

News Release – For Immediate Release  
Not Intended as a Paid Announcement

## **MEDFORD AREA PUBLIC SCHOOL DISTRICT**

Board of Education Policy Committee Meeting  
District Office  
124 West State Street  
Medford, WI 54451

**Wednesday October 7, 2025**  
**10:00 a.m. – 12:00 p.m.**

### **A G E N D A**

1. Call to Order / Roll Call
2. Notice of Posting
3. Public Participation
4. Discuss / Review / Edit Policies 4111-4531
5. Discuss / Review / Edit Policies 6108-6830
6. Review / Reaffirm any Policy to the Full Board of Education
7. Adjournment

**Open Meeting Law Compliance:** This notice was sent for posting to the Star News, WKEB/WIGM Radio, Medford Area Public Schools and the District Office on September 30, 2025. **NOTE:** This meeting is open to the public.

*The mission of the Medford Area Public School District is to ensure that all students learn.*

# Policy Committee Meeting Notes

October 7, 2025

Call to Order: 10:00 a.m.

## 1st Reading:

4000 Policy Packet	OK
4111 Creating a Position	OK
4112 Board - Staff Communication	OK
4120 Employment of Support Staff	OK
4120.01 Job Descriptions	OK
4120.04 Employment of Substitutes	OK
4120.10 Job Sharing	OK
4121 Criminal History record check and employee self-reporting requirements	OK
4122 Nondiscrimination and equal employment opportunity	OK
4122.01 Drug- free workplace	OK
4122.02 Nondiscrimination based on genetic information of the employee	OK
4124 Notice of reasonable assurance of employment	OK
4130 Assignment and transfer	OK
4131 Reduction in staff	OK
4132 Vacancies	OK
4139 Staff discipline	OK
4140 Termination and resignation	OK
4160 Physical Examination	OK
4161 Unrequested Leaves of Absence/Fitness for duty	OK
4210 Support staff ethics	OK
4211 Whistleblower protection	OK
4213 Student supervision and welfare	OK
4214 Staff gifts	OK
4215 Use of tobacco and nicotine by support staff	OK
4220 Evaluation of support staff	OK
4230 Ethics and conflict of interest	OK
4231 Outside activities of support staff	OK
4281 Personal property of staff members	OK
4310 Employee expression in noninstructional settings	OK
4340 Grievance procedure	OK
4362 Employee anti-harassment	OK
4362.01 Threatening behavior towards staff members	OK
4410.01 Compensation for part-time staff	OK
4419 Group health plans	OK
4419.02 Privacy protections of fully insured group health plans and related benefits	OK
4419.03 Patient protection and affordable care act	OK



4425 Benefits	OK
4430 Leaves of absence	OK
4430.01 Family & Medical Leave of Absence	OK
4431 Employee leaves	OK
4440 Job-related expenses	OK
4531 Unauthorized work stoppage	OK
6000 Policy Packet	OK
6108 Authorization to make electronic fund transfers	OK
6110 Grant Funds	OK
6111 Internal Controls	OK
6112 Cash Management of grants	OK
6114 Cost Principles- Spending Federal Funds	OK
6116 Time and effort reporting	OK
6144 Investment Income	OK
6146 Post - Issuance Tax-Exempt Bond Compliance	OK
6147 Debt Management	OK
6150 Tuition Income	OK
6151 Returned Outstanding - Stale Checks	OK
6152 Student fees, Fines, and Charges	OK
6152.01 Waiver of School Fees or Fines	OK
6210 Fiscal Planning	OK
6220 Budget Preparation	OK
6230 Budget Hearing	OK
6231 Budget Implementation	OK
6235 Fund Balance	OK
6236 Community Services Fund (Fund 80)	OK
6320 Purchasing	OK
6325 Procurement - Federal Grants-Funding	OK
6330 Leasing School Property	OK
6424 Purchasing (Credit) Cards	OK
6440 Cooperative Purchasing	OK
6450 Local Purchasing	OK
6470 Payments of Invoices	OK
6510 Payroll Authorization	OK
6520 Payroll Deductions	OK
6605 Crowdfunding	OK
6611 District - Supported Sponsored Student Activity Accounts	OK
6620 Petty Cash	OK
6630 Cash Handling and Deposits	OK
6670 Trust and Agency Funds	OK
6680 Recognition	OK
6700 Fair Labor Standards Act (FLSA)	OK
6800 System of Accounting	OK
6830 Audit	OK

Motion to accept policies with recommended changes (Balsis/Haynes) Motion carried.

**Adjourn**

Motion to adjourn (Balsis/Haynes) Motion carried

The meeting adjourned at 11:41 a.m.

The next policy meeting is **Friday, November 7, 2025. at 1 p.m.**

Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	CREATING A POSITION
Code	po4111 (YES)
Status	From Neola
Legal	Immigration Reform and Control Act of 1986 8 U.S.C. 1255a

#### 4111 - CREATING A POSITION

The Board recognizes the need to establish positions which, when filled by competent, qualified support staff, will assist the District in achieving the education goals set by the Board. The District employs only persons authorized to work in the United States.

The District Administrator [-] ~~END OF OPTION~~ shall verify all new full-time and part-time employees' and substitutes' identity and authorization to work in the United States according to Federal law.

The Board reserves the right to:

- A. ☒ fix and prescribe the duties to be performed by all personnel;
- B. ☒ create new positions;
- C. ~~☐ specify the number of persons within each job category;~~
- D. ☒ set the initial salary for a new position ~~(-) not covered by civil service rules (-) not currently covered by an established salary structure, range, or schedule.~~

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

- A. ☒ the number of students enrolled;
- B. ☒ the special needs of the District;
- C. ☒ the special needs of the students;
- D. ☒ the operational services of the District.
- E. [-].

The Board may create a new position or increase the number of support staff in an existing position.

☒ The Board shall, upon the advice of the District Administrator, consider the advisability of creating a new support position or of increasing the number of support staff in an existing position.

☒ The Board delegates the right to fix and prescribe the duties of support staff to the District Administrator.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	BOARD-STAFF COMMUNICATIONS
Code	po4112 (YES)
Status	From Neola
Legal	Garcetti v. Ceballos, 547 U.S. 410 (2006) Samuelson v. LaPorte Comm. Sch. Dist., 526 F.3d 1046 (7th Cir. 2008)

#### 4112 - BOARD-STAFF COMMUNICATIONS

The Board has a legitimate interest in maintaining order and facilitating the efficient resolution of concerns by directing that employee communications to the Board move initially through the chain of command to the District Administrator. Employees are expected to follow the established chain of communication as described in this policy. Failure to do so may result in employee discipline.

~~[Select this option if the District's policy manual contains an organizational chart.]~~

~~[ ] The basic lines of communication in the chain of command are shown in Policy \_\_\_\_\_.]~~

##### A. Staff Communications to the Board

All communications from staff members related to the performance of their job duties or responsibilities to the Board or its committees shall be submitted through the District Administrator. This procedure is not intended to deny any staff member the right to raise matters of concern regarding the District operations to the Board through established procedures when no resolution is reached by the administration.

##### B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the District Administrator, who shall also keep staff members fully informed of the Board's problems, concerns, and actions. ( ☒ ) Board member communications with staff shall also be consistent with the expectations in Board Bylaw 0144.5 - Board Member Behavior, Communications, and Code of Conduct. **[NOTE: Select this option only if the Board has adopted Policy 0144.5.]**

##### C. Social Interaction

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members related to the performance of job duties or responsibilities may be inappropriate violations of the chain of command.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	EMPLOYMENT OF SUPPORT STAFF
Code	po4120 (YES)
Status	From Neola
Legal	20 U.S.C. 6319

#### 4120 - EMPLOYMENT OF SUPPORT STAFF

The Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent support staff.

All employees other than the District Administrator or professional staff members (Policy 0100 – Definitions) are considered support staff.

#### **~~{Choose Only One of the Following Options}~~**

~~**[ ]** The Board shall approve the employment, fix the compensation, and establish the term of employment for each support staff member employed by this District.~~

**[ xx ]** The District Administrator shall approve the employment and establish the term of employment for each support staff member employed by this District. Compensation shall be fixed by an established compensation structure or Board action.

#### **~~{END OF OPTIONS}~~**

#### **~~{Choose One of the Following Options, As Appropriate}~~**

~~**{DRAFTING NOTE: The option selected below must be consistent with the selection made in Policy 4120.01 – Job Descriptions.}**~~

~~**[ ]** The Board shall provide a description of the work schedule, hours of work per week, a determination of whether the employee is exempt or non-exempt for purposes of overtime eligibility (See Policy 6700 – Fair Labor Standards Act). For non-exempt employees, there shall be a clear statement in the job description and employee handbook which states the following: "No non-exempt employee may perform work for the District outside of his/her regular schedule without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment," and for overtime eligible employees, there shall be a clear statement in the job description and employee handbook which states the following: "No overtime eligible employee may perform overtime work for the District without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment."~~

**[ x ]** The District Administrator shall provide a description of the work schedule, hours of work per week, a determination of whether the employee is exempt or non-exempt for purposes of overtime eligibility (See Policy 6700). For non-exempt employees, there shall be a clear statement in the job description and employee handbook which states the following: "No non-exempt employee may perform work for the District outside of his/her regular schedule without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment," and for overtime eligible employees, there shall be a clear statement in the job description and employee handbook which states the following: "No overtime eligible employee may perform overtime work for the District without prior supervisory approval. Violations of this requirement will result in disciplinary action, up to and including termination from employment."

#### **~~{END OF OPTIONS}~~**

**[ x ]** Such approval shall be given only to those candidates for employment recommended by the District Administrator.

~~[ ] Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the District Administrator.~~

[x] When any recommended candidate has been rejected by the Board, the District Administrator shall make a substitute recommendation.

[x] All applications for employment shall be referred to the District Office \_\_\_\_\_.

[x] Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which they would be supervised directly by the relative staff member.

~~[ ] The Board will not employ (but may continue to employ) the spouse or child of any Board member.~~

~~[ ] The Board will not employ (but may continue to employ) the~~

~~(-) children, siblings, parents, in laws, or bona fide dependents (IRS criteria) of a Board member.~~

~~(-) children, siblings, parents, in laws, or bona fide dependents (IRS criteria) of a regular full time support staff member.~~

[x] Any support staff member's intentional misstatement of fact material to their qualifications for employment or the determination of salary shall constitute grounds for dismissal.

[x] The employment of support staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in District operations. Employment shall be recommended to the Board at the next regular meeting.

~~[ ] No candidate for employment as a support staff member shall receive recommendation for such employment without having proffered visual evidence of proper certification, when appropriate, or that application for such certification is in process. There must also be verification that a satisfactory background check has been conducted in compliance with District procedures.~~

The District Administrator shall prepare procedures for the recruitment and selection of all support staff which include reporting newly hired employees to the Wisconsin Department of Workforce Development.

## **REQUIREMENTS FOR TITLE I PARAPROFESSIONALS**

All paraprofessionals hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

- A. Completed two (2) years study at an institution of higher education; or
- B. Obtained at least an associates degree; or
- C. Met a rigorous standard of quality and demonstrate through formal State or local academic assessment:
  - 1. knowledge of and the ability to assist in instructing, reading, writing and mathematics; or
  - 2. knowledge of and the ability to assist in instructing, reading readiness, writing readiness and mathematics readiness, as appropriate.

Existing paraprofessionals – All current paraprofessionals working for a Title I supported program must:

- A. Have a secondary school diploma or its recognized equivalent;
- B. Meet the requirements for newly hired paraprofessionals as described above.

Exceptions – These requirements do not apply to a paraprofessional:

- A. Who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
- B. Whose duties consist solely of conducting parental involvement activities.

Paraprofessional duties – Paraprofessionals working for a Title I supported program may be assigned to:

- A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
- B. assist with classroom management, such as organizing instructional and other materials;
- C. provide assistance in a computer laboratory;
- D. provide support in a library or media center;
- E. conduct parental involvement activities;
- F. act as a translator;
- G. provide instructional services to students, if working under the direct supervision of a teacher;
- H. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I paraprofessionals. Title I paraprofessionals may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I paraprofessionals in the same school.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	JOB DESCRIPTIONS
Code	po4120.01 (YES) edit RVA
Status	From Neola

#### 4120.01 - JOB DESCRIPTIONS

The Board recognizes that it is essential for District and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for support staff positions and thereby promote organizational effectiveness and efficiency. Therefore, the District Administrator shall maintain a current, comprehensive, and coordinated set of job descriptions for support staff positions.

☒ The job description of the District Administrator shall be included in the Board policy manual.

All support staff job descriptions shall be approved by the District Administrator and will be maintained in the District Office.

As long as the provisions of the job descriptions are not inconsistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees.

☒ Each job description shall contain the following provision:

"The employee shall remain free of any alcohol or illegal substance in the workplace in compliance with Policy 4122.01 throughout his/her employment in the District."

☒ Employees will be evaluated, at least in part, against their job descriptions.

☒ Job descriptions shall be brief, factual, and, wherever possible, generically descriptive of similar jobs.

~~☐ Each job description shall include the requirement that the staff member serve as a positive role model for students in how to conduct themselves as citizens and as responsible, intelligent human beings. In particular, each job description shall indicate the staff member's responsibility to help instill in students the belief in and practice of ethical principles and democratic values.~~

☒ Each job description shall include a statement that reserves authority to the District Administrator to assign additional duties and responsibilities as necessary within the scope of the employment position.

During the hiring process, the current job description for the position for which the individual(s) interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the position.

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee's immediate supervisor shall review this job description with the staff member as part of the employment orientation process.

From time-to-time, the Board further recognizes that the District Administrator may find it necessary to revise job descriptions.

☒ During the revision of a job description, the District Administrator may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

~~☐ The District Administrator shall prepare administrative guidelines necessary for the proper implementation of this policy.~~



Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	EMPLOYMENT OF SUBSTITUTES
Code	po4120.04 (YES)
Status	From Neola
Legal	118.19, Wis. Stats. P.I. 3.03(8), Wis. Adm. Code

#### 4120.04 - **EMPLOYMENT OF SUBSTITUTES**

The Board recognizes its responsibility to procure the services of substitute support staff in order to prevent the interruption of the operation of the schools.

The names of potential substitute personnel and the positions in which they may substitute shall be maintained by the Human Resources Assistant.

Proper certification shall be on file if the position requires certification. A satisfactory background check shall be conducted consistent with Policy 4121 - Criminal History Record Check and Employee Self-Reporting Requirements.

~~☐ The Board will not employ (but may continue to employ) the spouse or child of any Board member.~~

~~☐ The Board will not employ (but may continue to employ) the ~~(-)~~ children, siblings, spouse, parents, in laws, or bona fide dependents (IRS criteria) of a Board member ~~(-)~~ children, siblings, spouse, parents, in laws, or bona fide dependents (IRS criteria) of a regular full time support employee **[END OF OPTIONS]**.~~

☒ Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which they are supervised directly by the staff member who is related.

~~☐ Preference will be given to candidates for substitute employment who are residents of this School District.~~

~~☐ The employment of substitute support staff prior to approval by the Board is authorized when their employment is required to maintain continuity of services in the District. ☐ Retroactive employment shall be recommended to the Board at the next meeting.~~

Prior to the end of the school year, District-employed substitutes, who the District intends to employ for the ensuing school year, will receive a letter of reasonable assurance of continued employment.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	JOB SHARING
Code	po4120.10 (YES)
Status	From Neola

**4120.10 - JOB SHARING**

The Board recognizes the value to the District to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills part-time through a job-sharing process.

**~~{OPTIONS - Select at least one}~~**

( ☒ ) The District will consider job share requests that are in the District's best interests considering the educational program, and whether the cost of employing two (2) staff members on a part-time basis exceeds the cost of employing one full-time staff member.

( ☒ ) ~~x~~ Part-time positions may be approved in which two (2) currently employed staff members will be allowed to share one (1) full-time position.

( ☒ ) The Board authorizes the District Administrator to create a job-sharing program provided it does not adversely affect the District or any of its current staff members.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS
Code	po4121 (YES)
Status	From Neola
Legal	111.335, Wis. Stats.

#### **4121 - CRIMINAL HISTORY RECORD CHECK AND EMPLOYEE SELF-REPORTING REQUIREMENTS**

##### **Criminal History Record Check**

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant the District Administrator recommends for employment on the District's support staff. Any contracts with outsourced services, employment agencies, or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District.

The District Administrator shall establish the necessary procedures for obtaining any criminal history on the applicant.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the District Administrator may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

##### **Employee Self-Reporting Requirement**

All District employees shall notify the District Administrator as soon as possible, but no more than three (3) calendar days, after any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any criminal or municipal offense.

The requirement to report a conviction or deferred adjudication applies to major traffic offenses (e.g., operating under the influence of an intoxicant or other drug, reckless driving, operating after suspension/revocation, failure to report an accident, refusal to take a breath test). Minor traffic offenses (e.g., non-moving violations, speeding, failure to yield, failure to obey a traffic signal, unattended vehicle, illegal parking) do not need to be reported.

However, if an employee drives or operates a District vehicle or piece of mobile equipment or transports students or staff, other than the staff member's own family, in any vehicle they must report any traffic offense (not including parking tickets).

Failure to report under this section may result in disciplinary action, up to and including termination. All employment decisions by the District based on such information must comply with Wisconsin's arrest and conviction discrimination law.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po4122 (YES)
Status	
Legal	<p>111.31 et seq., Wis. Stats.</p> <p>111.335(d)(2), Wis. Stats.</p> <p>118.195, Wis. Stats.</p> <p>118.20, Wis. Stats.</p> <p>Fourteenth Amendment, U.S. Constitution</p> <p>20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974</p> <p>20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act</p> <p>29 U.S.C. 701 et seq., Rehabilitation Act of 1973, as amended</p> <p>38 U.S.C. 4301 et seq., Uniformed Services Employment and Reemployment Rights Act</p> <p>42 U.S.C. 2000 et seq., Civil Rights Act of 1964</p> <p>42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act of 1973, as amended</p> <p>42 U.S.C. 6101 et seq., Age Discrimination Act of 1975</p> <p>42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended</p> <p>29 C.F.R. Part 1635, The GINA Regulations</p> <p>34 C.F.R. Part 110, The Age Discrimination Act Regulations</p>

#### 4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Board does not discriminate in the employment of support staff on the basis of race, color, national origin, age, sex (including gender status, change of sex, sexual orientation, or gender identity) pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other legally protected category in its programs and activities, including employment opportunities.

Notice of the Board's policy on nondiscrimination and the identity of the School District's Compliance Officer(s) (see below) will be published on the District's website, posted throughout the District, and included in the District's recruitment statements or general information publications.

#### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

**Day(s)**: Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

**Military status** refers to a person's status in the uniformed services, which includes the performance of duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and performance of duty or training by a member of Wisconsin organized militia. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any duty listed above.

**Respondent** is the individual who has been alleged to have engaged in discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

**School District community** means students and Board employees (i.e., administrators, and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**Third Parties** include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

#### **District Compliance Officers**

The Board designates the following individuals to serve as the District's Compliance Officers (also known as Civil Rights Coordinator; hereinafter referred to as the COs).

**[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination/retaliation that pertains to the other CO, as appropriate.]**

(Name) Joseph Greget

(School District Title) Director of Special Education and Student Services

(Telephone Number) 715748-2316

1065 W Broadway  
(Office Address)

gregejo@medford.k12.wi.us  
(E-mail)

(Name) Elizabeth Rachu

(School District Title) Director of Curriculum and Instruction

(Telephone Number) 715-748-4620

124 W State St  
(Office Address)

rachuel@medford.k12.wi.us  
(E-mail)

The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. ~~( ) in the staff handbooks.~~
- C. ~~( ) in the School District Annual Report to the public.~~
- D. ~~( ) on each individual school's website.~~
- E. ~~( ) in the School District's calendar.~~
- F. ~~( ) \_\_\_\_\_.~~

The COs are responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination in Employment Act of 1975, and the Genetic Information Nondiscrimination Act (GINA) to students, their parents, staff members, and the general public. ~~( ) Any sections of the District's agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender specific terms should be eliminated from such contracts. [END OF OPTION]~~ A copy of each of the Acts and regulations on which this notice is available upon request from the CO.

### Reports and Complaints of Discrimination and Retaliation

Employees are required to report incidents of discrimination and/or retaliation to an administrator, supervisor, or other supervisory employees so that the Board may address the conduct. Any administrator, supervisor, or other supervisory employees who receive such a report shall provide it to the CO within two (2) days.

Discrimination against an individual based on their sex (including gender status, sexual orientation, and gender identity) is discrimination in violation of Title VII. Specifically, discrimination on the basis of sex stereotyping/gender-nonconformity constitutes sex discrimination. This is true irrespective of the cause of the person's gender non-conforming behavior. Employment actions based upon an individual's sex could be suspect and potentially impermissible.

COs are required to investigate allegations of conduct involving the discrimination or harassment of an employee or applicant based upon his/her gender status, sexual orientation, and gender identity.

Any questions concerning whether alleged conduct might violate this prohibition should be brought to the CO's attention promptly.

Employees who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint will not adversely affect the Complainant's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to discrimination/retaliation. COs shall accept reports of discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filed with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or ~~Option 1 the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigations. [END OF OPTION 1]~~ ~~Option 2 the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. [END OF OPTION 2]~~

The CO will provide a copy of this policy to the Complainant and the Respondent. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any Board employee who directly observes discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one (1) of the COs within two (2) days. Additionally, any Board employee who observes an act of discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention



dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the Complainant within two (2) business days to advise the Complainant of the Board's intent to investigate the alleged wrongdoing.

### **Investigation and Complaint Procedure ~~(See Form 4122 F2)~~**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been subjected to discrimination or retaliation may seek resolution of the complaint through the procedures described below. The complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Once the complaint process begins, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of discrimination or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Wisconsin Equal Rights Division, or the Equal Employment Opportunity Commission (EEOC).

### **Complaint Procedure**

A Complainant who alleges discrimination/retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) the CO; or 3) to the District Administrator or other supervisory employees. Any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

Due to the sensitivity surrounding complaints of discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employees, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the District Administrator.

Within two (2) days of receiving the complaint, the CO or designee will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and upon request provided with a copy of any relevant policies and/or administrative guidelines, including this Policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) days.

~~[ ] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. [ x ]~~ **[OPTION 2]** Investigations shall be completed promptly. What constitutes promptness

will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the complainant reasonably informed of the investigation's progress. ~~[END OF OPTIONS]~~

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in harassment/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used.

~~( ) The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.~~

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may ( ☒ ) in consultation with the District Administrator or Board President, if the matter involves the District Administrator, ~~[END OF OPTION]~~ engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO, the District Administrator either must issue a written decision regarding whether the charges have been substantiated or request further investigation. A summary of the District Administrator's final decision will be provided to both the Complainant and the Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days, or as quickly as possible if additional time is necessary due to the availability of necessary witness(es) or documents. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in discrimination/retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

~~[ ] The decision of the District Administrator shall be final.~~

**OR**

☒ A Complainant or Respondent who is dissatisfied with the final decision of the District Administrator may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the District Administrator's decision. The written statement of appeal must be submitted to the District Administrator, who will forward the request to the Board President.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of its decision. The decision of the Board will be final.

~~[END OF OPTIONS]~~

The Board reserves the right to investigate and resolve a complaint or report of discrimination/retaliation regardless of whether the Complainant pursues the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the



Board.

The parties may be represented, at their own cost, at any of the above-described interviews/meetings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Respondents must be provided an opportunity to meaningfully respond to allegations, which may include disclosure of the Complainant's identity.

During the course of an investigation, the CO will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

### **Remedial Action Monitoring**

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

### **Sanctions and Disciplinary Action**

The Board shall vigorously enforce its prohibitions against discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of any relevant collective bargaining agreement or student code of conduct.

When imposing discipline, the District Administrator shall consider the totality of the circumstances involved in the matter, including the age and maturity level of any student involved. In those cases where discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of any relevant collective bargaining agreement or student code of conduct.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging discrimination/retaliation, or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of discriminatory practices. The District Administrator shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

### Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.
- N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Codes of Conduct and/or Employee Handbooks);
- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; ~~REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of~~

~~this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.~~

~~[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

- Q. ☒ documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;
- R. ☒ copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;
- S. ☒ copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;
- T. ☒ copies of any notices sent to the Complainant and alleged perpetrator in advance of any interview or hearing;
- U. ☒ copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	DRUG-FREE WORKPLACE
Code	po4122.01 (YES) edit for RVA
Status	From Neola
Legal	Drug-Free Workplace Act of 1988, 41 U.S.C. 8101 et seq.

#### 4122.01 - **DRUG-FREE WORKPLACE**

The Board believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain a drug-free workplace.

##### **Prohibited Acts**

The Board prohibits any member of the District's staff from any of the following at any time while on or in District property or while performing duties at a District-related activity or event:

- A. manufacturing, possessing, using, distributing, dispensing, or being under the influence of any controlled substance or alcohol;
- B. using, distributing, or possessing drug paraphernalia; or
- C. unlawfully possessing, using, distributing, dispensing, or abusing a prescribed or over-the-counter medication.

##### **Permitted Acts**

Staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member according to Wisconsin and Federal law, and take the prescription in accordance with the prescribed dosage, shall not be deemed to be in violation of this policy. Staff members who use or possess over-the-counter medications and take them in accordance with the recommended dosage, shall not be deemed to be in violation of this policy. Wherever possible, a staff member should take prescribed and/or over-the-counter medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed and/or over-the-counter medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken in private, out of the view of students.

Each staff handbook will include ~~( ) a copy~~ ( ☒ ) a summary ~~[END OF OPTIONS]~~ of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff; furthermore, staff members shall be informed that compliance with this requirement is mandatory. ( ☒ ) The use of marijuana and/or products containing tetrahydrocannabinols (THC), other than products expressly excluded from the definition of a schedule drug (hemp-derived CBD oil, etc.), is still prohibited under Wisconsin law and Board policy. Use of such products even in states which have passed state laws permitting usage is still unlawful under Federal law and Wisconsin law and is not an exception to the drug-free workplace policy. ~~[END OF OPTION] ( ) CBD products are prohibited on District grounds and at school events.~~  
~~[END OF OPTION]~~

##### **Reasonable Suspicion Testing**

Staff members shall be required to undergo alcohol and/or drug testing at any time the District has reasonable suspicion to believe that the staff member may have violated this policy.

##### **Disciplinary Action**

Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination from District employment in accordance with the Employee Handbook and District policies. In addition to disciplinary action, the District may, at its discretion, refer the staff member to drug and alcohol counseling or to employee assistance or

rehabilitation programs and/or may refer the matter to law enforcement.

The District Administrator shall establish whatever programs and procedures are necessary to meet the Federal certification requirements under the Drug-Free Workplace Act of 1988 and shall provide these to staff. Nothing in this policy shall prohibit the District Administrator from evaluating a staff member's fitness for duty pursuant to Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty.

#### **( x) Off Work Conduct**

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs on social media or other outlets in a fashion that tends to provoke public scrutiny, damage the staff member's credibility, depict inappropriate involvement of minors, or in some fashion diminish the staff member's ability to safely and effectively perform his or her duties. If the District administration becomes aware of such circumstances, it will investigate the matter even though the events occurred on one's personal time and not on District property or at a District event.

#### **Use of Resources for Treatment**

The District makes available resources to assist staff members in overcoming substance abuse. However, the decision to seek diagnosis and accept treatment for substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po4122.02 (YES)
Status	From Neola
Legal	42 U.S.C. 2000ff et seq. Title II, The Genetic Information Nondiscrimination Act of 2008 29 C.F.R. Part 1635

#### 4122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify applicants or employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of the person as an employee, based on genetic information. Harassment of a person because of genetic information also is prohibited. Likewise, retaliation against a person for identifying, objecting to, or filing a complaint concerning a violation of this policy is prohibited.

The identity of the Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) shall be posted throughout the District and published in any District statement regarding the prohibition of discrimination on the basis of genetic information in all aspects of employment, in any staff handbooks, and in general information publications of the District as required by Federal and State law and on the District website.

In accordance with Title II of the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff, et seq., and 29 C.F.R. Part 1635 ("GINA"), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with GINA, applicants and employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be provided as part of the certification process for FMLA leave, or when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application for employment process. Employees and applicants for employment shall not be penalized for providing genetic information in good faith in response to a request from a Board employee or agent, unless that applicant or employee refuses to delete the information at the request of the employee or agent of the Board.

~~[ ] The Board recognizes that genetic information may be acquired through commercially and publicly available media including newspapers, books, magazines, periodicals, television shows or the Internet. The Board prohibits its employees and agents including commercial background investigation agents from searching these sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information. If genetic information about an employee or applicant is obtained in error, it shall immediately be redacted and not shared beyond the point of first receipt.~~

As used in this policy, "genetic information" means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for or receipt of genetic services or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

The term "genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family member that is not derived from a genetic test.



As used in this policy, "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites that detect genotypes, mutations, or chromosomal changes. The term includes any test of a person's DNA/RNA.

If the Board's employees or agents legally and/or inadvertently receive genetic information about an employee or applicant, it shall be treated as a confidential medical record in accordance with law.

