaluation of the child's potential to benefit from early admission to school shall be required. The evaluation shall consider emotional stability, social and mental maturity and physical health. The individual evaluation shall be conducted by a certified school psychologist in cooperation with other Fall Creek staff members. The evaluation will consist of the following:
 - ✓ The child will be assigned to attend kindergarten visitation. A behavioral observation will be made by the kindergarten teacher to assess social, emotional, physical, and academic maturity. This may include the following demonstrated skills: completing tasks without assistance, attentive in large group activities and appropriate adaptive skills.
 - ✓ The child will demonstrate "superior" (90th percentile or above on age norms) range of potential for learning as measured by an individual intelligence scale. The school psychologist will complete this. Other pertinent checklists will also be administered.
- d. After the evaluation has been completed, a conference shall be held with the child's parent(s)/guardian to consider the appropriateness of the early entrance into kindergarten. After the conference, the district administrator will make a determination to either accept or deny the request. If a student is approved for early entrance into kindergarten, school personnel and parent/guardians will

monitor and review placement after six weeks to ensure the student is appropriately placed.

If the parent(s)/guardian is not in agreement with the district administrator's recommendation, he/she (they) may appeal to the Board for a final decision whether or not the child is to be admitted early into kindergarten.

APPROVED: January 15, 1979

REVISED: April 22, 1991

REVISED: April 21, 2008

REVISED: March 17, 2014

ADMISSION OF NONRESIDENT STUDENTS 422

Admission of nonresident students to the Fall Creek Public Schools requires the approval of the Board. The Board shall make a written agreement with the student's parent(s) for the payment of tuition. Transportation of nonresident students is the responsibility of the parents, except as provided for children with exceptional educational needs.

Students who have gained the twelfth grade status and are residents of the School District of Fall Creek at the time of gaining such status may be permitted, with Board approval, to complete the twelfth grade without payment of tuition, even though their parents are nonresidents. Transportation in such cases is the responsibility of the parents.

Tuition payments may be waived for those students whose parents become district residents within a specified time period as outlined by law.

Students from foreign countries who participate in recognized exchange programs may attend the School District of Fall Creek without payment of tuition.

The School District of Fall Creek shall not discriminate in admissions to any school, class, program or activity on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

LEGAL REF.: Sections 121.75 – 121.84 Wisconsin Statutes 128.845 – 121.86

APPROVED: April 22, 1991

FOREIGN EXCHANGE STUDENTS

The Fall Creek Board of Education encourages participation with civic or community organizations which plan and execute programs of student exchange between foreign countries and the district. The board welcomes foreign exchange students because of the learning experiences associated with students from other nations and cultures.

A maximum of four foreign exchange students may be enrolled in the district tuition free each year. Special classroom fees, lunch monies and special event fees or needs shall be the responsibility of the foreign exchange student, his/her parent(s) or sponsors.

The board reserves the right to accept or reject a foreign student. The board reserves the right to examine the request and the credentials of the student for whom the application is being made.

All enrollments of foreign exchange students shall be consistent with established administrative procedures.

LEGAL REF.:

CROSS REF.:

APPROVED: October 16, 1995

REVISED: March 16, 1998

FOREIGN EXCHANGE STUDENTS

1. Each foreign exchange student shall be represented by a bon fide organization recognized by the school board. Any foreign exchange organizations recognized by the board, such as the American Field Service, Youth for Understanding, Rotary International, SHARE! and American Intercultural Student Exchange, etc. will adhere to the following:
 - a. The fiscal responsibility of the organization shall have been established and accepted by the Board.
 - b. The organization shall have a legally accepted existence.
 - c. The district shall receive application-1 week prior to the Regular August Board Meeting.
2. The organization representing the foreign student shall establish to the satisfaction of the board, that adult supervision has been established in this district with the power of the supervisor to act in loco parentis, and that the adult supervisor is financially and otherwise responsible.
3. The student must satisfy the same age and other general requirements of citizen students. It is expected that students will have reached fourteen (14) years of age prior to September 1 and not exceed age nineteen (19) during the school year of placement.
4. The student must provide a transcript prior to the time the student is to start school.
5. The student must have been in good academic standing in their native country and must have been screened for maturity and the ability to get maximum benefit from an exchange program.
6. The student must possess a functional speaking and written understanding of the English language.
7. The student will be entered only at the beginning of a semester and for a minimum of one (1) semester of attendance.
8. The administration is encouraged to assist sponsoring organizations in family placement decisions.
9. All processing of requests shall be made to the building principal.

LEGAL REF.:

CROSS REF.:

APPROVED: October 16, 1995

REVISED: October 17, 2022

ACCOMMODATION OF PRIVATE SCHOOL AND
HOME-BASED EDUCATIONAL PROGRAM STUDENTS

The District shall accommodate resident parents/guardians who wish to have their children receive education in an alternative setting to a public school, including those participating in private schools or home-based private educational programs.

Guidelines

To accommodate private school and home-based educational program students, the District shall:

1. Provide assistance and information to parents/guardians who seek information on alternative educational programs, including private schools and home-based educational programs.
2. Allow a student enrolled in a private school or home-based educational program to enroll in not more than two courses during the school year in a District school provided the following conditions are met:
 - a. The student is eligible for high school admission;
 - b. The student resides in the School District of Fall Creek; and
 - c. There is sufficient space in the classroom.
3. Accommodate other requests from students enrolled in a private school or home-based educational program to enroll in a class or co-curricular activity in the District where space is available and the District would not incur any additional cost due to such accommodation. The rules of the Wisconsin Interscholastic Athletic Association (WIAA) and other co-curricular activity regulatory entities will be followed where applicable when making decisions regarding student enrollment in a co-curricular activity.
4. Determine grade and/or class placement for students who transfer into a District school from a private school or home-based educational program primarily based on the student's mastery of the District's subject matter content standards. The school principal/designee shall evaluate the student's records to determine the amount of credit that will be granted for the alternative education experience. Evaluate criteria may include but not limited to: grade transcripts, progress reports, portfolios of completed work, curriculum reviews, recommendations and assessments administered by the receiving school.

LEGAL REF.: Section 115.001, 118.145 Wisconsin Statutes 121.41

CROSS REF.: Summer School

APPROVED: January 18, 1993

REVISED: July 15, 2002

PUBLIC SCHOOL OPEN ENROLLMENT

This policy shall be administered in accordance with the state public school open enrollment laws and implementing rules.

Nonresident Open Enrollment Students

A student may apply for full-time enrollment as a nonresident in a public school in the Fall Creek School District under the open enrollment program. Applications shall be made and acted upon in accordance with the timelines and procedures outlined in state law. The District shall consider the following criteria when deciding whether or not to accept a nonresident student's application for full-time open enrollment:

1. Space Availability. The District shall consider the availability of space in the schools, programs, classes or grades within the District. When determining space availability, consideration shall be given to such factors as class size limits, student-teacher ratios, overall building capacity, and enrollment projections. If the District receives more student applications for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis. However, students already attending school in the District at the time of their application (excluding part-time attendance by a student who is enrolled in another school district, private school, tribal school or home-based educational program), the siblings of students already attending school in the District and students of Fall Creek School District employees shall be accepted for enrollment in the District even if the District has determined that space is not otherwise available for open enrollment students. A waiting list of nonresident students who have been denied open enrollment due to space availability shall be established and utilized in the District in accordance with established procedures. If, at any time in the selection process one student application from a family is chosen and the student is eligible for acceptance under all applicable criteria, the District shall give immediate consideration to the applications of remaining siblings in the family who applied for open enrollment at the same time, and admit all such otherwise eligible siblings for whom there is a space available at that point in the process.
2. Students with Disabilities. If the District determines that the special education program or related services described in the nonresident student's individualized education program (IEP) are available in the District and there is space available in the special education program identified in the student's IEP, the open enrollment application shall be accepted. If the special education program or services described in the student's IEP are not available or there is no space available in the program, the application shall be denied. If a nonresident student receives his/her initial IEP while attending the District under open

enrollment, or if a nonresident student's IEP changes after the student begins attending school in the District, and the special education program or services required by that initial or revised IEP are not available in the District or there is no space available in the program or services identified within the IEP, the nonresident student may be returned to the resident district.

3. Students Referred for a Special Education Evaluation. An open enrollment application may not be denied if the nonresident student has been reported or identified as having a possible disability but not yet evaluated by an IEP team in the resident district. Assuming other acceptance criteria are and continue to be met, the District may reconsider a denial under this criteria if the IEP is completed, forwarded to the District, and reviewed by the District prior to the close of the period during which applications would normally continue to be reviewed from any waiting list. If the district approves the open enrollment in this instance, the district may review the student's IEP when it is developed and consider at that point whether it has the special education/related services and space. If the individualized education program for a pupil, developed or revised under s. 115.787 after a child begins attending public school in a nonresident school district under this section, requires special education or related services that are not available in the nonresident school district or if there is no space to provide the special education or related services identified in the child's individualized education program, including any class size limits, pupil-teacher ratios or enrollment projections established by the nonresident school board, the nonresident school board may notify the child's parent and the child's resident school board that the special education or related service is not available in the nonresident school district. If such notice is provided, the child shall be transferred to his or her resident school district, which shall provide an educational placement for the child under s. 115.79 (1) (b)
4. Acting on Applications for Students with Disabilities Without Current IEPs. If the student has an outdated IEP, the decision should be based on the special education and related services required in the most recent IEP.
 - If the student was found to have a disability, but the parent refused consent for placement, the student is not considered a student with a disability under IDEA and subch. V of ch. 115, Wis. Stats. Thus, the student's application can be denied only for the same reasons that apply to nondisabled students.
 - If the parent has revoked consent for special education, the student is not considered a student with a disability under IDEA and subch. V of ch. 115, Wis. Stats. Thus, the student's application can be denied only for the same reasons that apply to nondisabled students.
 - If an IEP cannot be obtained for the student, the nonresident district should review the most recent evaluation for the student.

- If neither an IEP nor an evaluation is available, the student's application can be denied only for the same reasons that apply to nondisabled students.
- If the resident school district has not provided a copy of the IEP or evaluation, the nonresident school district may attempt to obtain a copy of the IEP and/or evaluation from the parent.
- If the student's application is approved and the student begins attending the nonresident school district, the district must treat the student as a transfer student. Upon transfer, the new LEA, in consultation with the parents, must provide FAPE to the student, including services comparable to those described in the IEP from the previous LEA, until the new LEA either (1) adopts the student's IEP from the previous LEA; or (2) develops, adopts and implements a new IEP. Upon transfer, the LEA may adopt the existing evaluation and the eligibility determination or may conduct an evaluation of the student.

5. Discipline-Related Criteria. Consistent with District policy and state law requirements, the District may deny the enrollment of any student who is currently serving an expulsion from any public school or independent charter school in Wisconsin or out-of-state public school, no matter what the reason is for the expulsion, if the term of the expulsion extends into the next school year. For students currently serving an expulsion from another public school in Wisconsin or an out-of-state public school, the District may allow the student's enrollment on a conditional basis if he/she meets the established enrollment conditions. The enrollment conditions established shall relate to the reasons for the student's expulsion and may not extend the term of the student's expulsion. Except as otherwise provided by policy or the Board, the District shall not accept any student for full-time open enrollment in the District who has been expelled by any Wisconsin school district during the current school year or preceding two school years for any of the following specified conduct: (a) endangering the health, safety or property of others; (b) conveying or causing 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; (c) possessing a dangerous weapon while at school or under the supervision of a school authority; or, (d) engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety or property of others at school or under the supervision of a school authority or of any school district employee or school board member. In addition, if any disciplinary proceeding regarding conduct falling in one of the foregoing categories is pending at the time of the student's application, the District may deny the application. If any such conduct occurs after the student has been accepted for open enrollment and prior to the beginning of the school year in which the student attends school in the District under open enrollment, the District may prohibit the student from attending school in the District under open enrollment.

6. Truancy-Related Criteria. An open enrollment application shall be denied if the District previously revoked the student's status as an open enrollment student in the District due to habitual truancy during any semester of attendance at a District school in the current or previous school year. Once enrolled as an open enrollment student, if a nonresident student is habitually truant from the District during either semester in the current school year, the District may prohibit the student from attending school in the District under the full-time open enrollment program beginning in the succeeding semester or school year.
7. A full-time open enrollment application can also be denied if the nonresident student is ineligible for open enrollment (e.g., the student does not meet the age requirements for school attendance, the resident district does not have a four-year-old kindergarten program as offered by the District, etc.) or the application is invalid (e.g., the application is late, incomplete or deliberately falsified).

No criteria other than that outlined above may be considered by the District when acting on nonresident student full-time open enrollment applications unless otherwise specified by State Law.

Nonresident students accepted for full-time open enrollment shall be assigned to a school or program within the District in accordance with the District's regular procedures for placing students in schools and educational programs. The District may give preference in attendance at a particular school, program, class or grade to residents of the District.

Once a nonresident student is accepted for full-time open enrollment in the District, no reapplication is required.

A nonresident public high school student may apply for enrollment in a specific course(s) in the District in accordance with state law and established procedures. The District shall use the same criteria, including space availability, for accepting and rejecting individual course applications for nonresident students as resident students, except that the District shall give preference in enrollment in a course to resident students (including those resident students attending private schools, tribal schools, or home-based private educational programs).

Transportation

Except as specifically provided, student transportation shall be the responsibility of the nonresident student's parent(s) or guardian. The District shall provide transportation for nonresident students with disabilities attending school full-time in the District if it is required in the student's IEP or otherwise required by law. The District may also provide transportation to nonresident full-time open enrollment students if there is room available on a bus on a regular route, the student is picked up or dropped off at a

regular bus stop within the District, and the transportation has been approved by the District Administrator or designee. In accordance with District standards and procedures established by the District Administrator or designee, the District may provide student transportation to or from a location within the boundaries of the nonresident student's resident district with approval of the student's resident school board. If offered to an open enrollment student, and at the discretion of the District, such transportation shall be by school bus or by another method expressly authorized under state law.

To the extent required by state law, nonresident open enrollment students attending school or classes in the District shall have all the rights and privileges of resident students and shall be subject to the same rules and regulations as resident students.

An open enrollment student's eligibility to participate in interscholastic athletic activities is subject to the rules and regulations of the Wisconsin Interscholastic Athletic Association (WIAA).

Resident Open Enrollment Students

Resident students may apply for full-time open enrollment in another public school district in accordance with state law.

Resident students attending high school in the District may apply for enrollment in individual courses at other public school districts under the part-time open enrollment program in accordance with state law. A student may enroll in no more than two courses at any time in other public school districts. The District shall deny a student's application to attend a course in another public school district if the course conflicts with the student's IEP. The District may also deny a student's application to attend a course in another school district if the cost of the course would impose an undue financial burden on the District. The High School Principal or designee shall determine whether a course to be taken at another school district satisfies District graduation requirements and shall inform the student if it does not meet such requirements prior to beginning the course.

The parent(s) or guardian of a resident open enrollment student shall be responsible for student transportation, except as otherwise provided by law.

Requests from other school districts to enter the boundaries of the District for the purpose of providing optional transportation to resident open enrollment students shall be denied.

