

## MEDFORD AREA PUBLIC SCHOOL DISTRICT

### Board of Education Policy Committee Meeting

#### District Office

124 West State Street  
Medford, WI 54451

**March 4, 2025  
11:00 a.m. – 1:00 p.m.**

### AGENDA

#### Policies for Second Reading

N/A

#### Review/Consideration

BBE        Unexpired Term Fulfillment  
IKE        District Promotion / Retention Criteria K-12  
JFCIA      Co-Curricular Drug Testing

Changes to Title IX

(Motion to accept policy in review)

#### Editorial Changes

Any other policy business that may arise.

**Next Meeting Date:** Wednesday, April 2, 2025.

# MEDFORD AREA PUBLIC SCHOOL DISTRICT SCHOOL BOARD POLICY HANDBOOK

March 4, 2025

## Review/Consideration

Policy Code	Policy Title
BBE	Unexpired Term Fulfillment
IKE	District Promotion / Retention Criteria K-12
JFCIA	Co-Curricular Drug Testing
	Changes to Title IX

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED:	January 17, 1991	FILE SECTOR:	BOARD GOVERNANCE &
DATE REVISED:	June 19, 1997		OPERATIONS
DATE REVISED:	December 21, 2000	POLICY TITLE:	UNEXPIRED TERM
DATE REVISED:	October 17, 2002		FULFILLMENT
DATE REVISED:	December 17, 2009		
DATE REVISED:	November 19, 2015		
DATE REVISED:	October 25, 2021		
DATE REVISED:			

~~If a vacancy occurs on the Medford Area Public School District Board of Education (BOE), it may be filled by the appointment made by the remaining BOE members. The appointment shall continue until an election can occur as follows:~~

- ~~• When a vacancy occurs in the office of a BOE member who is in the last year of their term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a BOE member who is not in the last year of their term, the successor shall be elected at the next spring election.~~
- ~~• When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of the BOE member who is not in the last year of their term, the successor shall be elected at the 2nd following spring election.~~

~~In fulfilling the term by appointment, the BOE, whenever practical, shall adhere to the following guidelines:~~

- ~~• The BOE shall publish a notice of the vacancy as soon as possible in the official newspaper.~~
- ~~• Any interested parties should submit a letter of interest to the BOE.~~
- ~~• The BOE shall not act on the fulfillment of the unexpired term until at least two weeks subsequent to the appearance of the notice of vacancy in the official newspaper.~~
- ~~• The appointment will take place at an open meeting of the board. The action taken shall be recorded in the board minutes. Within eight days of the appointment the clerk shall notify the person of the appointment. The appointment shall be deemed accepted unless the person files a written refusal with the clerk within five days of notice. The appointed member shall officially become a member of the board when the official oath has been administered and filed.~~

The office of a Board member shall become vacant immediately upon the occurrence of any (1) one of the following events:

- the death of the incumbent or the incumbent's being found mentally incompetent by the proper court;
- the incumbent's resignation;
- the incumbent's removal from office;
- the incumbent's conviction of a felony or imprisonment for one (1) or more years;
- the incumbent's election or appointment being declared void by a competent tribunal;
- the incumbent's neglect or failure to file the oath of office or to give or renew an official bond, if required;

- G. the incumbent's ceasing to possess the legal qualifications for holding office;
- H. the incumbent moving his/her residence out of the District; or
- I. the incumbent is absent from the territory of the District for a period of sixty (60) continuous days, unless such absence is due to active duty in the armed forces, in which case the vacancy shall be temporary for the remainder of the term or until the incumbent returns and files a notice of his/her intent to return to his/her unexpired term.

A vacancy shall be filled by the remaining members of the Board in accordance with 17.26, Wis. Stats.

### **Filling a Board Vacancy**

The vacancy shall be filled by the Board using the following procedure:

- A. Appointment by the Board to fill a vacancy shall be by the members of the remaining Board. All votes shall be recorded, preserved and open to public inspection to the extent prescribed in Chapter 19, Wis. Stats. Secret ballots may only be used when Board members are electing officers.
- B. ☐ The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.
- C. ☐ All applicants are to submit a notice of their interest, in writing, to the \_\_\_\_\_.
- D. ☐ The Board ☐ shall ☐ may [END OF OPTION] interview ☐ all interested [END OF OPTION] candidates to ascertain their qualifications.
- E. If the vacancy is not filled within sixty (60) days of the date on which the vacancy first exists, the vacancy shall be filled by
  - 1. ☐ appointment of the Board President.
  - 2. ☐ from among the applicants who completed the process noted above.
  - 3. ☐ \_\_\_\_\_.
  - 4. ☐ \_\_\_\_\_.