The District's Compliance Officer (see Policy 4122 - Nondiscrimination and Equal Employment Opportunity) is responsible for overseeing the Board's compliance with this policy and GINA and proposing revisions and additions to this policy as necessary to ensure the Board's compliance with GINA. This person shall be responsible for working with the Board's legal counsel to fully implement the requirements of GINA in all activities of the School District. The Compliance Officer also shall verify that proper notice of nondiscrimination for Title II of GINA is provided to staff members, and that all requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) are accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

#### **Genetic Information Nondiscrimination Act of 2008 (GINA) Disclosure Requirement**

The Genetic Information Nondiscrimination Act of 2008 or "GINA" prohibits employers and other entities covered by the law, including the Board, from requesting or requiring genetic information of an employee or applicant or family member of an employee or applicant, except as specifically allowed by law. To comply with GINA, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. Questions concerning compliance with the requirements of GINA may be directed to the GINA Compliance Officer at                      **[phone] 715-748-4620.**

~~[ ] The Board offers health services, ( ) including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the District and no applicant or employee shall be identified or identifiable from the reported information.~~

The grievance procedure for complaints of discrimination in Policy 4122 applies to complaints of discrimination, including harassment, or retaliation prohibited by GINA and may be utilized if a District employee alleges discrimination or harassment on the basis of genetic information or retaliation for identifying, objecting to, or filing a complaint concerning a violation of GINA or this policy.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	NOTICE OF REASONABLE ASSURANCE OF EMPLOYMENT
Code	po4124 (YES)
Status	From Neola
Legal	108.04 (17)(d), Wis. Stats.

#### **4124 - NOTICE OF REASONABLE ASSURANCE OF EMPLOYMENT**

Prior to the conclusion of each school year, support staff employed in instructional year positions shall be notified, in writing, of reasonable assurance of continued employment for the subsequent school year when such employment is anticipated.

A school year employee of an educational institution who performs services other than in an instructional, research, or principal administrative capacity is ineligible for benefits based on such services performed for the District during any week of unemployment that occurs between two (2) successive academic years or terms. This applies if the employee performed such services in the first year or term and has reasonable assurance of performing them in the second.

Issuance of a notice of reasonable assurances to any employee as described in this policy shall not constitute a guarantee of employment in any successive academic term.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	ASSIGNMENT AND TRANSFER
Code	po4130 (YES)
Status	From Neola

#### 4130 - **ASSIGNMENT AND TRANSFER**

The Board believes that the careful placement of support staff within the District is vital to the utilization of qualified and competent support staff for the successful functioning of the District.

~~**[DRAFTING NOTE: BE SURE THAT RESPONSIBILITY FOR EMPLOYMENT ISSUES REGARDING SUPPORT STAFF IS CONSISTENT IN POLICIES 4120, 4130, 4139, 4140, AND 4430. ALTHOUGH NEOLA RECOMMENDS THAT THE DISTRICT ADMINISTRATOR BE RESPONSIBLE FOR SUPPORT STAFF EMPLOYMENT ISSUES, THE BOARD CAN LEGALLY RETAIN SUCH RESPONSIBILITY FOR ITSELF. CHECK THAT THE AFOREMENTIONED POLICIES DO NOT CONFLICT WITH EACH OTHER.]**~~

Responsibility for the assignment and transfer of support staff members shall be vested in the ( ☒ ) District Administrator ~~Board~~ ~~[END OF OPTION]~~, ( ☒ ) subject to and consistent with any applicable terms of the Employee Handbook.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	REDUCTION IN STAFF
Code	po4131 (YES)
Status	From Neola

#### 4131 - REDUCTION IN STAFF

It is the responsibility of the Board to provide the staff necessary for the implementation of the educational program of the District and the operation of the schools and to do so efficiently and economically.

The Board reserves the right to abolish positions in the District and to reduce the staff whenever reasons of decreased enrollment of students, return to duty of regular staff members after leaves of absence, suspension of schools or territorial changes affecting the District, or other circumstances warrant.

~~[ ] The District Administrator shall develop administrative guidelines for the reduction of staff based on the best interests of the District and consistent with the terms of any applicable interdistrict agreements, and applicable law.~~

Any staff member selected for reduction shall be informed with at least \_\_\_\_\_ **Thirty**(**30**) days advance notice. Where appropriate, attrition may be used to achieve the necessary number of position reductions.

#### ~~[ ] OPTION #1~~

The District Administrator shall determine the appropriate employees for reduction considering all factors deemed important and in the best interests of the District ( **x** ), including the following:

- A. qualifications of the employees being considered for reduction
- B. performance of employees, based on performance evaluations
- C. input from direct supervisors
- D. ( **x** ) length of service to the District ~~[END OF OPTION]~~

#### ~~[ ] OPTION #2~~

~~Selection of staff for reduction once positions have been identified, will be based on seniority. The District Administrator or designee shall maintain a seniority list for each building and each job category. When a reduction in force is necessary, the Administrator shall select the least senior employee for reduction, provided that other staff has the necessary certification. ( ) The District Administrator may determine that it is necessary to retain the least senior employee when in the best interests of the District, in which case the next least senior employee shall be considered.~~

#### ~~[END OF OPTIONS]~~

#### **[x ] OPTION #1**

No employee whose position has been eliminated shall have any right to be contacted by the District in the event that a vacancy opens in the future for which the laid off employee may be qualified. Likewise, no such employee is entitled to a future position or is provided any preference over other applicants. Any employee whose position was eliminated under this policy may file a grievance under Policy 4340. ~~[Note: This option allows a grievance to be filed which must be consistent with the reduction in force selection made in Policy 4340 – Grievance Procedure.]~~ Staff whose employment ended with the District due to a reduction in force, shall not be prevented from applying for future positions with the District.

~~[Note: If this option is selected, staff reduction results in termination of employment and the affected employee is likely entitled to access to the grievance procedure, Policy 4340.]~~

**[ ] OPTION #2**

~~Any employee whose position has been eliminated shall have a right to be recalled to their position or another vacancy in the District for which the individual is qualified for a period of \_\_\_\_\_ ( ) years after the date the employee was reduced. If such an employee is offered an opportunity, the employee to return to the same or similar position and rejects the opportunity, shall have no further right to recall.~~

~~When a vacancy occurs in a position for which there has been a reduction in staff in the prior \_\_\_\_\_ ( ) years, the Administrator responsible for hiring shall attempt to make contact in order of greatest length of service to the District at the time of last employment, with former employees that have remaining recall rights. The Administrator shall attempt to make contact at the last known contact information. Any employee that wishes to be contacted for such positions must inform the District office of any change of address or other contact information.~~

~~If an employee is recalled, the employee must again qualify for the position, and may be required to undergo pre-employment background checks or physical examinations consistent with Board policy and applicable law.~~

**[ ] OPTION #3**

~~Any employee reduced under this policy shall have the following benefits for a period of \_\_\_\_\_ ( ) year(s):~~

- ~~A. ( ) the District will contact the employee in the event a vacancy opens up in the same or similar position previously held;~~
- ~~B. ( ) if employee returns to employment, the employee shall retain all accrued benefits, including any applicable sick leave accumulation and length of service credit accrued at the time of reduction;~~
- ~~C. ( ) [Add additional recall benefits if desired]\_\_\_\_\_.~~

~~(Note: Providing some level of recall benefits reduces the likelihood that reduction in force is a "termination" subject to the statutory grievance procedure.)~~

**[END OF OPTIONS]****Staff Furloughs**

A furlough is a temporary reduction in hours for individuals or groups of employees that is intended to be of a short and predetermined duration, either in terms of days, weeks, or until the resumption of school operations. Furloughs differ from lay-offs in that a lay-off is of an indefinite, potentially permanent nature.

In the event of a temporary disruption to school services due to unforeseen circumstances, such as a public health emergency, natural disaster, or some other disruption to school programming **[Select one of the following options] ( )** ~~the Board may authorize the District Administrator to temporarily furlough employees by reducing employee hours, provided that a plan is presented to the Board for consideration-~~ **( x )** the District Administrator may temporarily reduce employee hours as necessary and shall inform the Board as soon as practicable regarding the actions taken and the plan for managing the circumstances. **[End of Options]**

Furloughs may be targeted to a particular department, building, or program. Furloughs may be used to reduce all employees' hours consistent with the District's needs while minimizing the impact on individual staff members. Generally speaking, furloughs should be administered in a way to avoid any employee from serving a furlough period of a full week or more in a row, wherever possible. This may involve distributing furlough days or blocks of days shorter than a full week, spread out over a period of several weeks or months.

Furloughs may be unpaid if based on budgetary concerns, or employees may be allowed to use available accrued paid time off. Furloughs shall be used only in a manner consistent with any individual contract requirements, or other employee rights or benefits, such as FMLA benefits.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	VACANCIES
Code	po4132 (YES)
Status	From Neola

**4132 - VACANCIES**

It shall be the policy of the Board to employ the person best suited to perform the duties of a particular District vacancy at any level.

Vacancies shall be announced in accordance with established District procedures.

~~[ ] Whenever possible, vacant positions shall be posted internally for a period of \_\_\_\_ ( ) days before being posted externally. Internal posting does not provide any preference for internal candidates.~~

~~[ ] The District Administrator shall establish procedures to facilitate the identification and evaluation of candidates for supervisory and other leadership positions.~~

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	STAFF DISCIPLINE
Code	po4139 (YES)
Status	From Neola
Legal	66.0509(1m)(a), Wis. Stats. Franklin v. City of Evanston, 384 F.3d 838 (7th Cir. 2004) Garrity v. New Jersey, 385 U.S. 493 (1967)

#### 4139 - **STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the workforce. When the discipline of a staff member becomes necessary such action shall be consistent with the requirements of any applicable Board policy, and State and Federal law. The District Administrator may issue discipline when deemed appropriate. This policy does not cover decisions to terminate a staff member's employment or accepting a staff member's resignation (see Policy 4140 - Termination and Resignation).

#### **Investigation of Possible Criminal Activity**

The District may be required to investigate potential wrongdoings on the part of its employees, and such wrongdoing in some cases may involve potential criminal conduct and/or co-occurring law enforcement investigations. Such investigations still require that the employee answer questions relating to the activity and employees who refuse to answer such questions may be disciplined for failure to cooperate in the investigation. Employees required to respond to questions regarding potential criminal activity are permitted to do so without waiving any Constitutional right against self-incrimination that may apply during the course of a criminal investigation. Employees should be advised of this right, often referred to as a "Garrity Warning". The Garrity Warning informs the employee that the employee is required to respond to questions posed during the investigation and that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. (see Form 4139 F1 - "Garrity" Warning)

#### **~~[ ] OPTION #1~~**

~~Staff may be disciplined for violations of Board policy or for other failure to meet the expectations and obligations of their position. Discipline may only be issued when just cause exists to issue discipline. Just cause as used in this policy shall mean that the District has concluded through a preponderance of evidence that a violation has occurred and the level of discipline is appropriate under the circumstances, considering the employee's disciplinary record, and other pertinent factors.~~

#### **[ x ] OPTION #2**

Staff may be disciplined for violations of Board policy or for other failure to meet the expectations and obligations of their position. No staff member may be subject to arbitrary or capricious disciplinary action, or disciplinary action that is otherwise in violation of law.

#### **~~[END OF OPTIONS]~~**

#### **[ x ] OPTION #1**

Disciplinary action will normally follow a progressive discipline model that is designed to correct inappropriate conduct on the part of staff members. Progressive discipline will generally progress as follows:

- A. oral reprimand, with a written record placed in the employee file
- B. written warning

C. suspension, the length of which is determined by the administration to effect the corrective goal of discipline; and

D. termination, pursuant to Policy 4140 - Termination and Resignation

The District Administrator may skip one or all steps in the progressive discipline model when s/he deems that the severity of the offense requires more substantial discipline, or in the case of termination, where the District Administrator determines that the conduct is so egregious as to require the staff members immediate termination of employment, consistent with Policy 4140 - Termination and Resignation.

**~~[ ] OPTION #2~~**

~~The District Administrator may issue discipline to staff members when deemed appropriate. The level of discipline may range from oral reprimands to suspension and may lead to termination consistent with Policy 4140 - Termination and Resignation. The level of discipline shall be consistent with the seriousness of the offense as determined by the District Administrator.~~

**~~[END OF OPTIONS]~~**

**[x ]** Management efforts engaged to improve an employee's job performance or address specific performance concerns, including letters of direction, performance improvement plans, mandatory training, etc., are not disciplinary in nature and are not subject to this policy or to Policy 4340 - Grievance Procedure. **~~[END OF OPTION]~~**

All instances of staff discipline are subject to the employee grievance procedure, set forth in Policy 4340 - Grievance Procedure.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	TERMINATION AND RESIGNATION
Code	po4140 (YES)
Status	From Neola

#### 4140 - **TERMINATION AND RESIGNATION**

##### **TERMINATION**

Employment may be terminated ~~( ) upon a majority vote of the Board~~ ☒ by the District Administrator ~~[END OF OPTIONS]~~.

☒ Support staff employees subject to termination ☒ may ~~( ) shall~~ ~~[END OF OPTION]~~ be given an opportunity to resign.

##### **RESIGNATION**

A support staff member may resign by filing a written resignation with the District Administrator.

☒ A resignation, once accepted, may not then be rescinded.

☒ The District Administrator may act for the Board in the acceptance of a resignation.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	PHYSICAL EXAMINATION
Code	po4160 (YES)
Status	
Legal	118.25, Wis. Stats. 118.25(2)(a), Wis. Stats. 121.52(3), Wis. Stats. 29 C.F.R. Part 1630 29 C.F.R. Part 1635 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

#### 4160 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment in a position that involves contact with children or preparation of food for children, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire. Additional testing may be required to assure freedom from tuberculosis in communicable form.

~~**[ ]** The Board requires every employee to undergo a physical examination as a condition of ongoing employment every \_\_\_\_\_ years of employment. **[END OF OPTION]**~~

No physical examination may be required of any employee who has filed an affidavit with the **District Administrator** \_\_\_\_\_ requesting such exemption on the basis that the employee relies exclusively on prayer or spiritual healing in accordance with the teaching of a bona fide religious sect, denomination, or organization and that the employee is to the best of his or her knowledge and belief in good health. An employee exempt from the physical examination requirement may still be required to submit to an examination if there is reason to believe the employee may have an illness that is detrimental to the health of students. Such examination shall be only to the extent sufficient to determine whether the employee suffers from such illness.

**[ x ]** The District Administrator may establish additional physical examination requirements for positions requiring particular demands or as may otherwise be required by law. Any fitness for duty examination shall be job related and out of necessity for safe and proper performance of job duties. **[END OF OPTION]**

Freedom from tuberculosis in a communicable form is a condition of employment.

**[ x ]** The Board shall also require the candidate to submit to a test for controlled substances the results of which must indicate there is no evidence of unlawful drug use. Such examinations shall be done in accordance with the District Administrator's guidelines and applicable law. **[NOTE: The legality of blanket pre-employment drug testing by a government employer for all positions is uncertain. Courts have concluded that drug tests are not based on a suspicion of drug use are permissible only where the position involves "safety-sensitive" employment. Selecting this option should be done with the advice of legal counsel.]**

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 4160 F2).



Reports of all such examinations or evaluations shall be delivered to the District Administrator, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 4122.02, the successful candidate who is required to submit to a medical examination, as well as the medical health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

The results of any physical examination conducted in the course of the employment process shall be solely for the purpose of determining employment eligibility or as may otherwise be required by law. Consideration of physical information in employment shall be consistent with the Americans with Disabilities Act (ADA) as amended and the Wisconsin Fair Employment Act (WFEA).

The Board shall assume any fees for required examinations.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY
Code	po4161 (YES)
Status	
Legal	111.32 et seq. the Wisconsin Fair Employment Act 29 C.F.R. Part 1630 29 C.F.R. Part 1635 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

#### 4161 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board to protect the students and employees of this District from the effects of contagious diseases and other circumstances that render support staff members unable to perform their duties.

The Board authorizes the District Administrator to place a support staff member on sick leave or suspend a support staff member for physical or mental disability to perform assigned duties in conformance with the law.

The District Administrator may require that the support staff member submit to an appropriate examination by a healthcare provider designated by the support staff member, a healthcare provider designated and compensated by the District, or both.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/District Administrator and to allow the District Administrator to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 4122.02 - Nondiscrimination Based on Genetic Information of the Employee, the District Administrator shall direct the provider designated by the Board to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider, it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the support staff member is found to be unable to perform assigned duties, the support staff member shall be placed on leave of absence pending further determination of ability to perform duties, including evaluation of any reasonable accommodations in the event of the existence of a disability.

Should a support staff member refuse to submit to the examination requested by the District Administrator, such refusal shall subject the support staff member to disciplinary action.

The District Administrator may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 4430.01 - Family & Medical Leave of Absence ("FMLA") as provided by law.

Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	SUPPORT STAFF ETHICS
Code	po4210 (YES)
Status	From Neola

#### 4210 - **SUPPORT STAFF ETHICS**

An effective educational program requires the services of employees of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Education expects all staff members to maintain high standards in their working relationships and in the performance of their duties to:

- A. ( ☒ ) recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. ( ☒ ) represent accurately their qualifications;
- C. ( ☒ ) exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. ( ☒ ) seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. ( ☒ ) keep in confidence legally-confidential information;
- F. ( ☒ ) ensure that their actions or those of another on their behalf are not made with specific intent of advancing private interests;
- G. ( ☒ ) avoid accepting anything of value offered by another for the purpose of influencing judgment;
- H. ( ☒ ) adhere to the policies of the Board;
- I. ( ☒ ) refrain from using position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	WHISTLEBLOWER PROTECTION
Code	po4211 (YES)
Status	From Neola

#### 4211 - **WHISTLEBLOWER PROTECTION**

The Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies, and administrative procedures. The Board expects employees to report to their immediate supervisors any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare. Additionally, employees are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of the employee's immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the District Administrator.

After such a report is made, the immediate supervisor will ask that the report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made such a report based on a reasonable and good faith belief that the report is accurate and not based on the employee's intent to harm, harass, intimidate, retaliate against another individual.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member, the employee shall report to the District Administrator who is authorized to engage the Board's legal counsel to manage an investigation concerning the matter. If the report concerns the District Administrator the employee shall make the report to the Board President, who is authorized to engage the Board's legal counsel to manage the investigation.

Upon receipt of a report made by a staff member pursuant to this policy, an investigation shall be commenced as soon as possible and shall be handled expeditiously.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	STUDENT SUPERVISION AND WELFARE
Code	po4213 (SK)
Status	From Neola
Legal	48.981, 948, 948.095, Wis. Stats.

#### 4213 - **STUDENT SUPERVISION AND WELFARE**

Support staff members may be confronted with situations which, if handled incorrectly, could result in liability to the District, personal liability to the staff member, and/or harm to the welfare of the student(s). It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

A support staff member, or a person who works or volunteers with children, who is found to have had sexual contact with any student shall be referred to the proper authorities and be subject to discipline, up to and including discharge.

This policy should not be construed as affecting any obligation on the part of staff to report suspected child abuse under 48.981, Wis. Stats., and Policy 8462 - Child Abuse and Neglect.

Each District support staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities which include, but are not limited to, the following standards:

- A. A support staff member shall report immediately any accident or safety hazard about which they are informed or detect to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.
- B. A support staff member shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or threat of these activities, by students to the District Administrator and local public safety agencies and/or school officials in accordance with Policy 8420 - School Safety. ( ☒ ) Additionally, each support staff member shall also promptly report to the Principal any knowledge of threats of violence by students.
- C. Support staff should not volunteer to take on responsibilities they are not reasonably qualified or able to perform. Voluntarily assuming such duties carries the same level of accountability as formally assigned responsibilities.
- D. A support staff member shall not send students on any personal errands.
- E. A support staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and District discipline, up to and including termination of employment.

This provision should not be construed as precluding a support staff member from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and students.

- F. A support staff member shall not disclose personally identifiable information about a student to third parties unless specifically authorized by law or the student's parent(s) to do so.
- G. A support staff member shall not transport students for school-related activities in a private vehicle without the approval of their immediate supervisor and consistent with the provisions of Policy 8660 - Transportation by Private Vehicle for District-Sponsored Activities or Trips. This does not apply to any student who is a support staff member's family member.

- H. A student shall not be required to perform work or services that may be detrimental to their health.
- I. Staff members ~~( ) are discouraged from engaging~~ (x) shall not engage ~~[END OF OPTIONS]~~ students in social media and online networking media (see also Policy 7544 - Use of Social Media), except for appropriate academic, extra-curricular, and/or professional uses consistent with Policy 7540 - Technology, Policy 7540.03 - Student Technology Acceptable Use and Safety, and/or Policy 7540.04 - Staff Technology Acceptable Use and Safety.
- J. Staff members are expressly prohibited from posting any picture, video, meme, or other visual depiction, or comment pertaining to any student on personal or unauthorized social networking media or similar forums. This provision of the policy does not apply to pictures and/or videos taken of public events that may involve, or incidentally include, depictions of students participating in or observing such events where the purpose of the photo or video is to depict the event, not a particular student. This section does not apply to depictions of a support staff member's own child or other relative.

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is a confidential student record under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and Board Policy 8462 - Child Abuse and Neglect, each support staff member shall report to the proper legal authorities immediately, any sign of suspected child abuse, abandonment, or neglect.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	STAFF GIFTS
Code	po4214 (SK)
Status	From Neola

#### 4214 - **STAFF GIFTS**

The Board generally discourages the presentation of gifts to staff members by students and their parents beyond nominal value to avoid the appearance of favoritism and to avoid the embarrassment of students who are unable or whose parents are unable or unwilling to provide support staff with gifts.

Support staff may only accept gifts of nominal value (the amount as defined in Policy 4230 - Ethics and Conflict of Interest) from students and their parents, or token items often distributed by companies through their public relations or marketing programs. Other gifts must be graciously declined for compliance with this policy.

It shall not be considered a violation of this policy for an employee to receive entertainment, food, refreshments, meals, health screenings, amenities, or beverages that are provided in connection with a conference sponsored by an established or recognized educational organization, or as may be approved by the District Administrator.

Gifts that are intended for the benefit of the District shall be referred to the District Administrator for proper processing in accordance with Policy 7230 - Gifts, Grants, and Bequests.

The District Administrator may approve acts of generosity to individual staff members in special situations.

Upon the recommendation of the District Administrator, the Board shall consider, as appropriate, the presentation of recognition gifts to members of the staff who have rendered service for a period of time.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	USE OF TOBACCO AND NICOTINE BY SUPPORT STAFF
Code	po4215 (SK)
Status	From Neola
Legal	111.321, Wis. Stats. 120.12(20), Wis. Stats. 20 U.S.C. 6081 et seq. 20 U.S.C. 7182

#### 4215 - USE OF TOBACCO AND NICOTINE BY SUPPORT STAFF

The Board recognizes that the use of tobacco products, as well as other nicotine delivery systems, such as electronic smoking devices, are a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is acutely aware of the serious health risks associated with the use of these products, both to users and non-users, and that their use or promotion on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors. The Board also believes accepting tobacco industry gifts or materials will send an inconsistent message to students, staff, and visitors.

It shall be a violation of this policy for any support staff of the District to use, consume, display, promote, or sell any tobacco products, tobacco industry brand, tobacco-related devices, imitation tobacco products, or electronic smoking or vaping devices, regardless of content, including smoking as defined in this policy, at any time on school property or at off-campus, school-sponsored events. ( ☒ ) The Board authorizes the District Administrator to take reasonable measures related to the Board's expectation that the promotion and display of tobacco and related products on school property or at off-campus, school-sponsored events is prohibited.

It shall be a violation of this policy for the District to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products retailer. This includes, but is not limited to, donations, monies for sponsorship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall be a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the District.

#### Exceptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in instructional or work-related activities in school buildings if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.

FDA approved cessation products or tobacco dependence products are exempt from this policy for adults and staff eighteen (18) years and older. Staff using such products and bringing them to any school property or school-sponsored activity are responsible for safekeeping of these products at all times and are responsible for assuring that no students are able to obtain access to these products.

( ☒ ) Instruction in the history and purpose of traditional tobacco that has been used as a part of faith and tradition in the Native American and American Indian communities is an exception to this policy.

#### Policy Specific Definitions

The term "any time" means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week.



The term "electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, JUUL, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, and pods.

The term "imitation tobacco product" means any edible non-tobacco product designed to resemble a tobacco product, or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

The term "off-campus, school-sponsored event" means any event sponsored by the school or School District that is not on school property, including but not limited to, sporting events, day camps, field trips, entertainment seminars, dances or theatrical productions.

The term "school property" means all facilities and property, including land, whether owned, rented, or leased by the District, and all vehicles owned, leased, rented, contracted for, or controlled by the District used for transporting students, staff and visitors.

The term "smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. This specifically includes marijuana and hemp plant derived substances, whether or not legally sold in Wisconsin, including CBD products, Delta 8 THC, Delta 9 THC, or any other variation thereof. "Smoking" also includes carrying or using an activated electronic smoking device.

The term "tobacco products retailer" means retailers whose primary business is to sell tobacco and/or tobacco-related products.

The term "tobacco industry" means manufacturers, distributors or wholesalers of tobacco products, electronic smoking devices, or tobacco-related devices; this includes parent companies and subsidiaries.

The term "tobacco industry brand" means any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product, company, or manufacturer of tobacco products.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	SUPPORT STAFF DRESS AND APPEARANCE
Code	po4216 (YES)
Status	From Neola

#### 4216 - **SUPPORT STAFF DRESS AND APPEARANCE**

The Board believes that support staff members set an example in dress and appearance for their students to follow.

The Board authorizes the development of standards for staff dress and appearance that promote a professional educational atmosphere that gives consideration to the impact on the educational process and the diversity of District's staff.

☒ ) When assigned to District duty, all support staff members shall:

- A. ☒ be physically clean and neat;
- B. ☒ dress in a manner consistent with their support responsibilities;
- C. ☒ dress in a manner that communicates to others a pride in personal appearance;
- D. ☒ dress in a manner that does not cause damage to District property;
- E. ☒ present themselves in such a way that does not disrupt the educational process or cause a health or safety hazard.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	WEAPONS PROHIBITED FOR SUPPORT STAFF
Code	po4217 (YES)
Status	From Neola
Legal	120.13(1), Wis. Stats. 175.60, Wis. Stats. 939.22(10), Wis. Stats. 941.295, Wis. Stats. 943.13, Wis. Stats. 948.605, Wis. Stats. 948.61, Wis. Stats. 18 U.S.C. 921(a)(3) 18 U.S.C. 922 20 U.S.C. 7151

#### 4217 - **WEAPONS PROHIBITED FOR SUPPORT STAFF**

The Board prohibits support staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle, to the extent permitted by law.

~~( ) without the permission of the District Administrator.~~

**[ x ]** This prohibition does not apply to unloaded firearms in a locked vehicle or locked firearms case, or to separately stored ammunition, that is on any part of school grounds used as a parking facility **( x )** provided, however, that the firearm case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk or, if not possible, covered with a blanket or in some fashion shielded from vision.)

#### **Concealed Carry Permit Holders**

Nothing in this policy prohibits an employee with a properly issued permit to carry a concealed weapon from exercising his/her rights consistent with Wisconsin's concealed carry law and the State and Federal gun-free school zones laws. However, a staff member who is the holder of a concealed carry permit license issued or recognized by the State of Wisconsin may not, by virtue of Wis. Stat. 948.605(2)(b)1r, possess a concealed weapon anywhere in or on school grounds, including parking areas.

**[ x ]** A staff member who is a concealed carry permit licensee may not carry a concealed weapon or otherwise store a weapon or ammunition in his or her personal vehicle while transporting students for school-sponsored events or school-related purposes in his or her own vehicle. This does not apply to the transportation of students related by blood or marriage to the staff member if only such students are being transported.

#### **Definition of "Weapon"**

For this policy, the term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to firearms (including, but not limited to, firearms as defined in 18 U.S.C.

921(a)(3)), guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives (subject to the exceptions below), razors with unguarded blades, clubs, electric weapons (as defined in 941.295(1c)(a), Wis. Stats.), metallic knuckles, martial arts weapons, chemical agents, ammunition, and explosives.

Exceptions to this policy include:

- A. weapons under the control of law enforcement personnel while on duty, or qualified former law enforcement officers, off duty law enforcement officers, or out-of-state law enforcement officers;
- B. ( ☒ ) items approved by ( ☒ ) a Principal ~~( ☐ ) the District Administrator, ( ☐ ) the Board [END OF OPTION]~~ as part of a class or individual presentation under adult supervision, including but not limited to hunters' education course, if used for the purpose of and in the manner approved (working firearms, except those protected at all times by a cable or trigger lock, and live ammunition shall never be approved);
- C. ( ☒ ) theatrical props used in appropriate settings;
- D. ( ☒ ) starter pistols used in appropriate sporting events; and
- E. ( ☒ ) a knife lawfully used for food consumption or preparation, or a knife used for a lawful purpose within the scope of the person's employment.

The District Administrator may refer a staff member who violates this policy to law enforcement officials. The staff member may also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy.

Any staff member who has reason to believe that a person has or will violate this policy shall report to the school Principal or their supervisor immediately. Failure to report such information may subject the staff member to disciplinary action, up to and including termination. The staff member may also confront the person if the staff member believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

This policy shall be published and distributed to staff members annually. Publication is not a precondition to enforcement of this policy.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	EVALUATION OF SUPPORT STAFF
Code	po4220 (YES)
Status	From Neola

#### 4220 - **EVALUATION OF SUPPORT STAFF**

The Board recognizes the importance of implementing a program of support staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for support staff are:

- A. ☒ to improve and reinforce the skills, attitudes, and abilities which enable a support staff member to be effective in achieving assigned job goals;
- B. ☒ to identify and remediate weaknesses which prevent a support staff member from achieving the goals of assigned duties.