Legal References:

Wisconsin Statutes

Section 115.787 [individualized educational programs for students with disabilities]

Section 118.16(1)(a) [definition of habitual truant]
Section 118.51 [full-time public school open enrollment]
Section 118.52 [part-time public school open enrollment]
Section 120.13(1)(f) [authority to deny enrollment of student during the term of expulsion]
Section 120.13(1)(h) [conditional enrollment of expelled students]
Section 121.54(3) [transportation for children with disabilities]
Section 121.54(10) [optional transportation for full-time open enrollment students]
Section 121.55 [methods of providing transportation]
Wisconsin Administrative Code
PI 36 [state rules governing inter-district open enrollment]
Cross References:
423-Rule, Public School Open Enrollment Procedures

Adopted: January 19, 1998

Revised: July 19, 2010

Revised: April 16, 2012

Revised: December 21, 2015

Revised: May 15, 2023

PUBLIC SCHOOL OPEN ENROLLMENT PROCEDURES

Full-Time Open Enrollment**A. Nonresident Student Open Enrollment Applications****1. Determination of Space Availability**

- a. The District's projected enrollment, including the projected number of occupied spaces in each grade, program and school for the subsequent school year is to be determined no later than January 31st. Projections specific to individual classes may be made to the extent appropriate. Projected enrollment may include reserving spaces for expected growth in the number of students entitled to attend school in the District, to the extent appropriate, for a given class, grade, program, or school.
- b. The number of openings in a particular class, grade, program or school for nonresident open enrollment students will be determined using existing class size policies and procedures, including consideration to desired student-teacher ratios, overall building capacity, and the effect of enrollment levels on District expenditures relative to revenue. Space availability determinations should include regular education and special education programs.
- c. Each principal shall notify the District Administrator or his/her designee by January 15 of the classes, grades, and programs that have space available, if any, for nonresident open enrollment students in his/her school.

2. Application Review and Approval Process

- a. The parent(s) or guardian of a student who wishes to attend school in the District as a nonresident open-enrollment student may apply online from the Wisconsin Department of Public Instruction (DPI) website(<http://dpi.wi.gov/sms/psctoc.html>) or submit the required application to the District Administrator or his/her designee. The application may include a request to attend a specific school or program offered by the District. The application shall be submitted no earlier than the first Monday of February and not later than the last business day in April in the school year immediately preceding the school year in which the student wishes to attend. Parents and guardians who complete the online application via DPI's website will receive a confirmation number. Paper applications shall be date stamped upon receipt and entered into the online system by the designee. Although the District may make an effort to allow an applicant to revise an incomplete application, it is the applicant's sole responsibility to ensure that his/her application is complete and timely. Any application received prior to or after the deadline dates are to be returned to the applicant with a notice of the proper application dates.
- b. Upon receipt of the application, it will be forwarded to the District Administrator for review and recommendation. The District Administrator, along with other members of the administrative staff, shall review all the applications using the acceptance/ denial criteria outlined in Board policy. The District Administrator or his/her designee shall submit recommendations regarding acceptance or denial of applications to the Board for action. No action shall be taken on any application until after the last weekday in April.

- (1) If there is sufficient space available to approve all of the open enrollment applications of those students who meet the remaining acceptance criteria, all such applications shall be approved. Following approval, the District Administrator or his/her designee shall notify the applicants, using the appropriate acceptance form, on or before the first Friday following the first Monday in June.
- (2) If there are more applications than spaces available for a particular school, grade or program, the following selection procedure shall be used:
 - Identify the applications of students who do not meet one or more of the remaining criteria (other than space availability) for acceptance established in Board policy. This group of applications may be denied, but the applications should be assigned a number in the random process identified below in the event the District's determination with respect to the other criteria is overturned.
 - Identify the applications of students already attending school in the District and the applications of siblings of students who are already attending school in the District, and accept those applications prior to the random selection process. For purposes of this paragraph, attendance in the District does not include solely part-time attendance by, for example, a student who is enrolled in another school district, private school, tribal school or homebased educational program.
 - Assign a number to each application submitted for that grade and place the numbers in a container. In the presence of at least two staff members, conduct a blind drawing of the numbers and list each number drawn in the order they were drawn. The drawing is to continue until all numbers have been drawn and the spaces are to be offered in the order their number was drawn.
 - Based on the results of the random selection, determine which applications are to be accepted. If, at any time in the random selection process one student application from a family is chosen and is eligible for acceptance under all remaining criteria, the District shall give immediate consideration to the applications of remaining siblings in the family who applied for open enrollment at the same time, and admit all such otherwise eligible siblings for whom there is a space available at that point in the process.
 - The District shall send the parents and guardians of all students who were accepted for open enrollment using the random process via the appropriate acceptance form on or before the first Friday following the first Monday in June. The District shall also notify all parents and guardians of student applications that have been denied under any of the District's criteria. This notification must include the reasons for the denial and be completed by no later than the first Friday following the first Monday in June.
 - A waiting list will be created for those students initially denied open enrollment due to space availability, maintaining the same application order as resulted from the random process initially used to order applications, as described above in these procedures.
 - As any spaces become available, applications will be accepted from the waiting list(s). The 3rd Thursday in September, but only if the student will be in attendance on the 3rd Friday in September is the last date on which an applicant may be offered a space. Parents and guardians will be notified in writing if a space becomes available, including notification of the school or program to which the student has been assigned. If the District notifies a parent or guardian of acceptance, the parent or guardian shall respond to the placement offer within 10 days; otherwise, the

parent or guardian must respond to the notice no later than the last Friday in June. If the parent or guardian does not respond in the allotted time, the student's application will be placed at the end of the waiting list and the space will be offered to the next student on the waiting list.

- (3) The District's regular enrollment procedures are to be followed when enrolling a nonresident student.
- c. If the application has been accepted by the District, and not denied by the student's resident school district, the District Administrator will determine which school or program the nonresident student may attend in the following year. This determination shall be made in consultation with the appropriate building principal and other appropriate staff in accordance with the District's regular policies and procedures for placing students in schools, classes and educational programs. On or before the first Friday following the first Monday in June following receipt of the application, the applicant shall be notified, in writing, of the specific school or program that the student may attend in the following school year.
- d. The nonresident student's parent(s) or guardian shall notify the District Administrator or designee of the student's intent to attend school in the District in the following school year on or before the last Friday in June following receipt of the notice of acceptance.
- e. Annually by July 7, the resident school district shall be notified of the names of the students from the resident district who will be attending school in the District the following school year. For students accepted for open enrollment from the waiting list after July 7 that choose to attend school in the District, this resident school district notification will be provided as soon as possible after getting confirmation of such attendance from the student's parent or guardian.

B. Resident Student Open Enrollment Applications

1. Upon receipt of any paper copy of a resident student's application to attend a school or program in another public school district, school office staff shall forward it to the District Administrator or his/her designee for review and recommendation.
2. All applications shall be reviewed by the District Administrator, along with other members of the administrative staff, using the acceptance/denial criteria outlined in Board policy. The District Administrator or his/her designee shall submit recommendations regarding acceptance or denial of applications to the Board for action. If the application is denied, the applicant and the nonresident school board shall be notified, in writing, that the application has been denied. This notification shall be made on or before the second Friday following the first Monday in June. The notice shall include the reason(s) for the denial.
3. Special Procedure for Resident Students Not Enrolled in the District. Students who reside in the District but who have been enrolled in a private school or home-based private educational program and students who did not reside in the Fall Creek School District at the time of applying for full-time open enrollment in another school district must formally enroll in the District prior to attending school in another public school district under the full-time open enrollment program for school census purposes.

4. The District shall ensure that the records of a resident student who transfers to a nonresident district are sent promptly to the other district.

C. Appeals of Open Enrollment Decisions

The student's parent(s)/ guardian may appeal a District decision regarding full-time open enrollment to the DPI by following the deadlines and procedures established by the DPI.

D. Transportation

Low income parents and guardians may apply to the DPI for reimbursement of costs of transportation at the time of application for the program.

Part-time Open Enrollment

A. Nonresident Part-Time Open Enrollment Applications

Under the part-time program, a student who is enrolled in a public school in the high school grades may attend up to two courses at a time in nonresident school districts.

B. Receiving Applications

- The parent/student must submit the application (PI-9412) to the nonresident school district(s) no later than six (6) weeks before the scheduled start of the course.
- It is the responsibility of the parent/student to obtain from the nonresident school district the date on which the course will begin.
- The application must specify the course that the student wishes to attend and may specify the school(s) at which the student wishes to attend the course, however, attendance at a specific school is not guaranteed.
- The nonresident school district should date the application form.
- If any information is missing or unclear, the nonresident school district should contact the parent/student and attempt to obtain all of the necessary information.
- A student may take up to two courses at any one time under the part-time program. If the courses are taken in different nonresident school districts, a separate form must be filled out and submitted to each nonresident school district.
- Late applications must be returned to the parents/students with a letter indicating the required application date and explaining the reason for the return.
- Ineligible applications--for example, from students who are not currently enrolled in a Wisconsin public school district or who are not enrolled in high school--must also be returned to the parents/students with a letter explaining the reason for the return.

C. Processing Applications – Nonresident School District

- Within three (3) working days of receiving the application form, the nonresident school district must send a copy of the application form to the student's resident school district.
- As soon as possible after receiving the application, the nonresident school district should provide to the resident school district an estimate of the cost of the course, calculated as per PI 36.09 Calculating Cost of Course.

The cost of the course under s. 118.51 (12), Stats., shall be calculated as follows:

- o Calculate the total number of hours of instruction that the student will be enrolled in the course.
- o Calculate the total number of hours of instruction required annually for a full-time high school student in the nonresident school district.
- o Divide the result of sub. (1) by the result of sub. (2).
- o Multiply the result of sub. (3) by the school district's regular annual tuition rate, as calculated under s. 121.83 (1), Stats.

- The nonresident district may request from the resident district any student records necessary to determine if the student meets course entrance criteria, a copy of any expulsion findings and orders, a copy of records and possible outcomes of any pending disciplinary proceeding and the length of the expulsion term.
- Following receipt of the applications, the nonresident school district must act on them in accordance with the policies and procedures adopted by the school board. Except for space and the preferences indicated in the following point, the school district must use the same criteria for acceptance or rejection into a course that applies to resident students.
- The nonresident school district must give preference in attending a course to resident private school and home-based students who are applying to take a course under s. 118.145, Wis. Stats., as long as the student applied for the course prior to one (1) week before the start of the course or by a date established by the school board that is between six (6) weeks and one (1) week prior to the scheduled start of the course. Section 118.145, Wis. Stats., requires school districts to allow resident high school students in private schools or home-based private education programs to take one or two (1-2) core or non-core courses if space is available.
- Except for the preferences indicated above, if a nonresident school board receives more applications for a particular course than there are spaces available in the course, the nonresident school board must use a random method to determine which students to accept.
- No later than one (1) week prior to the date on which the course is scheduled to commence, the nonresident school board must notify the applicant and the resident school board, in writing, whether the application has been accepted and, if the application is accepted, the school at which the student may attend the course. The acceptance applies only for the following semester, school year or other session in which the course is offered. If the nonresident school board rejects an application, it must include in the notice the reason for the rejection and must notify the parent/student that the rejection may be appealed to the Department of Public Instruction within 30 days.
- If the school board approves the student's attendance at the course, it must also include in the notice that the parent/student must notify the nonresident school district and the resident school district, no later than the last weekday (excluding state holidays) before the course begins, whether or not the student will attend the course.
- The nonresident school district must make an effort to ensure that the parent/student receives the notice no later than one week before the course is scheduled to begin. If the notice is postmarked at least three (3) days before the date on which the parent is required to receive the notice, it will be considered timely notification.

D. Processing Applications – Resident School District

- Upon request of a nonresident school district, the resident school district must promptly provide the following records:
 - o Records or transcripts necessary to determine whether the student meets the criteria for admittance to the course.
 - o Records relating to an expulsion during the current or preceding two (2) school years or pending disciplinary proceedings that may lead to expulsion.
- No later than one (1) week prior to the date on which the course is scheduled to commence, the resident school board must notify the applicant and the resident school board, in writing, if the application has been denied. Notice must include the reason for the rejection and the parent/student right to appeal the rejection to the Department of Public Instruction within 30 days.
- The resident school district may only reject an application if it determines that the course conflicts with the individualized education plan program (IEP) Also no later than one (1) week prior to the date on which the course is scheduled to commence, the resident school board must notify the applicant, in writing, if the course does not meet the resident school district's high school graduation

requirements. However, if the course does not meet the high school graduation requirements, it is not grounds for denial.

- The nonresident school district must make an effort to ensure that the parent/student receives the notice no later than one (1) week before the course is scheduled to begin. If the notice is postmarked at least three (3) days before the date on which the parent is required to receive the notice, it will be considered timely notification.

E. Rights and Privileges of Nonresident Students

A student attending a course in a public school in a nonresident school district under this section has all of the rights and privileges of students residing in that school district and is subject to the same rules/regulations as students residing in that school district.

F. Transportation

- The parent of a student attending a course in a public school in a nonresident school district under this section is responsible for transporting the student to and from the course that the student is attending. However, transportation may be provided within the nonresident school district using established pick up and drop off spots on regular bus routes if room is available on the bus.
- The parent of a student who is attending a course in a public school in a nonresident school district under this section may apply to the Department of Public Instruction (DPI) for reimbursement of the costs incurred by the parent for the transportation of the student to and from the student's residence or school in which the student is enrolled and the school at which the student is attending the course if the student and parent are unable to pay the cost of such transportation. The DPI must give preference under this paragraph to those students who are eligible for a free or reduced-price lunch under 42 USC 1758 (b).

2011 Wisconsin Act 114

Exceptions to the Open Enrollment Application Period

Reason for Exception	Resident District Denial* (can be appealed to the department)
The resident school board has determined that the student has been the victim of a violent criminal offense, as determined by the department by rule (Wis. Adm. Code § PI 23). The application must be made within 30 days of the school board's determination.	The resident district may not deny unless it has not determined that the student has been the victim of a violent crime.
The student is or has been a homeless student in the current or immediately preceding school year. "Homeless" means a student who is included in the category of homeless children and youth under the McKinney-Vento program.	The resident district may deny if it determines the student has not been homeless in the current or preceding school year.

Reason for Exception	Resident District Denial* (can be appealed to the department)
<p>The student has been the victim of repeated bullying and harassment.</p> <p>Parent must have reported the bullying or harassment to the resident school board and in spite of action taken by the resident school board, the repeated bullying and harassment continues.</p>	<p>The resident district may deny if the student has not been the victim of repeated bullying and harassment.</p>
<p>The student and parent’s residence has changed as a result of military orders.</p> <p>The application must be made within 30 days of the date on which the military orders changing the place of residence were issued.</p>	<p>The resident district may deny if the student’s change in residence is not based on military orders or is not within 30 days of the date the military orders were issued.</p>
<p>The student has moved into the state.</p> <p>The application must be made within 30 days after moving into the state.</p>	<p>The resident district may deny if the student has not moved into the state within the last 30 days.</p>
<p>The student’s residence has changed as a result of a court order or custody agreement or because the student was placed in or removed from a foster home or with a person other than the student’s parent.</p> <p>The application must be made within 30 days after the student’s change in residence.</p>	<p>The resident district may deny if the change in residence is not based on a court order or custody agreement or the student has not been placed in or removed from a foster home or a person other than the student’s parent, or if the change of residence has did not take place within the last 30 days.</p>
<p>The parent and the nonresident school board agree that attending the nonresident school district is in the best interests of the student.</p> <p>Parent must explain reasons for requesting exception and why attendance at the nonresident school district is in the best interests of the student.</p>	<p>The resident district may deny if it determines that transferring to the nonresident district is not in the best interests of the student. If the resident district notifies the parent that the student may not attend the nonresident district, the parent may appeal the resident district’s decision to the department and explain in the appeal why the student applied to attend the nonresident district. The resident district must respond to the appeal and provide an explanation for rejecting the student’s transfer. If the department determines that the resident district’s decision is not in best interests of the student, the department will notify the districts and the parent that the student may transfer. The department’s decision is final.</p>

*Nonresident districts may deny for the same reasons they may deny applications submitted during the regular application period. However, nonresident district decisions cannot be appealed to the department.