### **[Select this Option for a Common School District or Union High School District]**

☐ The appointee shall hold office until a successor is elected and takes office under 120.06(4), Wis. Stats. When a vacancy occurs in the office of a Board member who is in the last year of his/her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last Tuesday in November and on or before the date of the next spring election in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the 2nd following spring election. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms. **[END OF OPTION]**

### **[Select this Option for a Unified School District]**

☐ The appointee shall hold office until a successor is elected and takes office under 120.42(2), Wis. Stats. When a vacancy occurs in the office of a Board member who is in the last year of his/her term, or when a vacancy occurs after the spring election but on or before the last Tuesday in November in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the next spring election. When a vacancy occurs after the last

Tuesday in November and on or before the date of the next spring election in the office of a Board member who is not in the last year of his/her term, the successor shall be elected at the 2nd following spring election. Elections to fill unexpired terms shall be held simultaneously with the elections for regular terms. **[END OF OPTION]**

**CROSS REFERENCE: BBB & BD**

**LEGAL REFERENCE: Sections 17.03, 17.035, 17.26(1g)(a), 17.26(3), 19.01, 120.06(4)(12) & 120.06(10), 120.42(2) Wis. Stats.**

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: February 16, 1989  
DATE REVISED: December 21, 2000  
DATE REVISED: February 15, 2001  
DATE REVISED: May 17, 2001  
DATE REVISED: May 18, 2006  
DATE REVISED: January 16, 2014  
DATE REVISED: February 19, 2015  
DATE REVISED: May 20, 2019  
DATE REVISED:

FILE SECTOR: INSTRUCTION  
POLICY TITLE: DISTRICT PROMOTION/  
RETENTION CRITERIA K-12

The initial responsibility for deciding retention or advancement of a student shall rest with the student's primary teachers, the building **administrator** ~~principal~~ and the parent(s)/guardian(s) of the student. In making this decision, these persons shall consider the opinion of other trained personnel, the student's educational background, classroom performance, age, emotional and social well-being.

Before a decision to retain a student is made, the building **administrator** ~~principal~~ and classroom teacher(s) shall ensure that timely communication regarding the student's educational or related difficulties has taken place between the district and the parent(s)/guardian(s).

If the parent(s)/guardian(s) of a student requests retention in grades K-8, the building **administrator** ~~principal~~ will follow essentially the same steps as if the classroom teacher generated the request.

These guidelines are designed to encourage early identification and interventions for those students who have academic, behavioral, and/or emotional difficulties. Written confirmation will be sent to the parent(s)/guardian(s) and placed in the students cumulative file regarding the final decision at the end of the school year.

The district administrator, or his/her designee, shall be responsible for the general supervision and management of the promotion of students under this policy. The district administrator or his/her designee, shall determine whether a student has satisfied the criteria in these guidelines. Building level retention decisions may be appealed to the district administrator. In the event that there is a disagreement regarding promotion/retention that cannot be resolved, the district administrator or his/her designee will make the determination. If the parties involved disagree with the district administrator's decision they may appeal it to the board of education for a final determination.

CROSS REFERENCE: IGBH, IGBA, IKA, & IKF  
LEGAL REFERENCE: Wisconsin Statute 118.30

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: February 16, 1989  
DATE REVISED: December 21, 2000  
DATE REVISED: February 15, 2001  
DATE REVISED: May 17, 2001  
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FILE SECTOR: INSTRUCTION  
POLICY TITLE: DISTRICT PROMOTION/  
RETENTION CRITERIA K-12

STUDENT PROMOTION/RETENTION GUIDELINES K-8

PROMOTION/RETENTION

- Students who have met the promotion criteria established by the district shall be promoted to the next grade unless a parent/guardian presents prevailing information that this promotion will be detrimental to the student's educational well-being.
- A student who has not exited their personal reading plan by the end of the student's 3rd grade year, the district/school will engage in a process to determine whether to promote that student to the 4th grade. This process will carefully consider all relevant factors that contributed to the student not completing their personal reading plan and alternatives to retention that can help support the student to achieve reading proficiency.
- A student in grade 8 must not fail three or more core courses or two core courses and two non-core courses. If this occurs in Grade 8, there is access to alternative criteria to secure promotion to Grade 9.
- Retention consideration must include the understanding that in those rare cases when retention is effective (short term and long term) they usually occurred in the kindergarten and early primary grades. Retention in intermediate grades may be considered under certain instances.
- A student may not repeat a grade more than once (unless there are exceptional circumstances).
- Success in summer education experiences, an intensive summer reading program or tutoring do not necessarily guarantee promotion but should be considered as alternative criteria.