The District Administrator shall develop and implement a plan for support staff member evaluations.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	ETHICS AND CONFLICT OF INTEREST
Code	po4230 (YES)
Status	From Neola
Legal	19.59, 19.42(7), 946.13, Wis. Stats. 2 C.F.R. 200.12 2 C.F.R. 200.113 2 C.F.R. 200.318 7 C.F.R. 3016.36(b)(3) 7 C.F.R. 3019.42

#### 4230 - ETHICS AND CONFLICT OF INTEREST

The proper performance of school business is dependent upon the maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by Board members and District's employees, officers, and agents is essential to the Board's commitment to earn and keep public confidence in the School District.

For these reasons, the Board adopts the following guidelines designed to avoid the occurrence or appearance of any conflicts of interest. These guidelines apply to all District employees, officers, and agents, including members of the Board. These guidelines are not intended to be all inclusive, nor to substitute for good judgment on the part of all support employees, officers, and agents. Support employees are expected to perform their duties in an ethical manner and free from an actual conflict of interest or from situations that create the appearance of a conflict of interest, in a manner consistent with 19.59, Wis. Stats. The Board's interest in enforcing this policy is to assure that the decisions and actions of public employees retain the public's trust. Therefore, even a conflict relationship that can be viewed as beneficial to the District or that was intended to be beneficial to the District, may still be a violation of this policy.

- A. No support employee, officer, or agent shall engage in or have a personal or financial or other interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with the employee's, officer's, or agent's duties and responsibilities in the school system. Specifically, support employees must perform their duties in a manner that does not violate criminal conflict of interest laws pursuant to 946.13, Wis. Stats. by having a private pecuniary interest in an amount that exceeds \$15,000, but also lesser valued conflicts that nonetheless create the appearance of using one's public position to secure a private pecuniary interest and/or benefit.
- B. Support staff employees, officers, or agents shall not directly supervise a relative employed by the District or employed in a position contracted for by the District.
- C. Support employees, officers, and agents shall not engage in business, private practice of their profession, the rendering of services, anything of substantial value, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any employee, student, client, or parents of such students or clients in the course of their employment or professional relationship with the School District.

Included, by way of illustration, rather than limitation are the following:

1. the provision of any private lessons or services for a fee, unless the provision of services is arranged outside of school and is separate from and in addition to regular support provided to students as part of the staff member's regular duties (x) or the service is not provided to students enrolled in one or more class with a support staff member. ~~END OF OPTION~~;
2. soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees;
3. the use, sale, or improper divulging of any privileged information about a student or client granted in the course of the employee's, officer's or agent's employment or professional relationship with the School District through their access to School District records;
4. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;

5. the requirement of employees, students or clients to purchase any private goods or services provided by an employee, officer or agent or any business or professional practitioner with whom any employee, officer or agent has a financial or other relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

- D. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the District Administrator **before** entering into any private relationship.
- E. Support employees shall not make use of materials, equipment, or facilities of the School District for their own personal financial gain or business interest. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- F. Support employees, officers, and agents shall not participate in the selection, award, and administration of any contract to an entity in which they have a pecuniary interest or from which they derive a profit, or in which a dependent of the employee has a pecuniary interest or from which the dependent derives a profit. "Dependent" includes the employee's spouse; unemancipated child, stepchild, or adopted child under the age of eighteen (18); or individual for whom the employee provides more than one-half (1/2) of the individual's support during a year. A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the professional employee or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.

Support employees, officers, and agents may not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

☒ However, pursuant to Federal rules, the School District has set standards for when an employee, officer, or agent may accept a gift of an unsolicited item of nominal value. For purposes of this section, "nominal value" means that the gift has a monetary value of \$\_\_\_\_\_ **50.00** or less. **[END OF OPTIONAL LANGUAGE]**

**[DRAFTING NOTE: Section 200.318 of Title 2 of the Code of Federal Regulations allows for non-Federal entities (Districts) to set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. In such a situation, "nominal value" must be defined. Nominal value is frequently defined as anything of a value less than \$25, however, local standards may differ.]**

- G. Support employees, officers, and agents must disclose any potential conflict of interest which may lead to a violation of this policy to the School District. Upon discovery of any potential conflict of interest, the School District will disclose, in writing, the potential conflict of interest to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

The District will also disclose, in a timely manner, all violations of Federal criminal law involving fraud, bribery, or gratuity that affect a Federal award to the appropriate Federal awarding agency or, if applicable, the pass-through entity.

- H. Support employees, officers and agents found to be in violation of this conflict of interest policy will be subject to

☒ discipline in accordance with Policy 4139 - Staff Discipline

~~☐ discipline as specified in the Employee Handbook.~~

~~☐ the following disciplinary actions: **[insert School District's disciplinary actions]**~~

**[DRAFTING NOTE: The School District has discretion over the appropriate disciplinary actions. For example, the School District may suspend or terminate the individual's employment, transfer the individual, end the District's professional relationship with that individual, or temporarily re-assign the individual. All disciplinary actions must be in accordance with applicable Federal, State, and local law, as well as any applicable Board policy or employee handbook provisions.]**

~~☐ No support staff employee may accept or engage in any employment, consulting, advising, or other professional activity with any organization other than the District, whether the employee will receive compensation for such outside activity or not, without first ~~( )~~ providing notice to ~~( )~~ obtaining the approval of **[END OF OPTIONS]** the District Administrator.~~

In the event that, within the course of administering a Federally funded grant program or service to the District, any employee that identifies a conflict of interest, a potential conflict of interest, or that the appearance of a conflict of interest may arise in the course of administering the Federal grant funds, the employee must immediately notify either the Federal agency administering the grant in a manner consistent with that particular agency's rules on conflict of interests, or the District employee directly responsible for grant compliance. Such notice shall be provided at the earliest possible time.

It is a violation of this policy to take action or to refrain from taking action, or for an employee to otherwise use the employee's public position to obtain a financial gain or anything of substantial value for oneself or the employee's immediate family, as defined in 19.42(7), Wis. Stats.



Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	OUTSIDE ACTIVITIES OF SUPPORT STAFF
Code	po4231 (SK)
Status	From Neola

#### 4231 - **OUTSIDE ACTIVITIES OF SUPPORT STAFF**

The Board expects support staff members to avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten an employee's effectiveness within the School District, the District Administrator shall evaluate the impact of such interest, activity, or association upon the support staff member's responsibilities. Staff members are expected to notify the District Administrator of involvement in any outside organization, association, or the like if the staff member's role as a member of the District's staff is tied directly to involvement in the identified outside activity. Additionally, staff members are expected to notify the District Administrator of involvement in any outside activity if the staff member will receive compensation for any outside activities (refer also to Policy 4230 - Ethics and Conflict of Interest).

- A. ☒ Staff members should not give work time to an outside interest, activity, or association without a valid reason to be excused from assigned duties.
- B. ☒ Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. ☒ Staff members shall not engage in business transactions on behalf of private enterprises in which the staff member may profit by virtue of the staff member's official position or authority or benefit financially from confidential information which the staff member has obtained or may obtain by reason of the staff member's position or authority.
- D. ☒ Staff members shall not campaign on school property on behalf of any political issue or candidate for local, State, or National office.
- E. ☒ Staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.
- F. ☒ Staff members should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	PERSONAL PROPERTY OF STAFF MEMBERS
Code	po4281 (SK)
Status	From Neola

#### 4281 - **PERSONAL PROPERTY OF STAFF MEMBERS**

Employees may bring personal property ( ☒ ), including personal communication devices, ~~[END OF OPTION]~~ to school either for reasons associated with work responsibilities or for use during off-duty time ( ☒ ) (see Policy 7530.02 - Staff and School Officials Use of Personal Communication Devices) ~~[END OF OPTION] ( ) in accordance with the Employee Handbook [END OF OPTION].~~

The owner of the personal property bears all responsibility for documentation of ownership and assumes all risk for loss, damage, or misuse of said personal property while it is on District property. Administrators shall direct employees to remove inappropriate or unauthorized personal property from District premises.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	EMPLOYEE EXPRESSION IN NONINSTRUCTIONAL SETTINGS
Code	po4310 (SK)
Status	From Neola
Legal	Pickering v Board of Ed., 391 U.S. 563 (1968) Connick v Myers, 461 U.S. 138 (1983) Heffernan v City of Paterson, 136 S.Ct. 1412 (2016) Garcetti v Ceballos, 547 U.S. 410 (2006)

#### 4310 - **EMPLOYEE EXPRESSION IN NONINSTRUCTIONAL SETTINGS**

The Board acknowledges the right of its support staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, including matters related to the performance of their job duties or responsibilities, the support staff member's expression must be balanced against the interests of this District.

The following employee expectations are adopted by the Board to help clarify and, therefore, avoid situations in which the support staff member's expression could conflict with the District's interests. In such situations, the employee should:

- A. ☒ state clearly that the expression represents personal views and not necessarily those of the School District;
- B. ☒ refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;
- C. ☒ not make threats or abusive or personally-defamatory comments about co-workers, administrators, or officials of the District;
- D. ☒ refrain from making public expressions which the employee knows to be false or are made without regard for truth or accuracy.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	GRIEVANCE PROCEDURE
Code	po4340 (SK)
Status	From Neola
Legal	66.0509(1m), 118.22, 118.24, Wis. Stats.

#### 4340 - GRIEVANCE PROCEDURE

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. Each employee of the District shall be provided an opportunity to understand and resolve certain matters affecting employment that the employee believes to be unjust. This section shall apply to all regular full-time, part-time, limited, temporary, and seasonal employees.

#### **~~{CHOOSE OPTION #1 or #2}~~**

**~~[x] [OPTION #1] [NOTE: this option reflects the minimum requirements of the law and is the recommended option.]~~**

This procedure is available in the case of any employee's disagreement with discipline or termination of employment, as well as a matter relating to workplace safety.

A grievance shall mean a dispute concerning an employee's discipline or termination of employment or a dispute concerning workplace conditions that affect workplace safety. Only one (1) subject matter shall be covered in any one (1) grievance. A written grievance shall contain:

- A. the name and position of the grievant;
- B. a clear and concise statement of the grievant, including the category of the grievance (i.e., employee termination, discipline, or workplace safety);
- C. the issue involved;
- D. the relief sought;
- E. the date the incident or violation took place;
- F. the specific section of the Policy Manual alleged to have been violated;
- G. the signature of the grievant and the date.

**~~[ ] [OPTION #2] [DRAFTING NOTE: this option provides a far broader definition of grievance than is required by law.]~~**

~~This procedure is available for any cause or complaint arising between the District and its employees with reference to a condition of employment. Any District employee(s), who feels they have been treated unfairly, or is dissatisfied with working conditions, should first seek to resolve the problem through informal discussions with their supervisor. In the event informal discussions fail to resolve the problem, the employee(s) may seek formal review and resolution by filing a written grievance.~~

~~A grievance shall mean a dispute concerning the interpretation or application of a portion of written District policies or written or expressed procedures and objectives of the District.~~

**~~{END OF OPTIONS #1 & #2}~~**

All employee grievances must be filed by the aggrieved employee(s). The grievance must be filed within five (5) business days after the employee knew or should have known of the cause of such grievance. The following procedures shall be followed:

### ~~[CHOOSE OPTION #3 OR #4]~~

#### ~~[-] [OPTION #3]~~

##### **A. District Administrator:**

~~This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant. [NOTE: An example of this action is the termination of an employee by Board action which is not subject to review by the District Administrator.]~~

##### **B. Hearing Before an Impartial Hearing Officer:**

~~In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) business days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an Impartial Hearing Officer. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline, or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determines the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board shall appoint a hearing officer for the purpose of conducting the hearing. The Board may appoint a hearing officer or panel of potential hearing officers from which to select an officer for this purpose, either on an ad hoc basis or by resolution adopted for a school year, and delegate to the District Administrator the responsibility to arrange for such hearing with one (1) of the selected officers. When the grievant is the District Administrator, the ( ) Board President ( ) Board's legal counsel [END OF OPTIONS] shall be responsible for the selection of a hearing officer and arranging a hearing.~~

~~Each grievance shall be heard by a single hearing officer and such hearings shall be private. The employee and the District may present witnesses and each side may select one (1) individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.~~

~~The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the District Administrator in the initial grievance. Any fees or costs charged by the Impartial Hearing Officer shall be ( ) paid by the District ( ) split evenly between the grievant and the District. [DRAFTING NOTE: Neola suggests that the option that requires the District to pay the fees or costs charged by the Impartial Hearing Officer be selected to avoid potential Due Process issues.]~~

##### **C. Board:**

~~In the event that either party is dissatisfied with the Hearing Officer's decision, that party may, within ten (10) business days, present the grievance in writing to the Board, which shall consider the matter within thirty (30) business days after its receipt unless postponed by mutual agreement. The Board shall review the decision of the Impartial Hearing Officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by a majority vote of a quorum present, which shall be final.~~

#### **[-x] OPTION #4**

##### **A. Principal/Supervisor:**

If an employee believes they have a matter subject to the grievance procedure, the employee shall present the grievance to the Principal/Supervisor. If applicable, the employee shall perform the assigned task and grieve later. The Principal/Supervisor shall, within five (5) business days, inform the employee in writing of their decision.

##### **B. District Administrator:**

In the event the Principal's/Supervisor's decision does not resolve the problem, the employee may, within five (5) business days of the date the Principal's/Supervisor's written decision is issued, present their grievance in writing to the District Administrator. This grievance shall fully state the details of the problem and suggest a remedy. The District Administrator shall, within five (5) business days of receipt of the grievance, meet and discuss the grievance with the employee and then reply in writing within ten (10) business days. This step does not apply to any grievance related to action by the Board that directly affects the grievant. **~~[NOTE: An example of this action is the termination of an employee by Board action which is not subject to review by the District Administrator.]~~**

### C. Hearing Before an Impartial Hearing Officer:

In the event the matter is not resolved to the employee's satisfaction by the District Administrator, the employee may, within five (5) business days of the date of the written decision of the District Administrator, request in writing that the matter be referred for a hearing before an Impartial Hearing Officer. The Board shall appoint a Hearing Officer for the purpose of conducting the hearing. If the District Administrator denies the grievance based on whether the grievance is timely or relates to a covered matter (i.e. workplace safety, discipline, or termination), the matter shall be referred to the Board for determination of whether the grievance may proceed. If the Board determines the grievance may proceed, it will then be referred to the Impartial Hearing Officer. The Board may appoint a Hearing Officer or panel of potential Hearing Officers from which to select an officer for this purpose, either on an ad hoc basis or by resolution adopted for a school year, and delegate to the District Administrator the responsibility to arrange for such hearing with one (1) of the selected officers. When the grievant is the District Administrator, the ( ) Board President ( ) Board's legal counsel **[END OF OPTIONS]** shall be responsible for the selection of a Hearing Officer and arranging a hearing.

Each grievance shall be heard by a single Hearing Officer and such hearings shall be private. The employee and the District may present witnesses and each side may select one (1) individual to attend the hearing as a representative. Any employee representative selected shall be at no expense to the District.

The Hearing Officer may only consider the matter presented to him/her in the initial grievance filed by the employee. The decision will apply exclusively to the employee presenting the grievance. The Impartial Hearing Officer shall have authority to run the hearing, including administering oaths, admitting evidence into the record, providing for transcription, etc. The Officer may not modify any Board policy and may not issue decisions on matters not presented to the Principal/Supervisor in the initial grievance. Any fees or costs charged by the Impartial Hearing Officer shall be (x) paid by the District (-x) split evenly between the grievant and the District. **~~[DRAFTING NOTE: Neola suggests that the option that requires the District to pay the fees or costs charged by the Impartial Hearing Officer be selected to avoid Due Process issues.]~~**

### D. Board:

In the event that either party is dissatisfied with the Hearing Officer's decision, that party may, within ten (10) business days, present the grievance in writing to the Board, who shall consider the matter within thirty (30) business days after its receipt unless postponed by mutual agreement. The Board shall review the decision of the Impartial Hearing Officer and may either issue a decision or determine that additional evidence or testimony is necessary and provide for a hearing for that purpose. The Board's decision shall be by a majority vote of a quorum present, which shall be final.

### **~~[END OF OPTIONS]~~**

This procedure constitutes the exclusive process for the redress of employee grievances for the subject matter referred to herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with the administration, and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by the administration which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

Time limits contained in this grievance procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the grievance to the next step in the process is not met, the grievance shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the grievance procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this grievance procedure, the following definitions shall apply:

- A. Workplace safety means those conditions related to physical health and safety of employees enforceable under Federal or State law or District rule related to the safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace

violence, and accident risks.

- B. Termination does not include voluntary resignation or retirement, ( ☒ ) nor does it include reduction in force under Policy 4131 - Reduction in Staff. **~~{DRAFTING NOTE: SELECTION OF OPTION MUST BE CONSISTENT WITH SELECTION MADE IN POLICY 4131.}~~**
- C. Employee discipline refers to suspensions, written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file.
- D. Business day means weekdays, excluding any District recognized holiday that falls on a weekday, but does not exclude weekdays during scheduled break periods.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates (X) 10/7
Title	EMPLOYEE ANTI-HARASSMENT
Code	po4362 (YES) add CO's
Status	
Legal	<p>111.31, 118.195, 118.20, Wis. Stats.</p> <p>29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967</p> <p>29 U.S.C. 794, Rehabilitation Act of 1973</p> <p>42 U.S.C. 1983</p> <p>42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964</p> <p>42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act</p> <p>42 U.S.C. 6101 et seq., Age Discrimination Act of 1975</p> <p>42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended</p> <p>29 C.F.R. Part 1635</p> <p>National School Boards Association Inquiry and Analysis - May 2008</p>

#### 4362 - **EMPLOYEE ANTI-HARASSMENT**

##### **Prohibited Harassment**

The Board is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the School District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against our employees.

The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, age, sex (including gender status, change of sex, sexual orientation, or gender identity), pregnancy, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters (collectively, Protected Classes), or any other characteristic protected by law in its employment practices (hereinafter referred to as harassment), and encourages those within the School District community as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board prohibits harassment that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, employee-to-student, male-to-female, female-to-male, male-to-male, or female-to-female.

The Board will investigate all allegations of harassment and, in those cases where harassment is substantiated, take immediate steps calculated to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in harassment will be subject to appropriate disciplinary action.

~~[ ] The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, the person(s) who committed the harassment.~~

##### **Notice**



Notice of the Board's policy on anti-harassment related to employment practices and the identity of the District's Compliance Officers will be posted throughout the District and published in any District statement regarding the availability of employment, staff handbooks, and general information publications of the District as required by Federal and State law and this policy.

## Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

**Day(s)**: Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the District office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

**Respondent** is the individual who has been alleged to have engaged in harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

**School District community** means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**Third Parties** include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

## Bullying

Bullying rises to the level of harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" also includes "hate speech"—the use of language, behavior, or images/symbols that express prejudice against a particular group or groups on the basis of any protected characteristic(s).

Examples are:



- A. making statements that promote violence toward a racial or ethnic group;
- B. drawing, displaying, or posting images or symbols of prejudice (e.g., swastikas).

### **Sexual Harassment**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct is sufficiently severe, pervasive, and persistent such that it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment;
- E. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism results in an adverse employment action for another employee or otherwise creates a hostile work environment;
- F. inappropriate boundary invasions by a District employee or other adult member of the District into a student's personal space and personal life.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266/( ) AG 2266 **[END OF OPTION]** – Nondiscrimination on the Basis of Sex in Education Programs or Activities, i.e., sexual harassment prohibited by Title IX, is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266/( ) AG 2266 **[END OF OPTION]** - Nondiscrimination on the Basis of Sex in Education Programs or Activities.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. unwelcome sexual propositions, invitations, solicitations, and flirtations;
- B. unwanted physical and/or sexual contact;
- C. threats or insinuations that a person's employment, wages, promotion, assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances;
- D. unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages, or social media postings;
- E. sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature, placed in the work environment that reasonably may embarrass or offend individuals;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. asking or telling about sexual fantasies, sexual preferences, or sexual activities;
- H. speculation about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history;
- I. giving unwelcome personal gifts, such as lingerie, that suggest the desire for a romantic relationship;
- J. leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin;

- K. consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment;
- L. inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life; and
- M. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

Romantic or sexual relationships between District staff (teachers, aides, administrators, coaches or other school authorities) and a student is expressly prohibited. Any school staff member who engages in sexual conduct with a student may also be guilty of a crime and any information regarding such instances will be reported to law enforcement authorities.

### **[ x ] Boundary Invasions**

Boundary invasions may be appropriate or inappropriate. Appropriate boundary invasions make medical or educational sense. For example, a teacher or aide assisting a kindergartner after a toileting accident or a coach touching a student during wrestling or football can be appropriate. However other behaviors might be going too far, are inappropriate and may be signs of sexual grooming.

Inappropriate boundary invasions may include, but are not limited to the following:

- A. ~~hugging, kissing, or other physical contact with a student;~~
- B. telling sexual jokes to students;
- C. engaging in talk containing sexual innuendo or banter with students;
- D. talking about sexual topics that are not related to curriculum;
- E. showing pornography to a student;
- F. taking an undue interest in a student (i.e. having a special friend or a special relationship);
- G. initiating or extending contact with students beyond the school day for personal purposes;
- H. using e-mail, text messaging, or websites to discuss personal topics or interests with students;
- I. ~~giving students rides in the staff member's personal vehicle or taking students on personal outings without administrative approval;~~
- J. invading a student's privacy (e.g. walking in on the student in the bathroom, locker-room, asking about bra sizes or previous sexual experiences);
- K. going to a student's home for non-educational purposes;
- L. inviting students to the staff member's home without proper chaperones (i.e. another staff member or parent of student);
- M. giving gifts or money to a student for no legitimate educational purpose;
- N. accepting gifts or money from a student for no legitimate educational purpose;
- O. being overly touchy with students;
- P. favoring certain students by inviting them to come to the classroom at non-class times;
- Q. getting a student out of class to visit with the staff member;

- R. providing advice to or counseling a student regarding a personal problem (i.e. problems related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc.), unless properly licensed and authorized to do so;
- S. talking to a student about problems that would normally be discussed with adults (i.e. marital issues);
- T. being alone with a student behind closed doors without a legitimate educational purpose;
- U. telling a student secrets and having secrets with a student;
- V. other similar activities or behavior:

1.  \_\_\_\_\_

2.  \_\_\_\_\_

Inappropriate boundary invasions are prohibited and must be reported promptly to one of the District Compliance Officers, as designated in this policy, the Building Principal or the District Administrator.

#### **~~[END OF BOUNDARY INVASIONS OPTION]~~**

#### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

#### **National Origin/Ancestry Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

#### **Age Harassment**

Prohibited age based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's age, being over age forty (40), and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment.

#### **Race/Color Harassment**

Prohibited race/color based harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race and/or color and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references regarding racial customs.

#### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability, perceived disability, or record of disability, and when the conduct has the purpose or effect of interfering with the individual's work performance; or of creating an intimidating, hostile, or offensive working environment. Such harassment may occur where conduct is directed at the characteristics of a person's current or past disability or a perceived condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

#### **Anti-Harassment Compliance Officers**

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)" or CO or COs):

**[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer, as appropriate.]**

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

Joseph Greget

Director of Special Education and Student Services

715748-2316

1065 W Broadway

gregejo@medford.k12.wi.us

Elizabeth Rachu

Director of Curriculum and Instruction

715-748-4620

124 W State St

rachuel@medford.k12.wi.us

(E-mail Address)

The names, titles, and contact information of these individuals will be published annually:

- A. on the School District's website.
- B. ☐ in the parent and staff handbooks.
- C. ☐ in the School District Annual Report to the public.
- D. ☐ on each individual school's website.
- E. ☐ in the School District's calendar.
- F. ☐ \_\_\_\_\_

The Compliance Officer(s) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

### Reports and Complaints of Harassing Conduct

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept reports of harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or ☒ **Option 1** the CO(s) will designate a specific individual to conduct such a process as identified in a pre-defined list of investigators. ~~**[END OF OPTION 1] [ ] Option 2** the District Administrator will designate a specific individual to conduct the process necessary for an informal or formal investigation. **[END OF OPTION 2]**~~ The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the District Administrator or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties who believe they have been harassed by another member of the School District community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

Reporting procedures are as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy is encouraged to report the alleged harassment to the appropriate school official as identified in D below.
- B. Teachers, administrators, and other District officials who have knowledge of or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to the appropriate school official as defined in D below.
- C. Any other person with knowledge or belief that an employee has or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official as identified in D below.
- D. Appropriate District officials are as follows:
  1. Any complaint under this policy shall be reported to the District's Compliance Officer unless the complaint is regarding the Compliance Officer. In such cases, the complaints shall be reported to the District Administrator, who shall coordinate with the other appointed/designated CO, or, if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.
  2. Any complaint under this policy regarding the District Administrator or Board Member that is received by the District Compliance Officer shall be referred to the Board's legal counsel, who shall assume the role of the District Compliance Officer for such complaints.
- E. The reporting party or complainant shall be encouraged to use a report form available from the Principal of each building or available from the District office, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in this policy shall prevent any person from reporting harassment directly to the District Administrator or other supervisory employee.
- F. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, the District shall designate both a male and a female District Compliance Officer.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 - Bullying, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 4362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

A CO will be available during regular school/work hours to discuss concerns related to harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about unwelcome conduct.

The COs are assigned to accept complaints of harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an investigation or the CO will designate a specific individual to conduct such a process. The CO will prepare recommendations or will oversee the preparation of such recommendations. All members of the School District community should report incidents of harassment that are reported to them to the CO within two (2) days of learning of the incident.

#### **Investigation and Complaint Procedure (see Form 4362-F1)**



Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to harassment or has witnessed harassment of another may seek resolution of the complaint through the procedures described below. The complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of harassment or retaliation with the United States Department of Education Office for Civil Rights (OCR), the Wisconsin Equal Rights Division and/or Equal Employment Opportunity Commission (EEOC). The Chicago Office of the OCR can be reached at John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604; Telephone: 312-730-1560; FAX: 312-730-1576; TDD: 800-877-8339; Email: OCR.Chicago@ed.gov; Web: <http://www.ed.gov/ocr>.

### Complaint Procedure

A Complainant who alleges harassment based on a protected class or retaliation may file a complaint, either orally or in writing: 1) with a Principal; 2) directly to one of the COs; or 3) to the District Administrator or other supervisory employees. As noted above, any complaint received regarding the District Administrator or a Board member shall be referred to the Board's legal counsel, who shall assume the role of the CO for such complaints. Additionally, if the complaint is regarding a CO, the complaint shall be reported to the District Administrator, will consult with the other CO, if any, and if appropriate appoint/designate another individual to serve as CO for the complaint regarding a CO.

Due to the sensitivity surrounding complaints of harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a Principal, District Administrator, or other supervisory employees, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) days.

Throughout the course of the process as described herein, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All written complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the District Administrator. No temporary arrangements shall be disciplinary to either the complainant or respondent.

Within two (2) days of receiving a complaint, the CO will inform the Respondent that a complaint has been received.

The Respondent is not entitled to receive a copy of any written complaint unless the CO determines it is appropriate to do so; however, the Respondent will be informed about the nature of the allegations. The CO shall inform the Respondent of the requirements of this policy, which may include providing the Respondent with a copy of this policy or information about where to find it. The Respondent shall be afforded the opportunity to submit a written response to the complaint. The CO shall inform the Respondent of the Respondent's deadline to provide the CO with the written response to the allegations in the complaint.

Within two (2) days of receiving the complaint, the CO will initiate an investigation by at a minimum confirming receipt of the complaint with the Complainant and informing the Complainant of the investigation process.

~~[ ] [OPTION 1] Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of harassment based on a protected class or retaliation within fifteen (15) days of receiving the formal complaint. x ] [OPTION 2] Investigations shall be completed promptly. What constitutes promptness will depend on the complexity of the issues, the number of incidents or factual elements, the number of witnesses and documents to be consulted, and the availability of witnesses and other evidence. The CO shall keep the complainant reasonably informed of the investigation's progress. [END OF OPTIONS]~~

The investigation will include:

- A. interview(s) with the Complainant;
- B. interview(s) with the Respondent;
- C. interviews with any other witnesses who reasonably may be expected to have any information relevant to the allegations, as determined by the CO;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations, as determined by the CO.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the District Administrator that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of harassment as provided in this policy and State and Federal law as to whether the Respondent engaged in harassment of or retaliation toward the Complainant. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used.

( ☒ ) The CO may consult with the Board's attorney during the course of the investigatory process and/or before finalizing the report to the District Administrator.

In cases where no District CO is able to investigate a complaint due to concerns regarding conflicts, bias or partiality, or for other reasons that impair the CO's ability to conduct an investigation, the CO may ( ☒ ) in consultation with the District Administrator or Board President, if the matter involves the District Administrator, ~~[END OF OPTION]~~ engage outside legal counsel to conduct the investigation consistent with this policy.

Absent extenuating circumstances, within five (5) days of receiving the report of the CO, the District Administrator must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the District Administrator's final decision will be delivered to both the Complainant and the Respondent.

If the District Administrator requests additional investigation, the District Administrator must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the District Administrator must issue a final written decision as described above.