Upon receipt of the Exceptions to the Open Enrollment Application Period application, it will be forwarded to the District Administrator for review and recommendation. The District Administrator, along with other members of the administrative staff, shall review the applications using the acceptance/denial criteria outlined in the Exceptions to the Open Enrollment Application Period Chart above and those outlines in Board policy. The District Administrator or his/her designee shall acceptance or deny the Exceptions to the Open Enrollment Application Period application.

Approved: January 19, 1998

Revised: April 16, 2012

Revised: December 21, 2015

Revised: October 21, 2019

Revised: October 17, 2022

STUDENT ATTENDANCE

The Fall Creek Board of Education encourages a strong partnership between the home, school, and community. It recognizes a positive relationship between good school attendance and success in school and employment. If student learning and growth are to take place, parents/guardians, students and school personnel must recognize their responsibilities to assure regular attendance.

The Board, in recognition of the statutory requirements for school attendance and the overwhelming public need for an educated society, believe school attendance should take precedence over non-school attendance unless he/she: (1) is excused temporarily for physical or mental reasons, religious holiday observances or other reasons defined by the Board, (2) has graduated, (3) has been authorized to attend an alternative educational program, or (4) has been excused by his/her parent/guardian prior to an absence in accordance with state law. It is the responsibility of any person having under his/her control such a child to ensure regular attendance during the full period and hours that school is in session until the end of the quarter or semester of the school year in which the child becomes 18 years of age.

It is the responsibility of the parent/guardian to provide an excuse for his/her child=s absence. Parents/guardians are to notify the school of such absences with a phone call or written note. When children are absent from school, parents/guardians assume full responsibility for their activities. It is the responsibility of the principal or designee to determine whether the absence is acceptable (excused) or not acceptable (truant).

The principal or designee will excuse students from attendance in school for the following reasons: illness of the student, (including hospitalization) or personal emergency, religious holiday observances, emergency medical appointments, death in family or attendance at special events of significant and important educational value as approved by the principal or designee.

Absences excused in advance in writing by the student=s parent or guardian will also be considered excused absences. Examples of such absences include family vacations, acute family or personal crises, legal appointments, or attendance at special events.

Students who are absent from school with the prior written permission of their parent(s)/guardian as outlined above are required to make up work missed during the absence.

Students with other excused absences or suspensions shall be permitted to make up tests and other course work missed. It shall be the student=s responsibility to make arrangements with his/her teacher(s) regarding make-up work. The Fall Creek School District will not deny credit in a course or subject solely because of attendance.

The school principal or designee will act as the school truancy officer. Any student who is identified as a habitual truant will be subject to referral to the appropriate agency in accordance with state law and established procedures. AHabitual truancy@ is defined as absence from school without an acceptable excuse for either part or all of five or more days on which school is held during a school semester.

LEGAL REF.: Sections 118.15 Wisconsin Statutes
 118.153
 118.16
 118.162
 118.165

CROSS REF.: 431-Rule, Attendance/Truancy Procedures
 431-Exhibit(1), Letter Requesting Medical Excuse
 431-Exhibit(2), K-12 Truancy Letter (For students beginning a
 truancy pattern)
 431-Exhibit(3), Notification of Habitual Truancy

APPROVED: April 22, 1991

REVISED: February 26, 2001

ATTENDANCE/TRUANCY PROCEDURE

The following procedures have been adopted for dealing with absences and truanicies in the Fall Creek School District:

1. Teacher Responsibilities - Each teacher shall:
 1. Keep a daily record of attendance for all students
 2. Submit a roster of absentees to the school office each period/day.

2. Attendance/School Secretary Responsibilities - The attendance/school secretary shall:
 1. Record and maintain attendance record data.
 2. Generate a daily attendance list of students who are absent and give it to the principal or designee. Parents/guardians of absent students without prior written excuse will be called.
 3. Keep a daily log of all calls to parents/guardians.

3. Notification Requirements

- principal
- STEP 1: Without advance written notice, the attendance/school secretary will all the home for the reason the student is absent. The or designee will determine whether the reason is acceptable or not acceptable. When parental phone contact can=t be made, a written note signed by the student=s parent/guardian, must be submitted upon the student=s return to school.
- STEP 2: When the truancy officer determines that truancy may be an issue, the following actions will be taken:
- a. There will be an administrative review, looking for patterns of absence and determining if social or learning problems are a cause of the student=s truancy or if a change in the student=s

program might resolve the truancy.

- b. The school social worker and/or guidance counselor should attempt contact with the student and/or parent/guardian. This also can involve the student being discussed by an AA Risk@ committee for early intervention options.

STEP 3: When the student has reached habitual truancy status, the following actions will be taken:

- a.. A final administrative review of the truancy pattern should occur with consultation with the guidance counselor.
- b. The ANotification of Truancy Concern@ letter or AMedical Excuse@ letter should be sent to the student=s parent/guardian.

The ANotification of Truancy Concern@ letter should outline the following information:

- (1) A statement of the parent=s/guardian=s responsibilities under state law to cause the student to attend school regularly.
- (2) A statement that the parent/guardian or student may request program or curriculum modifications for the student and that the student may be eligible for enrollment in a program for children at risk.
- (3) A request that the parent/guardian meet within five school days with the principal, to discuss the student=s truancy. (The notice shall include the name of the school personnel with whom the parent/guardian should meet, a date, time and place for the meeting and the name, address, and telephone number of a person to contact to arrange a different date, time, or place). With consent of the student=s parent/guardian, however, the date for the meeting may be extended for an additional five school days.
- (4) A statement of the penalties under state law that may be imposed on the parent/guardian if he/she fails to cause the student to attend school regularly as required by state law.

A copy of the student=s attendance record should be

attached to the letter, and the letter shall be sent by certified mail.

- c. A copy of the letter should be sent to the counselor and social worker if a social worker is involved.

STEP 4: If further absences occur after parent/guardian/student conference and/or habitual truancy notification, the following actions will be taken:

- a. A truancy petition by the school truancy officer will be made to the appropriate county juvenile intake office for appropriate legal action.

CROSS REF.: DISTRICT TRUANCY PLAN

APPROVED: February 26, 2001

ATTENDANCE/TRUANCY PROCEDURE

The following procedures have been adopted for dealing with absences and truanies in the Fall Creek School District.

- A. Teacher Responsibilities – Each teacher shall:
1. Keep a daily record of attendance for all students.
 2. Submit a roster of absentees to the school office each period/day.
- B. Attendance/School Secretary Responsibilities – The attendance/school secretary shall:
1. Record and maintain attendance record data.
 2. Generate a daily attendance list of student who are absent and give it to the principal or designee. Parents/guardians of absent students without prior written excuse will be called.
 3. Keep a daily log of all calls to parents/guardians.
- C. Notification Requirements
- STEP 1: Without advance written notice, the attendance/school secretary will call the home for the reason the student is absent. The principal or designee will determine whether the reason is acceptable or not acceptable. When parental phone contact can't be made, a written not signed by the student's parent/guardian, must be submitted upon the student's return to school.
- STEP 2: When the truancy officer determines that truancy may be an issue, the following actions will be taken:
- a. There will be an administrative review, looking for patterns of absence and determining if social or learning problems are a cause of the student's truancy or if a change in the student's program might resolve the truancy.
 - b. The school social worker and/or guidance counselor should attempt contact with the student and/or parent/guardian. This also can involve the student being discussed by an "At Risk" committee for early intervention options.

- STEP 3: When the student has reached habitual truancy status, the following actions will be taken:
- a. A final administrative review of the truancy pattern should occur with consultation with the guidance counselor.
 - b. The “Notification of Truancy Concern” letter or “Medical Excuse” letter should be sent to the student’s parent/guardian.

The “Notification of Truancy Concern” letter should outline the following information:

- 1) A statement of the parent’s/guardian’s responsibilities under state law to cause the student to attend school regularly.
- 2) A statement that the parent/guardian or student may request program or curriculum modifications for the student and that the student may be eligible for enrollment in a program for children at risk.
- 3) A request that the parent/guardian meet within five school days with the principal, to discuss the student’s truancy. (The notice shall include the name of the school personnel with whom the parent/guardian should meet, a date, time and place for the meeting and the name, address, and telephone number of a person to contact to arrange a different date, time, or place.) With consent of the student’s parent/guardian, however, the date for the meeting may be extended for an additional five school days.
- 4) A statement of the penalties under state law that may be imposed on the parent/guardian if he/she fails to cause the student to attend school regularly as required by state law.

A copy of the student’s attendance record should be attached to the letter, and the letter shall be sent by certified mail.

- c. A copy of the letter should be sent to the counselor and social worker if a social worker is involved.

STEP 4: If further absences occur after parent/guardian/student conference and/or habitual truancy notification, the following actions will be taken:

- a. A truancy petition by the school truancy officer will be made to the appropriate county juvenile intake office for appropriate legal action.

CROSS REF.: DISTRICT TRUANCY PLAN

APPROVED: February 26, 2001

STUDENT WITHDRAWAL FROM SCHOOL

A student who is moving from the School District of Fall Creek, or for some other reason plans to withdraw from school, must report this information to the school office in accordance with established procedures.

Except as provided under Wisconsin State Law 118.15, paragraphs 1(b) to 1(d) or subsections 118.15 (3) or 118.15 (4), or the student has graduated from high school, any person having under their control a child who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter, or semester of the school year in which the child becomes 18 years of age.

LEGAL REF.: Sections 118.15 (1) (c) Wisconsin Statutes
 118.153
 118.16

CROSS REF.: 342.3, Programs for Children at Risk

APPROVED: April 22, 1991

REVISED: October 15, 2007

STUDENT DISMISSAL PRECAUTIONS 433

No staff member shall excuse any student from school prior to the end of the school day, or into any person's custody, without the direct prior approval and knowledge of the principal, or his/her designee.

Additional precautions shall be taken by the school administration appropriate to the age of students and as the need arises.

APPROVED: April 22, 1991

CLOSED CAMPUS POLICY

The School District of Fall Creek is a closed campus during all times that the school is in session. Students leaving at any time during the day, including lunch period, must follow excused absence or pre-approved absence procedures.

LEGAL REF:

ADOPTED: August 17, 2009

STUDENT RIGHTS AND RESPONSIBILITIES 440

The privileges and rights of all students shall be guaranteed without regard to race, religion, sex or sexual orientation, national origin, ancestry, pregnancy, marital or parental status, or learning, emotional, mental or physical disability.

Students shall have the right to advocate change of any law, policy or regulation. Students may exercise their right to freedom of expression through speech, petition and other lawful means. The exercise of this right may not, however, interfere with the rights of others. Freedom of expression may not be utilized to present material which tends to be obscene or slanderous, to defame the character of an individual, or to advocate violation of federal, state and local laws or official school policies, rules and regulations.

No right is absolute. Every right has its limitations. One basic limitation is this: the freedom of an individual or group to exercise rights ceases when that exercise unduly infringes upon the rights of others. Since the legitimate right of individuals may be incompatible, it is necessary to recognize that rights must be balanced to protect as many persons as possible.

Teachers and students should promote tolerance for the views and opinions of others, as well as for the right of an individual to form and hold different opinions or beliefs.

Each student has a right to an education. Student behavior that unduly disrupts class work, involves substantial disorder or invades the rights of others shall not be tolerated.

The administration of this code shall be done in accordance with due process.

LEGAL REF.: Article I, Wisconsin Constitution
 Sections 118.13 Wisconsin Statutes
 120.13 (1)

CROSS REF.: 411 – Rule, Complaint Procedures (Nondiscrimination)

APPROVED: April 22, 1991

STUDENT DUE PROCESS RIGHTS 441

Before any disciplinary action such as expulsion or suspension is taken against a student, the student has a right to the due process guaranteed him/her by state law. Any student accused of any action and threatened with punishment for the action has the right to request a hearing before the district administrator, or his/her designee. The student's parent(s) or guardian may be present at such hearing if so desired.

If a student is dissatisfied with the administrator's decision, he/she may request a hearing before the Board.

LEGAL REF.: Section 120.13 (1) Wisconsin Statutes

CROSS REF.: 441 – Rule, Due Process Hearing Guidelines

APPROVED: April 22, 1991

In order to assure a student of his/her constitutional rights and the protection of due process of law, the student shall be given an opportunity for a hearing should the student or the student's parent or guardian desire to have one. The hearing shall be held to allow the student to contest the severity of the sanction handed down by the disciplinary authority. Upon request of the student, or the student's parent or guardian, the hearing shall be closed to the public.

The following procedural guidelines shall govern the hearing:

1. Written notice of charges against a student shall be supplied to the student and his/her parent or guardian.
2. The hearing officer shall ascertain the facts and if the facts indicate the student's guilt, the hearing officer shall review the designated punishment to determine its fairness.
3. The parent or guardian may be present at the hearing.
4. A record shall be kept of the hearing.
5. The findings of the hearing officer shall be reduced to writing and sent to the student and his/her parent or guardian.
6. The student and his/her parent or guardian shall be made aware of their right to appeal the decision of the hearing officer to the next highest level.

LEGAL REF.: Section 120.13 (1) Wisconsin Statutes

CROSS REF.: 446.3 Student Suspension/Expulsions

APPROVED: April 22, 1991

STUDENT GOVERNMENT 442

The Fall Creek Board of Education sanctions and recommends the organization of a Student Council in the high school. The Council offers an opportunity for students to be involved in determining student body activities, and also serves as an instrument by which students may influence changes in the school.

The Student Council shall not have authority to make policies for the district or regulations for the school, nor shall it have disciplinary authority. However, the Council may make recommendations to the administration on any topic of student concern.

The administration and the Student Council shall keep channels of communication open, not only between themselves, but between all students and the Council.

Members of the Student Council shall be elected democratically. An advisor for the Student Council shall be selected by the administration.

APPROVED: April 22, 1991

STUDENT REPRESENTATION ON BOARD OF EDUCATION 442.1

Selection

The student council of the high school shall determine the method of selection. The two appointments shall require final approval of the Board of Education.

Functions

In matters requiring the Board's consideration, student representatives shall provide advice in areas of direct pupil concern. The Board shall decide the extent of student participation in its deliberations, but it is understood that generally there will be no participation in personnel items, most business items, all executive sessions, and certain other areas not appropriate to pupil determination. The student representatives shall report back to the Student Council which he/she represents.

Term of Service

Student representatives to the Board shall serve for one year from July 1 to June 30. Attendance at board meetings is optional between June 15 and August 31, but required between September 1 and June 14.

Requirements of Position

A student who is selected to meet with the Board shall

1. Have permission of parents to serve
2. Provide his/her own transportation to board meetings
3. Attend all regularly scheduled board meetings
4. Study board materials and be prepared to discuss items of pupil interest and concern as requested by the Board
5. Have the time and willingness to prepare for a follow-up on board meetings as necessary

Status

Student members selected to meet with the Board will

1. Be advisory rather than regular voting members
2. Serve at the pleasures of both the appointing student council and the Board of Education
3. Not be liable or responsible, in the same way as are regular board members, for actions taken by the Board of Education.

APPROVED: May 17, 1993

STUDENT CONDUCT 443

Students in the School District of Fall Creek shall be expected to act in such fashion that their behavior will reflect favorably on the individual student and on the school, show consideration for fellow students, and create a harmonious school atmosphere. To accomplish this, each student must recognize individual responsibilities and obligations, and discharge them in accordance with school regulations.

Students are expected to abide by the rules and regulations established by the building principal.

All employees shall share responsibility for supervising the behavior of students and for seeing that they meet the standards of conduct established by the principal. When enforcing student conduct rules, staff members shall place particular emphasis upon educating students in the ability to control themselves.