RETENTION PROCEDURES

- Parent-teacher conferences should be held when necessary throughout the year to explore all avenues of preventive action and remedial assistance.
- If reading is the primary area of concern, follow the process for making a 3rd-grade reading promotion determination below.
- If a child is being considered for retention, teachers/school counselors must discuss retention possibilities with the building administrator principal by March 1 and complete a Referral for Retention Form (copy attached).
- Students in 3rd grade should be considered for retention if No student may be promoted from grade 4 to grade 5 unless the student has not satisfied the grade 4-district promotion criteria or has failed to meet the exit criteria for their individualized reading plan.
- Students in 8th grade should be considered for retention if No student may be promoted from grade 8 to grade 9 unless the student has not satisfied the grade 8 district promotion criteria.
- Parent(s)/guardian(s) of students in grades K-8 should be notified by the teachers/school counselors of retention possibilities by the end of the third quarter. A conference should be scheduled at that time in which educational strategies for assisting the student and planned interventions should be reviewed with the parent(s)/guardian(s).

- At this conference, progress and concerns relating to the past nine weeks should be discussed. In addition, specific goals for the remaining nine weeks should be identified. By April 15, a staffing team will be formed to gather data and investigate retention. Normally this team will include a classroom teacher, school counselor, school psychologist and **building administrator** principal.
- The staffing team will develop a recommendation. Adjustments may be made by the **building administrator** principal based on written justification. The justification will include at least the teachers' and parent(s)/guardian(s) recommendations.
- The **building administrator** principal will provide written confirmation of the staffing team recommendation to the parent(s) /guardian(s) and to the students cumulative file prior to June 15th.
- Parent(s)/guardian(s) will be asked to sign the appropriate section of the Retention Conference Form (attached). If the parent(s)/guardian(s) do not agree with the retention, they will be asked to specify their reasons. These comments will become part of the student's cumulative folder.
- Each retention should be noted in the student's cumulative file. A summary of the staffing team's recommendation shall be placed in the student's cumulative progress record.
- During the next school year, previous and present teachers, along with other resource personnel involved, will meet to ensure appropriate placement and follow-up with the retained student.
- Building level retention decisions may be appealed to the district administrator. In the event that there is a disagreement regarding promotion/retention that cannot be resolved, the district administrator or his/her designee will make the determination. If the parties involved disagree with the district administrator's decision they may appeal it to the board of education for a final determination.

## **RETENTION CONSIDERATIONS**

In making a retention decision, the following factors shall be considered. It is important that all points be weighed and that retention not be tied to a single factor. Objective evaluation data should be utilized to determine the potential degree of success for retainees.

- Academic Achievement: A student's progress in various curriculum areas (reading, arithmetic, language, etc.) should be considered in relation to district expectations. The report card grades should be a signal to the parent(s)/guardian(s) of possible retention.
- Academic Ability: Consideration should be given to each student's ability to achieve.
- Attendance: Consideration should be given to each student's attendance pattern during the previous and present school years. Excessive absences due to serious illness or injury without appropriate tutorial assistance may be a contributing cause for retention.
- Self-Image: A student's perception of self should be considered. Such factors as age, physical size, and a sibling in the same grade should be weighed.
- Attitude: The student's overall feelings about school and the student's feelings about repeating the grade should be carefully considered. In addition, consideration should be given to parent(s)/guardian(s) receptivity toward retention.
- Experiential Background: A student coming from a limited background and having little knowledge of common objects, verbal expression, and/or a broad spectrum of information gathered through his/her own experience, may benefit by repeating a grade and thus obtaining additional time to absorb instructional material. If a student is unable to communicate in English and is not acquiring new language skills, retention may not solve the student's educational problems.
- Social/Emotional Maturity: Consideration should be given to each student's ability to emotionally cope with retention and promotion. If a student is socially immature they may benefit from additional growth time.
- Assessment Scores: State, local and other.
- Personal Reading Plan: Each student promoted from 3rd grade to 4th grade who had a personal reading plan during the 3rd grade and did not complete that personal reading plan will be considered for retention