If the District Administrator determines the Respondent engaged in harassment of or retaliation toward the Complainant, the District Administrator must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the harassment or retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

The decision of the District Administrator shall be final. If the investigation results in disciplinary action, the employee subject to discipline is entitled to file a grievance pursuant to Board Policy 4340. Nothing in this policy shall be construed to prevent an employee from bringing a complaint before the Equal Employment Opportunity Commission or the Wisconsin Equal Rights Division.

The Board reserves the right to investigate and resolve a complaint or report of harassment regardless of whether the member of the School District community or Third Party alleging the harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

All timelines pertinent to the investigation process are intended to be guidelines to assure that the investigation proceeds with all deliberate efficiency. Failure of the CO to meet any specific timeline does not invalidate the investigation or provide a defense to the allegations.

### **Privacy/Confidentiality**



The District will employ reasonable efforts to protect the rights of the Complainant, the Respondent(s), and all the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligation in an investigation of harassment. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of an investigation, the CO will determine whether confidentiality during the investigation process is necessary to protect the interests and reputations of those involved and/or to protect the integrity of the investigation, and if so, shall instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

### **Directives During Investigation**

The CO may recommend to the District Administrator placing any employee involved in an investigation under this policy on administrative leave pending resolution of the matter. If the District Administrator is the Respondent, the CO shall make such recommendation to the Board. Administrative leave may be appropriate in situations in which protecting the safety of any individual or the integrity of the investigation necessitates such action.

The CO shall determine whether any witnesses in the course of an investigation should be provided a *Garrity* warning apprising the person of his/her obligations to answer questions truthfully and honestly while preserving the right against self-incrimination in the context of any resulting criminal investigation or prosecution.

Every employee interviewed in the course of an investigation is required to provide truthful responses to all questions. Failure to do so may result in disciplinary action.

### **Remedial Action and Monitoring**

If warranted, appropriate remedial action shall be determined and implemented on behalf of the Complainant, including but not limited to counseling services, reinstatement of leave taken due to the discrimination, or other appropriate action.

The Board may appoint an individual, who may be a District employee, to follow up with the Complainant to ensure no further discrimination or retaliation has occurred and to take action to address any reported occurrences promptly.

### **Sanctions and Disciplinary Action**

The Board shall vigorously enforce its prohibitions against harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further misconduct.

While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable law.

When imposing discipline, the District Administrator shall consider the totality of the circumstances. In those cases where harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

Where the Board becomes aware that a prior disciplinary action has been taken against the Respondent, all subsequent sanctions imposed by the Board and/or District Administrator shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **Allegations Constituting Criminal Conduct**

If the CO has reason to believe that the complainant has been the victim of criminal conduct, such knowledge should be reported to local law enforcement. After such report has been made, the District Administrator shall be advised that local law enforcement was notified.

If the complainant has been the victim of criminal conduct and the accused is the District Administrator, such knowledge should be reported by the CO to local law enforcement. After such report has been made, the (x) Board President (↔) ~~Board Attorney~~ shall be advised that local law enforcement was notified.

Any reports made to local law enforcement shall not terminate the COs obligation and responsibility to continue to investigate a complaint of harassment. While the COs may work cooperatively with outside agencies to conduct concurrent investigations, the harassment investigation shall not be stopped due to the involvement of outside agencies without good cause after consultation with the District Administrator.

### **Reprisal**

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the School District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding, investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

### **Miscellaneous**

The District shall conspicuously post a notice including this policy against harassment in each school in a place accessible to the School District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the COs, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in employment, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A (↔) link to (x) summary of ~~[END OF OPTION]~~ this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of harassment. The District Administrator shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District staff at such times as the Board in consultation with the District Administrator determines is necessary or appropriate.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

### **Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but are not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports, allegations, complaints, and statements collected;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities;
- E. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- F. all documentary evidence;
- G. e-mails, texts, or social media posts pertaining to the investigation;
- H. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- I. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- J. dated written determinations to the parties;
- K. dated written descriptions of verbal notifications to the parties;
- L. written documentation of any supportive measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- M. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- N. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- O. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;
- P. documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **~~[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~**

**~~[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~**

- Q.
- R. ~~( ) documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- S. ~~( ) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- T. ~~( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;~~

U. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	THREATENING BEHAVIOR TOWARD STAFF MEMBERS
Code	po4362.01 (YES)
Status	From Neola
Legal	Chapter 947, Wis. Stats.

#### 4362.01 - **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate, or are intended to intimidate, a staff member or are reasonably likely to cause concern for his/her physical and/or psychological well-being is strictly forbidden. Such actions by any student, parent, visitor, staff member, Board member, contractor, or agent of the Board is prohibited, and the Board authorizes appropriate corrective and remedial action including disciplinary action where appropriate, referral to law enforcement, or pursuit of other remedies, including injunctive relief if appropriate. This policy should be read consistent with and in conjunction with school safety and the mandatory reporting of threats of violence in Policy 8462.01 - Threats of Violence.

~~[ ] The District Administrator may administer guidelines to implement procedures for complaints and for investigation, as well as resolution of complaints.~~

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	COMPENSATION FOR PART-TIME STAFF
Code	po4410.01 (YES)
Status	From Neola

**4410.01 - COMPENSATION FOR PART-TIME STAFF**

The Board requires that part-time support staff be compensated in an amount appropriate to the position's duties and responsibilities and the portion of time worked, whether it be a fraction of a day or a fraction of a year. The District Administrator shall ensure that such arrangements are consistent with any applicable terms of the employee handbook, or as applicable, to the collective bargaining agreement, if a member of a certified bargaining unit.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	GROUP HEALTH PLANS
Code	po4419 (YES)
Status	From Neola

#### 4419 - GROUP HEALTH PLANS

The Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide certain health benefits to employees as permitted by law.

☒ The Board has elected to provide health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents. **[END OF OPTION]**

~~**[ ]** Eligible employees may receive compensation in lieu of the District's medical coverage. Eligible employees who waive the medical coverage will be paid an additional ( ) monthly ( ) quarterly **[END OF OPTIONS]** compensation equal to ( ) \_\_\_\_\_ ( )% of the cost of single medical coverage for that employee, or ( ) an amount, as determined by the Board, **[END OF OPTIONS]** with the understanding that this additional compensation is subject to FICA, Medicare, and Federal and State income tax.~~

This benefit will be administered only to the extent permitted by State or Federal tax regulations and if not permitted for any reason the benefit shall be discontinued. If the benefit is discontinued, the Board may, but is not obligated to, provide some other form of benefit or compensation. ~~**This policy should be adopted only if the District has established a flexible benefit plan qualified by the Internal Revenue Service.**~~ **[END OF OPTION]**

~~**[ ]** The Board has elected not to provide minimum value health coverage for any of its eligible employees. The Board is aware that the failure to offer minimum value health coverage to employees may result in penalties under the Affordable Care Act. **[END OF OPTION]**~~

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS AND RELATED BENEFITS
Code	po4419.02 (YES)
Status	From Neola
Legal	20 U.S.C. 1232g 29 C.F.R. Part 1635 42 U.S.C. 1320d-2 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act Health Insurance Portability and Accountability Act (HIPAA) 45 C.F.R. 160.102(a), 164.302, 164.308 (a)(2), 164.404, 164.406, 164.408 45 C.F.R. 164.502, 164.502(a), 164.520(a), 164.530(g), 164.530(h), 164.530(j) 45 C.F.R. 164.530(k)

#### 4419.02 - **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS AND RELATED BENEFITS**

The Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans and related benefits:

- A. ☒ Medical Plan;
- B. ☒ Prescription Drug Plan;
- C. ☒ Dental Plan;
- D. ☒ Vision Plan;
- E. ☒ Employee Assistance Plan;
- F. ☒ ~~Long term Care Plan (not long term disability);~~
- G. ☒ Health Flexible Spending Accounts (FSA);
- H. ☒ Limited Purpose Flexible Spending Accounts (LPFSA);
- I. ☒ Health Savings Account (HSA);
- J. ☒ ~~Health Reimbursement Arrangements (HRA);~~
- K. ☒ ~~[Other, specify]~~ ☒

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic protected health information in accordance with the HIPAA Security Rule.



The Board hereby appoints the **Business Manager** \_\_\_\_\_ to serve as the Security Official of the group health plans. All of the group health plans' functions are carried out by the insurer and the insurer owns and/or controls all of the equipment and media used to create, maintain, receive, and transmit electronic protected health information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule.

The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.

[ **x**] The U.S. Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law. **[END-OF OPTIONAL PARAGRAPH]**

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	PATIENT PROTECTION AND AFFORDABLE CARE ACT
Code	po4419.03 (YES)
Status	From Neola
Legal	26 U.S.C. 4980H 29 U.S.C. 218B

#### 4419.03 - **PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board acknowledges that the Patient Protection and Affordable Care Act ("ACA") imposes certain obligations upon the District. Such obligations may include the actions listed below.

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee's employment start date. Such notice shall be consistent with the sample notice language provided by the U.S. Department of Labor.
- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In the event the District concludes that it is fiscally advantageous to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	BENEFITS
Code	po4425 (YES)
Status	From Neola
Legal	Consolidated Omnibus Budget Reconciliation Act of 1985 Pub. L. 99-272

#### 4425 - **BENEFITS**

It is the Board's policy to provide a competitive and comprehensive package of employee benefits to its employees to effectively attract and retain high-quality employees.

##### ☒ [ **OPTION #1** ]

The specific design and development of employee benefit plans, including health insurance, dental and vision insurance, short-term and long-term disability insurance, and life insurance benefits, shall be determined by the District Administrator with approval by the Board. ~~( ) The District Administrator may establish an employee benefits committee. [END OF OPTION] [DRAFTING NOTE: If you choose this option the committee meetings may be subject to open meetings law.]~~ These programs shall be reviewed no less than annually and where necessary or appropriate, the District Administrator shall solicit bids from potential vendors to provide employee benefits or analyze alternative options, such as self-funding insurance plans. The District Administrator shall present to the Board for its approval any proposed changes or contract extensions for such benefits.

A schedule of current benefits shall be available in the District office and in the main offices of each school building.

##### ~~[ ] [OPTION #2]~~

~~The District Administrator shall establish an employee benefits committee comprised of: [DRAFTING NOTE: If you choose this option the committee meetings may be subject to open meetings law.]~~

- ~~A. ( ) at least one (1) Board member;~~
- ~~B. ( ) at least one (1) member of the District administrative team;~~
- ~~C. ( ) at least one (1) member of the teaching staff;~~
- ~~D. ( ) at least one (1) member of the instructional support staff;~~
- ~~E. ( ) at least one (1) member of the support staff.~~

~~The Committee shall review existing benefits packages on at least an annual basis. The District Administrator may solicit bids from benefits providers if deemed appropriate. Proposals shall be forwarded to the Committee for consideration. The Committee shall report annually to the Board regarding current employee benefits and any proposed changes.~~

~~The District Administrator shall also present recommendations to the Board regarding benefits packages.~~

##### ~~[END OF OPTIONS]~~

Covered employees shall be provided continuation rights to the extent required under applicable provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA).

The Board retains final authority to establish, modify, rescind, add, or in any way affect employee benefits.

The Board shall determine annually, in conjunction with the budget process, the anticipated shared cost of all employee benefits, specifying both employee and employer share of applicable premiums through Board action.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	LEAVES OF ABSENCE
Code	po4430 (YES)
Status	From Neola

#### 4430 - LEAVES OF ABSENCE

Any support staff member may request a discretionary voluntary leave of absence from the ☐ Board ☒ District Administrator. All requests shall state the reason for the leave and the expected duration of the leave.

~~☐ All requests for unpaid leaves of absence by support staff members shall be presented to the Board for consideration ☐ only if there is a recommendation for approval by the District Administrator. **[END OF OPTION]**~~

☒ The Board authorizes the District Administrator to approve a leave of absence pursuant to this policy.

This policy governs leaves, in addition, to leave under Policy 4430.01 (FMLA) or other District leave policies, however, any leave under this policy that is also qualifying leave under Policy 4430.01 will be designated as such and count towards the employee's leave entitlement. Approved leave under this policy shall state the conditions applicable to the employee's return to work. Nothing in this policy shall serve as a guarantee of any job protection for leave beyond otherwise protected leave.

Any support staff member granted a leave of absence by the ☐ Board ☐ District Administrator **[END OF OPTION]** shall be considered to have stopped performance of all work with the District until the completion of the leave. Exceptions may be made by the District Administrator in cases where the best interest of the District might be served.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")
Code	po4430.01 (YES)
Status	From Neola
Legal	29 U.S.C. 2601 et seq. 29 C.F.R. Part 825 103.10, Wis. Stats. Wis. Admin. Department of Workforce Development (DWD) 225 National Defense Authorization Act of 2010

#### 4430.01 - FAMILY & MEDICAL LEAVE OF ABSENCE ("FMLA")

##### Introduction

In accordance with Federal and State law, the Board will provide family and medical leave to support staff. The Board's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by Federal law, State law, or both. When leave taken by a staff member under this policy is governed by both Federal and State law, the more generous provision will control in the event of a conflict. However, when leaves are governed by State or Federal law, but not both, the applicable law will control under this policy. In this regard, staff members should note that certain leaves may be covered by both State and Federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA and leave granted under the Board's other policies will run concurrently (at the same time).

##### Eligibility Requirements

To be eligible for leave under the FMLA, a staff member must have been employed by the Board for at least twelve (12) months in the past seven (7) years and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave.

To be eligible for leave under the WFMLA, a staff member must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to the staff member under this policy, as well as the staff member's rights during leave, depends upon whether the staff member satisfies the above requirements.

##### Qualifying Reasons for Leave

The Board provides family and medical leave for eligible staff members under the following circumstances:

- A. for the birth of the eligible staff member's child and to care for a newborn child
- B. for placement with the eligible staff member of a child for adoption or foster care
- C. to care for an eligible staff member's spouse, child or parent with a "serious health condition"

The term "child" generally includes a legal ward or a biological, adopted foster or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the staff member has assumed the day-to-day obligations of a parent. A child must be either under eighteen (18) years of age or unable to care for

themselves due to a physical or mental disability or, for leave under State law only, unable to care for themselves due to a serious health condition.

"Parent" includes a staff member's spouse's legal guardian only if the staff member is requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expense.

- D. because of a serious health condition that makes the eligible staff member unable to perform the essential functions of the staff member's position
- E. because of a qualifying exigency resulting from active military service by the employee's spouse, son, daughter, or parent in covered active duty or call to covered active duty in the United States Armed Forces including the National Guard and Reserves

Qualifying exigencies, as defined by Federal regulations, include: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; (maximum fifteen (15) calendar days); 7) post-deployment activities; 8) caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty; and 9) additional activities not encompassed in the other categories, but agreed to by the employer and employee. Covered active duty means deployment with the Armed Forces to a foreign country.

- F. to care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty, sustains a serious injury or illness or aggravation of a pre-existing illness or injury while in the line of duty, while on covered active duty in the United States Armed Forces, including the National Guard and Reserves, which renders the service member medically unfit to perform the member's office, grade, rank, or rating

Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by: 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful occupation, or would do so absent treatment; or 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of V.A. Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in:

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for the staff member's own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

The District Administrator will determine whether an employee's request for leave qualifies under one (1) of the above categories.

### **Amount of Leave Available**



Under the FMLA, if the staff member satisfies the eligibility requirements set forth above, the staff member is entitled to a total of twelve (12) work weeks of leave in ~~( ) a calendar year ( ) a fiscal year running from July 1 to the following June 30 ( ) a twelve (12) month period marked by each employees' date of hire ( ) a rolling twelve (12) month period measured backward from the date of usage~~ ☒ a twelve (12) month period measured forward from the date of any employee's first FMLA usage **[END OF CALENDAR OPTIONS]** for any of the reasons stated above, with the exception of leave to care for an injured service member, which is provided as described in (F) above. **[DRAFTING NOTE: If a decision is made to change the manner of counting Federal leave entitlement usage, the change must be made following at least sixty (60) days notice to employees and in a manner such that any employee qualifying for leave during the transition period is afforded whichever counting method during the leave that affords the employee the greatest benefit.]**

☒ Spouses who are both employed by the District may take a combined total of twelve (12) weeks of leave for the birth or placement of a child for adoption or foster care. **[DRAFTING NOTE: This option is available under Federal law, but should only be selected upon the advice of District legal counsel for compliance with Wisconsin's marital status discrimination law.]**

Under the WFMLA, if the staff member satisfies the eligibility requirements set forth above, the staff member is entitled to ten (10) work weeks of leave in a calendar year as follows:

- A. a total of six (6) weeks of leave for the birth of the staff member's natural child and/or the placement of a child with the staff member for, or as a precondition to, adoption;
- B. a total of two (2) weeks of leave to care for a covered family member with a serious health condition; and
- C. a total of two (2) weeks of leave due to the staff member's serious health condition.

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.

### Definitions of Serious Health Conditions

In conjunction with the certification provided by a healthcare provider, the Board reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling a staff member to family or medical leave under State or Federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition that involves one (1) of the following:

#### A. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

#### B. Absence Plus Treatment

A period of incapacity of more than three (3) consecutive calendar days\* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

1. treatment two (2) or more times by a healthcare provider, a nurse, physician's assistant or physical therapist under a healthcare provider's supervision, order or referral as appropriate within thirty (30) days of the first date of incapacity; or
2. treatment by a healthcare provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the healthcare provider and occurs within seven (7) days of the first day of incapacity.

\*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.

#### C. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.



**D. Chronic Conditions Requiring Treatment**

A chronic condition which:

1. requires periodic visits of at least two (2) times per year for treatment by a healthcare provider, or by a nurse or physician's assistant under a healthcare provider's supervision;
2. continues over an extended period of time (including recurring episodes of a single underlying condition); and
3. may cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

**E. Permanent/Long-Term Conditions Requiring Supervision**

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The staff member or their family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider (e.g., Alzheimer's disease, a severe stroke, or the terminal stages of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.

**F. Multiple Treatments (Non-Chronic Conditions)**

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, including: cancer (chemotherapy, radiation, etc.); severe arthritis (physical therapy); or kidney disease (dialysis).

**Required Staff Member Notice**

The staff member must provide the District Administrator with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or adoption or foster care, or planned medical treatment for the staff member's own serious health condition or that of a family member). When requesting partial or intermittent leave in connection with childbirth or adoption under the WFMLA, the staff member must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Leave will be accounted for in increments no greater than the smallest increment used for other similar leaves, but in no event greater than one (1) hour increments. Leave entitlement will not be reduced by more than the amount of leave actually taken.

**[ x ]** Staff members must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.

The staff member must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the District Administrator (forms available from the U.S. Department of Labor).

When planning medical treatment, the staff member should consult with their supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the staff member's healthcare provider. The staff member is ordinarily expected to consult with their supervisor in order to work out a treatment schedule which best suits the staff member's needs, as well as the District's.

If a staff member must take more leave than originally anticipated, they must notify the District Administrator within two (2) business days of learning of the circumstances necessitating the extension.

**Certification By Healthcare Provider**

If a staff member requests leave due to their own serious health condition or the serious health condition of their spouse, child or parent, the Board requires that the leave request be supported by certification issued and signed by the healthcare provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed. The Board reserves the right to certify all information permitted by law.

The staff member must provide the fully completed certification to the District Administrator within fifteen (15) calendar days of the date that the certification is provided to the staff member, unless it is not practicable to do so despite the staff member's diligent, good faith efforts. If it is not practicable to return the certification within fifteen (15) calendar days, it must be returned to the District Administrator as soon as practicable.

If the staff member fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the date the certification is furnished may be considered unauthorized. A staff member who is absent without authorization may be disciplined, up to and including termination.

The District Administrator will give a staff member a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the staff member or family member with a serious health condition to use a healthcare provider who will complete and furnish an accurate certification in a timely manner.

A member of the administration, other than the staff member's direct supervisor, may contact the healthcare to clarify illegible answers and to authenticate the Certification. If the certification is incomplete or otherwise unclear, the administrator must request that the employee obtain updated or completed information from the healthcare provider and return it directly to the administrator.

If the District Administrator doubts the validity of a Certification, the District Administrator may require, at the Board's expense, that the staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's healthcare providers differ, a third, final and binding opinion may be obtained. The staff member must cooperate in obtaining a second or third opinion including facilitating the transfer of pertinent records to the subsequent healthcare providers.

The District Administrator may request re-certifications on a periodic basis as permitted by law.

### **Designation of Leave**

In all circumstances, it is the responsibility of the District Administrator to designate leave, whether paid or unpaid, as FMLA leave and to give the staff member notice of the designation and their rights and responsibilities under this policy.

The District Administrator will give the staff member the Notice on each occasion that the staff member notifies their supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the staff member requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one notice will be provided unless the circumstances regarding the leave have changed.

Absent extenuating circumstances, the District Administrator will provide to the employee a "Designation Notice" stating whether a request for leave has been approved or denied within five (5) business days. At a minimum, the staff member will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the staff member provides information to the District Administrator sufficient to enable the District Administrator to determine that the leave is being taken for an FMLA-qualifying reason.

The District Administrator will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one (1) week after the verbal notice, in which case the notice must be no later than the subsequent payday).

### **Manner In Which Leave Can Be Taken**

Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day or week. The staff member must consult with their supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

When leave is governed only by the FMLA, intermittent or reduced schedule leave to be with the employee's newborn child, or after the placement of a child with the employee for adoption or foster care, requires the District's agreement, unless the intermittent or reduced schedule leave is due to a serious health condition.

Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the healthcare provider in the Certification.

When leave is governed only by the FMLA, the District Administrator may offer a staff member a temporary transfer to another position for which the staff member is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spent by the staff member in an alternative position will not count against the employee's FMLA leave entitlement.

### **Coordinating Leaves - Substitution**

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member ~~(x) must ( ) may~~ **[END OF OPTION]** use the following leaves provided by the Board, if available:

- A. vacation or personal leave, if available, for any family or medical leave;
- B. accrued paid family leave (i.e., paid leave covering the particular circumstances for which the staff member is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member; and
- C. accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the staff member's own serious health condition.

A staff member may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the Board would not normally provide such paid leave.

For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which the staff member has earned and accrued, for leave taken under this policy, if available. The Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the staff member's FMLA and/or WFMLA leave entitlement.

### **Continuation of Benefits**

A staff member will remain eligible for group health insurance benefits under the Board's group health plan during leave taken under this policy under the same conditions as coverage would have been provided if the staff member had been actively employed during the entire leave. However, the staff member has the option of choosing not to retain such coverage during family or medical leave.

During leave taken under this policy, the Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The staff member will be responsible for paying their portion of health insurance premiums regardless of whether the staff member's family and medical leave is paid or unpaid. It is the staff member's responsibility to make arrangements with the District Administrator for making premium payments for group health insurance during leaves.

To the extent permitted by law, the Board reserves the right to require the staff member to place up to eight (8) weeks of health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty (30) days late.

The staff member's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the Board's policy regarding provision of such benefits when a staff member is on other types of leave.

If a staff member fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical benefit coverage during the leave, unless the reason for the staff member's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.

### **Accrual of Benefits**

The use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave. A staff member will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit shall accrue if the staff member elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

### **Employment Restoration**

A staff member will generally be reinstated to the same position they held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the staff member possesses the ability to perform the essential functions of the job satisfactorily, with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The staff member, however, has no greater right to reinstatement or benefits than if the staff member had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, the staff member is not entitled to be reinstated.

A staff member who exceeds the FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the staff member **may** be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

A staff member who is able to return to work prior to the expiration of leave must notify their supervisor immediately. Upon such notice, the District Administrator will promptly reinstate the staff member to active employment, provided the staff member has the present skill and ability to perform the essential functions of their job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the staff member's notification of their ability to return to work.

### **Fitness For Duty Certification**

If leave is due to the staff member's serious health condition, the staff member must present certification to return to work to their supervisor upon returning to work. The staff member's principal attending physician must complete the certification. The certification must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member's ability to perform regular or other duties and the duration of the limitations. No certification will be required when the staff member returns from intermittent leave, except as otherwise permitted or required by the Americans With Disabilities Act of 1990.

The certification will be limited to the particular health condition that caused the staff member's need for leave, except as otherwise permitted by the Americans With Disabilities Act of 1990. If the staff member is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job-related and consistent with business necessity.

Reinstatement may be delayed until the staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, the staff member may be disciplined, up to and including termination.

With the staff member's permission, the Board's healthcare provider may contact the staff member's healthcare provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.

### **Confidentiality**

All medical information relating to leave, whether written or verbal, shall be kept confidential to the maximum extent possible. All medical documents including, but not limited to, medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

### **No Discrimination**

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or under attendance policies.

### **Miscellaneous**

The District Administrator may designate another administrator to perform their duties under this policy.

A staff member who fraudulently obtains leave under this policy is not protected by this policy's job restoration or maintenance of health benefits provisions.

The District Administrator shall see that the policy is posted properly.

The District Administrator shall provide a copy of the policy upon the request of a staff member.

Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	EMPLOYEE LEAVES
Code	po4431 (YES)
Status	From Neola
Legal	6.76, 7.33, 103.87, 103.88, Wis. Stats.

#### 4431 - EMPLOYEE LEAVES

The Board recognizes that there may be instances in which employees can not report to work and recognizes that in certain circumstances it is appropriate to provide compensation or job protection during those absences. The leave provided for in this policy is provided in conjunction with other Board leave policies, including ☒ Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty, Policy 4430.01 - Family & Medical Leaves of Absence ("FMLA"), ☒ Policy 4432 - Employee Sick Leave/Paid Time Off, and ☐ Policy 4430 - Leaves of Absence.

##### A. Sick Leave

☒ Staff members are eligible for sick leave as specified in the Employee Handbook. **[END OF OPTION]**

~~☐ Staff members are eligible for sick leave as specified in Policy 4432 ☐ Employee Sick Leave ☐ Employee Paid Time Off. **[END OF OPTIONAL SENTENCE]**~~

##### B. Personal Leave

☒ Staff members are eligible for personal leave as specified in the Employee Handbook. **[END OF OPTION]**

~~☐ Staff members are eligible for personal leave as specified in Policy 4432 ☐ Employee Sick Leave ☐ Employee Paid Time Off. **[END OF OPTIONAL SENTENCE]**~~

##### C. Bereavement Leave

☒ Staff members are eligible for bereavement leave as specified in the Employee Handbook. **[END OF OPTION]**

~~☐ Staff members are eligible for \_\_\_\_\_ (\_\_\_\_) days of bereavement leave in the event of the death of a relative. Relative in this policy shall include spouse, ☐ domestic partner, **[END OF OPTION]** parents, son, daughter, siblings, ☐ aunts, **[END OF OPTION]** uncles, ☐ cousins **[END OF OPTION]**. The use of leave is expressly for the purpose of attending services or making arrangements for service prior to such service. Bereavement leave may not be used for any other purposes and does not accrue unless there is a qualifying death in the family. **[END OF OPTION]**~~

##### D. Military Leave

Staff members will be afforded protected leave from employment to perform their obligations to the United States Armed Forces, whether for reserve duty or a call to active duty, and potential deployment. Leave shall be provided in accordance with the law.

**[DRAFTING NOTE: Boards may opt to include the following language. If the first option is selected, the District shall determine which of the following options to select regarding the paid status of Uniformed Services Employment and Reemployment Act (USERRA) leave. If the District does not choose to include the following language, no further selections in this section regarding military leave need to be made. Regardless of the inclusion or exclusion of this language in the policy, Boards are still obligated to fulfill their obligations pursuant to USERRA as detailed in the Military Leave Legal Memo.]**



☒ Absences due to military leave covered by the Uniformed Services Employment and Reemployment Act (USERRA) ☐ shall be unpaid unless the employee elects to use other paid leave available to the employee ~~☐ shall be paid~~ **[END OF OPTIONS]. [END OF OPTIONAL PARAGRAPH]**

~~☐ Any compensation received for absences under this section shall be reduced by the amount the employee is paid for required service.~~ **[END OF OPTIONAL PARAGRAPH]**

~~**[DRAFTING NOTE: Selections above must be consistent with the District's determinations in similar types of leave, for example, if no pay is provided for jury duty absences or the like, pay for military absences may not be required, or if pay is offset by amounts received from the sources of the activity, i.e., jury duty, that may be handled similarly in the case of USERRA covered leave.]**~~

#### E. Leave for Jury Duty

☒ Staff members who are called to jury duty shall be excused as specified in the Employee Handbook. **[END OF OPTION]**

~~☐ Staff members who are called to perform their civic responsibility as a potential juror shall be excused for any days or portion of days on which the staff member is required to report. Staff members required to serve on a jury will not be penalized for doing so. Staff members shall inform their \_\_\_\_\_ when they are called for jury duty or a court appearance and shall call in each morning to report whether s/he is required to report to jury duty that day. Staff members who miss work due to jury duty must provide verification from the court that they attended on that date.~~

~~Staff members will receive full pay and are required to endorse the check received from the court or pay the amount shown on their record slip less travel allowance within fifteen (15) days of return from jury duty. ☐ Jury assignments resulting in a full week of absence will only be paid if the staff member elects to use accrued paid leave.~~ **[END OF OPTION]**

~~While on jury duty, staff members are required to report daily their schedule for the following day and must report to work when excused for a day or more.~~

~~Staff members must submit to the \_\_\_\_\_ a record from the court of the number of days served.~~

**[END OF OPTION]**

#### F. Volunteer Firefighter, Emergency Medical Technician, First Responder, or Ambulance Driver

A staff member who is a volunteer firefighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation may be late for or absent from work without pay if the lateness or absence is due to the staff member responding to an emergency that begins before the staff member is required to report to work and if the staff member complies with all of the following requirements:

1. By no later than thirty (30) days after becoming a member of a volunteer fire department or fire company or becoming affiliated with an ambulance service provider, submits to the District a written statement signed by the chief of the volunteer fire department or fire company or by the person in charge of the ambulance service provider notifying the District that the staff member is a volunteer firefighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation;
2. When dispatched to an emergency, makes every effort to notify the District that the staff member may be late for or absent from work due to the staff member responding to the emergency or, if prior notification cannot be made due to the extreme circumstances of the emergency or the inability of the staff member to contact the District, submits to the District a written statement from the chief of the volunteer fire department or fire company or from the person in charge of the ambulance service provider explaining why prior notification could not be made; and
3. When late for or absent from work due to responding to an emergency, provides, on the request of the District, a written statement from the chief of the volunteer fire department or fire company or from the person in charge of the ambulance service provider certifying that the staff member was responding to an emergency at the time of the lateness or absence and indicating the date and time of the response to the emergency.