The School District of Fall Creek shall not discriminate in standards and rules of behavior, including student harassment, on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

LEGAL REF.: Sections 118.13 Wisconsin Statutes
 120.13 (1)
 121.52 (2)
 PI 9.03 (1), Wisconsin Administrative Code

CROSS REF.: 411 – Rule, Complaint Procedures (Nondiscrimination)
 446, Student Discipline

APPROVED: April 22, 1991

STUDENT DRESS CODE 443.1

Responsibility for the personal appearance of students enrolled in the School District of Fall Creek shall normally rest with the parents and the students themselves.

They have the right to determine such student's dress providing such attire is not disruptive to school property, complies with the health code of the State of Wisconsin, and does not interfere with the educational process.

Students will be expected to attend school in neat, clean and modest clothing. When a student's appearance disrupts the educational process, he/she may be subject to disciplinary action by the principal.

LEGAL REF.: Section 120.13 (1) Wisconsin Statutes

APPROVED: April 22, 1991

STUDENT CONDUCT ON SCHOOL BUSES 443.2

The school bus shall be considered an extension of the classroom, therefore, the Board shall require students to conduct themselves while on the bus in a manner consistent with established standards for classroom behavior. A set of bus rider regulations shall be developed by the administration in order to insure the safe transportation of students to and from school.

In cases when a child fails to conduct him/herself properly, the bus driver should bring such misconduct to the attention of the administration. Where continuing or extremely serious problems exist, the student's bus riding privileges may be suspended. Guidelines for proper notification of parents/guardians and due process shall be established.

LEGAL REF.: Sections 120.13 (1) Wisconsin Statutes
121.52 (2)

CROSS REF.: 411, Student Due Process Rights

APPROVED: June 3, 1991

TOBACCO AND ALL VAPING PRODUCTS USE ON SCHOOL PREMISES

The use of any tobacco and/or Vaping products shall be prohibited at all times on school premises. "School premises" includes all property owned by, rented by or under the control of the school district, all vehicles and buses or in other areas where school sponsored activities are taking place.

The administration shall inform students, staff and general public of this policy and shall establish enforcement procedures.

Vaping is defined as inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

LEGAL REF.: Sections 101.123 Wisconsin Statutes 121.13(1), 120.12 (20)

APPROVED: June 3, 1991

REVISED: June 13, 2016

STUDENT ALCOHOL AND OTHER DRUG ABUSE

No student shall use, possess, distribute, sell or be under the influence of alcohol or controlled substances or look-alike drugs on school premises, in a school vehicle or while engaged in or attending school-sponsored activities. This prohibition does not apply to the authorized use of prescription drugs by a student with the written permission of his/her parent/guardian and physician.

School personnel shall refer any student suspected of being under the influence of these substances to the district administrator, or his/her designee.

If a school official or police officer has reasonable suspicion that a student is under the influence of alcohol in violation of this policy, he/she may require the student to submit to a breathalyzer test to determine the presence of alcohol. This test shall be administered by the police-school liaison officer or another police officer. The results of the breathalyzer test or the fact that a student refused to submit to breath testing shall be used in student disciplinary proceedings.

Students who violate this policy, or refuse to submit to required breath testing to determine the presence of alcohol, shall be subject to disciplinary action in accordance with board policies and established procedures.

It shall be the policy of the schools to take positive action through education, counseling, parental involvement, medical referral and police referral in the handling of incidents in the schools involving the possession, sale and/or use of behavior affecting substances.

LEGAL REF.: Sections 118.126 Wisconsin Statutes

118.24(2)(f)

118.257

118.45

120.13(1)

125.02(8m)

125.037

125.09(2)

CROSS REF.: Procedure 443.3, Disciplinary Procedures for Student Alcohol or Other
Drug Abuse Policy Violations

Policy 446, Student Discipline

Policy 446.3, Student Suspension/Expulsion

Policy 453.3, Administering Medication to Students

APPROVED: June 3, 1991

REVISED: March 16, 1998

REVISED: July 15, 2002

STUDENT USE OF ELECTRONIC DEVICES

Student use of electronic communication or audio/visual devices during school hours is left to the discretion of the teacher/supervisor for educational purposes. Students can use cell phones in accordance with guidelines established in 443.5 Administrative Rules. Students violating this policy shall be disciplined in accordance with established procedures.

Electronic Devices include but are not limited to; Ipods, Ipads, Cell Phones, Laptops, E-Readers, Tablets, Notebooks, MP-3 Players, Radios and PDAs.

This policy shall be included in student handbooks and distributed annually.

LEGAL REF.: Section 118.258 Wisconsin Statutes

CROSS REF.: Student Disciplinary Procedures, 443.5 Rule

APPROVED: November 17, 1992

REVISED: October 15, 2007

REVISED: August 16, 2010

REVISED: May 19, 2014

POSSESSION OR USE OF WEAPONS

No one shall possess, use, or store a weapon or look-alike weapon in or on school property, on school vehicles, or at school-related activities. A dangerous weapon or look-alike weapon is defined in state statutes and may include any object which, by the manner in which it is used or intended to be used, is capable of inflicting bodily harm or could pretend to be capable of inflicting bodily harm or endangering the health and safety of students or staff. Ammunition and explosives are included within the weapons category.

A minor who violates this law is subject to the provisions outlined in Chapter 48 of the Wisconsin State Statutes. Weapon(s) or look-alike weapon(s) confiscated from a student shall be reported to parents/guardians and to law enforcement authorities and disciplinary measures shall include immediate suspension and referral to the Board of Education for expulsion from school.

Policy exceptions include:

1. Weapons under the control of law enforcement personnel.
2. Weapons properly registered and handled during the community use of school facilities.
3. Theatrical props used in appropriate settings.
4. Starter pistols used in appropriate sporting events.
5. Items pre-approved by the building principal as part of a class or individual presentation under adult supervision.

The Fall Creek School District shall not discriminate in the methods and practices used with students on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. Discrimination complaints shall be processed in accordance with established procedures. This policy will be published annually in all district student and staff handbooks.

LEGAL REF.: Wis. Statutes Chapter 48

APPROVED: July 17, 1995

HARASSMENT AND/OR BULLYING BY STUDENTS AND/OR EMPLOYEES

Harassment and/or bullying of students and employees will not be tolerated in the Fall Creek School District which includes any property or vehicle owned, leased or used by Fall Creek School District. The School Board considers these actions to be detrimental to the health and safety of students and employees, and disruptive to the educational environment. The educational environment is defined as consisting of every activity under the supervision of each school. For purposes of this policy, harassment and/or bullying are defined as any conscious, willful, or deliberate act or attempted act, through the use of words or actions, which are intended to cause physical injury, emotional distress/suffering or property damage or which impact the learning environment. Acts of bullying could include intimidation, stress, humiliation, bigoted epithets, vandalism, force or threat of any of the above, motivated by, but not limited to hostility toward the victim's real or perceived sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital status, sexual orientation, gender identity, social, socio-economic or family status, physical attributes, disability/handicap or any other basis protected by state and federal law. Examples of bullying include physical intimidation or assault; extortion; hazing; oral or written threats; taunting; put downs; name calling; threatening looks; cruel rumors; false accusations, social isolation; retaliating against another student for reporting bullying; gestures or actions; It also includes any other behavior that substantially interferes with a student's or employee's school/work performance or creates an intimidating, hostile, or offensive school or work environment.

All forms of harassment in cyberspace commonly referred to as cyber bullying are unacceptable and viewed as a violation of this policy. Cyber Bullying includes but is not limited to the following misuses of technology: harassment, teasing, intimidating, threatening, or terrorizing another person or group of people by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs or any other messages via cyberspace. Cyberspace is defined as "a global domain within the information environment consisting of the interdependent network of information technology infrastructures, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers."

In situations in which the cyber bullying originated off school property or from a non school computer, but is brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be severely disruptive of the educational process so that it markedly impedes the day to day operations of a school. Such conduct includes, but is not limited to, harassment, bullying or making a threat off school grounds through cyber space that is intended to endanger the health, safety or property of others at school, a District employee or a school board member.

Any student or District employee who believes he/she has been subject to harassment and/or bullying may file a complaint in accordance with established discrimination complaint procedures or may complain directly to his/her immediate supervisor, building principal or designee or the District Equity Coordinator. Filing a complaint or otherwise reporting harassment and/or bullying in good faith will not reflect upon the individual's status nor will it affect his/her grades or benefits provided by the District. The District shall respect the confidentiality of both the complainant and the accused consistent with the District's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective and/or disciplinary action when this conduct has occurred.

Any student or parent/guardian who becomes aware of or witnesses harassment and/or bullying has an obligation to report and will be supported by involved staff members in reporting the bullying/harassment to the proper authorities. Any District employee who becomes aware of or witnesses harassment and/or bullying has an obligation to intervene and report.

Students who engage in harassment and/or bullying in violation of this policy and/or retaliating against an individual for reporting harassment and/or bullying shall be subject to school disciplinary measures consistent with District policies and procedures up to and including suspension and/or expulsion. The Superintendent will develop administrative rules to implement this policy.

Notice of this policy will be circulated to all schools and departments in the District on an annual basis and incorporated in employee and student handbooks. It will also be distributed to all organizations in the community having cooperative agreements with the public schools. Failure to comply with this policy may result in termination of the cooperative agreement.

LEGAL REF.: Title VI, Civil Rights Acts of 1964, Title IX, Education Amendments of 1972 Section 504 of Rehabilitation Act of 1973 Sections 111.31 - 111.38 Wisconsin Statutes 118.13, 118.195, 118.20

CROSS REF.: 111-Rule, Complaint Procedures (Nondiscrimination) 411, Equal Educational Opportunities, 113 Nondiscrimination

APPROVED: July 19, 2010

MARRIED STUDENTS AND SCHOOL-AGE PARENTS

Students shall have an equal opportunity to participate in school activities and programs without regard to pregnancy, marital or parental status.

In accordance with state law, the Board shall make available to any school-age parent in the district program modifications and services that will enable the student to continue his/her education. School-age parent includes any person under the age of 21 who is not a high school graduate and is a parent, an expectant parent or a person who has been pregnant within the immediately preceding 120 days.

The Board and/or school employees shall not, in any manner, compel a pregnant student to withdraw from her regular education program.

LEGAL REF.: Sections 115.915 Wisconsin Statutes 118.13 118.15(4m) 118.153

CROSS REF.: 342.3, Programs for Children at Risk, 411, Equal Educational Opportunities

APPROVED: June 3, 1991

SEARCH AND SEIZURE 445
(Student and/or Possessions)

A student may be searched if there are reasonable grounds to suspect that the search will turn up evidence that the student has violated or is violating either the law or school rules. The search measures adopted must be reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction.

The School District retains ownership and possessory control of all pupil lockers. At no time does the district relinquish its exclusive control over lockers provided for the convenience of students.

The administration or law enforcement with consent of administration may conduct unscheduled locker searches at any time, for reasonable cause, without notice, without student consent and without a search warrant in accordance with established procedures. A student locker may be searched if there is reasonable cause to believe that the property contains an item(s), the possession of which constitutes a crime or endangers the health and safety of others.

LEGAL REF.: Sections 118.32 Wisconsin Statutes
 942.02

APPROVED: June 3, 1991

REVISED: September 21, 1998

SEARCH AND SEIZURE STUDENT AND/OR POSSESSIONS

The following guidelines have been developed to aid school personnel in conducting searches of school property and/or persons in a manner that is legally permissible.

Searches of Lockers and Desks

Desks, lockers, books, and equipment loaned to students remain school property while in possession of the student. Such property is provided for the convenience of the student and shall be used only for authorized school purposes and in accordance with school rules. Students will be expected to reimburse the school district for damage to school property or the loss or theft of such property.

Administrators reserve the right to search the contents of students' lockers and desks at all times. Administrators will remove anything contrary to rules or detrimental to the school or safety of other students. Secondary students will be informed in writing of the procedures governing the use of lockers, desks, books and equipment, including the fact that possession of items that are contrary to law or school regulations shall be subject to seizure. Periodic scheduled and/or random searches will be conducted by the administrator or designee (school personnel) to see that lockers are being used in a manner consistent with district policy. Administrators will remove anything contrary to school rules or detrimental to the school or safety of other students.

Students will be expected to exercise discretion in bringing personal items to school, recognizing that any personal items in their lockers or desks or on their person which constitutes evidence of an illegal act or school rule violation, shall be subject to seizure.

Search and Seizure Procedures

Searches Conducted by School Personnel

In addition to locker and/or desk inspections, other searches may be conducted by school personnel according to the following guidelines.

1. A search authorized by school personnel must meet a "reasonable" standard. Searches permitted by these guidelines will normally meet the reasonable test if the person has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school and the measures adopted in conducting the search are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.
2. The principal, or their designee, shall be authorized to search a student's person, personal property including school bags, backpacks, purses and the like and motor vehicles on school property. Searches of a student's person or

personal property, such as motor vehicles, handbags, backpacks and school bags or other items in the student's possession, may be conducted where, under the circumstances, school personnel have reasonable suspicion that a student has dangerous or illegal items in his or her possession. Searches of a student's person will be limited to clothing or items being carried. Strip searches will only be conducted by law enforcement personnel or parent/guardians of the student.

LEGAL REF.:

APPROVED: September 21, 1998

INVESTIGATIONS AND INTERVIEWS ON SCHOOL PREMISES 445.1

A cooperative effort shall be maintained between the school administration and law enforcement agencies. Law enforcement officials may be summoned in order to conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property. Administrators have the responsibility and the authority to determine when the assistance of law enforcement officers is necessary within their respective jurisdictions. The district's administrators shall at all time act in a manner which protects the rights of students and parents.

Interviews conducted on school premises by non-school personnel shall be conducted in accordance with established procedures.

LEGAL REF.:

CROSS REF.:

APPROVED: October 16, 1995

INTERVIEWS BY NON-SCHOOL PERSONNEL

1. When possible, interviews occurring without the parent or guardian's knowledge shall occur in the presence of the principal or principal's designee.
2. Referrals initiated by the school in accordance with Board policy and/or state law shall allow student interviews on school premises.
3. Reports made by school officials to a law enforcement agency of suspected violations of law occurring on school premises may be investigated and the student may be interviewed on school premises. The principal or designee will contact the student's parents, if possible, to inform them of the suspected violation and the involvement of the law enforcement agency.
4. Interviews of students that do not involve law enforcement or Human Services may be permitted at the request of the parent or guardian and the approval of the principal.
5. Administratively sanctioned agencies, such as university recruiters, may conduct interviews on school premises provided prior arrangements are approved by the principal or designee. Students may utilize these resources at their own request.

LEGAL REF.:

CROSS REF.:

APPROVED: October 16, 1995

STUDENT DISCIPLINE

Sound disciplinary measures shall be maintained in the School District of Fall Creek. All teachers shall insure that proper student conduct is maintained in his/her classroom, in the halls, on school premises, on scheduled field trips and during school-sponsored activities.

A positive approach to the disciplinary measures shall be used, taking into account the dignity of the student, the seriousness of the infraction and the need for positive motivation of students.

When a teacher is unable to adequately handle a behavior situation alone, he/she should contact the building principal immediately.

The building principal shall develop appropriate rules to promote desirable student behavior and discipline.