### **Process for Making a 3rd Grade Reading Promotion**

- For any student who has not exited their personal reading plan by the end of the student's 3rd grade year, the district/school will engage in a process to determine whether to promote that student to the 4th grade. This process will carefully consider all relevant factors that contributed to the student not completing their personal reading plan and alternatives to retention that can help support the student to achieve reading proficiency. ~~This process will be described in the school handbook.~~ This process is described in the [RTI Handbook](#).
  - A team of individuals will engage in the determination process, which shall include but is not limited to the student's parent(s) as defined by Wis. Stat. §.115.76(12) and school/district representatives who have knowledge of the reading instruction and interventions provided to the student, as well as how the student responded to both instruction and interventions. School representatives may include, but are not limited to: the teacher of record, the district/school reading specialist, a staff member who has provided additional reading support and conducted progress monitoring, and a student services professional with knowledge of the social and emotional implications of grade retention;
  - Representatives from the school/district will consider all available data demonstrating the student's response to reading instruction and intervention, and data demonstrating the student's progress towards meeting personal reading plan goals. This data may include, but is not limited to, the most recent and previous universal reading screener data, diagnostic reading assessment data, progress monitoring data, classroom data, and observations and data related to the student's social, emotional, and behavioral functioning;
  - Representatives from the school/district will determine whether the student is eligible for a good cause exception and communicate that to the parent or guardian;
    - **Good Cause Exemptions** - Any student who meets one or more of the following good exceptions may be exempt from the promotion policy, the intensive summer reading program, and/or the intensive reading intervention requirements.
      - The student is identified as a "Limited-English proficient pupil" as that term is defined under Wis. Stat. §115.955(7);
      - The student has an individualized education plan (IEP) that indicates that neither taking the universal reading screener nor the state summative assessment in reading is appropriate for the pupil;
      - The student scores as proficient in reading on the alternative statewide standardized summative assessment (i.e. Dynamic Learning Maps);
      - The student has an IEP or a plan to provide accommodations or services under section 504 of the federal Rehabilitation Act of 1973 that indicates that the student has received intensive intervention in reading for more than 2 years if the student continues to demonstrate a deficiency in reading and was previously retained in 5K, grades 1, 2, or 3; or
      - The student has received intensive intervention in reading for 2 or more school years, continues to demonstrate a deficiency in reading, and was previously retained in 5K, grades 1, 2, or 3 for a total of 2 years.
- If promoted to 4th grade and if a "good cause" exception applies to the student under Wis. Stat. §118.33(5m)(b), then the school district/school will provide adequate and necessary supports, including but not necessarily limited to the intensive instructional services, supports, progress monitoring, and parent notification referenced under Wis. Stat. §118.33(5m)(a).
- If the student has an individualized education program (IEP) in an area of reading or is an English learner with a language acquisition plan, the school/district representatives will review the student's progress towards those goals and communicate that to the parent or guardian;

- The district/school will not deny any English learner advancement to 4th grade solely based on level of language proficiency (Wis. Admin. Code §13.09(1)(b));
- Representatives from the school/district will communicate long-term risks of retention to the student's parent or guardian. Such risks may include, but are not limited to, the following:
  - Students who are retained are more likely to have adverse outcomes, including dropping out of school and obtaining lower paying jobs in the future (Cockx, B., Picchio, M., & Baert, S. 2018; Hughes, J.N., West, S.G., Kim, H., & Bauer, S.S. 2018);
  - Students who are retained are more likely to experience emotional distress (Buckmaster et. al. 2024; Carlton & Winsler 1999; Demanet & Van Houtte 2016; Goos et al. 2013b; Carlton, M. P., & Winsler, A. 1999; Jimerson & Ferguson 2007; Lavrijsen & Nicaise 2017; Martin 2009; Martin 2011);
  - Students who are retained are more likely to have lower socioeconomic status and more likely to be eligible for government assistance (Goos, M., Pipa, J., & Peixoto, F. 2021);
  - Students who are retained are at higher risk for future criminal behavior (Eren, O., Lovenheim, M., & Mocan, H. 2022); and
  - Students who are retained do not achieve increased academic achievement and make less progress compared to other students (Silbergitt, B., Appleton, J., & Burns, M., & Jimerson, S. 2006);
- Representatives from the school/district will consider alternatives to retention available to the student in the district/school and communicate these alternatives to the student's parent or guardian;
- The district/school will not deny any student advancement to 4th grade based solely on the student's performance in reading on the 3rd grade state summative assessment or the universal reading screener;
- The team may conclude that promotion (with applicable services/supports) is in the best interest of a student even if the team also concludes, based on clear documentation, that the student was unable to complete their personal reading plan primarily due to the student's lack of reading proficiency;

Based on the holistic evaluation described above, the entire team will make one of the following choices.