When the status of a staff member as a member of a volunteer fire department or fire company or as an affiliate of an ambulance service provider changes, including termination of that status, the staff member shall notify the District of that change in status.

#### **E. Organ Donor Leave**

A staff member may take up to six (6) weeks of leave in a twelve (12) month period as necessary for the employee to undergo bone marrow or organ donation procedure and to recover from the procedure. The employee may be required to provide written medical certification that s/he will serve as a donor and the amount of leave time necessary.

Leave taken for this purpose is unpaid, however, an employee is eligible to substitute available accrued paid leave for all or some of the leave taken under this policy. An employee must provide as much advance notice as possible so as not to unduly disrupt the District's operations. The employee will be returned to the same position upon return, or if that position is no longer available an equivalent position and shall not lose any benefits during leave, including the right to continue health insurance coverage as provided for in the District's FMLA policy, Policy 4430.01.

#### **F. Leave for Voting**

A staff member who is eligible to vote may take up to three (3) consecutive hours of unpaid leave to vote while the polls are open on Election Day. The staff member must submit a leave request to the District Administrator prior to Election Day. The District Administrator must approve the leave but may identify a specific three (3) hour period during the staff member's work hours that the staff member is permitted to utilize for voting.

Leave for voting is provided on an unpaid basis. However, the District Administrator may approve the leave with pay or allow the employee to substitute paid leave for the unpaid Election Day leave. Staff members may not be penalized for using voting leave.

#### **G. Election Official Leave**

The District Administrator shall approve a one (1) day unpaid leave of absence for any staff member who is appointed to serve as an election official, provided the staff member has given the District at least seven (7) days notice of the leave. In accordance with State law, the District may request confirmation from the municipal clerk of the staff member's appointment as an election official.

Leave to serve as an election official is provided on an unpaid basis. If available, a staff member may substitute paid leave such as personal leave. Staff members may not be penalized for using leave to serve as an election official.

#### **H. Leave to Testify**

Any employee who is issued a subpoena to testify in a legal proceeding shall be provided the following:

1. If the proceeding relates to matters under Chapters 48 or 938, Wis. Stats., the employee may not be discharged from employment for absences due to testifying, provided that the employee immediately notifies the District Administrator of receipt of the subpoena (see Policy 8325 - Receipt of Legal Documents by District Employees).
2. If the proceeding is unrelated to matters arising within the employee's course of employment, the employee will need to use the District process for requesting use of paid time off or leave without pay.
3. Any employee subpoenaed to testify in a matter that involves a crime committed against the employer or against the employee in the course of employment (including an act committed by a juvenile that would be a crime if committed by an adult), ( ☒ ) or any proceeding involving matters arising within the employee's course of employment ~~[END OF OPTION]~~ shall be provided paid time off to do so such that no loss of wages or benefits occurs as a result of compliance with the subpoena. Any employee who is issued a subpoena for matters described in this section shall immediately notify the District Administrator of receipt of the subpoena (see Policy 8325 - Receipt of Legal Documents by District Employees).

Book Neola Policy Templates for Processing

Section 4000 Support Staff Templates (X) 10/7

Title JOB-RELATED EXPENSES

Code po4440

Status From Neola

Legal 2 C.F.R. 200.464  
2 C.F.R. 200.474  
2 C.F.R. 200.475

#### 4440 - JOB-RELATED EXPENSES

The Board ~~( ) will~~ ( ☒ ) may ~~[END OF OPTIONS]~~ provide for the payment of the actual and necessary expenses, including traveling expenses, of any support staff member of the District reasonably and necessarily incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board ~~( ) and in accordance with the District Administrator's administrative guidelines~~ ~~[END OF OPTION]~~.

The validity of payments for job-related expenses shall be determined by the **Business Manager**\_\_\_\_\_.

Payment and reimbursement rates for per diem meals, lodging, and mileage shall be approved by the Board annually. The Board shall establish mileage rates ~~( ) in accordance with~~ ( ☒ ) not exceeding ~~[END OF OPTIONS]~~ the Federal Internal Revenue Service prescribed mileage rate.

Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

~~[ ] Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis. [END OF OPTIONAL PARAGRAPH]~~

~~[ ] Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152), above and beyond regular dependent care that directly results from travel to conferences, are allowable provided that (1) the costs are a direct result of the individual's travel for the Federal award; (2) the costs are consistent with the District's documented administrative guidelines for all entity travel; and (3) are only temporary during the travel period. Travel costs for dependents are unallowable, except for travel of a duration of six (6) months or more with prior approval of the Federal awarding agency. [END OF OPTIONAL PARAGRAPH]~~

~~[DRAFTING NOTE: Choosing this option requires this also to be applicable to all District policies.]~~

~~[ ] The costs of identifying and providing locally available dependent care resources for conference participants are allowable, as needed.~~

~~[ ] Conference costs must be appropriate, necessary, and managed to minimize costs to the Federal award.~~

~~[DRAFTING NOTE: This draft policy includes the Federal rules for commercial airfare and temporary dependent care costs. Based on State or local laws and policies, School Districts may decide that all temporary dependent care costs or commercial airfare costs in excess of the basic least expensive unrestricted accommodations~~



~~class are unallowable under any circumstance.]~~

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy ~~( ) and administrative guidelines [END OF OPTION]~~. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

The Board shall pay the expenses of support staff members when they attend professional meetings approved in accordance with the policy of this Board and in accordance with the administrative guidelines of the District Administrator.

Whenever a staff member is unable to provide appropriate expense documentation, the **will not** ~~may~~ be reimbursed ~~in an amount not to exceed ( ) \$100 ( ) \$ \_\_\_\_\_ [END OF OPTION]~~ upon written approval of the expenses by the District Administrator.

All travel shall comply with the travel procedures and rates established in the administrative guidelines. All costs incurred with Federal funds must meet the cost allowability standards within Board Policy 6110 - Grant Funds.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates and amounts established under 5 U.S.C. 5701-11 ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services or the President (or designee), must apply to travel under Federal awards.

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Book	Neola Policy Templates for Processing
Section	4000 Support Staff Templates
Title	UNAUTHORIZED WORK STOPPAGE
Code	po4531 (YES)
Status	From Neola
Legal	111.70(4)(L), Wis. Stats.

#### 4531 - **UNAUTHORIZED WORK STOPPAGE**

The Board is obligated and committed to provide certain basic services to students participating in District programs.

Recognizing the fact that a District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services.

Support staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS
Code	po6108 (YES)
Status	From Neola
Legal	Chapter 137, Subchapter II, Wis. Stats. 15 U.S.C.A. 1693, as amended

#### 6108 - AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS

The Board authorizes electronic fund transfers (EFTs), including any Automated Clearing House (ACH) transactions, for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provisions of Wisconsin's Uniform Electronic Transactions Code, Chapter 137, Subchapter II. Upon the recommendation of the ~~( ) District Administrator~~ ( ☒ ) Business Manager, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the ~~( ) District Administrator~~ ( ☒ ) Business Manager, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Administrative Code that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

- A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;
- B. the manual signatures of the Board President, ~~( ) District Administrator~~ ( ☒ ) Business Manager, and the employees authorized to initiate EFTs shall be contained therein;
- C. a requirement that the District maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;
- D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;
- E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgments, or canceled warrants, shall be provided so that it may be kept in the official files of the District, which shall be maintained in a manner which facilitates easy review and validation of transactions.

All District staff shall comply with the provisions of this policy when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	GRANT FUNDS
Code	po6110 (YES)
Status	From Neola
Legal	<p>2 C.F.R. 200.56, 200.71, 200.77, 200.80, 200.112, 200.113, 200.302, 200.307</p> <p>2 C.F.R. 200.309, 200.310, 200.313, 200.318 - .320, 200.343(b) &amp; (e), 200.403</p> <p>2 C.F.R. 200.404 and 200.406, 200.501-511</p> <p>34 C.F.R. 75.707, 76.563, 76.565, 76.707</p> <p>Compliance Supplement for Single Audits of State and Local Governments</p> <p>20 U.S.C. 7906</p> <p>31 U.S.C. 3729-3733</p>

#### 6110 - **GRANT FUNDS**

It is the objective of the Board to provide equal educational opportunities for all District students. Government agencies, as well as foundations, businesses, and individuals, periodically offer both human and material resources to the District that benefit students and the educational program. Therefore, it is the intent of the Board to consider grant proposals and applications for their potential to enhance educational opportunities, the educational environment, and the physical and mental growth for each student.

The District Administrator shall review new Federal education legislation and prepare proposals for programs the District Administrator deems would be of aid to the students of this District. The District Administrator shall approve each such proposal prior to its submission, and the Board shall approve all grants resulting from such proposals.

The Board regards available Federal funds of aid to local school districts and communities as a public trust. It forbids the use of Federal monies for partisan political activities and for any use that would not be in accord with Federal guidelines on discrimination. All Federal funds received by the District will be used in accordance with the applicable Federal regulations and guidelines. The District Administrator shall ensure that each draw of Federal monies is as close as administratively feasible to the related program expenditures.

No Federal funds received by the District shall be used (1) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; (2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; (3) to provide sex education or HIV-prevention education in schools unless the instruction is age-appropriate and includes the health benefits of abstinence; or (4) to operate a program of contraceptive distribution in the schools.

#### **Grant Proposal Development**

- A. All grant proposals must support at least one (1) District goal or priority.
- B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

#### **Grant Proposal Internal Review**

- A. Each grant proposal shall be reviewed and approved by the District Administrator prior to submission to the funding source.

B. ~~( ) The District Administrator shall present the following proposals to the Board for approval:~~

1. ~~( ) government funded proposals, regardless of the amount;~~
2. ~~( ) proposals with budgets exceeding \$\_\_\_\_.00; or~~
3. ~~( ) multi-school or District-wide proposals.~~

### **Mandatory Disclosures**

The District must promptly disclose whenever they have credible evidence of a violation of Federal criminal law potentially affecting the Federal award including, but not limited to, any fraud, embezzlement, bribery, gratuity violations, identity theft, or sexual assault and exploitation, or a violation of the Civil False Claims Act (2 C.F.R. 200.113) regarding the obligation to report credible information related to conduct prohibited by the Trafficking Victims Protection Act, 22 U.S.C. 7104c.

The disclosure must be made in writing to the Federal agency and the agency's Office of Inspector General, and to the pass-through entity, such as the Department of Public Instruction.

### **Whistleblower Protections**

An employee of the District may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information to the appropriate agency or individual that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract or grant. See Policy 1211/Policy 3211/Policy 4211 - Whistleblower Protection and Policy 8900 - Fraud.

### **Grant Administration**

- A. The administration of grants will adhere to all applicable Federal, State, local and grantor rules and regulations, including the terms and conditions of the Federal awards, as well as District policies and administrative guidelines.
- B. The District Administrator is responsible for the efficient and effective administration of grant awards through the application of sound management practices.
- C. The District Administrator is responsible for administering grant funds in a manner consistent with underlying agreements, applicable statutes, regulations and objectives, and the terms and conditions of the grant award.
- D. The District, in recognition of its unique combination of staff, facilities, and experience, shall employ internal controls, including organizational and management strategies necessary to assure proper and efficient administration of grant awards.
- E. All Federal funds received by the District will be used in accordance with the applicable Federal law and regulations and the terms and conditions of the Federal award. The District Administrator shall require that each draw of Federal monies be aligned with the District's payment process (whether reimbursement, cash advance, or a combination). If funds are permitted to be drawn in advance, all draws will be as close as administratively feasible to the related program expenditures and that, when restricted, such monies are used to supplement programs and funding and not to supplant or replace existing programming or current funding.

Maintenance of Effort (MOE) and Maintenance of Equity (MOEquity) requirements of the Federal program will be met in accordance with the requirements of the specific funded program. The District shall maintain appropriate documentation and records to substantiate compliance or to justify allowable exceptions, exemptions, or waivers.

- F. ☒ The District Administrator is authorized to sign related documents for grant administration, including documents required for submittal of grant proposals.
- G. ~~( ) Written amendments requiring the District Administrator's signature shall be presented to the Board for approval.~~
- H. ~~( ) Employee positions established through the use of grant funding shall terminate if and when the related grant funding ceases.~~
- I. ~~( ) Program reports including but not limited to audit, site visits and final reports shall be submitted to the District Administrator for review and distribution to the Board and other appropriate parties.~~

## Financial Management

The financial management of grant funds shall be in compliance with all applicable Federal, State, local and grantor rules, regulations, and assurances as well as District policies and administrative guidelines.

The District Administrator shall provide for the following:

- A. Identification of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number, the year the Federal award was issued, and name of the Federal agency or pass-through entity.
- B. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements of the grant.

Maintaining records that sufficiently identify the amount, source, and expenditure of Federal funds for Federal awards. These records must contain information necessary to identify Federal awards, authorizations, financial obligations, unobligated balances, as well as assets, expenditures, income, and interest. All records must be supported by source documentation.

- C. Effective control over and accountability for all funds, property, and other assets.

The District must adequately safeguard all assets and ensure they are used solely for authorized purposes.

Further, the District must:

- 1. establish and maintain effective internal control over the Federal award that provides reasonable assurance that the District is managing the Federal award in compliance with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;
  - 2. comply with the U.S. Constitution, Federal statutes, regulations and the terms and conditions of the Federal award;
  - 3. evaluate and monitor the District's compliance with statutes, regulations and the terms and conditions of the Federal award; and
  - 4. take prompt action when instances of noncompliance are identified.
- D. Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information (PII) and other types of information. This also includes information the Federal awarding agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and obligations of confidentiality.
- E. Actual expenditures or outlays must be compared with budgeted amounts for each Federal award.
- F. Recordkeeping and written procedures to the extent required by Federal, State, local, and grantor rules and regulations pertaining to the grant award and accountability including, but not limited to the following areas:
  - 1. cash management in accordance with 2 C.F.R. 200.305
  - 2. allowability of costs in accordance with subpart E and the terms and conditions of the Federal award
  - 3. conflict of interest
  - 4. procurement
  - 5. equipment management
  - 6. conducting technical evaluations of proposals and selecting recipients
  - 7. compensation and fringe benefits

## 8. travel

G. Disclosure of any potential conflict of interest and all mandatory violation disclosures potentially affecting the Federal award/grant to the Federal awarding agency or pass-through agency in accordance with applicable Federal policy.

H. Insurance coverage for real property and equipment, if applicable, equivalent to such property owned by the District.

### Audit Requirements

A single or program-specific audit (2 C.F.R. 200.514, 2 C.F.R. 200.507) is required for any year if the District expends \$1,000,000 or more in Federal awards during the District's fiscal year. When Federal awards expended are less than \$1,000,000, the District may be exempt from Federal audit requirements (2 C.F.R. 200.501) for that year. However, in all instances, the District's records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and the Government Accountability Office (GAO).

The District shall:

- A. arrange for the audit required in accordance with 2 C.F.R. 200.509 and make sure that the audit is properly performed and submitted in accordance with 2 C.F.R. 200.512;
- B. prepare financial statements including the schedule of expenditures of Federal awards in accordance with 2 C.F.R. 200.510;
- C. promptly follow up and take corrective action on audit findings, including preparing a summary schedule of prior audit findings and a corrective action plan (2 C.F.R. 200.511); and
- D. provide the auditor access to personnel, accounts, books, records, supporting documentation, and any other information needed for the auditor to perform the audit.

### Certifications and Records Retention

Financial reports must include a certification, signed by an official who is authorized to legally bind the District. The certification should state:

"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to, violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812"

Each certification must be maintained pursuant to the requirements of 2 C.F.R. 200.334. The District shall retain all Federal award records for three (3) years from the date of submission of the final financial report or longer if required by the Board-adopted retention schedule.

### Program Income

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the Federal award during the grant's period of performance.

It includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts and interest earned on any of them. Additionally, taxes, special assessments, levies, fines and similar revenues raised by a recipient are not program income. Proceeds from the sale of real property, equipment or supplies are not program income. Finally, license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under the Federal award subject to 37 C.F.R. Part 401 are not program income.

Unless the District has received prior approval to use a different method or the terms and conditions of the grant authorize a different method, the District uses the deduction method of accounting for program income. Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the Federal agency or pass-through entity.



Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	INTERNAL CONTROLS
Code	po6111 (YES)
Status	From Neola
Legal	2 C.F.R. 200.1 2 C.F.R. 200.303

#### 6111 - **INTERNAL CONTROLS**

The District Administrator shall establish, document, and maintain effective internal controls over Federal awards that provide reasonable assurance that the District is managing all Federal awards in compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the awards. The District will have a process that provides reasonable assurance regarding the achievement of the following objectives:

- A. effectiveness and efficiency of operations;
- B. reliability of reporting for internal and external use; and
- C. compliance with applicable laws and regulations.

These internal controls should comply with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

The internal controls must provide reasonable assurance that transactions are properly recorded and accounted for in order to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. The internal controls must also provide reasonable assurance that these transactions are executed in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award that could have a direct and material effect on a Federal award, as well as any other Federal statutes and regulations that are identified in the Compliance Supplement. Finally, the District's internal controls must provide reasonable assurance that all Federal funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

The District shall:

- A. comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal award;
- B. evaluate and monitor its compliance with the U.S. Constitution, statutes, regulations, and the terms and conditions of the award;
- C. take prompt action when instances of noncompliance are identified; and
- D. take reasonable cybersecurity and other measures to safeguard protected information including protected "personally identifiable information" (PII) and other types of information. This also includes information the Federal agency or pass-through entity designates as sensitive or other information the District considers sensitive and is consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

PII is defined at 2 C.F.R. Section 200.1 as "information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual."

However, the definition of PII is not attached to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified.

**Suggested Resources:**

- A. "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States;
- B. "Internal Control Integrated Framework" (commonly referred to as the Green Book) issued by the Committee of Sponsoring Organizations of the Treadway Commission;
- C. "Compliance Supplement" issued by the U.S. Office of Management and Budget; and
- D. Internal control guidance issued by the U.S. Department of Education.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	CASH MANAGEMENT OF GRANTS
Code	po6112 (YES)
Status	From Neola
Legal	2 C.F.R. 200.305

## 6112 - CASH MANAGEMENT OF GRANTS

In order to provide reasonable assurance that all assets, including Federal, State, and local funds, are safeguarded against waste, loss, unauthorized use, or misappropriation, the District Administrator shall implement internal controls in the area of cash management.

The District's payment methods shall minimize the time elapsing between the transfer of funds from the Federal agency or the Department of Public Instruction (pass-through entity) and disbursement by the District, regardless of whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means.

The District shall use forms and procedures required by the grantor agency or pass-through entity to request payment. The District shall request grant funds payments in accordance with the provisions of the grant. Additionally, the District's financial management systems shall meet the standards for fund control and accountability as established by the awarding agency.

The District Administrator is authorized to submit payment requests as often as necessary when electronic fund transfers are used or at least monthly when electronic transfers are not used. See Electronic Fund Transfer Act (15 U.S.C. 1693-1693r).

When the District uses a cash advance payment method, the following standards shall apply:

- A. The timing and amount of the advance payment requested must be as close as is administratively feasible to the actual disbursements by the District for direct program or project costs and the proportionate share of any allowable indirect costs.
- B. The District shall make timely payments to contractors in accordance with contract provisions.
- C. Whenever possible, advance payment requests by the District must be consolidated to cover anticipated cash needs for all Federal awards received by the recipient from the awarding Federal agency or Wisconsin Department of Public Instruction (DPI).
- D. If available, the District shall disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on Federal funds before requesting additional cash payments. **[DRAFTING NOTE: It is generally recommended that the District request program income be added to their total award, but separating program income out and then noting how applicable credits are addressed.]**
- E. The District shall account for the receipt, obligation, and expenditure of funds.
- F. Advance payments will be deposited and maintained in insured accounts whenever possible.
- G. Advance payments will be maintained in interest-bearing accounts unless the following apply:
  1. The District receives less than \$250,000 in Federal funding per year.

2. The best available interest-bearing account would not reasonably be expected to earn interest in excess of \$500 per year on Federal cash balances.
  3. The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.
  4. A foreign government or banking system prohibits or precludes interest-bearing accounts.
  5. An interest-bearing account is not readily accessible (for example, due to public or political unrest in a foreign country).
- H. Pursuant to Federal law and regulations, the District may retain interest earned in an amount up to \$500 per year for administrative costs. Any additional interest earned on Federal funds must be returned annually to the Department of Health and Human Services Payment Management System (PMS) through an electronic medium using either the Automated Clearing House (ACH) network or a Fedwire Funds Service payment.
- I. All interest in excess of \$500 per year must be returned to PMS regardless of whether the District was paid through PMS. Instructions for returning interest can be found at <https://pms.psc.gov/grant-recipients/returning-funds-interest.html>.
- J. All other Federal funds must be returned to the payment system of the Federal agency. Returns should follow the instructions provided by the Federal agency. All returns to PMS should follow the instructions provided at <https://pms.psc.gov/grant-recipients/returning-funds-interest.html>.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	COST PRINCIPLES - SPENDING FEDERAL FUNDS
Code	po6114 (YES) note change
Status	From Neola
Legal	2 C.F.R. 200.344(b) 2 C.F.R. 200.403-.407, 200.413(a)-(c), 200.430(a), 200.431(a) and 200.458 34 C.F.R. 75.703 34 C.F.R. 76.707 - .708(a)

#### 6114 - **COST PRINCIPLES - SPENDING FEDERAL FUNDS**

The District Administrator is responsible for the efficient and effective administration of grant funds through the application of sound management practices. Such funds shall be administered in a manner consistent with all applicable Federal, State, and local laws, the associated agreements/assurances, program objectives, and the specific terms and conditions of the grant award.

#### **Cost Principles**

A cost is reasonable if it does not exceed an amount that a prudent person would incur under the circumstances prevailing when the decision was made to incur the cost. Except where otherwise authorized by statute, costs shall meet the following general criteria in order to be allowable under Federal awards:

- A. Be necessary and reasonable for proper and efficient performance and administration of the Federal award and be allocable thereto under these principles.

To determine whether a cost is reasonable, consideration shall be given to:

1. whether a cost is generally recognized as ordinary and necessary for the operation or the proper and efficient performance of the Federal award;
2. the restraints or requirements imposed by such factors as sound business practices, arm's length bargaining, Federal, State, local, tribal, and other laws and regulations;
3. market prices for comparable costs for the geographic area;
4. whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students or membership (if applicable), the public at large, and the Federal Government; and
5. the degree to which the cost represents a deviation from the Board's established written policies and procedures for incurring costs.

While Federal regulations do not provide specific descriptions of what satisfies the necessary element beyond its inclusion in the reasonableness analysis above, whether a cost is necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the District can demonstrate that the cost addresses an existing need, and can prove it.

When determining whether a cost is necessary, consideration may be given to whether:

1. the cost is needed for the proper and efficient performance of the grant program;
2. the cost is identified in the approved budget or application;
3. there is an educational benefit associated with the cost;
4. the cost aligns with identified needs based on results and findings from a needs assessment;
5. the cost addresses program goals and objectives and is based on program data.

A cost is allocable to the Federal award if the goods or services involved are chargeable or assignable to the Federal award in accordance with the relative benefit received.

This standard is met if the cost:

1. is incurred specifically for the Federal award;
  2. benefits both the Federal award and other work of the District and can be distributed in proportions that may be approximated using reasonable methods; or
  3. is necessary to the overall operation of the District and is assignable, in part, to the Federal award in accordance with these cost principles.
- B. Conform to any limitations or exclusions set forth in the cost principles 2 C.F.R. Part 200 or in the terms and conditions of the Federal award, including prohibitions regarding costs incurred for telecommunications and video surveillance services or equipment or as a substantial or essential component of any system or as critical technology as part of any system. Such prohibition also applies to funds generated as program income, indirect cost recoveries, or to satisfy cost share requirements.
- C. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the District.
- D. Be accorded consistent treatment. A cost cannot be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to a Federal award as an indirect cost under another award.
- E. Be determined in accordance with generally accepted accounting principles.
- F. Be representative of actual cost, net of all applicable credits, or offsets.
- The term applicable credits refers to those transactions that offset or reduce direct or indirect costs allocable to the Federal award. Typical examples of such transactions are: purchase discounts; rebates or allowances; recoveries or indemnities on losses; insurance refunds or rebates; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the District relate to the Federal award, they shall be credited to the Federal award, either as a cost reduction or a cash refund, as appropriate.
- G. Be not included as a match or cost-share requirements of any other Federally-financed program in either the current or a prior period, unless the specific Federal program authorizes Federal costs to be treated as such.
- H. Be adequately documented:
1. in the case of personal services, the District Administrator shall implement a system for District personnel to account for time and efforts expended on grant-funded programs to document that only permissible personnel expenses are allocated;
  2. in the case of other costs, all receipts and other invoice materials shall be retained, along with any documentation identifying the need and purpose for such expenditure if not otherwise clear.
- I. Administrative closeout costs may be incurred until the due date of the final report(s). If incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.

All other costs must be incurred during the approved budget period. At its discretion, the Federal agency is authorized to waive prior written approvals to carry forward unobligated balances to subsequent budget periods.

The budget period means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which recipients are authorized to incur financial obligations of the funds awarded, including any funds carried forward or other revisions pursuant to 2 C.F.R. 200.308. Prior written approval from the Federal awarding agency or State pass-through entity may be required to carry forward unobligated balances to subsequent budget periods, unless waived.

### **Selected Items of Cost**

The District shall follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E when charging these specific expenditures to a Federal grant. When applicable, District staff shall check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those rules as well.

The following rules of allowability must apply to equipment and other capital expenditures:

- A. Capital expenditures for general-purpose equipment, buildings, and land are allowable as direct charges, but only with the prior written approval of the Federal agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$10,000 or more have the prior written approval of the Federal agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are allowable as a direct cost but only with the prior written approval of the Federal agency, or pass-through entity.
- D. All Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.
- E. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 C.F.R. 200.436 and 2 C.F.R. 200.465.
- F. When approved as a direct cost by the Federal agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal agency.
- G. The District may claim the unamortized portion of any equipment written off as a result of a change in capitalization levels by continuing to claim the otherwise allowable depreciation on the equipment, or by amortizing the amount to be written off over a period of years negotiated with the cognizant agency for indirect cost.
- H. If the District is instructed by the Federal agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.
- I. Equipment and other capital expenditures are unallowable as indirect costs.

Statutory requirements may limit the allowability of costs. Any costs that exceed the maximum amount allowed by statute may not be charged to the Federal award. Only the amount allowable by statute may be charged to the Federal award.

Payments made for costs determined to be unallowable by the Federal agency, cognizant agency for indirect costs, or pass-through entity must be refunded (with interest) to the Federal Government.

### **Prior Written Approval**

To avoid subsequent disallowance or dispute based on unreasonableness or nonallocability, the District may seek the prior written approval of the Federal agency (or, for indirect costs, the cognizant agency for indirect costs) before incurring the cost. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that cost unless prior approval is specifically required for allowability.

### **Cost Compliance**

The District Administrator shall require that grant program funds are expended and are accounted for consistent with the requirements of the specific program and as identified in the grant application. Compliance monitoring includes accounting for direct or indirect costs and reporting them as permitted or required by each grant. Costs incurred for the same purpose



in like circumstances shall be treated consistently as either direct or indirect costs, but may not be double charged or inconsistently charged as both.

### **Determining Whether a Cost is Direct or Indirect**

The association of costs with a Federal award (rather than the nature of the procurement transaction) determines whether costs are direct or indirect. Costs incurred for the same purpose in like circumstances must be treated consistently as direct or indirect.

- A. Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

These costs may include: salaries and fringe benefits of employees working directly on a grant-funded project; purchased services contracted for performance under the grant; travel of employees working directly on a grant-funded project; materials, supplies, and equipment purchased for use on a specific grant; program evaluation costs or other institutional service operations; and infrastructure costs directly attributable to the program (such as long-distance telephone calls specific to the program, etc.). Direct costs may also include capital expenditures if approved by the Federal agency or pass-through entity, as well as capital expenditures for special purpose equipment with a unit cost of less than \$10,000.

If a cost benefits two (2) or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit.

- B. Indirect costs are those that have been incurred for a common or joint purpose benefitting more than one (1) cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Costs incurred for the same purpose in like circumstances shall be treated consistently as either direct or indirect costs.