The School District of Fall Creek shall not discriminate in standards and rules of behavior or disciplinary measures, including suspensions and expulsions, on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

LEGAL REF.: Sections 118.13 Wisconsin Statutes 120.13(1) 121.52(2) PI 9.03(1), Wisconsin Administrative Code

CROSS REF.: 411-Rule, Complaint Procedures (Nondiscrimination) 443, Student Conduct

APPROVED: June 3, 1991

CORPORAL PUNISHMENT

Corporal punishment shall not be used in the School District of Fall Creek. Corporal punishment is defined in state statutes as the intentional infliction of physical pain which is used as a means of discipline. Corporal punishment includes, but is not limited to paddling, slapping, or prolonged maintenance of physically painful positions when used as a means of discipline.

LEGAL REF.: Section 118.31(1) Wisconsin Statutes

CROSS REF.: 446, Student Discipline

APPROVED: June 3, 1991

REVISED: October 15, 2007

STUDENT DETENTIONS

The Board believes that when students violate school rules and regulations, they should be disciplined for their actions. Discipline may come in the form of school detentions.

Detentions may be used and shall be served in a designated classroom or study hall unless an alternate activity is provided.

Detention regulations shall be established by the building principal.

LEGAL REF.: Sections 118.16(4) Wisconsin Statutes 120.13(1)

APPROVED: June 3, 1991

STUDENT SUSPENSIONS/EXPULSIONS

The Board has the responsibility of furnishing the best possible educational opportunities for every student for as long as he/she can profit from attendance and his/her conduct is compatible with the welfare of the student body.

Suspension

A student may be suspended for a violation of reasonable school rules; for conduct while either at or not at school or under the supervision of a school authority which endangers the health, safety or property of others at school or under the supervision of a school authority; or, for knowingly conveying any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives.

The principal shall be delegated the power to suspend a student for a period not to exceed five school days as provided by law. A student may be suspended for up to ten school days when an expulsion hearing is pending. All suspensions shall be reported to the district administrator.

Prior to the suspension, the student shall be advised of the reason(s) for the action and shall be given an opportunity to present his/her side of the story. The parent or guardian of a minor student shall be given prompt written notice of the suspension, stating the reason(s) for such suspension. A conference with the district administrator, or his/her designee, may be afforded to the student and the student's parent or guardian to discuss the suspension.

Suspended students shall be allowed to make up any quarterly, semester or grading period examinations missed during the suspension period.

Expulsion

The Board may expel a student from school when it finds the student guilty of repeated refusal or neglect to obey school rules or regulations; finds that a student knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; or, finds that the student engaged in conduct while either at or not at school or under the supervision of a school authority which endangered the property, health or safety of others at school or under the supervision of a school authority, and is satisfied that the interest of the school demands the student's expulsion.

The Board shall follow expulsion procedures outlined in the state statutes.

LEGAL REF.: Sections 118.16(4) Wisconsin Statutes
120.13(1)

APPROVED: June 3, 1991

REVISED: December 21, 1998

Pre-Expulsion Procedures

The following procedures may be used, at the discretion of the administration, for students who have committed an expellable offense, but have not yet appeared before the Fall Creek School Board at an expulsion hearing:

- The supervising principal, student, parent/guardians will meet with the superintendent to discuss alternatives to expulsion. The student and the parents/guardians are offered the option of making a voluntary commitment to enter into a Pre-Expulsion Contract for a specific amount of time. The meeting will take place during the suspension period following the expellable offense.
- A Contract is developed which outlines the specific requirements and conditions for the Pre-Expulsion period. (Template for this contract is available.)
- If the student and parent/guardian choose not to sign the contract, the expulsion hearing takes place as scheduled.
- The School District retains the option of proceeding to expulsion at any time.
- The Pre-Expulsion Contract will specify the educational program that will be available to the student. This may include placement in an alternative educational program or services provided at a 3rd site for all or part of the Pre-Expulsion period.
- Consistent attendance and adequate academic progress requirements will also be included in the Pre-Expulsion Contract.
- If a student fails to meet the conditions and requirements of the Pre-Expulsion Contract during the time period of this contract, an expulsion hearing may be scheduled with the Fall Creek School Board.

Adopted: February 20, 2023

Pre- Expulsion Conference and Contract

Pre-Expulsion Conference Date: _____

Student Name: _____ **Grade:** _____ **D.O.B:** _____

Address: _____

Parent(s)/Guardian(s) Name: _____

Parent(s)/Guardian(s) Phone Number: _____

Disability Status:

_____ General Education

_____ Special Education (IEP) _____

_____ Other: _____

Persons Present:

1. **Role: Parent/Guardian:** _____

2. **Role: Student:** _____

3. **Role: Principal:** _____

Expellable Incident(s): _____

Other specifics/relevant information: _____

Pre-Expulsion Contract:

I understand that to avoid an expulsion hearing for the offense(s) in question, I must adhere to the following marked conditions for the length of time specified. Violating any of the conditions will void this contract and an expulsion hearing with the school board will be scheduled.

_____ Student must not commit any additional school rule infractions, which, individually or collectively, could lead to suspension from school under the applicable disciplinary code.

_____ Student must adhere to any attendance standards established by the school administration

_____ Other conditions: _____

Pre-Expulsion Time Period: _____

Signatures:

(Student)

(Parent/Guardian)

(Administrator)

(Parent/Guardian)

STAFF USE OF PHYSICAL FORCE

The School District of Fall Creek allows the use of reasonable and necessary force for the following purposes:

- 1) To quell a disturbance or prevent an act that threatens physical injury to any person
- 2) To obtain possession of a weapon or other dangerous object within the pupil's control
- 3) For the purpose of self-defense or the defense of others
- 4) For the protection of property
- 5) To remove a disruptive pupil from school premises or motor vehicle or from school sponsored activities
- 6) To prevent a student from inflicting harm on himself or herself
- 7) To protect the safety of others
- 8) Using incidental, minor, or reasonable physical control designed to maintain order and control

LEGAL REF: SECTION 118.31 (3),(4)
SECTION 939.49
SECTION 125.09 2(a(1)),2(a(4))

CROSS REF: 446.1 Corporal Punishment

APPROVED: October 15, 2007

STUDENT INSURANCE PROGRAM

A group plan of student accident insurance may be made available to every student in the School District of Fall Creek. The specific insurance plan to be offered to students shall be approved by the Board. The cost of insurance coverage shall be borne by the District.

LEGAL REF.: Section 120.13(2) Wisconsin Statutes

APPROVED: June 3, 1991

STUDENT AID PROGRAMS

School children who claim that the financial condition of their families is such that they cannot afford to pay for the required materials and supplies may request financial assistance from the school district. Requests for financial assistance shall be made to the district administrator, or his/her designee. Evidence of financial need may be required.

The district administrator, or designee, shall report the names of indigent children to the authority administering general relief for Eau Claire County.

LEGAL REF.: Sections 118.17 Wisconsin Statutes 120.12(11)

APPROVED: June 3, 1991

EMERGENCY NURSING SERVICES

The School District of Fall Creek shall provide for emergency nursing services in accordance with state laws and regulations. Emergency nursing services shall be available during the regular school day, including curricular and extracurricular activities of students.

Written procedures for handling medication and emergencies, including parental notification procedures, shall be developed by the administration, in consultation with the Eau Claire City-County Health Department.

A designated health area shall be provided in each school where equipment and supplies for emergency care will be available. Records shall be kept of all accidents requiring medical service.

Emergency nursing services shall be evaluated annually by the administration.

LEGAL REF.: Sections 118.07 Wisconsin Statutes 118.29 121.02(1)(g) PI 8.01(2)(g), Wisconsin Administrative Code

CROSS REF.: 453-Rule, Emergency Care Procedures 453.1, Communicable Diseases 453.2, Immunizations 453.3, Administering Medication to Students 884, Relations with Health Agencies

APPROVED: June 3, 1991

EMERGENCY CARE PROCEDURES

1. The principal, or his/her designee, shall be responsible for taking care of medical emergencies during the regular school day. When school is not in session, such as after school hours, holidays, Saturdays, summer vacation or at evening functions, the person in charge of the activity will be responsible for handling medical emergencies. First aid should be rendered as appropriate to the situation.
2. First aid kits and first aid instructions will be readily accessible in each school for use in emergency situations.
3. An “emergency care authorization”, signed by the student’s parent(s) or guardian, must be on file for every student in the district.
4. Should a student become sick or injured, an effort should be made to contact the student’s parent(s) or guardian for information and instructions. If the parent or guardian cannot be contacted and the illness or injury is believed to be serious enough to require medical attention, the principal or the person in charge should arrange for the student to be taken for medical treatment.
5. When a minor illness occurs, the student should be referred to the principal’s office where a decision will be made on an individual basis. Options include, but may not be limited to: having the student rest quietly in the health area, or contacting the student’s parent(s) or guardian and having him/her come to school to take the student home.
6. All accidents occurring on school grounds or under the supervision of a school authority should be reported to the principal. This should be done as soon after the accident as possible.
7. Specific emergency care procedures may be developed by the principal, in consultation with the Eau Claire City-County Health Department.

LEGAL REF.: Sections 118.07 Wisconsin Statutes
 121.02 (1) (g)
 PI 8.01 (2) (g), Wisconsin Administrative Code

APPROVED: June 3 , 1999

COMMUNICABLE DISEASES

Communicable disease control procedures shall be maintained in cooperation with the Eau Claire City-County Health Department. The health department shall be notified at once by principal who knows or suspects that a communicable disease is present in the school.

Students who are suspected of having a communicable disease may be sent home by principal for the purpose of diagnosis and treatment. If this action occurs, the parent(s) or guardian of such students shall be notified immediately of the action and the reasons for the action.

All information reported under this policy shall remain confidential except as may be needed for the purposes of investigation, control or prevention of communicable diseases.

A communicable disease wall chart shall be posted in each school building.

Infection control procedures shall be developed for use in the district.

LEGAL REF.: Sections 143.12(1) and (6) Wisconsin Statutes 143.14(8) HSS 145, Wisconsin Administrative Code

CROSS REF.: 453.1-Rule, Infection Control Procedures for Schools 453.1-Exhibit, Transmission Concerns in the School

APPROVED: June 3, 1991

INFECTION CONTROL PROCEDURES FOR SCHOOLS

Contact with body fluids presents a risk of infection with a variety of infectious agents. “Body fluids” include: blood, drainage from scrapes, cuts and open lesions, urine, feces, semen, vomitus, respiratory secretions (e.g. nasal discharge) and saliva. Individuals may carry many infectious agents with no symptoms of illness. These individuals may be at various stages of infection: incubation, mildly infected without symptoms or chronic carriers. In fact, the transmission of communicable disease may be more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from recognized individuals because simple precautions are not always followed.

The following guidelines are meant to provide simple and effective precautions against the transmission of infectious diseases in the school setting. They should be utilized by all persons potentially exposed to the blood or body fluids of any student. No distinction is made between body fluids from students with known diseases or those from students without symptoms or with an undiagnosed illness.

Skin Contact

1. If any contact is made with body fluids, hands and other affected areas should be washed immediately. Proper hand washing requires the use of soap and water and vigorous washing under a stream of running water for approximately ten seconds. Paper towels should be used to dry hands.
2. Disposable gloves are recommended when individuals with open cuts or lesions on their hands have direct hand contact with body fluids (e.g. treating bloody noses, handling clothes or linens soiled by incontinence, cleaning spills by hand or handling disposable items like tissues or diapers). Gloves used for this purpose should be put in a plastic bag or lined trashcan, secured, and disposed of daily. Gloves should be available in all first aid and custodial areas.

Laundry

1. Clothing and other non-disposable items that are contaminated with body fluids should be sent home in sealed plastic bags for washing with appropriate directions for parents/guardians.
2. When doing laundry of clothing and other non-disposable items in the school, items soaked with body fluids should be washed separately from other items. Hot water should be used. Exposure to temperatures of 133 degrees F (56 degrees C) for ten minutes is effective. If the material is bleachable, ½ cup of household bleach should be added to the wash cycle. If the material is not colorfast, ½ cup Non-Clorox bleach should be added to the wash cycle.

Equipment, Surfaces

1. Surfaces contaminated by body fluids should be cleaned with soap and water, followed with a hypochlorite solution (household bleach). This solution should be prepared fresh each day using $\frac{1}{2}$ cup bleach in one gallon of water.
2. Sanitary absorbent agents can be used to clean up spills. Dry material should be applied to the area, left for a few minutes to absorb the fluid, and then vacuumed or swept up. The vacuum bag or sweeping should be disposed of in a plastic bag. Non-disposable cleaning equipment (broom, dust pan, mop, pail) should be thoroughly rinsed in the disinfectant (bleach solution). Disposable cleaning equipment and gloves should be placed in a plastic bag and sealed. Disinfectant solution should be promptly disposed down a drainpipe.

APPROVED: June 3, 1991

TRANSMISSION CONCERNS IN THE SCHOOL SETTING:
BODY FLUID SOURCE OF INFECTIOUS AGENTS

<u>Body fluid-Source</u> <u>Transmission Concern</u>		<u>Organism of Concern</u>
Blood -cuts/abrasions -nosebleeds -menses -contaminated needles -teeth	Hepatitis B virus HIV virus Cytomegalovirus	Blood stream inoculation through cuts and abrasions on hands
Open Lesions	Staphylococcus aureus Beta hemolytic streptococcus Hepatitis B virus	Contact with drainage from lesion
Feces* -incontinence	Salmonella Shigella Rotavirus Hepatitis A virus	Oral inoculation from contaminated hands
Urine -incontinence	Cytomegalovirus HIV virus	Bloodstream and oral inoculation from contaminated hands
Respiratory Secretions -saliva -nasal discharge	Mononucleosis virus Common cold virus Influenza virus	Oral inoculation from contaminated hands
	HIV virus Hepatitis B virus	Bloodstream inoculation through cuts and abrasions on hands/bites
Vomit* -incontinence	Gastrointestinal virus (for example, Norwalk agent, Rotavirus)	Oral inoculation from contaminated hands
Semen	Hepatitis B virus HIV virus Gonorrhea	Sexual Contact (intercourse)

*Possible transmission of HIV infections and Hepatitis B is of little concern from these sources. No evidence exists at this time to suggest that the HIV virus is present in these fluids.

APPROVED: June 3, 1991

STUDENT IMMUNIZATIONS

All students, including transfer students, admitted to the School District of Fall Creek must present immunization records as required by law. Except as otherwise provided, immunizations shall be required for measles, rubella, diphtheria, pertussis (whooping cough), poliomyelitis, tetanus and mumps.

A student may be waived from the immunization requirement when the student, if an adult, or the student's parent, guardian or legal custodian submits a written statement objecting to the immunization for reasons of health, religion or personal conviction.

The principal shall be responsible for notifying the student, parent, guardian or legal custodian of the immunization requirement and shall inform such persons in writing of their right to an immunization waiver. In addition, principals shall be responsible for maintaining complete and up-to-date immunization records for each student attending their school.

LEGAL REF.: Section 140.05(16) Wisconsin Statutes

APPROVED: June 3, 1991

ADMINISTERING MEDICATION TO STUDENTS 453.3

Medication should be administered to schoolchildren at home rather than at school whenever possible. School personnel, authorized in writing by the principal, may administer medications to students under established conditions.

Before any prescription medication may be administered to a student, school personnel must receive written parental consent and written instructions from the child's physician, dentist or podiatrist. Written parental consent and instructions must be obtained before administering any non-prescription medications to students.

All written instructions and consent forms shall be filed in the school office. The principal, or his/her designee, shall be responsible for reviewing the written medication instructions periodically, maintaining complete and accurate records, and storing all prescription and non-prescription medications in a safe and secure place.

School personnel authorized to administer medications to students shall be provided appropriate instruction and shall not be required to administer any medication to a student by any means other than ingestion. Personnel designated to administer medications may indicate a willingness to provide medication in an emergency by means other than ingestion. These personnel shall receive appropriate instruction in administering these medications by parents or their agents.