1. Promotion to 4th grade (with applicable services/supports) is more appropriate than retention in 3rd grade and the student is promoted.
  2. The student's noncompletion of the student's personal reading plan was not primarily due to the student's lack of reading proficiency and the student is promoted.
  3. The parents or guardians and school/district representatives agree that retention (with applicable services/supports) is more appropriate than promotion to 4th grade and the student's parent or guardian gives written consent to retention.
  4. The school/district representatives recommend retention but the student's parent or guardian does not consent to retention. Regardless of any other facts, circumstances, or analysis, the student is promoted to 4th grade.
- After reviewing all data and considerations named above, representatives from the school/district will make a recommendation of promotion or retention to the student's parent or guardian;
    - Each student promoted from 3rd grade to 4th grade who had a personal reading will be provided the following:
      - Intensive instructional services, progress monitoring, and supports to remediate the identified areas of deficiency;
      - Notification to the student's parent or guardian, in writing, that the student

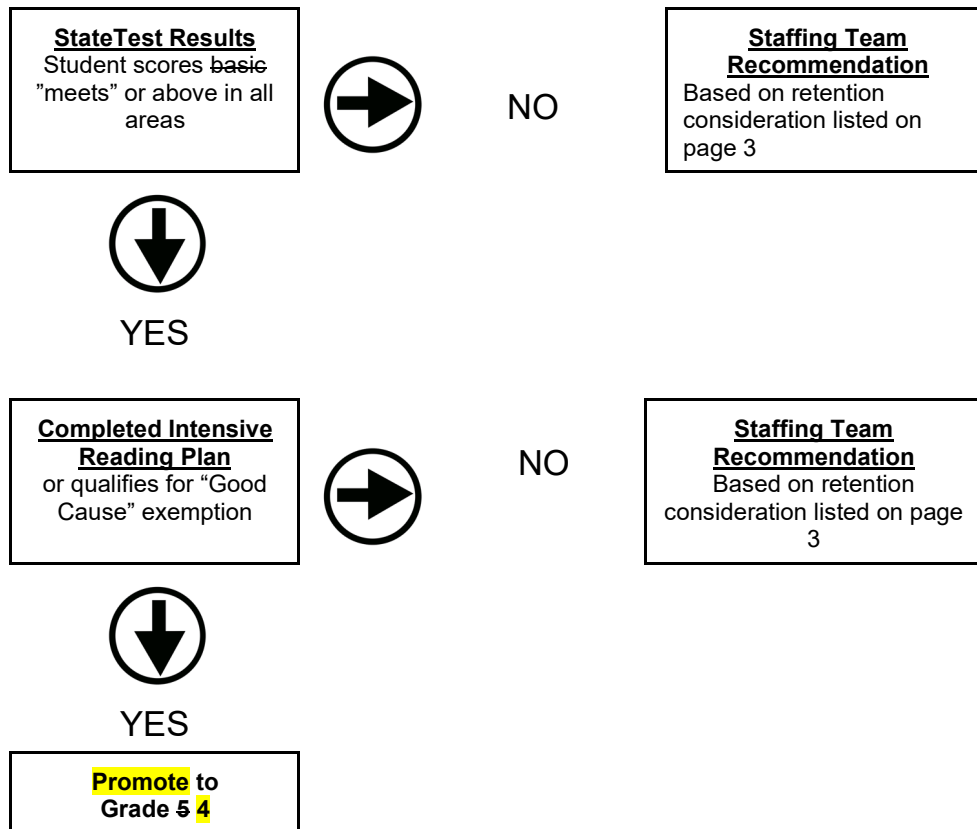
did not complete the personal reading plan that includes a description of the intensive instructional services and supports that will be provided to the student to remediate the identified areas of reading deficiency; and

- An intensive summer reading program each summer until the student scores at grade-level in reading on a summative assessment.
- Each student retained, will have the following identified and communicated to the student's parent or guardian:
  - Supports that will be provided to the student that will mitigate the harm that is likely to occur as a result of retention, including social stigmatization, loss of friendships, damaged self-esteem, and other mental health impacts; and
  - The additional academic services and support that will be provided to the student as they repeat 3rd grade to ensure they reach grade level proficiency by the time they finish 3rd grade the second time.