These costs may include: general data processing, human resources, utility costs, maintenance, accounting, etc.

Federal education programs with supplement not supplant provisions must use a restricted indirect cost rate. In a restricted rate, indirect costs are limited to general management costs. General management costs do not include divisional administration that is limited to one (1) component of the District, the governing body of the District, compensation of the District Administrator, compensation of the chief executive officer of any component of the District, and operation of the immediate offices of these officers.

The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

1. Administrative or clerical services are integral to a project or activity.
2. Individuals involved can be specifically identified with the project or activity.
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency.
4. The costs are not also recovered as indirect costs.

Where a Federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap shall include all direct administrative charges as well as any recovered indirect charges.

Effort should be given to identify costs as direct costs whenever practical, but allocation of indirect costs may be used where not prohibited and where indirect cost allocation is approved ahead of time by the Wisconsin Department of Instruction (DPI) or the pass-through entity (Federal funds subject to 2 CFR Part 200 pertaining to determining indirect cost allocation).

### **Timely Obligation of Funds**

Financial obligations are orders placed for property and services, contracts and subawards made, and similar transactions that require payment under a Federal award that will result in expenditures by a recipient or subrecipient under a Federal award.

The following list illustrates when funds are determined to be obligated under the U.S. Department of Education regulations:

If the obligation is for:

- A. Acquisition of property - on the date which the District makes a binding written commitment to acquire the property.
- B. Personal services by an employee of the District - when the services are performed.
- C. Personal services by a contractor who is not an employee of the District - on the date which the District makes a binding written commitment to obtain the services.
- D. Performance of work other than personal services - on the date when the District makes a binding written commitment to obtain the work.
- E. Public utility services - when the District receives the services.
- F. Travel - when the travel is taken.
- G. Rental of property - when the District uses the property.
- H. A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 C.F.R. Part 200, Subpart E - Cost Principles - on the first day of the project period.

### **Period of Performance**

All financial obligations must occur during the period of performance. Period of performance means the time interval between the start and end date of a Federal award, which may include one (1) or more budget periods. Identification of the period of performance shall be specific to the Federal award and consistent with 2 C.F.R. 200.211 and does not commit the Federal agency to fund the award beyond the currently approved budget period. The period of performance is dictated by statute and will be indicated in the grant award notification ("GAN"). As a general rule, State-administered Federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many Federal education grants, the period of performance is twenty-seven (27) months. This maximum period includes a fifteen (15) month period of initial availability, plus a twelve (12) month period for carryover. For direct grants, the period of performance is generally identified in the GAN. Note, however, that certain Federal awards have specific requirements that restrict the use of funds beyond the initial period of performance.

In the case of a State-administered grant, financial obligations under a grant may not be made until the application is approved or is in substantially approvable form, whichever is later. In the case of a direct grant, a grantee may use grant funds only for obligations it makes during the grant period unless an agreement exists with the agency or the pass-through entity (e.g., Wisconsin Department of Public Instruction) to reimburse for pre-approval expenses.

If a Federal agency or pass-through entity approves an extension, or if the District extends under C.F.R. 200.308(e)(2), the Period of Performance will be amended to end at the completion of the extension. If a termination occurs, the Period of Performance will be amended to end upon the effective date of termination. If a renewal is issued, a distinct Period of Performance will begin.

For both State-administered and direct grants, regardless of the period of availability, the District shall liquidate all financial obligations incurred under the award not later than ninety (90) calendar days after the conclusion of the period of performance of the award (or an earlier date as agreed upon by the DPI and the District). Any funds not obligated within the period of performance or liquidated within the appropriate timeframe are said to lapse and shall be returned to the agency. Consequently, the District shall closely monitor grant spending throughout the grant cycle.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	TIME AND EFFORT REPORTING
Code	po6116 (YES)
Status	From Neola
Legal	2 C.F.R. 200.430, 200.431

#### 6116 - TIME AND EFFORT REPORTING

As a recipient of Federal funds, the District shall comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. Section 200.430 of the Code of Federal Regulations requires certification of effort to document salary expenses charged directly or indirectly against Federally-sponsored projects. This process is intended to verify that compensation for employment services, including salaries and wages, is allocable and properly expended, and that any variances from the budget are reconciled.

Compensation for employment services includes all remuneration, paid currently or accrued, for services of employees rendered during the period of performance under the Federal award, including but not necessarily limited to wages and salaries. Compensation for personal services may also include fringe benefits, which are addressed in 2 C.F.R. 200.431 Compensation-fringe benefits. Costs of compensation are allowable to the extent that they satisfy the specific requirements of these regulations, and that the total compensation for individual employees:

- A. is reasonable for the services rendered, conforms to the District's established written policy, and is consistently applied to both Federal and non-Federal activities; and
- B. follows an appointment made in accordance with the District's written policies and meets the requirements of Federal statute, where applicable.

#### Time and Effort Reports

Unless specifically authorized by the Department of Public Instruction (pass-through entity), including during unexpected or extraordinary circumstances, all salaries and wages charged to Federally-sponsored projects must be based on records (time and effort reports) that accurately reflect the work performed by the employee. A time and effort report is required regardless of whether such time is paid by a Federally-sponsored agreement, a private foundation, or is an unpaid contribution, i.e. cost-share match. Committed cost sharing, either voluntary or mandatory, must be included in effort reports.

#### Employee Compensation During Unexpected or Extraordinary Circumstances

~~[DRAFTING NOTE: The following option is language provided by DPI that relates specifically to the current situation and still requires the Board action to be taken to affect its requirements.]~~

☒ Under unexpected or extraordinary circumstances, such as a public health emergency, the District shall continue to charge the compensation (including but not necessarily limited to salaries, wages, and fringe benefits) of its employees who are paid by a currently active Federal grant consistent with the organization's policies and procedures for paying compensation from all funding sources, Federal and non-Federal.

In the event of an extended school closure, if the District chooses to continue to pay similarly situated employees whose compensation is paid with non-Federal funds, those paid with Federal grant funds may also continue to be paid.

The District Administrator will assure that the procedures for documenting time and effort per the Federal Uniform Grant Guidance include documenting the funding source of the personnel before the circumstance and the funding source of the personnel during the extended closure. This documentation will be maintained for auditing or monitoring purposes.

Through the process of documenting time and effort under unexpected or extraordinary circumstances, the District Administrator will verify that employees who are being paid with Federal grant funds while the program grant activities are closed in whole or in part due to the circumstance are not additionally being paid for working on other activities that are not closed down.

**~~{END OF OPTION}~~**

The procedures and requirements for charging compensation to grant funds described in this policy shall be subject to modification as necessary to provide for application consistent with Federal or State agency requirements or guidance as may be revised during any unexpected or extraordinary circumstance which justifies or necessitates a deviation from required Federal grant procedures.

The reports:

- A. are supported by a system of internal controls which provide reasonable assurance that the charges are accurate, allowable, and properly allocated;
- B. are incorporated into the official records of the District;
- C. reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of the compensated activities;
- D. encompass both Federally assisted and other activities compensated by the District on an integrated basis;
- E. comply with the District's established accounting policies and practices;
- F. support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award; a Federal award and non-Federal award, an indirect cost activity and a direct cost activity, two (2) or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity.

The District will also follow any time and effort requirements imposed by the pass-through entity to the extent that they are more restrictive than the Federal requirements. The Payroll Office is responsible for the distribution, collection, and retention of all employee effort reports. Individually reported data will be made available only to authorized auditors.

**Reconciliations**

Budget estimates are not used as support for charges to Federal awards. However, the District may use budget estimates for interim accounting purposes. The system used by the District to establish budget estimates produces reasonable approximations of the activity actually performed. Any significant changes in the corresponding work activity are identified by the District and entered into the District's records in a timely manner.

The District's internal controls include a process to review after-the-fact interim charges made to a Federal award based on budget estimates and ensure that all necessary adjustments are made so that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	INVESTMENT INCOME
Code	po6144 (YES)
Status	From Neola
Legal	25.50, 66.0603, 67.10, Wis. Stats.

#### 6144 - INVESTMENT INCOME

The Board authorizes the \_\_\_\_\_ or \_\_\_\_\_ **Business Manager** to make investments of available monies from the funds of the District on a competitive basis in:

- A. time deposits in any credit union, bank, savings bank, trust company, or savings and loan association which is authorized to transact business in the State, if the time deposits mature in not more than three (3) years;
- B. bonds or securities issued or guaranteed as to principal and interest by the Federal government or by a commission, board, or other instrumentality of the Federal government;
- C. bonds or securities of any county, city, drainage district, technical college district, village, town, or school district in the State;
- D. other securities authorized by 66.0603, Wis. Stats.;
- E. the local government pooled-investment fund;
- F. in federally insured financial institutions through a re-deposit agent designated by the Board, pursuant to 34.05, Wis. Stats.

☒ The purpose of the investments is to maximize the returns on the District's cash balances consistent with safety of those monies and with the desired liquidity of the investments. **[END OF OPTION]**

~~☐ Investments in U.S. Treasury securities and those other securities completely guaranteed by the Treasury as to payment of principal and interest may be purchased in any dollar amount or up to 100% of the available reserves. **[END OF OPTION]**~~

~~☐ Investments in other types of authorized securities may be made with the provision that no more than \_\_\_\_\_ percent (\_\_\_\_%) of the total current investment portfolio consists of one type of security. **[END OF OPTION]**~~

~~☐ All investments must mature or be redeemable within \_\_\_\_\_ (\_\_\_\_) years of the date of purchase not to exceed three (3) years. **[END OF OPTION]**~~

~~☐ The \_\_\_\_\_ is authorized to contract with a depository for the operation of a cash management system under the following conditions:~~

- A. ~~☐ the contract is in writing~~
- B. ~~☐ the contract provides for the investment of funds by the depository with the written approval of the \_\_\_\_\_~~
- C. ~~☐ the depository keeps all records concerning investment cash management~~
- D. ~~☐ the investments are made in accordance with State law with maturities not to exceed three (3) years~~
- E. ~~☐ the contract, which cannot exceed three (3) years, is awarded using the District's bidding procedure~~

**~~[END OF OPTION]~~**

~~[ ] The \_\_\_\_\_ may request, no more often than four (4) times per year, that each public depository report the amount of monies deposited by the \_\_\_\_\_ and the total value of the pool of securities pledged to secure the monies of this District held by the depository. **~~[END OF OPTION]~~**~~

~~[ ] The \_\_\_\_\_ shall include in the monthly report to the Board all cash in all accounts on deposit as well as the investment assets of the Board. **~~[END OF OPTION]~~**~~

~~[ ] The Board also requires the \_\_\_\_\_ to report to the Board monthly:~~

- ~~A. ( ) the types and amounts of each investment and the interest earned on each;~~
- ~~B. ( ) the transactions occurring since the last report.~~

**~~[END OF OPTION]~~**

Withdrawal of funds will be in accord with the law. The **Business Manager** \_\_\_\_\_, acting in accord with the law, may sell negotiable instruments prior to maturity.

Interest derived from an investment shall be deposited, except as otherwise provided by law, in the District's General Fund.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	POST-ISSUANCE TAX-EXEMPT BOND COMPLIANCE
Code	po6146 (YES) reviewed by District Bond Counsel.
Status	From Neola

#### 6146 - **POST-ISSUANCE TAX-EXEMPT BOND COMPLIANCE**

**[DRAFTING NOTE: Final Policy should be reviewed by District Bond Counsel.]**

The Board may from time to time issue bonds and other obligations. These interests are excludable from gross income for Federal income tax purposes or are excludable from interest that is paid in whole or in part by the Federal government or which bonds otherwise enjoy certain preferential treatment under the Internal Revenue Code of 1986, as amended, (the "code") or regulations developed implementing the Code (the "regulations"). Such obligations may include tax-exempt obligations and/or obligations eligible for tax credits (direct subsidies to the School District or tax credits to bond owners). All such tax-exempt obligations or tax-advantaged obligations are referred to herein as "Obligations," whether in the form of general obligation bonds, revenue bonds, bond anticipation notes, tax anticipation notes, lease-purchase obligations, installment-purchase obligations, or otherwise.

This policy documents practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continues to be eligible to be excluded from gross income for Federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The Federal tax law requirements applicable to each issue of Obligations will be detailed in the nonarbitrage or tax compliance certificate prepared by bond counsel (the "Tax Certificate") and signed by officials of the District and the post-closing compliance checklist provided by bond counsel with respect to such issue. This policy establishes a permanent, ongoing structure of practices and procedures that will facilitate compliance with the Code, Treasury Regulations and SEC Rule 15c2-12 (the "Rule").

The Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an ongoing process, necessary during the entire term of the Obligations, and is an integral component of the District's debt management. Accordingly, the analysis of those facts and implementation of this Policy will require ongoing monitoring and consultation with an attorney experienced in legal work relating to the issuance of tax-exempt obligations or tax-advantaged obligations ("Bond Counsel") and the District's accountants.

This policy doesn't address any post-issuance compliance requirements under State law. Nor is this policy a substitute, or a replacement, for any Tax Certificate or a post-issuance compliance checklist relating to specific Obligations. The District is responsible for compliance with any such Tax Certificate or post-issuance compliance checklist.

This policy may be modified, expanded, abridged, or otherwise amended only by the Board upon consultation with the District's attorney and Bond Counsel, but without any notice to or consent from any trustee, bondholder, or any other person.

The general purpose of the policies set forth herein is to ensure compliance with post-issuance Federal tax requirements generally falling into the following two (2) categories:

##### A. Qualified Use of Proceeds and Financed Property

Qualified use requirements generally require monitoring of the various direct and indirect uses of bond-financed property over the life of the bonds and calculations of the percentage of nonqualified uses.

##### B. Arbitrage Yield and Rebate

Arbitrage requirements also require monitoring over the life of the bonds to determine whether the yield on investments acquired with bond proceeds are properly restricted and the District must file Form 8038-T to pay a yield reduction payment and/or rebate payment.



## Responsible Official

The Board designates the ~~( ) Board President~~ ~~( ) District Administrator~~ ☒ Business Manager ~~[END OF OPTION]~~ as the Bond Compliance Officer with primary responsibility in post-issuance compliance. The compliance officer is authorized to obtain the assistance of the following in carrying out necessary functions under this policy:

- A. ☒ Bond Counsel – the District’s legal counsel that assists in the bond issuance
- B. ☒ External Financial Advisors – the District’s accounting firm or other financial advisor
- C. ~~( ) Bond Paying Agent/Trustee~~
- D. ~~( ) Rebate Analyst~~

All personnel that are responsible for ensuring post-issuance compliance with the tax rules must receive training or educational resources, as determined appropriate by the Bond Compliance Officer.

## Post-Issuance Duties

The Bond Compliance Officer will engage in a detailed review of post-issuance tax compliance with the tax rules to identify instances of noncompliance and prevent violations from occurring, or timely correct identified violations, if possible. When failures to comply with post-issuance compliance requirements are identified, the Bond Compliance Officer will promptly consult with bond counsel to determine if remedial action is available or if some other action is required.

## Private Use

Bond-financed projects are subject to rules and limitations on private use. Private use includes non-governmental activity through leases, management agreements, research agreements, and other types of activity in which a non-governmental entity obtains a benefit or interest in the bond-financed project beyond that normally provided to the public. In the event such special usage is contemplated, the Bond Compliance Officer must assure compliance with applicable tax regulations.

## Use of Bond Proceeds

The Bond Compliance Officer shall assure that bond funds are used for the purpose for which the bond issue is authorized and that any project with a combination of authorized expenses from bond proceeds and other funds results in expenses paid for with bond proceeds that are clearly identified and properly recorded.

The Bond Compliance Officer must assure that investment activities are conducted at fair market value and may employ bidding procedures to establish a safe harbor. The Bond Compliance Officer shall be aware of any yield restrictions on any bond issue and monitor such. In the event that reimbursement is required, the Bond Compliance Officer shall work with the District’s advisors to complete and record those transactions and to assure proper filings with the IRS.

## Recordkeeping Requirements

The Bond Compliance Officer is responsible for the maintenance of records relating to the bond financings and for the transfer of all such records to their successor. In the event that different persons are responsible for different aspects of compliance with the tax rules (for example, the investment of bond proceeds and expenditure of bond proceeds on projects), the Bond Compliance Officer will assure coordination with all involved and retention of complete records. The following records, as applicable, shall be retained:

- A. audited financial statements of the School District throughout the period of the bond issue
- B. appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation, or purchase of bond-financed facilities
- C. all public discourse concerning the bonds, including informative materials distributed by the District, as well as other publications, such as third party studies, newspaper articles, etc.
- D. paying Agent or trustee statements
- E. all records regarding the management of bond funds, including investments and the gains (or losses) from such investments; and including specifically trustee statements regarding investments, investment contracts, or other such instruments

- F. Board resolutions authorizing reimbursement of bond funds or earned interest, and accounting of any such disbursements
- G. ledger of bond expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills, and canceled checks with respect to such expenditures)
- H. records of the sale of any bond-financed facilities, including Board resolutions, sales documents, and accounting of proceeds, from such sale
- I. record of any private business uses of bond-financed facilities after the issue, including leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements which provide special legal entitlements to nongovernmental persons or entities
- J. arbitrage rebate reports and records of rebate and yield reduction payments, if any
- K. resolutions or minutes of Board meetings at which any action was taken by the Board pertaining to the bond issue or subsequent treatment, including any formal elections under the Code or Regulations
- L. copies of each Form 8038-T and Form 8038-R filed with the IRS and any other forms or documents filed with the IRS, and
- M. any other documents or Board minutes regarding the Bond issue, financing, facilities, investments, reimbursements, governmental review reports, etc.

The Board may also enter into a contract with a third party to assist the District in complying with its continuing disclosure obligations.

Records of appraisals, surveys, and studies pertaining to the facilities financed with the proceeds of bonds, as well as any and all contracts entered into for the construction, renovation, or purchase of bond-financed facilities, as applicable, shall be retained.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	DEBT MANAGEMENT
Code	po6147 (YES)
Status	From Neola
Legal	67.12, Wis. Stats.

## 6147 - DEBT MANAGEMENT

### Statement of Purpose

The purpose of the Debt Management Policy is to establish and maintain well defined debt management guidelines for issuing new debt as well as managing outstanding debt to sustain a strong debt management program.

### Scope

The Debt Management Policy applies to all debt instruments issued by the District regardless of the purpose for which issued or the funding source for repayment.

### Objective

The primary objective is to ensure prudent debt management practices which:

- A. maintain financial stability;
- B. preserve public trust;
- C. minimize or stabilize costs to taxpayers;
- D. preserve access to financial markets;
- E. demonstrate adequate administrative oversight of debt program to credit rating agencies.

### Types of Authorized Debt

The Constitution and laws of the State of Wisconsin limit the power of the District to issue obligations and to contract indebtedness. The District may not borrow money or issue notes or bonds therefore for any purpose except those specified by statute and may only incur indebtedness as prescribed by law.

### Bond or Note Anticipation Notes

In anticipation of issuing general obligation bonds or notes, the District is authorized to borrow money using bond or note anticipation notes. The bond or note anticipation notes shall in no event be general obligations of the District, and do not constitute an indebtedness of the District, nor a charge against its general credit or taxing power. The bond or note anticipation notes are payable only from (a) proceeds of the bond or note anticipation notes set aside for payment of interest on the bond or note anticipation notes as they become due, and, (b) proceeds to be derived from the issuance and sale of general obligation bonds or notes which proceeds are pledged for the payment of the principal of and interest on the bond or note anticipation notes. The maximum term of any bond or note anticipation notes (including any refunding) is five (5) years.

### General Obligation Bonds

The principal amount of every sum borrowed by the District and secured by an issue of bonds may be payable at one time in a single payment or at several times in two (2) or more installments; however, no installment may be made payable later than the termination of twenty (20) years immediately following the date of the bonds. The Board is required to levy a direct, annual, irrevocable tax sufficient in amount to pay the interest on such bonds as it falls due and also to pay and discharge the principal thereof at maturity. Bonds issued by the District to refinance or refund outstanding notes or bonds issued by the District may be payable no later than twenty (20) years following the original date of such notes or bonds.

### **Refunding Bonds**

In addition to being authorized to issue bonds, the District is authorized to borrow money using refunding bonds for refunding existing debt. To evidence such indebtedness, the District must issue to the lender its refunding bonds (with interest) payable within a period not exceeding twenty (20) years following the initial date of the debt to be refunded. Such refunding bonds constitute a general obligation of the District. Refunding bonds are not subject to a referendum.

### **Promissory Notes**

In addition to being authorized to issue bonds, the District is authorized to borrow money using notes for any public purpose. To evidence such indebtedness, the District must issue to the lender its promissory notes (with interest) payable within a period not exceeding ten (10) years following the date of said notes. Such notes constitute a general obligation of the District. Notes may be issued to refinance or refund outstanding notes. However, such notes may be payable not later than twenty (20) years following the original date of such outstanding notes.

### **Temporary Borrowing**

The Board may, on its own motion, borrow money in such sums as may be needed to meet the immediate expenses of maintaining the schools in the District during the then-current school year. No such loan or loans shall be made to extend beyond November 1 of the following year or in any amount exceeding one-half (1/2) of the estimated receipts for the operation and maintenance of the District for the current school year in which the loan is made.

### **Debt Limit**

The District has the power to contract indebtedness for purposes specified by statute.

### **Procedures for Borrowing**

Whenever the Board engages in borrowing outside of borrowing authorized by referendum approved on the Board's initiative, the Board shall determine the method it will use for borrowing, including short-term borrowing, establishing a line of credit, or other forms of borrowing. The Board designates the ~~( ) District Administrator~~ ( ☒ ) Business Manager ( ☐ )                      to prepare all necessary instruments and resolutions for Board approval. All procedures and required Board action shall be consistent with applicable legal authority for borrowing, including solicitations of bids from potential lenders. Such borrowing shall be in accordance with the provisions of 67.12(8) and require a two-thirds (2/3's) affirmative vote of the entire membership of the Board.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	TUITION INCOME
Code	po6150 (YES)
Status	From Neola
Legal	121.75 et seq., Wis. Stats. 121.76(2)(a), Wis. Stats. 121.83, Wis. Stats.

#### 6150 - **TUITION INCOME**

The Board shall assess tuition for attendance in District schools by students who are not entitled to receive a free, public education in this District and whose enrollment has been approved by the Board.

Tuition charges must be based on a statutory formula or other methods approved by DPI. Rates will be available before the beginning of the school year or before the student's attendance commences.

The                      **Business Manager** shall be responsible for the assessment and collection of tuition. Tuition billing may be assessed daily in advance of the period for which the billing is made.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	RETURNED/OUTSTANDING-STALE CHECKS
Code	po6151 (YES)
Status	From Neola

#### 6151 - RETURNED/OUTSTANDING-STALE CHECKS

When the District receives a check from a student or parent that, when deposited, is returned marked "insufficient funds", the District Administrator shall provide an opportunity for the payer to make proper payment or to arrange for a satisfactory payment schedule. If payment is not received within thirty (30) days, the payment schedule is not adhered to, or the monies do not appear to be collectable, the Board authorizes the District Administrator to remove the fee or charge from the District's Accounts Receivable and to take appropriate action against the student and/or the parents. The parent or student may be charged any cost charged by the District's banking institution for a returned check.

#### Outstanding (Stale Dated) Checks - Unclaimed Property Process

Checks that are outstanding, meaning they have not been cashed by the payee, after ~~( ) the period of time established by the banking institution for the validity period of the check~~ ( ☒ ) a period of 180 days after issuance ~~( ) a period of \_\_\_\_\_ days after issuance~~ **[END OF OPTIONS] [DRAFTING NOTE: Neola recommends that District's consult with their banking institution to determine if the bank has established a period of time after which a check is no longer valid.]** shall be deemed to be a "stale" check. Any stale check shall be treated as unclaimed property consistent with the guidance provided by the Wisconsin Department of Revenue's (WI DOR) "Unclaimed Property Holder Report Guide" for locating the owner and/or remitting the unclaimed property to the WI DOR.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	STUDENT FEES, FINES, AND CHARGES
Code	po6152 (YES)
Status	From Neola
Legal	118.55(5), Wis. Stats. 120.12(11), Wis. Stats. 120.12(17), Wis. Stats. 120.12(22), Wis. Stats. 121.54(8), Wis. Stats. <a href="http://www.dpi.wi.gov/sfs/finances/budgeting/school-fees">http://www.dpi.wi.gov/sfs/finances/budgeting/school-fees</a>

## 6152 - STUDENT FEES, FINES, AND CHARGES

The Board may levy certain charges to students to facilitate the utilization of adequate, appropriate learning materials used in the course of instruction. If the District determines that a student is in serious financial need, it may choose to provide any or all such materials free of charge. No student shall be denied any educational opportunity because of his/her inability to pay any fee or charge imposed. (See also Policy 6152. 01 - Waiver of School Fees or Fines; and [DPI guidance](#) ([HTTP://www.dpi.wi.gov/sfs/finances/budgeting/school-fees](http://www.dpi.wi.gov/sfs/finances/budgeting/school-fees)) regarding school fees.)

### Materials Charge

A charge shall not exceed the combined cost of the material used, freight and/or handling charges, and nominal add-on for loss. Money received from the resale of such material shall be returned to the General Fund with an accurate accounting of all transactions.

### Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

~~[ ] The late return of borrowed books or materials from the school libraries is subject to appropriate fines.~~

### Collection of Fees and Fines

Any fees (including trip fees) or fines collected by members of the staff should be handled pursuant to ( ☒ ) Policy 6630 - Cash Handling and Deposits ~~( ) appropriate District procedures [END OF OPTION].~~

The District Administrator may waive fines or fees upon request, consistent with Policy 6152.01 - Waiver of School Fees or Fines. In the event the above course of action does not result in the fee or fine being collected, the Board authorizes the District Administrator to take the student and/or the student's parents to Small Claims Court for collection. The District shall not permit or elicit the assistance of volunteers in efforts to collect unpaid student fees or expenses, including food service balances.

### Student/Parent Rights

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

### Students Experiencing Homelessness - McKinney-Vento Act



No fine or fee shall be charged to a student identified as a student experiencing homelessness unless it is determined that the student has the ability to pay the fee or fine and that its imposition does not create a barrier to the student's ability to enroll, attend school, achieve academic success, or be identified as experiencing homelessness. Any dispute regarding a fine or a fee that is imposed shall not delay the student's enrollment or serve as a barrier to enrollment by delaying the transfer of student records to another school or school district if applicable.

Immediate enrollment notwithstanding, the waiver of fines or fees for a student experiencing homelessness shall be extended to extra-curricular and co-curricular activities in addition to academic programming.

☒ Students experiencing homelessness who are able to pay ~~☐ fees or fines~~ ☒ fees or fines and refuse to do so ~~**[END OF OPTION]**~~ may be prohibited from participating in graduation ceremonies until paid. No such student shall be prevented from receiving his/her student records, including diploma if earned, and final transcripts.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	WAIVER OF SCHOOL FEES OR FINES
Code	po6152.01 (YES)
Status	From Neola
Legal	National School Lunch Act, 60 Stat. 230 (1946), 42 U.S.C. 1751 (as amended) Child Nutrition Act of 1966, 80 Stat. 885, 42 U.S.C. 1771 42 U.S.C. 11432(g)(1) 118.55(5), Wis. Stats. 120.12(11), Wis. Stats. 120.12(17), Wis. Stats. 120.12(22), Wis. Stats. 121.54(8), Wis. Stats.

**[NOTE: For additional information regarding school fees, review the [Department of Public Instruction guidance](#).]**

#### 6152.01 - WAIVER OF SCHOOL FEES OR FINES

The Board shall waive fees or fines assessed only for students whose parent(s) are unable to afford them and such fees and fines are barriers to the educational program. The District Administrator may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding requests for the waiver of fees.

#### Eligibility Standards

Subject to completion of required forms or direct certification through the Wisconsin Division of Children and Families database, students eligible for a waiver of school fees or fines include, but are not limited to, the following:

- A. Students who qualify for free lunches or breakfasts under the School Free Lunch Program Act and after submission and approval of the income-based application or direct certification through the Division of Children and Families State database.

**~~[DRAFTING NOTE: EVEN THOUGH ALL STUDENTS ARE ELIGIBLE FOR FREE LUNCH/BREAKFAST IN THE 2021-22 SCHOOL YEAR, SUCH BLANKET ELIGIBILITY DOES NOT APPLY TO THE WAIVER OF FEES WHICH APPLIES ONLY TO THOSE STUDENTS WHOSE FREE LUNCH/BREAKFAST IS BASED ON THE INCOME CRITERIA.]~~**

- B. Students who are experiencing homelessness pursuant to Policy 5111.01 - Homeless Students.
- C. ☒ Students who are eligible to receive reduced price lunch or breakfast.
- D. ☐ ~~Students whose families have suffered very significant losses of income due to severe illness or injury in the family or unusual expenses including, but not limited to, fire, flood, or storm damage.~~
- E. ☒ Other good and just reasons, as determined by the District Administrator.

#### Notification to Parents

- A. Annually the substance of this policy shall be communicated in writing to the parent(s) of all students in the District.

B. The first bill or notice sent to parent(s) who owe fees shall state:

1. The District will waive fees or fines for persons unable to afford them in accordance with this policy.
2. The procedure for applying for a waiver, and the name, address, and telephone number of the person to contact for information concerning a fee waiver.