Specific medication administration procedures shall be developed. Those procedures shall include student self-administration of medication.

LEGAL REF.: Section 118.29 Wisconsin Statutes

CROSS REF.: 453.3 – Rule, Guidelines for Administering Medication to Students

APPROVED: June 3, 1991

REVISED: September 15, 2003

GUIDELINES FOR ADMINISTERING MEDICATION TO STUDENTS

1. Students requiring medication at school shall be identified by parent(s)/guardians to the building principal. The principal, in turn, shall assume responsibility for designating school personnel in writing to administer medication to students. This does not prohibit the older and reliable student from assuming the responsibility him/herself with the approval of his/her parent(s)/guardian and physician. Authorized school personnel shall be given appropriate medication administration instruction.
2. After identification of the student, the properly designated representative for the school shall make a parental contact to identify the type, dosage and purpose of the medication.
3. Prescription medications shall not be administered without written statements from:
 - a. The student's parent(s)/guardian, who shall request and authorize the designated school personnel to give medication in the dosage prescribed by the physician.
 - b. The physician, who shall provide guidelines to designated school personnel regarding the administration of the prescribed medication and identify specific conditions and circumstances in which contact should be made with the physician concerning the conditions or reactions of the student to the prescribed medication.
4. When administering medication to students, school authorities must be provided with a properly labeled bottle of medication. All medication shall be kept in a locked cubicle or other safe place at school. The label on the bottle shall contain the name and telephone number of the pharmacy; the student's identification; name of physician; name of the medication; and, the dosage to be given. Taking the medication shall be supervised by persons designated by the building principal at a time conforming with the indicated schedule.
5. Record keeping – It is important that an accurate and confidential system of record keeping be established for each student receiving medication.
 - a. It is advisable to have in the principal's office a list of students needing medication during school hours, including the type of medication, the dose and the time to be given. This list should be reviewed periodically.
 - b. The classroom teacher and other school personnel may be asked to record unusual behavior of the student on medication.
 - c. An individual record for each student receiving medication shall be kept, and will include the dosage, effects, changes, continuance or discontinuance.
 - d. The principal shall review all medication administration written instructions and consent forms periodically.

6. Non-Prescription Medication – Designated school personnel will administer non-prescription medications only with written parental consent and instructions.
7. Emergency Injectable Medication
 - a. Only personnel specifically trained and designated may administer emergency injections to students. The director of health services shall provide instruction to designated personnel. Instruction shall include: injection demonstration; return demonstration by designated personnel; and, an evaluation by the director of health services of the designated personnel's techniques, safety aspects, understanding of drug and implications of use, and proper disposal of syringe and needle.
 - b. Before any emergency injectable medication can be given, procedures outlined above concerning the administration of medication must be followed.
 - c. At the time the student has an attack or reaction, these procedures shall be followed:
 - (1) Someone should be instructed to call the student's parent(s)/guardian and, if necessary, the student's physician.
 - (2) Trained designated personnel shall administer the injection. He/she must:
 - (a) Accurately measure proper dosage of medication to be given;
 - (b) Observe the student for 30 minutes for adverse reactions;
 - (c) Arrange for further medical attention if necessary; and
 - (d) Date and record the description of the attack, reaction and medication on student health record.
8. Nebulizer Treatments (Administering Medication via Aerosol Mist)
 - a. Aerosol medications will be administered under the supervision of the building nurse in accordance with the physician's orders, parental consent and manufacturer's instructions for specific equipment used.
 - (1) Physician's orders will include post-treatment guidelines.
 - (2) Parents or guardians will provide the prescribed medications and all individual disposable items necessary to administer the medication (mouth pieces, corrugated tubing, cup holders, etc.)

- b. Staff personnel assigned to assist the student with the administration of the aerosol medication will be under the general supervision of the building nurse and will be available for the general and/or direct supervision of the student during the procedure, including set-up and clean-up.
 - (1) Staff personnel must be willing to assume this responsibility.
 - (2) The building nurse will determine the competency of the individual assigned to administer the medication and will provide the necessary instruction, supervision and evaluation.
 - (3) All medication changes will be supervised directly by the building nurse.
- c. Building administrators will assist the nurse in determining where treatments will be administered and where equipment will be maintained (cleansed, air dried and stored).
- d. Nebulizer treatments prescribed as “prn” or “as needed” will be accompanied by specific guidelines from the physician.
- e. Expiratory peak flow monitoring may be part of the assessment for any student physically capable of performing this monitoring technique. District nurses will work closely with the student’s physician and parents in monitoring respiratory status.

9. Student Self-Administration of Medications

- a. Students in grades 6-12 may self-administer oral non-prescription medications while at school with parental consent. Parents may request school staff to monitor student self-administration. In such cases, a medication consent form shall be completed by the parent/guardian. Such medications may be kept by the individual student.
- b. Students in grades K-5 may not self-administer oral non-prescription medications while at school.
- c. Students in grades 6-12 may self-administer certain emergency prescription medications such as inhalers and glucagons while at school with parental consent. Parents may request school staff to monitor or assist in student self-administration. In such cases, a medication consent form shall be completed as detailed above for prescription medications. Such medications may be kept in a secure place by the individual student.

- d. Students in grades K-5 may self-administer certain emergency prescription medications such as inhalers and glucagons while at school only under the supervision of school staff. A medication consent form must be completed as detailed above for prescription medications. Such medications may be kept in a secure place by the individual student only if deemed appropriate by the student's teacher, principal and/or health services supervisor. In such cases where it is not deemed appropriate, the teacher or principal will keep the emergency medication in a secure place, taking into consideration the need for emergency access to the medication.

LEGAL REF.: Section 118.29 Wisconsin Statutes

CROSS REF.: 453.3-Rule, Guidelines for Administering Medication to Students

APPROVED: June 3, 1991

REVISED: September 15, 2003

Automatic External Defibrillators

This policy defines the guidelines of placement, maintenance, training, and use of automatic external defibrillators in the School District of Fall Creek.

In administering this policy, the district will follow the requirements of state law and will ensure that persons who use the automatic external defibrillators are properly trained, equipment receives maintenance in accordance with the manufacture's guidelines, and the nearest emergency medical services program is notified of the type of defibrillators being used, location of defibrillators, intended usage and who owns them.

The District shall place and maintain two automatic external defibrillators (AED) machines. One stored in an appropriately marked case between the Mid School and the High School gyms, and the other a portable unit to be carried to events held outside of the school buildings. As allowed by law, anyone completing a course approved by the Department of Health and Family Services is allowed to defibrillate using an automatic external defibrillator. The device will not be administered by anyone without training.

If a medical emergency arises on the District grounds or at a District/Community event that would require the use of an AED, staff or students who have completed the appropriate training will use the District's AED in accordance with this policy.

ADOPTED: February 16, 2004

LEGAL REF: Wisconsin Statute 146.5(8)(9)

CROSS REF: 453 Emergency Medical Services

REPORTING CHILD ABUSE/NEGLECT

The Fall Creek Board of Education recognizes the serious local, state and national problems associated with child abuse and neglect. The Board also recognizes the legal responsibility school employees have for reporting suspected cases of child abuse and neglect to the proper authorities.

Therefore, any school employee (including teachers, counselors and administrators) having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child has been threatened with an injury and that abuse will occur, shall immediately contact the Eau Claire County Department of Human Services - Family Self-Referral Program and inform the department of the facts and circumstances which led to the filing of the report. The principal shall also be contacted immediately.

Mandatory reporting also includes reasonable cause to believe that a child is in a home in which methamphetamine manufacture or use is taking place. Mandatory reporting procedures shall follow all guidelines mentioned above.

No district employee shall be disciplined for making a child abuse/neglect report. In addition, state law guarantees immunity from any civil or criminal liability that may result from making a report on child abuse or neglect and provides for the protection of the identity of any individual who makes such a report.

Failure to report suspected cases of child abuse and neglect is punishable by a fine and/or jail sentence.

LEGAL REF.: Sections 48.981 Wisconsin Statutes
940.203
940.225
944.30

CROSS REF.: 454-Rule, Reporting Guidelines

APPROVED: June 3, 1991

REVISED: October 15, 2007

REPORTING GUIDELINES

A. Definitions

1. Child: Any person under 18 years of age.
2. Abuse: (a) physical injury inflicted on a child by other than accidental means; (b) sexual intercourse or sexual contact under section 940.225 of the statutes; (c) violation of sexual exploitation under section 940.203 of the statutes; (d) permitting or requiring a child to violate prostitution laws under section 944.30 of the statutes; and (e) emotional damage.
3. Neglect: Failure, refusal or inability on the part of the parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.

B. Reporting Procedures

1. In cases of suspected abuse/neglect, school employees shall simultaneously contact the Eau Claire County Department of Human Services – Family Self-Referral Program and the principal, or his/her designee. The report shall include the name, address and age of the student; the nature and extent of the injuries and/or condition; circumstances surrounding the suspected abuse or neglect, if known; and, the name of the child's parent or guardian.
2. The employee shall request an immediate investigation by the Eau Claire County Department of Human Services if he/she has reason to believe that the child's health or safety is in immediate danger.
3. A child's parent or guardian will not be contacted regarding a child abuse or neglect report, unless such contact is considered to be in the best interests of the child. Decisions concerning parent contact will be made in consultation with the Eau Claire County Department of Human Services.
4. It is the responsibility of the Eau Claire County Department of Human Services or law enforcement personnel to investigate possible child abuse or neglect within the time period required by law. School personnel should not become involved in the direct investigation of suspected child abuse incidents.
5. Representatives from county agencies may contact, observe or interview a child at school without permission from the child's parent, guardian or

legal custodian if necessary to determine if a child is in need of protection or services. Such representatives will be expected to follow normal protocol and report to the school office prior to interviewing a child.

6. Confidentiality will be maintained in all abuse or neglect cases.
7. After investigating the suspected child abuse/neglect referral, the Eau Claire County Department of Human Services shall within 60 days inform the school employee who reported the suspected child abuse/neglect and the building principal, or his/her designee, of what action (if any) was taken to protect the health and welfare of the child who was the subject of the report.

C. Penalty for Non-Reporting

Failure to report suspected child abuse or neglect may result in a fine of \$1,000 or imprisonment of not more than six months or both.

LEGAL REF.: Sections 48.981 Wisconsin Statutes
 940.203
 940.225
 944.30

APPROVED: June 3, 1991

**Suspected Child Abuse/Neglect Report
For the School District of Fall Creek**

Confidential

Name of Student _____ DOB _____
Date of Report _____ Grade _____
Parent and/or Guardian Name _____
Address _____

Nature and extent of the injuries and/or condition:

Circumstances Surrounding the suspected abuse or neglect (if known):

Date and time of contact with Department of Human Services:

Name of staff person making report and Title

Signature of staff person

Date

Copy to Building Principal(s)

STUDENT SAFETY

Student safety is a primary concern of the Fall Creek Board of Education. Therefore, plans shall be developed which provide for the safety of students while on school grounds, while being transported on school buses, and while participating in school-sponsored activities.

The administration, in cooperation with local fire and law enforcement agencies, shall provide for the safety of students.

LEGAL REF.: Sections 118.07 Wisconsin Statutes 118.08 118.09 118.10 118.11 121.02(1)(i)

CROSS REF.: 720, Safety Program

APPROVED: June 3, 1991

SUPERVISION OF STUDENTS

When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are responsible to the school and the school is responsible for them.

The Board expects all students to be under assigned adult supervision when they are in school, on school grounds, traveling under school auspices, or engaging in school-sponsored activities. School personnel assigned this supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

In keeping with this expected prudence, no teacher or other staff member shall leave his/her assigned group unsupervised unless reasonable and prudent arrangements are made.

LEGAL REF.: Section 120.12(2) Wisconsin Statutes

CROSS REF.: FCEA Contract

APPROVED: June 3, 1991

STUDENT MOTOR VEHICLE USE

Students shall be allowed to drive motor vehicles to school and to park on school grounds in compliance with regulations established by the administration. Students shall use only the designated parking facilities. Students are reminded that school parking lots are considered school district property. Students shall be expected to obey all school rules and regulations.

Students shall use the designated student parking lot and shall purchase a parking sticker.

The policies and regulations relating to student automobile use are applicable to motorcycle use as well. Students who refuse to abide by the established regulations shall not be allowed to use the school parking lot.

Any student who violates the motor vehicle use regulations shall be subject to disciplinary action.

APPROVED: June 3, 1991

REVISED: September 20, 2010

STUDENT MOTOR VEHICLE USE

1. The large lot located on the south side of the high school building shall be used for student parking. There will be no student parking in the lot on the north side of the high school building and none in the lot north of the library.
2. The student lot has parking stalls marked in yellow which are to be used for student parking. Any car not using the outlined parking stalls will be ticketed or will be towed at the owner's expense. There is no student parking at any time in the stalls marked as no parking.
3. A student wishing to park in the school lot provided must purchase a permit per the fee schedule and register your vehicle with the high school office.
4. Permits will help eliminate non-student use of the parking lot and make the lot a safer place in which to leave. The permit should be displayed on the rear of the windshield mirror.
5. Students and parents will observe a 15 mile per hour speed limit when driving in the parking lot. In addition, students and parents should keep their cars out of the bus loading zone when picking up and delivering students.
6. Joyriding in the student parking lot is prohibited.
7. Motorcycles and Snowmobiles are not allowed to park on sidewalks.
8. Students who park vehicles on school property will allow authorities to search said vehicle if school or law enforcement personnel determine that there is a need to have the vehicle undergo a search.
9. Students who refuse to abide by these rules will be refused the use of the school parking lot.

ADOPTED: September 13, 2010 (Administrative Team Meeting)

Student Surveys

The School Board respects the privacy rights of parents and their children. No student shall be required to participate in any survey associated with a school program or the District's curriculum, or which is administered by a third party in the schools, if the survey includes one or more of the following items:

- Political affiliations or beliefs of the student or the student's parent;
- Mental and psychological problems of the student or the student's family;
- Sex behavior or attitudes;
- Illegal, anti-social, self-incriminating or demeaning behavior;
- Critical appraisals of other individuals with whom students have close family relationships;
- Legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
- Religious practices, affiliations or beliefs of the student or the student's parents;
- Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

The building principal shall notify parents/guardians at the beginning of each school year of the specific or approximate dates during the school year when such survey activities are scheduled involving their children. Parents/guardians shall be given the opportunity to request that their child not participate in a survey containing the above information. If a survey containing any of the above information is funded in whole or in part by a program administered by the US Department of Education, written consent shall be obtained from the student or in the case of a minor student, the student's parent/guardian before the student participates in the survey.

Parents/guardians may, upon request, inspect a survey containing any of the above information and any survey created by a third party before the survey is administered or distributed to a student. They may also request to inspect any instructional materials used in connection with the survey or any instructional materials used as part of the educational curriculum for the student. Requests to inspect a survey or instructional materials should be made to the building principal or his/her designee. Survey inspection requests should be made prior to the date in which the survey is scheduled to be administered to students. The principal or designee shall respond to such requests without delay.

This policy shall be published annually in student and staff handbooks, which are distributed to students, parents/guardians and employees in the district.

APPROVED: March 28, 2005

School District of Fall Creek

456-Rule

GUIDELINES AND CRITERIA FOR STUDENT SURVEY PARTICIPATION

In January 2002, the Protection of Pupil Rights Amendment (PPRA) was amended by the Elementary and Secondary Education Act of 2001 (also known as the No Child Left Behind Act). The amendment added an additional category (religious practices, affiliations, or beliefs of the student or student's parent) to the existing categories that impact student surveys and made minor changes to the existing seven categories. If a survey contains one or more of the identified categories, schools and contractors must protect student privacy and give parents the right to inspect the survey. The eight categories are:

1. Political affiliations or beliefs of the student or the student's parent;
2. Mental and psychological problems of the student or the student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of other individuals with whom students have close family relationships;
6. Legally recognized privileged or analogous relationships such as those of lawyers, physicians and ministers;
7. Religious practices, affiliations or beliefs of the student or the student's parents;
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program.