Any student who enrolls as a 3rd grade student late in the school term without any accompanying record of a personal reading plan (i.e., after the final annual administration of the universal screening assessment and, potentially, also after the Wisconsin's 3rd grade universal assessment) shall be promoted to 4th grade under the criteria that the student did not have a personal reading plan in effect at the end of 3rd grade.

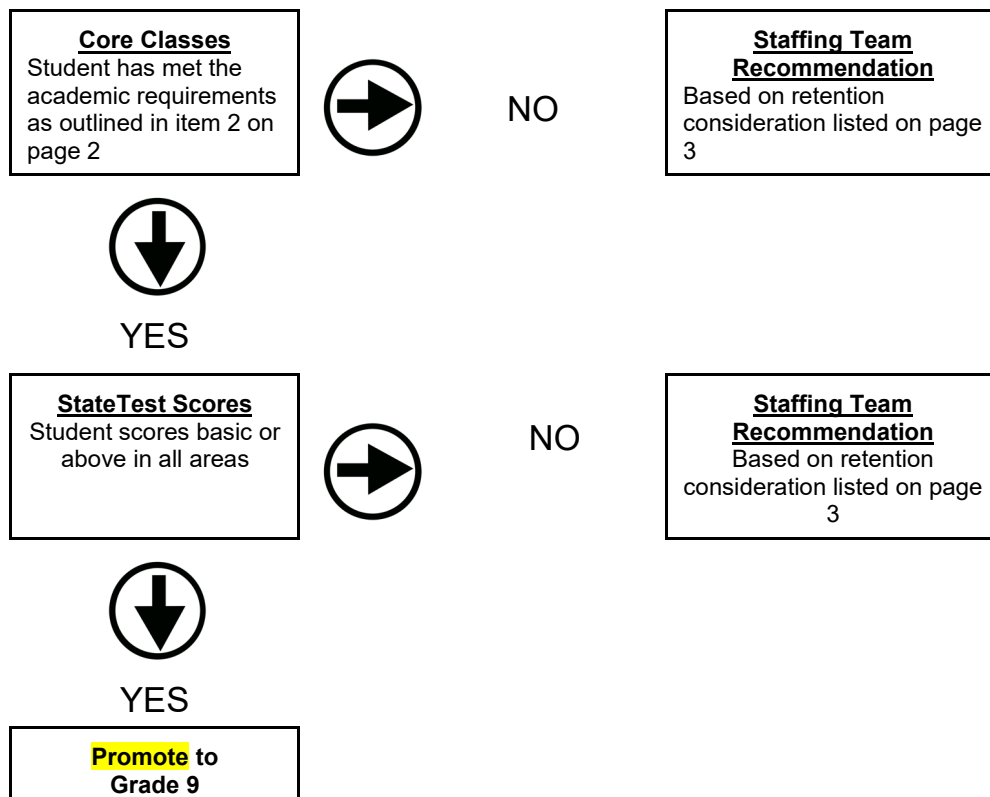
### Grade 4 3

#### Flow Chart of Sequential Decision Process



### Grade 8

#### Flow Chart of Sequential Decision Process



**REFERRAL FOR RETENTION**

Name of Student: \_\_\_\_\_ Grade: \_\_\_\_\_

Referring Teacher/School Counselor: \_\_\_\_\_ Date of Referral: \_\_\_\_\_

1. Recommendation

Please provide a written statement as to why this student **should** be retained in the present grade using the retention guidelines. Include the following factors in your recommendation: (1) academic progress this year, (2) academic ability, (3) description of actions taken so far this year to meet the student's needs, (4) description of student's social skills, (5) amount of parent(s)/guardian(s) contact to date.

- Assessment and Staffing

(Check all that apply)

- |  |     |    |            |
|--|-----|----|------------|
| • Passed Universal Reading Assessment              | YES | NO |            |
| • Completed Individualized Reading Plan            | YES | NO |            |
| • Enrolled in Intensive Summer Reading Course      | YES | NO |            |
| • Pre Referral for Special education               | YES | NO | Date _____ |
| • Special Education Evaluation                     | YES | NO | Date _____ |
| • Non-Special Education Evaluation                 | YES | NO | Date _____ |
| • IEP Team review <b>Recommendation</b><br>Results | YES | NO | Date _____ |

- 
- |   |     |    |            |
|---|-----|----|------------|
| • Parent(s)/guardian(s) notification of this referral | YES | NO | Date _____ |
|---|-----|----|------------|

- Plan of Action - (Attached)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Medford Area Public Schools

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Referring Teacher: \_\_\_\_\_

School Counselor: \_\_\_\_\_

Date of Referral: \_\_\_\_\_

School: \_\_\_\_\_

After careful consideration of several factors, it is our opinion that it would be in the best educational interest to retain \_\_\_\_\_ in grade \_\_\_\_\_. Although it is believed that this action will be beneficial, it should be understood that they may continue to require special assistance at school and at home to assure a successful educational experience.