### Procedures for Resolution of Disputes

A. An individual who cannot pay school fees or fines may write a letter requesting a waiver of fees to the District Administrator. The letter must contain the following:

1. name(s) of student(s)
2. name of parent(s)
3. address of parent(s)
4. phone number of parent(s)
5. school where child(ren) attend(s)
6. reason for request for waiver of fees

The District Administrator shall have the authority to review the waiver request and request such further information, if any, as deemed necessary in order to make a decision on that request.

~~**[DRAFTING NOTE: Students who are experiencing homelessness may also be considered an unaccompanied minor, whereby the Homeless Liaison shall be responsible for notification to such student(s) and assist in drafting the request for waiver of fees and fines.]**~~

- B. No fee or fine shall be collected from any individual who is seeking a fee waiver in accordance with the District's policy until the District has acted on the initial request or appeal (if any is made), and the individual has been notified of the decision.
- C. If the District Administrator denies a request for a waiver, then within fifteen (15) school days of receipt of the request, a copy of the decision shall be mailed or provided in an appropriate method for those without a fixed residence or experiencing homelessness.

The decision shall state the reason for the denial and shall include the right to appeal, including the process and timelines for that action. The denial notice shall also include a statement indicating that reapplication may be made for a waiver any time during the school year if circumstances change.

- D. Students experiencing homelessness shall be immediately enrolled, scheduled for transportation, or otherwise registered for school programming regardless of outstanding fines or fees. The waiver review process shall be reviewed accordingly. If the imposition of a fine or fee is not a barrier to educational program access, the student may be assessed the fine or fee.

~~**[DRAFTING NOTE: Select only one option]**~~

- E. ~~**[ ]**~~ The decision of the District Administrator is final.

**OR**

☒ An appeal of the District Administrator's decision must be made to the Board within seven (7) calendar days after receipt of the decision. An appeal shall be decided within thirty (30) calendar days of the receipt of the request for an appeal. ( ) Parent(s) shall have the right to meet with the Board in order to explain why the waiver should be granted. **[END OF OPTION]**

### Nondiscrimination

The Board expects all staff members to exercise the utmost care to see that, as a result of their actions or comments, students cannot differentiate between those students whose parents are unable to purchase required instructional materials, pay required fees and/or fines and those whose parents can.

Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	FISCAL PLANNING
Code	po6210 (YES)
Status	From Neola

#### 6210 - **FISCAL PLANNING**

The Board of Education shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the School District and to plan for the financial needs of the educational program. The Board will strive toward maintaining both short and long-range projections of District financial requirements.

Accordingly, the Board directs the **Business Manager**\_\_\_\_\_ to:

- A. ~~( ) include cost estimates in all ongoing financial requirements;~~
- B. ( **x** ) prepare a long-range year-by-year plan for the maintenance and replacement of facilities and equipment;
- C. ( **x** ) maintain a plan of anticipated local, State, and Federal revenues;
- D. ( **x** ) report to the Board any serious financial implications that emerge from the District's ongoing fiscal planning.

In addition, the Board directs the **Business Manager**\_\_\_\_\_ to maintain annually a detailed two (2) year forecast of estimated expenditures and revenues.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	BUDGET PREPARATION
Code	po6220 (YES)
Status	From Neola
Legal	65.90, Wis. Stats.

#### 6220 - BUDGET PREPARATION

The District's operation and educational plan is reflected in its budgets. Each year, the Board will review and approve the District budget which will be prepared in accordance with applicable law and regulations.

Each budget shall be designed to carry out District goals and operations in a thorough and efficient manner, maintain District facilities properly, and honor the continuing obligations of the Board.

The Board shall ensure that adequate funds are reserved for the General Fund in accordance with Policy 6235 - Fund Balance.

A proposed budget requires the critical analysis of every member of the Board prior to approval; once adopted, the budget deserves the support of all members of the Board regardless of their position before its adoption.

The Board directs the Business Manager to present the budgets to the Board along with all available information associated with each budget in sufficient time to allow for proper analysis and discussion prior to the hearing.

When presented to the Board for review and/or adoption, the information shall be presented as prescribed by State law, and in the format provided by the Wisconsin Department of Public Instruction.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	BUDGET HEARING
Code	po6230 (YES)
Status	From Neola
Legal	65.90, Wis. Stats. 120.11(3), Wis. Stats. (for common or union high districts only)

### 6230 - BUDGET HEARING

The annual budget adopted by the Board represents the Board's position on the allocation of resources required to operate an appropriate system of education. All reasonable means shall be employed by the Board to present and explain that position to all interested parties. A public budget hearing will be conducted

☒ ~~[Option 1 — choose the option appropriate for your school type.]~~

~~[for Common or Union High Districts:]~~

☒ at the annual meeting.

~~[for Unified School Districts:]~~

~~( ) prior to adoption of the final budget at which time a full itemized report of the District's finances shall be presented.~~

~~[END OF OPTION #1]~~

☐ ~~[Option 2 — Choose the option for your school type.]~~

~~[for Common or Union High Districts:]~~

☒ The report will include:

- A. receipts and expenditures of the School District since the last annual meeting;
- B. the current cash balance of the School District;
- C. the amount of the deficit and the bills payable to the School District;
- D. the budget summary required under 65.90, Wis. Stats.;

~~[NOTE: If the Board has established a trust described in 66.0603 (1m) (b) 3., Wis. Stats. the following should be included as "E." on this list:]~~

- E. the amount in the trust established pursuant to 66.0603 (1m) (b) 3., Wis. Stats. the investment return earned by the trust since the last annual meeting, the total of disbursements made from the trust since the last annual meeting, and the name of the investment manager if the investment authority has been delegated.

~~[ ] [Option 2 — for Unified School Districts]~~

~~[ ] The report will include the budget summary required under 65.90, Wis. Stats.~~

~~[END OF OPTION]~~

Each member of the Board and each administrator in the District shall be sufficiently acquainted with the budget and its underlying purposes to answer questions from members of the public.

A simplified form of the budget may be prepared annually and may be sent to appropriate parties and distributed to each person attending the annual budget hearing.

A simplified budget may include the expenditure in each major category of current expense for the current year and the coming year and a summary of anticipated receipts as well as a brief explanation of significant increases and decreases from the preceding budget.

The final budget approved by the Board shall be made available to the public in the form and places as required by law.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	BUDGET IMPLEMENTATION
Code	po6231 (YES)
Status	From Neola
Legal	66.0607(7), 120.11(4) Wis. Stats.

#### 6231 - BUDGET IMPLEMENTATION

The Board places the responsibility of administering the budget, once adopted, with the District Administrator.

The District Administrator is authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the Board-approved budget, limitations stated in Board policies, and within legal authority expressed in State statutes.

Listings of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board to keep members informed as to the status of the budget and overall financial condition of the District. Once each month, the Board minutes shall include a statement of the receipts and expenditures in the aggregate ~~(-) and beginning and ending balances~~ **[END OF OPTION]**.

If, during the fiscal year, it appears to the District Administrator that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the fund were based, the District Administrator shall present to the Board recommended amendments to the budget that will prevent unplanned expenditures from Fund Balance. The District Administrator shall make recommendations in accordance with requirements of the law and provisions of negotiated agreements. Such budget amendments must be approved by a two-thirds (2/3's) affirmative vote of the entire membership of the Board.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	FUND BALANCE
Code	po6235 (YES)
Status	From Neola
Legal	Government Accounting Standards Board Statement 54

## 6235 - FUND BALANCE

~~[NOTE: Review with the District Auditor and Business Manager prior to adoption.]~~

The Board places the responsibility of administering the budget, once adopted, with the District Administrator. The District Administrator shall monitor the Fund 10 fund balance and shall report the balance to the Board at the end of each budget year. The Fund 10 fund balance shall be maintained at a level sufficient to:

- A. minimize or avoid short-term borrowing for cash flow purposes;
- B. cover unforeseen expenditure needs or unrealized revenue sources; and
- C. demonstrate financial stability to preserve or enhance the District's bond rating, thereby lowering debt issuance costs.

The Board will reserve adequate funds to maintain a secure financial position. The use of Fund Balance for recurring costs is discouraged.

~~[DRAFTING NOTE: CHOOSE ONE OF THE FOLLOWING OPTIONS OR NEITHER OPTION.]~~

~~[ ] OPTION #1: The Fund 10 fund balance shall not fall below \_\_\_\_\_ percent (\_\_\_\_%) of the preceding year's Fund 10 expenditures. [END OF OPTION #1]~~

☒ **OPTION #2:** The target Fund Balance range for maintaining the District's financial stability is \_\_\_\_\_ **fifteen to twenty five** percent (\_\_\_\_ **15-25%**) of the preceding year's Fund 10 expenditures. **[END OF OPTION #2]**

Budget preparation and management shall adhere to this fund balance expectation. (See Policy 6220 - Budget Preparation and Policy 6231 - Budget Implementation.)

Fund balances will be reported in the categories established by the Government Accounting Standards Board Statement 54 (GASB 54) and in consultation with District auditors ( ☒ ) and Business Manager. The Board will impose constraints on any funds placed in the committed and assigned classifications through consultation with the District's auditor ( ☒ ) and Business Manager. The applicable categories for fund balance designations are:

- A. **Nonspendable Fund Balance** - amounts that cannot be spent because they are either (a) not in a spendable form (which includes items that are not expected to be converted to cash – e.g., inventories or prepaid amounts) or (b) legally or contractually required to be maintained intact (e.g., the corpus of an endowment fund).
- B. **Restricted Fund Balance** - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.
- C. **Committed Fund Balance** - amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint.
- D. **Assigned Fund Balance** - amounts the Board *intends* to use for a specific purpose but are neither restricted nor committed; intent can be expressed by the Board or by an official or committee to which the Board delegates the

authority.

**E. Unassigned Fund Balance** - amounts that are available for any purpose; these amounts are reported only in the general fund.

~~**[ ] The Board discourages the maintenance of unassigned fund balances.**~~

If, during the fiscal year, it appears to the District Administrator that the fund balance will be less than estimated, the District Administrator will bring forward for Board consideration recommendations that will protect the fund balances. Such recommendations shall be in accordance with the requirements of the law.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	COMMUNITY SERVICES FUND (FUND 80)
Code	po6236 (YES)
Status	From Neola
Legal	65.90, Wis. Stat. 120.13(19), Wis. Stats. Wis. Admin Code PI 80

#### 6236 - **COMMUNITY SERVICES FUND (FUND 80)**

It is the purpose of this policy to authorize a Community Services Fund (hereinafter referred to as "Fund 80") for the development and maintenance of programs and services outside of the regular curricular and extra-curricular programs (these programs may include education, training, recreational, cultural and/or athletic programs and services).

The Community Services Program is accounted for in Fund 80 and the Board may fund the program by a combination of a local tax levy and user/rental fees. Fund 80 expenses shall not be paid from the Fund 10 general fund.

Each activity or service covered by this policy must be authorized by the Board before monies can be collected or disbursed in the name of said activity or service.

Each activity or service supported by this fund must be open for participation by the general community within any age or similar guidelines of the activity and not contain prohibitive requirements based on school district membership. The following costs are ineligible costs for community programs and services:

- A. Costs for any program or service that is limited to only District students;
- B. Costs for any program or service whose schedule presents a significant barrier for age-appropriate School District resident to participate in the program or service;
- C. Costs that are not the actual, additional cost to operate community programs and services under this policy; and
- D. Costs that would be incurred by the District if community programs and services were not being provided by the District.

The Board must adopt a budget for Fund 80 expenditures. ~~( ) A summary of revenues and expenses will be provided at each District Annual Meeting to determine future Fund 80 tax levies. [DRAFTING NOTE: This option should not be selected by Unified School Districts.]~~

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	PURCHASING
Code	po6320 (YES)
Status	From Neola
Legal	120.12(24), 66.0133, Wis. Stats. 2 C.F.R. Section 200.213; 200.318 - 200.326 48 C.F.R. Section 9.4

### 6320 - **PURCHASING**

Procurement of all supplies, materials, equipment, and services paid for from District funds shall be made in accordance with all applicable Federal and State statutes, Board policies, and administrative guidelines. Standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts are established in Policy 1130, Policy 3230, and Policy 4230 – Ethics and Conflict of Interest.

All procurement transactions shall be conducted in a manner that encourages full and open competition and in accordance with good administrative practice and sound business judgment.

It is the policy of the Board that the District Administrator seek ~~at least~~ ( ) price quotations on purchases of more than \$50,000 for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the District.

### **Competitive Bids**

Purchase of and contract for projects will be subject to a competitive bid process as and when required by law.

~~[ ] When the purchase of, and contract for, single items of supplies, materials, or equipment is reasonably anticipated to:~~

~~( ) reach the amount of \$ \_\_\_\_\_ or more,~~

~~the \_\_\_\_\_ shall obtain competitive bids.~~

Bids shall be sealed and shall be opened by the District Administrator in the presence of at least one (1) witness. A bidder may be required to submit a sworn statement regarding:

- A. financial ability to complete the contract, including the posting of a bond where appropriate or required;
- B. nature and quality of equipment to be used in performing the contract;
- C. experience and past performance in performing the contract;
- D. such other information the District deems relevant to the protection and welfare of the public in the performance of the contract or that are required by applicable law.

Such statements shall be delivered to the District no later than five (5) days prior to the bid opening, or as directed by the applicable RFP, and shall be kept confidential by the District, except upon the written order of the person submitting the statement or on behalf of whom the statement is submitted, for the necessary use by the District in qualifying the person/bidder or the District. The statements shall be reviewed and the bidder notified if it is qualified to submit a bid.

### **Purchasing Items with Federal Grant Funds**

When purchasing items with Federal funds a District shall:

- A. give consideration to whether separating or combining purchases will provide for a more cost-effective approach to avoid acquisition of unnecessary or duplicative items;
- B. where appropriate, conduct an analysis of lease versus purchase options and the most economical and beneficial method shall be pursued;
- C. conduct an evaluation of the availability and feasibility of entering into intergovernmental agreements to procure the goods or services required on a shared basis;
- D. in the case of a time and material contract, make a determination that no other arrangement is suitable and that the contract places a ceiling price that protects the District.

### General Provisions

The Board reserves the right to reject any and all bids.

~~[ ] Contracts can be awarded by the \_\_\_\_\_ without Board approval for any single item or group of identical items costing less than \$ \_\_\_\_\_. All other contracts require Board approval prior to purchase.~~

~~[ ] The Board shall be informed of the terms and conditions of all competitive bids and shall award contracts as a consequence of such bids.~~

The District Administrator is authorized to purchase all items within budget allocations. ~~( ) For additional information on hiring consultants, see Policy 8125 – Consultants. [END OF OPTIONS]~~

~~[ ] The Board should be advised, for prior approval, of all purchases of equipment, materials, and services when the purchase~~

~~( ) was not contemplated during the budgeting process.~~

~~( ) exceeds the~~

~~( ) line item by the \_\_\_\_\_ or %; or~~

~~( ) varies materially from the function or scope as budgeted.~~

[ x] The District Administrator is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the schools in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped shall be made a part of the bid specifications.

~~Before~~ After the Administrator \_\_\_\_\_ ~~places~~ approves a purchase order, ~~s/he shall~~

( x) have the Business Manager \_\_\_\_\_

will check whether: (a) the proposed purchase is subject to bid, (b) whether sufficient funds exist in the budget and (c) the goods or services might be available elsewhere in the District. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

- A. ( x) items commonly used in the various schools or units thereof, be standardized whenever consistency with educational goals can be maintained;
- B. ( x) opportunity be provided to as many responsible suppliers as possible to do business with the School District;
- C. ( ) a prompt and courteous reception, insofar as conditions permit, be given to all who call on legitimate business matters;  
x
- D. ( ) where the requisitioner has recommended a supplier, the Business Office \_\_\_\_\_ may make suggestion alternatives to the requisitioner if, in his/her judgment, better service, delivery, economy, or utility can be achieved

by using a different supplier;

- E. ~~( )~~ upon the placement of a purchase order, the \_\_\_\_\_ shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations.

~~[ ]~~ The District Administrator shall determine the maximum expenditure allowed without a properly signed purchase order.

[ **x** ] Employees may be held personally responsible for anything purchased without a properly signed purchase order or authorization.

The Board may acquire office equipment by lease, installment payments, lease-purchase agreements, or by lease with an option to purchase, provided the contract sets forth the specific terms, including price, of such a purchase.

### Debarred Contractors Excluded

The District shall not award any contract, agreement or subcontract for goods or services to any party that has been suspended or debarred from receiving contracts or subcontracts by the Federal Acquisition Regulations (FAR).

For any contract or subcontract with a value in excess of ~~\$25,000~~ **\$50,000**, the District shall ~~( ) [OPTION #1]~~ verify that the contractor or subcontractor and any principle is not listed on the General Services Administration's list of debarred or suspended contractors in the Excluded Parties Listing System (EPLS) ~~[END OF OPTION #1]~~ ~~( ) [OPTION #2]~~ require that each such contractor or subcontractor obtain certification from the General Service Administration that it is not a suspended or debarred contractor ~~[END OF OPTION #2]~~ **(x ) [OPTION #3]** include a provision in the contract or as a condition of any subcontract award that the contracting party attest that it is not at the time of contracting a suspended or debarred party under the Federal Acquisition Regulations ~~[END OF OPTION #3]~~ and that, if at any time during performance of the services or delivery of goods in the applicable contract, said contractor or subcontractor should be identified as a suspended or debarred entity by the General Services Administration, the contractor or subcontractor shall immediately notify the District of that fact, which shall serve as sufficient grounds to terminate the contract as the District determines is appropriate.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	PROCUREMENT - FEDERAL GRANTS/FUNDS
Code	po6325 (YES)
Status	From Neola
Legal	2 C.F.R. 200.317 - .326 Appendix II to Part 200 2 C.F.R. 200.334 - 200.336 2 C.F.R. 200.520

### 6325 - **PROCUREMENT – FEDERAL GRANTS/FUNDS**

Procurement of all supplies, materials, equipment, and services paid for from Federal funds including any District matching funds shall be made in accordance with all applicable Federal, State, and local statutes and/or regulations, the terms and conditions of the Federal grant, Board policies, and administrative procedures.

The District Administrator shall have and use a procurement and contract administration system in accordance with the USDOE requirements (2 C.F.R. 200.317-.326), including affirmative steps for small businesses, minority business, women's business enterprises, veteran-owned businesses, and labor surplus area firms, for the administration and management of Federal grants and Federally-funded programs. The District shall maintain oversight that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's documented general purchasing policy and administrative guidelines (Policy 6320 - Purchasing and AG 6320A - Purchasing).

When required by Federal program legislation, all Federally-funded contracts in excess of \$2,000 related to construction, alteration, repairs, painting, decorating, etc. must comply with Davis-Bacon prevailing wage requirements.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts as established in Policy 1130 – Ethics and Conflict of Interest, Policy 3230 – Ethics and Conflict of Interest, and Policy 4230 – Ethics and Conflict of Interest.

The District will avoid acquisition of unnecessary or duplicative items. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. When appropriate, an analysis shall be made between leasing and purchasing property or equipment to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with Federal funds.

To foster greater economy and efficiency, the District may enter into State and local intergovernmental agreements, where appropriate, for procurement or use of common or shared goods and services.

### **Competition**

All procurement transactions under the Federal award paid for from Federal funds or District matching funds shall be conducted in a manner that provides full and open competition and that is in accordance with 2 C.F.R. Part 200, good administrative practice, and sound business judgment. To ensure objective contractor performance and eliminate unfair competitive advantage, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids, from competition for such procurements.

Examples of situations that may restrict competition include, but are not limited to:

- A. unreasonable requirements on firms for them to qualify to do business

- B. unnecessary experience and excessive bonding requirements
- C. noncompetitive pricing practices between firms or between affiliated companies
- D. noncompetitive contracts to consultants that are on retainer contracts
- E. organizational conflicts of interest
- F. specification of only a "brand name" product instead of allowing for an "or equal" product to be offered and describing the performance or other relevant requirements of the procurement
- G. any arbitrary action in the procurement process

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list includes enough qualified sources to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list. ~~\_\_\_\_\_ [insert frequency see Drafting Note].~~

~~[DRAFTING NOTE: The District shall allow vendors not on the pre-qualified list to apply for placement on the list periodically. The District may determine how frequently the pre-qualified list becomes open for new vendors or whether it is open continuously.]~~

The District shall require that all prequalified lists of persons, firms, or products which are used in procurement transactions are current and include enough qualified sources to provide maximum open competition. When establishing or amending prequalified lists, the District (or subrecipient) must consider objective factors that evaluate price and cost to maximize competition. The District shall not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the recipient or subrecipient, this subpart does not prohibit recipients or subrecipients from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. This subpart also does not prohibit recipients and subrecipients from making inquiries of bidders about these subjects and 2 C.F.R. Revisions 2024: Unofficial Comparison Version assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable Federal statutes and regulations, and the terms and conditions of the Federal award.

### **Solicitation Language (Purchasing Procedures)**

The District shall have written procurement procedures (in accordance with 2 C.F.R. 200.319(d)) that require that all solicitations incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the property, equipment, or service to be procured. When necessary, the description must set forth those minimum essential characteristics and standards to which the property, equipment, or service shall conform. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a "brand name or equivalent" description of features to provide procurement requirements may be used. The specific features of the named brand must be clearly stated and the District must identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

The Board will not approve any expenditure for an unauthorized purchase or contract.

### **Procurement Methods**

The District shall have and use documented procedures, consistent with the standards described above, for the following methods of procurement:

#### **A. Informal Procurement Methods**

Informal procurement methods for small purchases expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under a Federal award does not exceed the simplified acquisition threshold, or a lower threshold established by the State. The informal procurement methods include:

## 1. Micro-Purchases

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed ( **ten thousand**) \$10,000 ~~\_\_\_\_\_ [not to exceed \$10,000] ( ) the class maximum deviation by Federal Acquisition Regulation [END OF OPTIONS]~~. To the extent practicable, the District should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be made without soliciting competitive quotations if the District Administrator considers the price to be reasonable based on research, experience, purchase history or other relevant information and maintains documents to support its conclusion. The District shall maintain evidence of this reasonableness in the records of all purchases made by this method.

~~[ ] Unless otherwise defined by State or local law, districts are responsible for determining and documenting an appropriate micro-purchase threshold in accordance with 2 C.F.R. 200.320(a)(iv) based on internal controls, an evaluation of the risk, and its documented procurement procedures. The micro-purchase threshold used by the District shall be authorized or not prohibited under State, local, or tribal laws or regulations.~~

An eligible District may self-certify a threshold of up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal agency or pass-through entity and auditors in accordance with 2 C.F.R. 200.334. The self-certification, in accordance with 2 C.F.R. 200.334, must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- a. a qualification as a low-risk auditee in accordance with the criteria in 2 C.F.R. 200.520;
- b. an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or
- c. for public institutions, a higher threshold is consistent with State law.

~~[DRAFTING NOTE: The Federal regulation allows for a \$50,000 threshold. While this authority is allowed for an entity qualified as a low-risk auditee by Federal regulation, this increased threshold has not yet been addressed by the Department of Public Instruction (DPI) and Neola does not suggest its use due to the complexity and subjectivity of the mechanism.] [END OF OPTION]~~

## 2. Small Purchases

Small purchases include the acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold of \$250,000 ~~\_\_\_\_\_ [not to exceed \$250,000]~~. Small purchase procedures require that price or rate quotations shall be obtained from ( ) ~~\_\_\_\_\_ ( )~~ an adequate number of ~~[END OF OPTION]~~ qualified sources. ~~[DRAFTING NOTE: Unless the pass-through entity or State law defines the number of quotes required, the District may define in policy how many quotations are adequate. The number must be greater than one (1).]~~

Districts are responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures which must not exceed the threshold established in the Federal Acquisition Regulations ("FAR"). When applicable, a lower simplified acquisition threshold used by the District must be authorized or not prohibited under State, local, or tribal laws or regulations.

## B. Formal Procurement Methods

When the value of the procurement for property or services under a Federal award exceeds the simplified acquisition threshold, or a lower threshold established by the State, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement method can be used in accordance with the standards on competition in 200.319 or non-competitive procurement. The formal methods of procurement are:

### 1. Sealed Bids

Sealed, competitive bids shall be obtained when the purchase of, and contract for, single items of supplies, materials, or equipment which amounts to more than \$250,000 ~~\_\_\_\_\_ [DRAFTING NOTE: the lesser of the established Small Purchase threshold or \$250,000]~~ and when the Board determines to build, repair, enlarge, improve, or demolish a school building/facility, the cost of which will exceed \$50,000.

In order for sealed bidding to be feasible, the following conditions shall be present:

- a. a complete, adequate, and realistic specification or purchase description is available;
- b. two (2) or more responsible bidders have been identified as willing and able to compete effectively for the business; and
- c. the procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally based on price.

When sealed bids are used, the following requirements apply:

- a. Bids shall be solicited in accordance with the provisions of State law and Policy 6320. Bids shall be solicited from ~~( )~~ ☒ an adequate number of ~~[END OF OPTION]~~ qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
- b. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.
- c. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
- d. A firm fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the invitation for bids, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts must only be used to determine the low bid when the District determines they are a valid factor based on prior experience.
- e. The Board reserves the right to reject any or all bids but must document and provide a justification for all bids it rejects.

## 2. Proposals

Procurement by proposals is a method in which either a fixed-price or cost-reimbursement contract is awarded. This method is used when conditions are not appropriate for the use of sealed bids or in the case of a recognized exception to the sealed bid method. ~~[DRAFTING NOTE: Federal law does not require a competitive proposal unless the procurement is for over \$250,000. The State/District may set a lower threshold for sealed bids and competitive proposals. The threshold established herein should be consistent with Policy 6320—Purchasing.]~~

If this method is used, the following requirements apply:

- a. Requests for proposals require public notice and must identify all evaluation factors and their relative importance. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.
- b. Proposals shall be solicited from ~~( )~~ ☒ an adequate number of ~~[END OF OPTION]~~ sources.
- c. The District must have written procedures for conducting technical evaluations and for making selections.
- d. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the District considering price and other factors.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method cannot be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

## 3. Noncompetitive Procurement

Procurement by noncompetitive proposals may be used only when one (1) or more of the following circumstances apply:

- a. the aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;
- b. the procurement transaction can only be fulfilled by a single source;
- c. the public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;
- d. the District requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or
- e. after soliciting several sources, competition is determined to be inadequate.

### **Domestic Preference for Procurement**

The District should, to the extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. Such requirements shall be included in all subawards, contracts, and purchase orders under the Federal award.

### **Procurement of Recovered Materials**

The District must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6962. These requirements include:

- A. procuring only items designated in the guidelines of the Environmental Protection Agency ("EPA") at 40 C.F.R. part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000;
- B. procuring solid waste management services in a manner that maximizes energy and resource recovery; and
- C. establishing an affirmative procurement program for the procurement of recovered materials identified in the EPA guidelines.

The District should, to the greatest extent practicable and consistent with law, purchase, acquire, or use products and services that can be reused, refurbished, or recycled; contain recycled content, are biobased, or are energy and water efficient; and are sustainable.

This may include purchasing compostable items and other products and services that reduce the use of single-use plastic products.

### **Contract/Price Analysis**

The District shall perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the Simplified Acquisition Threshold (currently \$250,000). The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, the District should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the District must make independent estimates before receiving bids or proposals.

A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements. The District must not use the "cost plus a percentage of cost" and "percentage of construction costs" methods of contracting.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the District according to cost principle requirements.

### **Time and Materials Contracts**

The District uses a time and materials type contract only 1) after a determination that no other contract is suitable; and 2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time-and-materials type contract means a contract whose cost to the District is the sum of the actual costs of materials and direct labor hours charged at fixed



hourly rates that reflect wages, general and administrative expenses, and profit.

Because this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, the District sets a ceiling price for each contract that the contractor exceeds at its own risk. Further, the District shall assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Suspension and Debarment**

The District will award contracts only to responsible contractors that possess the ability to perform successfully under the terms and conditions of the proposed contract. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as 1) contractor integrity; 2) public policy; 3) compliance; 4) proper classification of employees; 5) record of past performance; and 6) financial and technical resources.

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over ~~\$25,000~~ \$50,000, the District shall confirm that the vendor is not debarred or suspended by either checking the Federal government's System for Award Management, which maintains a list of such debarred or suspended vendors, at [www.sam.gov](http://www.sam.gov); collecting a certification from the vendor; or adding a clause or condition to the covered transaction with that vendor. (2 C.F.R. Part 180 Subpart C)

### **Bid Protest**

The District maintains the following protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the agency.

A bidder who wishes to file a bid protest shall file such notice and follow procedures prescribed by the Request For Proposals ("RFPs") or the individual bid specifications package, for resolution. Bid protests shall be filed in writing with the District Administrator within seventy-two (72) hours of the opening of the bids in protest.

Within five (5) days of receipt of a protest, the District Administrator shall review the protest as submitted and render a decision regarding the merits of the protest and any impact on the acceptance and rejection of bids submitted. Notice of the filing of a bid protest shall be communicated to the Board and shall be so noted in any subsequent recommendation for the acceptance of bids and awarding of contracts.

Failure to file a notice of intent to protest or failure to file a formal written protest within the time prescribed shall constitute a waiver of proceedings.