A local educational agency (LEA) that receives funds under any US Department of Education program is required to develop and adopt policies, in consultation with parents, concerning student privacy. The policies relating to surveying of students must be addressed:

- The right of parents to inspect, upon request, a survey created by a third party before the survey is administered or distributed by a school to students, and procedures for granting a parent request to access the survey within a reasonable period of time after the request is received.
- Arrangements to protect student privacy in the event of the administration of a survey to students, including the right of parents to inspect, upon request, the survey if the survey contains one or more of the eight categories of information noted above.

However, an LEA is not required to develop and adopt new policies if it has in place and did so on the date of enactment of the Elementary and Secondary Education Act of 2001—Policies covering the requirements set forth in the law.

LEAs must directly notify parents of these policies, and at a minimum, they shall provide the notice at least annually, at the beginning of the school year. Also, an LEA shall

notify parents within a reasonable period of time if any substantive change is made to the policies. In the notification, the LEA shall:

- Provide an opportunity for parents to opt out (remove their child from) participation in the administration of any survey containing one or more of the eight categories of information noted above, and
- Provide parents with the specific or approximate dates during the school year when the surveys are scheduled.

Confusion often exists about prior written parental consent, also known as: active” parental permission, and if it is required before a student may participate in a survey that asks for personal information described in PPRA (e.g., sexual behavior, illegal or antisocial behavior, and mental or psychological problems). Examples of common surveys used in Wisconsin that collect personal information are the Youth Risk Behavior Survey (YRBS) and the Search Institute Profiles of Student Life: Attitudes and Behaviors. Currently, PPRA only requires active parental permission before minor students are required to participate in any survey, funded in whole or in part by the US Department of Education that reveals information concerning one or more of the eight categories noted above. Most student surveys administered in Wisconsin, such as the YRBS, are voluntary, and if administered properly (students are instructed on the voluntary nature), active parental permission is not required and “passive” parental permission is allowable. “Passive” means the parent is provided an opportunity to opt out of (remove the child from) participation. The district may assume parental consent if they hear no timely objection from the parent.

APPROVED: March 28, 2005

FALL CREEK SCHOOL DISTRICT WELLNESS POLICY

The Fall Creek School District promotes healthy schools by promoting wellness, good nutrition, and regular physical activity as part of the total learning environment. The District supports a healthy environment where children learn and participate in positive dietary and lifestyle practices. By facilitating learning through the support and promotion of good nutrition and physical activity, schools contribute to the basic health status of children. Improved health optimizes student performance potential and ensures that no child is left behind.

I. Physical Activity Guidelines

The Fall Creek School District supports and provides physical development and fitness through co-curricular sports, sport and fitness related activities, and will work cooperatively with other agencies such as the Fall Creek Parks and Recreation Department to provide additional programming.

Every student in each grade shall participate in a comprehensive and coordinated health education and physical education program according to the Wisconsin Department of Public Instruction guidelines, including the recommended number of minutes. Licensed physical education and health education teachers shall teach physical education and health education in the Fall Creek School District and the program will be consistent with the national and/or state health and physical education standards. Adequate space, facilities, equipment, supplies and budgets shall be provided to achieve the objectives of the health and physical education programs.

A sequential, developmentally appropriate curriculum shall be in place, which meets the developmental needs of all students. Gender and cultural differences in students' interests will be considered. Students will be regularly assessed for attainment of physical education and health education learning objectives.

Physical education and Health education will be an enjoyable experience for all students and will include a plethora of choices regarding physical activity engagement opportunities. Cooperation, fair play, sportsmanship, respectful, physical and health literacy, and responsible participation will be actively taught, and participation in physical activity and healthy lifestyle choices inside and outside of school will be promoted.

II. Nutrition Guidelines

Nutrition Education and Curriculum: The Fall Creek School District supports the promotion and education of good nutrition and healthy eating habits. Students will develop the knowledge, attitudes, skills, and behaviors for life long healthy eating habits and nutrition mainly through the

district curriculum, comprehensive health and nutrition education curriculum which follows the Wisconsin Nutrition Education Standards as a framework.

Students will gain the knowledge and skills they need to select foods for a healthy diet that supports health and reduces the risk of illness and future chronic diseases. An essential element of nutrition education is to equip students with the critical thinking skills needed to judge the reliability of information presented to them. Other key concepts included in the nutritional standards promotes healthy eating behaviors, food safety, and nutrition for growth, health, and energy.

Instructional staff should emphasize the health benefits of good nutrition and healthy eating habits through a comprehensive curriculum, classroom activities, and positive role modeling. All staff should be encouraged to model nutritional guidelines during the course of directly working with students in the classroom.

It is important to involve family members and the community in supporting and reinforcing nutrition education and the promotion of healthy eating and a healthy lifestyle. Learning about nutrition both in the educational and community setting is one way to help students apply knowledge and critically view multiple aspects of food, health and society, while developing higher level thinking skills. Eating well can make a positive difference in a student's ability to achieve in school as well as contribute to the overall health and well-being of youth.

Food and Beverage Marketing: Schools will restrict food and beverage marketing to only those foods and beverages that meet the nutrition standards set forth by USDA's Nutrition Standards for All Foods Sold in Schools (Smart Snacks) rule. marketing includes Brand names, trademarks, logos, or tags except when placed on a food or beverage product/container; displays, such as vending machine exteriors; corporate/brand names, logos, trademarks on cups, posters, school supplies, education materials, food service equipment, and school equipment (e.g. message boards, scoreboards, uniforms); advertisements in school publications/mailings; sponsorship of school activities, fundraisers, or sports teams; educational incentive programs such as contests or programs; and free samples or coupons displaying advertising of a product.

Nutrition Promotion: School nutrition services shall use the [Wisconsin Team Nutrition Meal Appeal Self-Assessment](#) to determine ways to improve the school meals environment.

School nutrition services shall implement at least 1 Wisconsin Team Nutrition Meal Appeal techniques at each school.

Classroom Treats: The Fall Creek School District encourages the use of nutrient dense foods for all school functions and activities. Nutrient dense foods are those foods that provide students with calories rich in the nutrient content needed to be healthy. At any classroom or co-curricular function (parties, celebrations, sporting events, etc) healthy food choice options should be available.

It is strongly suggested that teachers download the form and list of suggested snacks/treats from the district's website. The form will allow students to sign up in advance for a category of approved snacks; thus, avoiding an overabundance of unhealthy snacks with no healthy alternatives.

Suggested snack list:

- * Please consider the use of Peanut Free Snacks due to student allergy concerns.
- Raw vegetable sticks/slices with low-fat dressing or yogurt dips
- Fresh fruit and/or 100% fruit juices
- Frozen fruit juice pops
- Dried fruits (raisins, banana chips, etc)
- Trail mix (Nut Free)
- Low-fat meats and cheese sandwiches (use low-fat mayonnaise in chicken/tuna salads)
- Party mix (variety of cereals, crackers, pretzels, etc) (Nut Free)
- Low-sodium crackers
- Baked corn chips and fat-free potato chips with salsa and low-fat dips such as ranch, French, onion, bean, etc.
- Low-fat muffins, granola bars and cookies (Nut Free)
- Angel food and sponge cakes
- Flavored yogurt and fruit parfaits
- Jello and low-fat pudding cups
- Low-fat ice creams, frozen yogurts, and sherbets (Nut Free)
- Low-fat and skim milk products
- Pure ice cold water

CLASSROOM REWARDS: Strong consideration should be given to non-food items as part of any teacher to student incentive and/or reward program. Should teachers feel compelled to utilize food items as incentives, they are encouraged to utilize healthy and nutritious food choices taking into account student's special dietary needs including allergies.

COMPETITION WITH BREAKFAST/LUNCH: The district should ensure that food sales/parties for students are held during hours that will not conflict with the lunch and breakfast programs unless approved by the food service director.

VENDING: In keeping with contractual obligations to the National School Lunch and Breakfast Programs, ensure the integrity of the school lunch program by prohibiting food and beverage sales that are in direct conflict with the lunch/breakfast program. Vending sales of candy will not be permitted on school grounds. Only beverage vending machines with water, milk, and 100% fruit juices will be available during instructional school hours.

CONCESSIONS: Organizations operating concessions at school functions should include alternative healthy options of food choices in their offerings. It is recommended that groups market these healthy options at a lower profit margin to encourage selection by students.

FUNDRAISING: All fundraising projects must be approved by the School Administrator as stated in the district policy. Items being sold must not interfere or compete with the National School Lunch or Breakfast Program. No sales of candy during instructional school hours. Whenever food and beverages are sold that raise funds for the school, the fundraising project should include some healthy food choices.

III. USDA Compliance and Access

Meals served through the district's food services programs, Breakfast and Lunch, shall comply with the National School Lunch and Breakfast standards for meal patterns, nutrient levels, and calorie requirements for the ages/grade levels served. All meals will meet or exceed current nutritional requirements established under the Healthy Hunger Free Kids Act of 2010. USDA Meal Patterns Link: <https://www.fns.usda.gov/cacfp/meals-and-snacks>

All food and beverages sold outside of the school meal programs shall meet the USDA Smart Snack standards [USDA Smart Snack standards](#)

IV. Meals, Participation, Training and Purchasing

The cafeteria is cashless—all students, regardless of the type of payment they make for school meals, or the food being purchased (meal or a la carte) are given a code to enter at the cash register.

Handling Children with unpaid account balances are handled as per Board Rule 760-R Food Service Management Procedures.

Applications for free/reduced priced meals are sent home to all families at the beginning of the school year. The application is also available on the district website and at each School office.

Students will have the opportunity to provide input on local, cultural, and ethnic favorites.

Shall provide periodic food promotions to encourage taste testing of healthy new foods being introduced on the menu.

Morning bus routes will be scheduled to allow students to arrive at school in time to eat breakfast

Tutoring, club or organizational meetings will not be scheduled during the lunch period unless students are allowed to purchase lunch to be consumed during meetings

The district discourages consumption of competitive foods in place of school meals by limiting competitive food choices during mealtimes in the cafeteria.

At the High School Level healthy snacks may be purchased as ala carte during meals.

After obtaining food, students will have at least 20 minutes to eat lunch.

Water filling stations are available in the cafeteria.

All school nutrition program directors, managers and staff will meet hiring and annual continuing education/training requirements in the USDA Professional Standards for Child Nutrition Professionals. These school nutrition personnel will refer to USDA's Professional

Standards for School Nutrition Standards website to search for training that meets their learning needs.

School meals will include fresh, locally-grown foods in school meals from farms engaged in sustainable practices whenever possible and these foods will be promoted in the cafeteria.

V. Wellness Committee/Public Involvement

The Wellness Committee will meet when appropriate to review policies and procedures as they relate to the state assessment tool. The district will invite a diverse group of stakeholders from the following list to participate in the development, implementation, and periodic review and update of the policy. Administrator, Classroom teacher, Physical education teacher, SFA representative, School nurse, Community member/parent, Student, Medical/health care professional.

VI. Triennial Assessment

The District will evaluate compliance with the Wellness Policy no less than once every three years. The assessment will include the extent to which each school is in compliance with the policy and how the policy compares to a model policy, as established by the US Department of Agriculture.

The District will actively inform families and the public about the content of and any updates to the policy through the school website and Board of Education Meetings. Any state required wellness assessment results will be posted on the school website on the Food Service Page.

VII. USDA Non-Discrimination Statement

The USDA Non-Discrimination Statement is located on the District Dining Services Web Page.

VIII. Policy Leadership

The superintendent shall implement and ensure compliance with the policy by leading the review, update, and evaluation of the policy.

Approved: May 15, 2006

Revised: March 21, 2011

Revised: April 16, 2018

Revised: March 15, 2021

Revised: June 22, 2023

Locker room Privacy Policy

Locker rooms may only be used by those individuals participating in physical education classes or in after school events or practices. All other individuals must obtain permission from a teacher or coach prior to entering the locker room. Everyone is entitled to a reasonable amount of privacy therefore no recording devices, including cell phones, may be used in the locker room unless directed to by a teacher or the coaching staff. Unauthorized use of a recording device to capture, record, or transfer a representation of a nude or partially nude person is a violation of Wisconsin Act 118 which carries criminal penalties.

LEGAL Ref: Wisconsin Act 118

APPROVED: June 16, 2008

HOMELESS STUDENTS

Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness.

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
- C. live in emergency or transitional shelters
- D. are abandoned in hospitals
- E. have a primary night time residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or
- F. live in a car, park, public space, abandoned building, substandard housing¹, bus or train station, or similar setting

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

Services to Homeless Children and Youth

The District will provide services to homeless students that are comparable to other students in the District, including:

- A. transportation services;
- B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria including:
 - 1. programs for children with disabilities;
 - 2. programs for English learners (ELs) (i.e. students with limited English proficiency (LEP));
 - 3. programs in career and technical education; and
 - 4. school nutrition programs;

The District Administrator will appoint a Liaison for Homeless Children who will perform the duties as assigned by the District Administrator. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths.

School Stability

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, the District must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. The District must:

- A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, the District must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). The District also considers the school placement of siblings when making this determination.

If the District finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, the District must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

Immediate Enrollment

The District has an obligation to remove barriers to the enrollment and retention of homeless students. A school chosen on the basis of a best interest determination must immediately enroll the homeless student, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate or previous academic records. The homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness or has outstanding fines or fees.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian or unaccompanied youth to the local liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or

district. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs..

In addition, the District will also make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including magnet school, summer school, career and technical education, advanced placement, online learning, and charter school programs (if available).

Transportation

The District provides homeless students with transportation services that are comparable to those available to non-homeless students. The District also provides or arranges for transportation to and from the school of origin at the parent or guardian's request, or the liaison's request in the case of an unaccompanied youth. Transportation is arranged promptly to allow for immediate enrollment and will not create barriers to a homeless student's attendance, retention, and success.

- A. If the homeless student continues to live in the District, where the school of origin is located, transportation will be provided or arranged for the student's transportation to or from the school of origin.
- B. If the homeless student moves to an area served by another district, though continuing his/her education at the school of origin (which is in the District), the District and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the districts cannot agree upon such a method, the responsibility and costs will be shared equally.
- C. When the student obtains permanent housing, transportation shall be provided to and from the school of origin until the end of the school year.

The District determines the mode of transportation in consultation with the parent or guardian and based on the best interest of the student.

In accordance with Federal law, the above transportation requirements still apply during the resolution of any dispute. The District will work with the State to resolve transportation disputes with other districts. If the disputing district is in another State, the District will turn to the State for assistance as Federal guidance says that both States should try to arrange an agreement for the districts.

Dispute Resolution

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, the District must follow its dispute resolution procedures, consistent with the State established procedures. If such a dispute occurs, the District will immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved.

Pursuant to State, District and Board of Education policies, the District will provide the parent, guardian or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by the school, District, or State, along with a written explanation of appeal rights.

The District's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including 1) a description of the proposed or refused action by the school, 2) an explanation of why the action is proposed or refused, 3) a description of other options the school considered and why those options were rejected, 4) a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources, and 5) an appropriate timeline to ensure deadlines are not missed. The District must also include contact information for the Liaison and the State Coordinator, and a brief description of their roles. The District will also refer the parent, guardian or unaccompanied youth to the Liaison, who will carry out the dispute resolution process.