## Agree

As the parent(s)/guardian(s), I/we agree with this recommendation. I/we understand the reasons for this decision and agree it is in the best interest of my/our child.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

## Disagree

I do not want ~~wish~~ my child **to be** retained. My reasons are: \_\_\_\_\_

\_\_\_\_\_  
Parent(s)/Guardian(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Teacher or School Counselor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Principal Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Medford Area Public School District

### Staffing Team Promotion / Retention Worksheet

Student Name: \_\_\_\_\_ School: SES MAES MAMS

Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_

Grade Promotion Staffing Team Participants: \_\_\_\_\_  
\_\_\_\_\_

Date of Data Review: \_\_\_\_\_

#### Step 1: District Universal Screener/ State WKCE Test Criterion

1. Check the content area in which the student achieved below a score of 'Basic' "Meets Expecations".

☐ Reading

☐ Mathematics

☐ Science

☐ Social Studies

☐ Language Arts (\*Student may compensate for a language arts score below 'basic' with a writing score of 3 or above.)

2. ☐ The student did not participate in the state test due to a parental opt-out decision.

**If any of the above boxes are checked, or student is in grades 7 / 8 proceed to Step 2.**

#### Step 2: Academic Performance Criterion

1. Determine if the student qualifies for "**Good Cause**" Exemptions - Any student who meets one or more of the following good exceptions may be exempt from the promotion policy as it pertains to failing to meet the intensive reading plan requirements:
- The student is identified as a "Limited-English proficient pupil" as that term is defined under Wis. Stat. §115.955(7);
  - The student has an individualized education plan (IEP) that indicates that neither taking the universal reading screener nor the state summative assessment in reading is appropriate for the pupil;
  - The student has an IEP or a plan to provide accommodations or services under section 504 of the federal Rehabilitation Act of 1973 that indicates that the student has received intensive intervention in reading for more than 2 years if the student continues to demonstrate a deficiency in reading and was previously retained in 5K, grades 1, 2, or 3; or
  - The student has received intensive intervention in reading for 2 or more school years, continues to demonstrate a deficiency in reading, and was previously retained in 5K, grades 1, 2, or 3 for a total of 2 years.

- If the student is identified as “Limited-English proficient pupil”, the staffing team will involve the ELL coordinator in making the determination to promote or retain.
- 2. If the student is identified with a disability and has a current IEP or 504 plan, the staffing team will refer to the IEP or 504 Team for retention / promotion determination.

☐ ~~The student has successfully completed the goals and objectives of the IEP. Proceed to promotion recommendation.~~

### ~~Proceed to Step 3.~~

- 3. If the student has not been identified with a disability, yet has received intensive intervention in reading for 2 or more years and was previously retained, proceed to promotion recommendation.

### Proceed to Step 3.

#### Step 3: Staffing Team Recommendation Criterion

Academic Achievement: \_\_\_\_\_

\_\_\_\_\_

Intelligence: \_\_\_\_\_

\_\_\_\_\_

Attendance: \_\_\_\_\_

\_\_\_\_\_

Self-Image: \_\_\_\_\_

\_\_\_\_\_

Attitude: \_\_\_\_\_

\_\_\_\_\_

Experiential Background: \_\_\_\_\_

\_\_\_\_\_

Social / Emotional Maturity: \_\_\_\_\_

\_\_\_\_\_

State scores and other academic achievement data: \_\_\_\_\_

\_\_\_\_\_



Personal Reading Plan: \_\_\_\_\_

\_\_\_\_\_

#### **Step 4: Promotion / Retention Recommendation**

- ☐ Student has met the requirements, according to Policy IKE, necessary for promotion to grade \_\_\_\_\_.
- ☐ Student has not met the requirements necessary for promotion and will be retained in grade \_\_\_\_\_ for the \_\_\_\_\_ school year.