### **Maintenance of Procurement Records**

The District shall maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

### **Records Retention**

The District must retain all Federal award records for three (3) years from the date of submission of the final financial report, or as otherwise required pursuant to the Board-adopted records retention schedule, whichever is longer. For awards that are renewed quarterly or annually, the District must retain records for three (3) years from the date of submission of the quarterly or annual financial report, respectively, or as otherwise required pursuant to the Board-adopted records retention schedule, if longer. Records to be retained include, but are not limited to, financial records, supporting documentation, and statistical records. Other records retention requirements shall be in accordance with 2 C.F.R. 200.334 and the Board-adopted records retention schedule.

The District must collect, transmit, and store Federal award information in an open file, non-licensed, and machine-readable formats. The District may substitute electronic versions of original paper records through duplication or other forms of electronic conversion, provided that the procedures are subject to periodic quality control reviews. Quality control reviews must ensure that electronic conversion procedures provide safeguards against the alteration of records and assurance that records remain in a format that is readable by a computer system.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates
Title	LEASING SCHOOL PROPERTY
Code	po6330 (YES)
Status	From Neola
Legal	120.13(25), Wis. Stats. 120.44(2), Wis. Stats.

#### 6330 - **LEASING SCHOOL PROPERTY**

The Board is authorized to lease school sites, buildings, and equipment not needed for school purposes to any person for any lawful use at a reasonable rental fee. Lease assets held by the District shall be reported to the District's auditors for proper accounting.

~~**[NOTE: The following sentence must be added for Common and Union High school districts]**~~

Such action must be approved at an annual or special School District meeting of the electorate.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	PURCHASING (CREDIT) CARDS
Code	po6424 (YES)
Status	From Neola

#### 6424 - PURCHASING (CREDIT) CARDS

The Board recognizes that purchasing cards offer an alternative to existing procurement processes and provide a convenient, efficient method of purchasing minor goods and services with a value of less than \$1,000 ~~( x )~~, except for unique circumstances approved by the ~~( x )~~ District Administrator ~~or with an approved purchase order~~ ~~( )~~ ~~[END OF OPTION]~~. Board employees authorized by the ~~( )~~ District Administrator ~~( )~~ may use purchasing cards only for school-related purposes in accordance with this policy and any related administrative guidelines. Purchasing cards shall not be used to circumvent the general purchasing procedures required by law and Board policy.

All approved cardholders must agree to abide by purchasing card procedures and regulations set forth in this policy and related administrative guidelines. All transactions must be made by the individual to whom the card is issued. To combat potential fraud, any employee that is issued a purchasing card must review all statements received within a reasonable period of time after receipt to assure that all purchases are ones that the employee made.

Purchasing card providers shall be provided no individual cardholder information (e.g., credit records or social security numbers) other than the individual cardholder's work address.

The \_\_\_\_\_ shall conduct independent regular reviews of each cardholder's activity to verify that the purchasing card is being used in accordance with this policy and administrative guidelines.

Cardholders must use common sense and good judgment when using school resources. This policy and related administrative guidelines cannot cover every issue, exception, or contingency that may arise during the cardholder's use of the purchasing card.

Cardholders will immediately surrender their cards upon request of the \_\_\_\_\_, for administrative reasons, and shall surrender their cards upon separation from employment.

The purchasing card may never be used for alcohol, personal items or services, nor is the personal gain of credit card rewards such as bonus points, frequent flyer miles, or any other affinity program reward permitted under any circumstances.

~~[ ]~~ The ~~( )~~ Board Treasurer ~~( )~~ \_\_\_\_\_ ~~[END OF OPTIONS]~~ receives detailed receipts of purchasing card transactions as part of the monthly reconciliation process to review that purchases are valid school purchases. If there is a question about adherence to any of the preceding control procedures or suspected fraud or misuse of the purchasing card, the process specified in Policy 8900 - Fraud shall be followed.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	COOPERATIVE PURCHASING
Code	po6440 (YES)
Status	From Neola
Legal	Section 16.73 Wis. Stats.

#### 6440 - **COOPERATIVE PURCHASING**

The Board recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this District through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units, including purchasing off the State Contract administered by the Wisconsin Department of Administration and/or a CESA joint purchasing contract.

The Board authorizes the

☐ Board President

☒ Business Manager

☐ District Administrator

☐ \_\_\_\_\_

to enter into joint purchase agreements for services, supplies, and equipment which may be determined to be required from time to time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies).

☐ Such purchasing agreements shall specify:

- A. ☐ the categories of equipment and supplies to be purchased;
- B. ☐ the manner of advertising for bids and of awarding contracts;
- C. ☐ the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement.
- D. ☐ \_\_\_\_\_.

Such agreements are subject to all legal bidding requirements.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	LOCAL PURCHASING
Code	po6450 (YES)
Status	From Neola

#### 6450 - **LOCAL PURCHASING**

The Board of Education recognizes its position as a major purchaser in this community, and while it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase within the District from established local merchants.

The Board authorizes the District Administrator to award purchases placed in accordance with law, this policy, and all policies of the Board otherwise applicable to local merchants when

( ☒ ) their quotation is competitive,

~~( ) within a percentage determined by the Board,~~

~~( ) freight charges are a factor,~~

~~( ) maintenance service may be required, and~~

~~( ) promptness of delivery is a consideration,~~

provided that all statutes pertaining to public purchasing are duly observed.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	PAYMENT OF INVOICES
Code	po6470 (YES)
Status	From Neola
Legal	66.0607, 66.0135, Wis. Stats.

#### 6470 - **PAYMENT OF INVOICES**

The Board directs the prompt payment of legitimate invoices by suppliers of goods and services to the School District.

Each bill or obligation of this Board must be itemized fully, and verified before payment may be issued.

When an invoice is received, the Business Manager shall verify that a check voucher or record of electronic payment is submitted properly, that acceptable goods were received or satisfactory services rendered, that the expenditure is included in the Board's budget and funds are available for its payment, and that the amount of the invoice is correct.

Each verified invoice is to be paid within thirty (30) days.

All payments shall be submitted for Board review in the form of a listing that includes the vendor name; the number and amount of the check; and the description of the item.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	PAYROLL AUTHORIZATION
Code	po6510 (YES)
Status	From Neola
Legal	109.03, Wis. Stats.

#### 6510 - PAYROLL AUTHORIZATION

The Board recognizes its obligation to pay its employees for services rendered in accordance with State and Federal laws and District commitments.

Employment of all District personnel whether by the year, term, month, week, day, or hour in contract, temporary, or substitute form must be approved by the Board.

☒ except where the authority to appoint certain personnel of the District has been delegated to the District Administrator.

Each motion of the Board to employ or reemploy a staff member shall include the name of the individual, the position title, ~~( ) and the compensation to be paid in accordance with base wage, salary, and/or compensation guidelines. [END OF OPTION]~~

☒ Eligible District personnel employed on a school year basis may voluntarily request payment over a twelve (12) month period for service performed during the school year, pursuant to 109.03, Wis. Stats. School year employees who wish to receive their compensation over a twelve (12) month period must complete ☒ the appropriate District form or section of the employee's contract or letter of assignment or appointment, if applicable ~~( ) Form 6510 F6 [END OF OPTION]~~.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	PAYROLL DEDUCTIONS
Code	po6520 (YES)
Status	From Neola
Legal	26 U.S.C. 457 26 U.S.C. 403(b) Chapter 109, Wis. Stats.

## 6520 - **PAYROLL DEDUCTIONS**

The Board directs the District Administrator to ensure that deductions are made from an employee's paycheck as required by law (e.g., State and Federal withholding, employment taxes, garnishments, and child support). The Board also authorizes payroll deductions for the following purposes:

- A. ☒ Wisconsin Retirement System (Standard Contribution)
- B. ☐ ~~Wisconsin Retirement System (Voluntary Additional Contribution)~~
- C. ☐ ~~Section 125 deductions (cafeteria plans including HRAs)~~
- D. ☒ Health Savings Account (HSA) deductions

Employees who request a portion of their paycheck to be withheld and deposited into an HSA are responsible for meeting and maintaining all requirements for such an account and for complying with applicable tax rules.

- E. ☐ ~~U.S. Savings Bonds~~
- F. ☐ ~~political contributions~~
- G. ☐ ~~savings in a chartered credit union~~
- H. ☒ contributions to charitable corporations, not-for-profit, and community fund organizations
- I. ☒ payment of group insurance premiums for a plan in which District employees participate
- J. ☐ ☒ payment for benefits of part-time employees who elect to participate in benefits provided to full-time staff

Any such deduction must be expressly authorized in writing by the employee ☐ ~~on an annual basis~~.

☒ The Board declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) or 457 of the Internal Revenue Code, and in accordance with the District's administrative guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the District Administrator's Office in writing if they wish to participate in such a program.

Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	CROWDFUNDING
Code	po6605 (YES)
Status	From Neola

## 6605 - **CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extra-curricular activity.

For purposes of this policy, "crowdfunding" is defined as the solicitation of resources from individuals and/or organizations to support identified activities or projects that enhance the educational program or a specific cause approved by the District. The solicitation is typically from a large number of individuals/organizations utilizing internet-based technologies.

**~~[DRAFTING NOTE: SELECT OPTION #1 or OPTION #2]~~**

**~~[ ] [OPTION #1]~~**

~~The Board does not permit or sanction the use of crowdfunding for District or specific school programs or activities, including co-curricular or extra-curricular activities.~~

~~No crowdfunding site may use the name, logo, mascot, or any other name which would associate an activity with the District.~~

**~~[END OF OPTION #1; END OF POLICY]~~**

**OR**

**[x] [OPTION #2]**

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extra-curricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free, appropriate, public education to any students in the classroom may be permitted, but only with the specific approval

**[x]** of the District Administrator.

**~~OR~~**

~~**[ ]** of the Board upon the recommendation of the District Administrator.~~

Such approved crowdfunding activities are authorized to use the District name, logo, mascot, or any other name which would associate an activity with the District.

All approved crowdfunding activities shall protect the privacy of students, children, and young adults in accordance with Board policies ~~**[ ]**~~ and District administrative guidelines **~~[END OF OPTION]~~** and applicable State and Federal law, including FERPA and IDEIA.

Materials, supplies, equipment, and other proceeds of the crowdfunding activity shall become the property of the District or school. Cash or equivalent payment to District-personnel is prohibited. All fiscal transactions shall comply with appropriate Board policies.

All crowdfunding activities are subject to ~~**[ ]**~~ AG 6605 and other **~~[END OF OPTION]~~** applicable Board policies including, but not limited to, Policy 5830 - Student Fundraising.



**~~[END OF OPTION #2, END OF POLICY]~~**  
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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	DISTRICT-SUPPORTED/SPONSORED STUDENT ACTIVITY ACCOUNTS
Code	po6611
Status	From Neola
Legal	120.16(2) Wis. Stats.

## 6611 - DISTRICT-SUPPORTED/SPONSORED STUDENT ACTIVITY ACCOUNTS

The Board authorizes the maintenance of approved student activity accounts for District-supported student activities as allowed by DPI regulations and the auditor's recommendations in accordance with GASB 84. Approval of the establishment of any student activity account for District-supported student activity, after the student activity is approved, without District financial support, in accordance with Policy 2430 - District-Sponsored Clubs and Activities, shall be determined by the ~~( ) Board ( ) District Administrator ( ) Business Manager ( ) School Administration ( )~~ **[END OF OPTION]** before monies can be collected or disbursed in the name of said activity. **[DRAFTING NOTE: For consistency, it is recommended to make the selection of the approval entity consistent with Policy 2430 – District-Sponsored Clubs and Activities.]**

District-supported clubs, activities, and athletics are supported, at least in part, with District funds and are therefore subject to District oversight and management. In addition, any club, activity, or athletic team that does not directly receive designated District funds but is required for a course or provides academic credit is also considered District-supported and is subject to District oversight and management. Typically, District-supported student co-curricular activities have designated activity funds established either in Fund 10 or Fund 21 in accordance with GASB 84, DPI regulations, and auditor recommendations. Financial support includes, but is not limited to, budgeted funds allocated by the District or school, an advisor/coach paid for by the District or school who exercises control over the activity's fund, some activities offered to students paid for by the District or school, and transportation paid for by the District or school. Also, financial support includes indirect financial assistance as part of the District's educational program when student participation is required by a course or academic credit is awarded for participation in the activity.

### Definitions

The following definitions are provided for these terms within the context of this policy:

- A. District-sponsored student activity:** All student activities recognized by the District as approved co-curricular/extra-curricular activities are designated as District-sponsored, including both District-supported and District-supported student activities. (see Policy 2430 - District-Sponsored Clubs and Activities)
- B. District-supported student activity:** The District provides financial support of the student activity and exercises administrative control over the dispersal of the activity's funds.
- C. Nondistrict-supported student activity:** The District does not provide financial support of the student activity and does not exercise administrative control over the dispersal of funds.

Other terms are used as defined in Bylaw 0100 - Definitions.

All activities described in this policy are sponsored by the District and are authorized to use the District name, logo, mascot, or any other name which would associate an activity with the District provided such use is consistent with other applicable District policy.

~~**[ ] The District Administrator is directed to obtain annually a list and brief description of the objectives, activities, and limitations of each activity account prior to the start of the new fiscal year. [END OF OPTION]**~~

~~**[ ] The Board will review the list upon submission to determine if the objective of each activity account serves a continuing District need. [END OF OPTION]**~~

All activities shall be on a self-sustaining basis.

The \_\_\_\_\_ **Business Manager** shall be the Treasurer of the student activities activity account. The Treasurer may delegate responsibility to

~~( ) the principal.~~

( **x** ) a financial secretary.

~~( ) \_\_\_\_\_ [other].~~

~~[ ] There shall be established in the activity account(s) an account for the use of needy students to be disbursed at the discretion of the \_\_\_\_\_. [END OF OPTION]~~

[ **x** ] Fund-raising for all student activities will be in accordance with Board Policy 5830 - Student Fund-Raising and Policy 9700 - Relations with Non-School Affiliated Groups. **[END OF OPTION]**

~~[ ] Interest earned on the account of a specific class or activity will be credited to that class or activity. [END OF OPTION]~~

~~[ ] Interest earned on the activity account will be allocated to each class or activity. [END OF OPTION]~~

All collected money shall be handled, secured, and deposited in accordance with Policy 6630 - Cash Handling and Deposits. Misappropriation of activity accounts, which includes theft or any other misuse of funds, will result in discipline up to and including suspension, expulsion, and/or termination.

#### **~~{Administrative Guideline Clients}~~**

~~All monies accumulated in the account of a specific class or activity will be disposed of in accordance with the procedures set forth in the administrative guidelines established by the District Administrator.~~

#### **~~{Policy Only Clients}~~**

~~[ ] Following graduation, the unexpended activity accounts of the Senior Class will be transferred to the Freshman Class.~~

After one (1) year of inactivity, the unexpended activity accounts of discontinued student organizations shall, on the recommendation of the

~~( ) District Administrator and the approval of the Board,~~

( **x** ) principal and the approval of the District Administrator,

be transferred to the General Fund.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	PETTY CASH
Code	po6620 (YES)
Status	From Neola

**6620 - PETTY CASH**

The Board recognizes the convenience afforded the day-by-day operation of the schools by the establishment of one (1) or more petty cash funds. The District Administrator shall be responsible for the implementation and maintenance of such controls and procedures to prevent abuse of petty cash funds.

No petty cash fund may be used to circumvent the purchasing procedures required by law and the policies of this Board. ➡  
~~No petty cash fund shall exceed \$ \_\_\_\_\_ unless approved by the Board. [END OF OPTION]~~

All petty cash funds will be closed out for audit at the end of the school year and unused funds will be returned to the General Fund.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	CASH HANDLING AND DEPOSITS
Code	po6630 (YES)
Status	From Neola
Legal	120.14, Wis. Stats.

### 6630 - CASH HANDLING AND DEPOSITS

The Board requires that cash be handled in accordance with generally accepted accounting practices and specific recommendations provided by the District's independent auditor. Receipts and records of all cash transactions must be maintained for accounting and auditing.

Specifically, it is prohibited to leave cash in an unsecured location overnight. All collected money shall be submitted to the school office no later than the end of the day on which the money was collected, and the money shall be secured in a ~~( ) locked safe~~ ( ☒ ) designated location or night depository. If there is not access to the school office and its ~~( ) locked safe~~ ( ☒ ) designated secure location or night depository, then the money shall be secured overnight in accordance with the procedures established by the District. Cash may not be removed from District premises or retained overnight by a District employee or volunteer without permission of the District Administrator.

Cash shall be accounted for and deposited in a financial institution within one (1) ~~( ) business day~~ ( ☒ ) week ~~[END OF OPTION]~~ of being collected. Cash shall be counted and cross-checked by two (2) persons.

The District Administrator shall implement cash handling safeguards that include, but are not limited to, the following:

- A. ~~( ) Safe combinations should always be changed whenever an employee holding that safe combination leaves employment.~~
- B. ( ☒ ) Two or more people should be counting/verifying the cash counts ( ☒ ) and ticket count reconciliation with cash counts ~~[END OF OPTION]~~ at all times.
- C. ~~( ) A Cash Count Sheet that provides the names of the people counting the cash and the cash breakdown of coins, currency, checks and credit card slips should always be used.~~
- D. ( ☒ ) The Cash Count Sheet should always be signed by all people counting the cash.
- E. ( ☒ ) Bank deposit slip amounts should match the Cash Count Sheets and the deposit receipt from the bank.
- F. ( ☒ ) Copies of the Cash Count Sheet(s), deposit slip(s), and the bank deposit receipt(s) should all be retained together for auditing purposes.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	TRUST AND AGENCY FUNDS
Code	po6670 (YES)
Status	From Neola
Legal	66.0603, 120.11, Wis. Stats.

#### 6670 - TRUST AND AGENCY FUNDS

The Board of Education directs the establishment of Trust and Agency Funds for the financial administration of trusts operated by and duly approved by the Board.

The Business Manager shall be responsible for the administration of Trust and Agency Funds. Funds will be audited annually and will be administered under appropriate accounting controls. The books of account will record income and expenses separately for each approved area.

#### ☒ Post-Employment Benefits

Funds held in trust for post-employment benefits may be invested and re-invested in the same manner as is authorized in Policy 6144. Interest derived from these investments shall accrue, except as otherwise provided by law, to these designated trust funds.

~~[NOTE: The following passage applies to common or joint school districts.]~~

☒ At the annual meeting the Treasurer's report shall include the amount in the trust, the investment return earned since the last annual meeting, the total disbursements since the last annual meeting and the name of the investment manager if investment authority has been delegated under Wis. Stats. 66.0603(3)(b).

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	RECOGNITION
Code	po6680 (YES)
Status	From Neola

**6680 - RECOGNITION**

The purpose of this policy is to permit the Board of Education to honor its staff, former Board members, and other nonemployee persons with plaques, pins, token retirement gifts and awards, and other amenities.

The Board wishes to also honor staff, students, citizens, and advisory groups for their contributions with appropriate recognitions and authorizes administrators to purchase meals, refreshments, and/or other amenities to further the interests of the District.

The Board hereby affirms that the expenses incurred as listed above do serve a public purpose. The Board believes that "public purpose" serves for the promotion of education, rapport with the business community, community relations, and the encouragement of nonemployees to serve as volunteers as well as furthering other interest.

~~1. The funds shall be made available from \_\_\_\_\_.~~

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	FAIR LABOR STANDARDS ACT (FLSA)
Code	po6700 (YES)
Status	From Neola
Legal	29 U.S.C. 201 et seq. 29 C.F.R. Part 541 104.01, Wis. Stats. DWD 274.03, Wis. Admin. Code

#### 6700 - FAIR LABOR STANDARDS ACT (FLSA)

It is the Board's policy to comply with the provisions of State and Federal Law and their respective implementing regulations, relating to minimum wages and overtime. To that end, the Board shall pay at least the minimum wage to all employees. Further, the Board recognizes the safe and efficient operation of the District may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Such employees shall be paid overtime compensation.

#### ~~CHOOSE ONE (1) OF THE FOLLOWING:~~

~~☐ Work week is defined as a fixed and regularly recurring period of 168 hours (i.e., seven (7) consecutive twenty four (24) hour period).~~

☒ Work week is defined as the seven (7) day period of time beginning on Sunday at 12:00 a.m. and continuing to the following Saturday at 11:59 p.m. (or Monday at 12:00 a.m. and continuing to the following Sunday at 11:59 p.m.)

#### ~~{NOTE: END OF CHOICE}~~

Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the Board) more than forty (40) hours in a given work week will receive overtime compensation at the rate of one and one-half (1 1/2) times the employee's regular hourly rate of pay for all hours worked in excess of forty (40) in the work week. ☒ Payment will be in the form of wages or, if the employee and the ☒ District Administrator ~~or Board~~ ☒ Board agree, agree in the form of compensatory time off in the amount of one and one-half (1 1/2) times the number of overtime hours worked.

The District Administrator shall determine the necessity and availability of overtime work.

☒ Overtime may be authorized only by a supervisor and will be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the District Administrator or a supervisor will be subject to disciplinary action, up to and including termination.

~~☐ Non-exempt employees who perform compensable work that they are not authorized to perform, will be compensated for any actual worktime, but will be subject to disciplinary action.~~

#### ~~{NOTE: END OF CHOICE}~~

Exempt employees are individuals who are exempt from the State and Federal overtime provisions. Generally, individuals employed in a bona fide executive, administrative, administrative academic, or professional capacity, and certain computer employees are considered exempt. To qualify for the exemption, employees generally must meet certain tests regarding their job duties and be paid on salary basis. The salary requirement does not apply to teachers. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or

less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to certain exceptions, an exempt employee must receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

The Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

- A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability
- B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness
- C. to offset amounts employees receive as jury or witness fees, or for military pay
- D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions
- E. for penalties imposed in good faith for infractions of safety rules of major significance

The Board shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to the employee's salary, the employee should immediately report this information to the

~~( ) District Administrator,~~

~~( ) or the employee's immediate supervisor.~~

( ☒ ) Business Manager,

~~( ) \_\_\_\_\_,~~

~~( ) or the employee's immediate supervisor.~~

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the Board will make a good faith commitment to avoid any recurrence of the error.

**~~\*[DRAFTING NOTE: The regular salary basis rate is set by regulation as a minimum weekly salary amount or, in the case of an exempt administrative academic employee, the same as the starting teacher salary in the District.]~~**

**~~[\* \* DRAFTING NOTE: Job titles do not determine exempt status, nor does receipt of a particular salary. If an employee does not meet all of the applicable criteria for a specific exemption, the employee will be covered by the FLSA and entitled to overtime if the employee works more than forty (40) hours in a week, regardless of whether the individual is paid a salary. Under the standard duties test, an employee's primary duty (i.e., principal, main, major, or most important duty) — based on all of the facts in a particular case — must be that of an exempt executive, administrative, administrative academic, or professional employee, or an exempt computer employee.]~~**

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	SYSTEM OF ACCOUNTING
Code	po6800 (YES)
Status	From Neola
Legal	115.28(13), Wis. Stats. 115.30(1), Wis. Stats. GASB #34 GASB #54 GASB #84

#### 6800 - **SYSTEM OF ACCOUNTING**

As specified by the Department of Public Instruction, the Board follows the Wisconsin Uniform Financial Accounting Requirements (WUFAR) as a listing of account classifications by which it keeps an accounting of all District funds. The Board has by resolution designated institutions to serve as depositories of all District funds and may, by resolution, designate additional or different institutions. The District's financial records shall show sources of revenue, amounts received, amounts expended, and the disposition of public property. The ~~( ) District Administrator~~ (x) Business Manager ~~[END OF OPTION]~~ shall complete an accounting of all capital assets to protect the financial investment of the District against catastrophic loss. Further, the ~~( ) District Administrator~~ (x) Business Manager ~~[END OF OPTION]~~ shall establish procedures and regulations necessary to properly account for capital assets and comply with generally accepted accounting principles (GAAP) and ensure that the District's capital assets are properly insured.

#### **GASB 84**

The District's system of accounting shall comply with all applicable requirements of the Governmental Accounting Standards Board, Statement No. 84 (GASB 84). In accordance with GASB 84, the District will report applicable fiduciary activities as identified in either the private purpose trust fund or the custodial fund. Typically, these activities include recognized student and school-related activity funds held in a bank account maintained by the District. These funds shall be subject to the accounting and requirements specified in the Wisconsin Uniform Financial Accounting Requirements. An activity not identified as a fiduciary activity under GASB 84 will be deemed a governmental activity and will be reported in a governmental fund.

#### **GASB 54**

The District's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board, Statement No. 54 (GASB 54). In accordance with GASB 54, the District will report its fund balances in the following categories:

- A. **Nonspendable fund balance** - amounts that cannot be spent because they are either (a) not in a spendable form (which includes items that are not expected to be converted to cash – e.g., inventories or prepaid amounts) or (b) legally or contractually required to be maintained intact (e.g., the corpus of an endowment fund).
- B. **Restricted fund balance** - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.
- C. **Committed fund balance** - amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint.
- D. **Assigned fund balance** - amounts the Board *intends* to use for a specific purpose but are neither restricted nor committed; intent can be expressed by the Board or by an official or committee to which the Board delegates the

authority.

**E. Unassigned fund balance** - amounts that are available for any purpose; these amounts are reported only in the general fund.

The Board authorizes its auditors and directs its administrative staff to take all steps necessary to comply with the requirements of GASB 54. All revenue and funds will be designated to one of the above categories.

### General Provisions

The ~~( ) District Administrator~~ ( ☒ ) Business Manager ~~[END OF OPTION]~~ shall maintain a proper accounting of all District funds. They shall ensure that expenditures are budgeted under and charged against those accounts that most accurately describe the purpose for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like shall be prorated under the several accounts that most accurately describe the purposes for which such monies are to be or have been spent.

The ~~( ) District Administrator~~ ( ☒ ) Business Manager ~~[END OF OPTION]~~ shall receive all vouchers for payments and disbursements made to and by the Board, and preserve them for the statutorily required period.

The ~~( ) District Administrator~~ ( ☒ ) Business Manager ~~[END OF OPTION]~~ shall implement procedures and practices that will determine: (1) Capitalization policies for District assets (i.e., which assets will be capitalized and depreciated over their estimated useful life versus which assets will be expensed in year of purchase); (2) Methods for calculating annual and accumulated depreciation expense for assets including estimates for asset lives, residual asset values, and depreciation methodology; and (3) Procedures for recording gain or loss on sale of capital assets and proceeds from the sale of capital assets in compliance with GAAP Reporting of estimated cash values or replacement values to District insurance providers.

The ~~( ) District Administrator~~ ( ☒ ) Business Manager ~~[END OF OPTION]~~ shall report to the Board on a monthly basis (or more often if required) the revenues and expenditures in the fund reporting categories established above. The ~~( ) District Administrator's~~ ( ☒ ) Business Manager's ~~[END OF OPTION]~~ statement shall show revenues and receipts from whatever source derived, the various appropriations made by the Board, the expenditures and disbursements therefrom, the purposes thereof, the balances remaining in each appropriation, and the District's assets and liabilities. At the end of the fiscal year, such statement shall be a complete exhibit of the District's financial affairs and may be published and distributed with approval of the Board.

The ~~( ) District Administrator~~ ( ☒ ) Business Manager ~~[END OF OPTION]~~ is responsible for filing in a timely manner, on behalf of the Board, an annual report with the Department of Public Instruction, on prescribed forms, that states the following:

- A. amount of collections and receipts, and accounts due from each source;
- B. amount of expenditures for each purpose;
- C. amount of the District's debt, the purpose for which each item of such debt was created, and the provision made for the payment thereof; and
- D. other information as required by the Department, along with the audit report as approved by the Board.

The Board's annual financial statements shall also include information such as: 1) beginning and ending balances of capital assets; 2) beginning and ending balances of accumulated depreciation; and 3) total depreciation expense for the fiscal year.

Such reporting shall include description of significant capital asset activity during the fiscal year including: acquisitions through purchase or donation, sales or dispositions including the proceeds and gains or losses on the sale, changes in methods of calculating depreciation expense or accumulated depreciation, such as, estimates of useful life, residual values, depreciation methodology (e.g., straight-line or other method).

Before implementing procedures or changing procedures, the ~~( ) District Administrator~~ ( ☒ ) Business Manager ~~[END OF OPTION]~~ will review the proposed procedure with the auditor appointed by the Board to conduct the Board's financial audit. The procedures established shall comply with all statutorily required standards and generally accepted accounting procedures.

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Book	Neola Policy Templates for Processing
Section	6000 Finances Templates (X) 10/7
Title	AUDIT
Code	po6830 (YES)
Status	From Neola
Legal	120.14, Wis. Stats. PI 14

**6830 - AUDIT**

The Board requires that, after the close of the fiscal year (June 30th), an audit of all accounts of the District be made annually by an independent, certified public accountant. The audit examination shall be conducted in accordance with generally accepted auditing standards and the Wisconsin Uniform Financial Accounting Requirements of the DPI (WUFAR). The audit shall include all funds over which the Board has direct or supervisory control.

The auditor shall prepare a detailed audit report which shall be submitted to the Board and the Department of Public Instruction. The auditor's report shall include:

- A. the financial audit statement for the fiscal year;
- B. a management letter;
- C. the auditor's communication with those charged with governance, including any significant findings or issues from the audit; and
- D. Federal and State program audit reports and schedules, as appropriate.

The District Administrator shall assure that the audit report is completed timely and submitted prior to the deadline established by DPI.

**[ x ]** The Board minutes shall reflect receipt of the annual audit report by the Board ~~( ) and compliance with the above submission.~~

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