The District ensures that all decisions and notices are drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities. For children and youth and/or parents or guardians who are English learners or whose dominant language is not English, the District will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to Federal laws. The District will also provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

Homeless Children in Preschool

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, including Head Start programs, administered by the District. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, the District takes into account the same factors as it does for any student, regardless of age. It also considers pre-school age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school.

The District must also provide transportation services to the school of origin for a homeless child attending preschool. It is the District's responsibility to provide the child with transportation to the school of origin even if the homeless preschooler who is enrolled in a public preschool in the District moves to another district that does not provide widely available or universal preschool.

Public Notice

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, the District shall post public notice of educational rights of children and youth experiencing homelessness in each school. In addition, the District shall post public notice of the McKinney-Vento rights in places that homeless populations frequent, such as shelters, soup kitchens, and libraries in a manner and form understandable to the parents and guardians and unaccompanied youths.

Records

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA) and Policy 8330, and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. The District shall incorporate practices to protect student privacy as described in AG 5111.01, AG 8330, and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA).

No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

Note:

¹ According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see ED guidance for factors to consider when determining whether a child or youth is living in "substandard housing."

Education for Homeless Children and Youth Programs, Non-Regulatory Guidance, U.S. Department of Education (ED), Title VII- B of the McKinney-Vento Homeless Assistance Act, as amended by the Every Student Succeeds Act, at A-3 (July 27, 2016).

Legal 42 U.S.C. 11431 et seq. (McKinney - Vento Homeless Act)

Adopted: July 17, 2017

STUDENT SCHOLARSHIPS

Students in the School District of Fall Creek shall be informed annually of any available academic scholarships.

Literature concerning available scholarships shall be posted in the school building. The high school guidance counselor shall maintain records of available scholarships and shall notify students of such scholarship opportunities.

Criteria for school district scholarships shall be developed consistent with school district goals and objectives.

The School District of Fall Creek shall not discriminate in the acceptance and administration of gifts, bequests, scholarships and other aids, benefits or services to students from private agencies, organizations or persons on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

LEGAL REF.: Section 118.13 Wisconsin Statutes PI 9.03(1), Wisconsin Administrative Code

CROSS REF.: 411-Rule, Complaint Procedures (Nondiscrimination)

APPROVED: June 3, 1991

WISCONSIN ACADEMIC EXCELLENCE HIGH EDUCATION SCHOLARSHIP

The Wisconsin Academic Scholarship, which is sponsored by the State of Wisconsin through the Higher Education Aids Board, is only available for those students attending Wisconsin accredited schools, pursuing an Association or Bachelors degree. This includes all public or private colleges and universities as well as VTAE institutions. A student must be enrolled and admitted on a full-time basis within a year after graduation from high school. This Scholarship is awarded to the Fall Creek High School Senior with the highest grade point average calculated to the nearest hundredths place.

POLICY FOR SELECTION OF THE WISCONSIN ACADEMIC SCHOLARSHIP

To be awarded this scholarship the following criteria must be met:

- 1 The graduating senior must have the highest grade point average (calculated to the hundredths place) through the first seven (7) semesters.

GPA Calculation:

GPA is based on the first seven (7) semesters of High School with a four (4) equal to an "A" letter grade with the weighted classes (as defined in Policy 344.1) being added after the GPA is calculated.

GPA Calculation Procedure: .05 points will be added to the grade points for each weighted semester course successfully completed. Successfully completed is defined by a grade of "C" or higher.

****Note:** Students with a 4.0 tied in the number of weighted credits will be considered tied and move to the next tie breaker

AND

- 2 The graduating student must attend the Fall Creek High School for the last three (3) semesters of his/her high school career immediately preceding the determination of the Wisconsin Academic Scholarship awardee. Any transfer student to the Fall Creek High School will have his/her GPA adjusted to the 4.0 (A) system as calculated in #1.

GPA Tie Breakers

In the case of a tie between two or more students with the same GPA, the following tie breakers would be considered in this order.

1. The highest composite ACT score. If a student takes the test more than once before January of his/her senior year, the highest score will be used.
2. The highest grade point average in core classes (i.e. English, math, science, social studies)
3. The student with the greatest school involvement in co-curricular clubs, athletic participation, and organizational offices held shall be considered. One point for each year of participation and one point for each office held will be awarded. The student with the highest point total will be selected.

4. If after the above criteria have been followed a tie still exists, a flip of the coin shall be the deciding factor.

LEGAL REF.:	Wisconsin Statutes
APPROVED:	June 3, 1991
REVISED:	August 17, 1998
REVISED:	October 15, 2007
REVISED:	March 17, 2014
REVISED:	March 20, 2017
REVISED:	May 15, 2023

WISCONSIN TECHNICAL EXCELLENCE SCHOLARSHIP

The Wisconsin Technical Excellence Scholarship (TES) is awarded to a Wisconsin high school senior who has the highest demonstrated level of proficiency in technical education subjects. This scholarship is only for use at a Wisconsin Technical College within the Wisconsin Technical College System (WTCS) located within the state. The value of the scholarship is up to \$2,250 per year, to be applied towards tuition. Half of the scholarship is funded by the state, while the other half is matched by the institution.

Eligibility

Eligibility for the TES scholarship does not exceed 6 semesters, or a total of three years. Semesters are defined as fall or spring semesters, not summer sessions or other shorter sessions.

To qualify for TES a student must attend the Fall Creek High School for the last three (3) semesters of his/her high school career before WISCONSIN TECHNICAL EXCELLENCE SCHOLARSHIP awardee.

Students can compete for the scholarship when they have attained senior status and are on track to graduate in the current academic year. Students that graduate early are eligible to compete.

Senior status is attained after 16.5 high school credits have been earned.

In order to receive a TES scholarship, a student must be enrolled on a full-time basis by September 30th of the academic year in which he or she was designated as a scholar, at a participating Wisconsin Technical College in the state.

No student may receive both a TES scholarship and an Academic Excellence Scholarship (AES).

An eligible candidate for a TES scholarship is a high school senior meeting the following criteria.

- A. In order to be eligible for nomination to a TES scholarship, a student must exhibit interest in and planning for a technical career.
 1. Prior to September 1, 2017 a student's school counselor or principal must affirm that the student has post-secondary plans related to a career in technical education. (This affirmation will be made in the nomination form for TES.)
 2. Beginning on September 1, 2017 a student must have an academic and career plan leading to a career in technical education. (This requirement refers to the academic and career plans required under s.115.28 (59), and is known as the "2013 Act 59" language, see 2013 Wisconsin Act 59.)

- B. In addition, in order to be eligible for a TES scholarship, a student must also have completed at least one of the following eight eligibility items.

Students awarded a TES scholarship must have:

1. Be a CTE Concentrator, which is a high school student who has completed at least three (3) high school CTE courses (career and technical education courses) in program area(s) leading to a degree or diploma in the student's chosen pathway.
 - a. A student may be enrolled in (rather than have completed) the third course at the time of their nomination for TES.
 - b. The definition of "CTE course" is to be that definition approved by the board of the Wisconsin Technical College System (WTCS) under the Carl D. Perkins Career and Technical Education Act of 2006, P.L. 190-270 "Perkins IV", which is: a secondary-level course offered through the DPI-recognized program areas of Agriculture and Natural Resources Education, Business and Information Technology Education, Family and Consumer Science Education, Health Science Education, Marketing Education, or Technology and Engineering Education; such courses must be taught by a CTE instructor licensed for that specific discipline, except that courses in Health Science Education may also be taught by a health education instructor and/or a science licensed instructor.
2. Participated in a Youth Apprenticeship Program under the supervision of the Wisconsin Department of Workforce Development (DWD) (see https://dwd.wisconsin.gov/youthapprenticeship/program_info.htm)
3. Participated in a Technical High School Diploma program as certified by the Wisconsin Department of Public Instruction (DPI) (see http://cte.dpi.wi.gov/cte_tehsd)
4. Participated in a Career and Technical Training pathway as defined by the Wisconsin Department of Public Instruction (DPI) (see http://cte.dpi.wi.gov/cte_clustersandpaths)
5. Participated in a Skills Standards Program offered by the Wisconsin Department of Public Instruction (DPI) (see http://cte.dpi.wi.gov/cte_cteskills)

6. Completed (or be on track to complete) an industry-recognized certification program approved under Wis. Stats. 115.367 (2). (This requirement is created under 2013 Wisconsin Act 59).
7. Participated in a Career and Technical Student Organization (CTSO) in Wisconsin: DECA, FBLA, FCCLA, FFA, HOSA, or SkillsUSA (see http://cte.dpi.wi.gov/cte_ctso)
8. Completed a technical training program for high school students if the program is offered by a UW System school, a Wisconsin Technical College System school, a tribal college in Wisconsin, or a private nonprofit college or university located in Wisconsin. Examples include but are not limited to:
 - Medical College of Wisconsin Summer Enrichment Programs
 - UW-Madison's Summer Science Institute at WIScience
 - Marquette University's K-12 Engineering Academies
 - MSOE summer programs for K-12 students

The program must be offered BY a Wisconsin colleges or university; programs held at these campuses but offered by others are not eligible. (Such programs are usually of shorter duration.)

Ranking of Eligible Candidates:

Act 60 requires that nomination for TES scholarships be made by school districts for the student who has the highest level of proficiency in technical education subjects.

The Fall Creek School District will follow the HEAB-recommended ranking system for TES-eligible students.

HEAB's recommended ranking system consists of ranking eligible students according to a point system reflective of course work and technical education experience. Under the recommended point system:

- One point is given to a student for each credit earned in high school in CTE courses, as defined above. B 1(b)
- One point is given to a student for each year of activity in a Career and Technical Student Organization in Wisconsin (http://cte.dpi.wi.gov/cte_ctso) (For activity in multiple CTSOs, one point is to be given for each year of participation in each of the six CTSOs.) Districts are to determine the points awarded.
- For the purpose of assigning a ranking among eligible candidates, credit hours in process at the time of nomination should be counted toward the number of credits the student has earned.

TIE BREAKERS

When students emerge from the point system with tied scores, CTE grades become the tie-breaker. Because some students may have the same credit-hours at the time of nomination, the HEAB-recommended ranking system then assigns rankings to “tied” students based on the grade point earned by eligible students in CTE courses (as defined above). The grades used for this purpose are only those grades earned in CTE courses, not a student’s overall grade point.

GPA Calculation:

GPA is based on the first seven (7) semesters of High School with a four (4) equal to an “A” letter grade with the weighted classes (as defined in Policy 344.1) being added after the GPA is calculated.

GPA Calculation Procedure: .05 points will be added to the grade points for each weighted semester course successfully completed. Successfully completed is defined by a grade of “C” or higher.

Any transfer student to the Fall Creek High School will have his/her GPA adjusted to the 4.0 (A) system as calculated in #1.

LEGAL REF.:	Wisconsin Statutes
ADOPTED:	December 15, 2014
REVISED:	March 20, 2017

STUDENT FEES AND FINES

The Fall Creek Board of Education provides a total education program for students in the district. Certain activities, courses and services may, however, require additional funding and the Board may charge accordingly.

The fees charged shall be reviewed annually and adjustments shall be published in the School District newsletter and/or distributed prior to the beginning of the school year.

Fines will be assessed when school property is abused. Such fines will be in direct relation to the damage, taking into consideration the normal life of the property.

LEGAL REF.: Sections 118.03(1)(a) Wisconsin Statutes
120.13(10)

APPROVED: June 3, 1991

FILMING, PHOTOGRAPHING OR VIDEOTAPING IN THE SCHOOLS

State and federal laws safeguard children and their families against release of student information used by schools or provided by schools to parties external to the school district. Photographs, films and videotapes of children in schools are subject to the provision of these laws.

The Fall Creek School District shall observe measures intended to protect children from their involvement in photographs, films or videotapes to which they or their parents or guardians might reasonably object under the law. The following provisions outline the extent to which that protection can and will be provided.

- a. A signed parental consent form for each student shall be required at all times when photographing, filming or videotaping is to occur in private places (e.g., rest rooms, locker rooms, detention centers, and offices) where intrusion upon the privacy of a student of a nature highly offensive to a reasonable person may occur and for which charges of trespass may be actionable.
- b. A signed parental consent form shall be required at all times to videotape, photograph or film an individual student where that student is not a public figure by choice (e.g., victim, informant, witness), where the private life of the student is likely to be invaded, where the student's misconduct has come to public attention, or where a student's physical, mental or emotional condition/behavior is likely to be publicly exposed.
- c. Prior parental consent shall not be required for photographing, filming or videotaping purposes when a student has voluntarily chosen or been allowed by parents to participate in or be a spectator at a school-related activity that is open to the public (e.g., an athletic event, music concert, school play) or has chosen to be an officially designated school leader or role model (e.g., athlete, musical or drama star, student council president, homecoming queen, valedictorian). Rather, it will be assumed that the student and his/her parent or guardian has given tacit approval for the student to be photographed or videotaped. Such footage may also be replayed without parental permission.
- d. Prior parental consent shall not be required when stock or generic pictures, film or video footage is being obtained in public places (e.g., hallways, auditoriums, gymnasiums, general classrooms, playgrounds, athletic fields) by school district or external media sources. The staff and student body will be informed in advance when such photographing, videotaping or filming is to occur. Individual students will be allowed to exclude themselves from such shots if they so desire.

- e. Prior parental consent shall not be required when a photograph, film or videotape will be made of individual students for professional purposes, will be controlled by school district employees responsible for the setting in which the photographing, filming or videotaping occurred, and will be erased or destroyed when the original purpose for which the record was made has been satisfied.
- f. Parents may exclude individual students from other photographing, filming or videotaping activities not covered above by filing with the school principal an Opt-Out Form (491 Exhibit A). This form can be found in any of the school offices. This form will normally be filed at the beginning of the school year, but may be filed at any time that such privacy is needed. School personnel will be responsible for protecting the rights of these students. It is expected that students who have reached the 4th grade will assist school personnel in protecting their own rights.
- g. Because school grounds (e.g., playgrounds, athletic fields, parking lots) cannot be effectively shielded from the public, no assurance can be provided to students or parents that they are protected from photographing, filming or videotaping while using such facilities.
- h. During normal school hours representatives of the press/media will be expected to obtain permission from the building principal or his/her designee prior to interacting with staff or students on school property for any purpose.

LEGAL REF.:

CROSS REF.:

APPROVED: October 16, 1995

REVISED: May 19, 2014



SCHOOL DISTRICT of FALL CREEK

336 E. Hoover Ave. • Fall Creek, WI 54742 • (715) 877-2123

491 Exhibit A

Media Opt-Out Form

This form provides parents and students the opportunity to opt-out of public media coverage. If you do not want your child to be included in public media coverage please fill out the form below and return it to your child's school office. This opt-out is only valid for the current school year; a new form must be submitted each year.

Student Name: _____

School: _____ Date of Birth: _____

Grade: _____ Teacher: _____

Media Opt-out:

From time to time, the Fall Creek School District receives requests from the media to publicize its educational programs and student activities. In addition, your student's teacher and/or district officials appreciate the opportunity to photograph, quote and videotape our students for use in the district/school newsletter/newspaper, website, social media outlets and other promotional or training/education materials.

Unless signed below, the Fall Creek School District will be authorized to photograph, videotape or film your child, or permit the media to photograph, videotape or interview him or her, use statements, endorsements and/or comments about the programs, services, conditions and personnel associated with your student's experience with the Fall Creek School District.

*** The Fall Creek School District has no authority to disallow filming of schools from the street or sidewalk off property.*

I DO NOT give my consent to media coverage identifying my child.

Parent's Name: _____

Parent's Signature: _____ Date: _____

Student's Signature (if 18 or older): _____ Date: _____