**MEDFORD AREA PUBLIC SCHOOL DISTRICT**

<b>DATE ADOPTED:</b>	<b>July 15, 1999</b>	<b>FILE SECTOR:</b>	<b>STUDENTS</b>
<b>DATE REVISED:</b>	<b>August 16, 2004</b>	<b>POLICY TITLE:</b>	<b>CO-CURRICULAR</b>
<b>DATE REVISED:</b>	<b>January 15, 2009</b>		<b>DRUG TESTING</b>
<b>DATE REVISED:</b>	<b>December 18, 2014</b>		
<b>DATE REVISED:</b>	<b>April 25, 2016</b>		
<b>DATE REVISED:</b>	<b>October 30, 2017</b>		
<b>DATE REVISED:</b>	<b>June 24, 2019</b>		
<b>DATE REVISED:</b>	<b>December 21, 2020</b>		
<b>DATE REVISED:</b>			

Medford Area Public School District (MAPSD) Board of Education (BOE) is committed to the health, safety and welfare of our students. Studies throughout the United States, Wisconsin and Taylor County indicate that education alone, as a preventive measure, is not totally effective in combating substance abuse. MAPSD commitment to maintaining co-curricular programs in a healthy, safe and secure educational environment requires a clear policy and supportive programs relating to the detection, treatment and prevention of substance abuse.

Participation in co-curricular programs is a privilege. Students involved in co-curricular programs need to be exemplary in the eyes of other students and the community. Furthermore, MAPSD needs to be proactive in ensuring the safety of students participating in co-curricular programs. Therefore, it is the purpose of this policy to prevent students from participating in co-curricular programs while having alcohol, drug or controlled substance residues in their body and it is further the purpose of this policy to educate, help and direct students away from alcohol, drug and controlled substance use toward a healthy and drug free life style. This program seeks to provide needed help for students who have a verified "positive" test.

Drug testing is not intended to be disciplinary or punitive in nature. No student shall be expelled or suspended from school as a sole result of any verified positive test conducted by the school under this program, other than stated herein.

This policy applies to all MAPSD students in grades 9-12 who participate in co-curricular programs which are approved by the BOE and listed in the current student handbook.

**CONSENT FORM FOR DRUG TESTING**

Each student shall be provided with a copy of this policy and the consent form which shall be dated and signed by the student and by their parent(s)/guardian(s). It is mandatory that each student sign and return the consent form within 10 days of participation in the activity. Signing the consent form, and adherence to its conditions, thereafter, shall be a condition of participation in the co-curricular activity. The signed consent form constitutes express permission and agreement that the student will submit to drug testing as set forth in BOE policy.

**CONFIDENTIALITY**

The results of any test administered under the terms of this policy shall be confidential and disclosed only to the student, their parent(s)/guardian(s) and school officials designated by the district administrator, or as otherwise required by law.

Drug testing result sheets will be returned to the building administrator or their designee identifying students by number and not by name. Names of students tested will not be kept in open files or on any computer. Result sheets will be secured in a location that only the building administrator or their designee has access to.

This policy does not affect other current policies, practices or rights of MAPSD in regard to drug and/or alcohol possession and/or use where reasonable suspicion is obtained by means other than drug testing through this policy. MAPSD reserves the right to test any student who at any time exhibits cause for reasonable suspicion of drug and/or alcohol usage.

Apart from this co-curricular drug testing program, MAPSD and coaching staff have their own training rules and requirements above and beyond drug testing. Coaches/Advisors have the necessary authority to enforce these rules. Any student who violates a rule or requirement as a member of a team or activity will be subject to the consequences as defined in those rules and requirements.

**CROSS REFERENCE: JFCH & Co-Curricular Code of Conduct**  
**LEGAL REFERENCE:**

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED:	July 15, 1999	FILE SECTOR:	STUDENTS
DATE REVISED:	August 16, 2004	POLICY TITLE:	CO-CURRICULAR
DATE REVISED:	January 15, 2009		DRUG TESTING PROCEDURES
DATE REVISED:	December 18, 2014		
DATE REVISED:	April 25, 2016		
DATE REVISED:	October 30, 2017		
DATE REVISED:	June 24, 2019		
DATE REVISED:	December 21, 2020		
DATE REVISED:			

**SELECTION FOR TESTING**

Students participating in co-curricular activities will be selected for drug testing by one of the following methods:

- Random testing will occur three times during each of the co-curricular seasons. The day of the week on which students will be tested will change and will not be in any predictable order. Each student participating in a co-curricular program during that season will be assigned a number and five of those numbers will be drawn from the total pool of co-curricular students available to be tested during that co-curricular season.
- If a student displays behavior or if other reliable evidence exists that causes the building administrator or their designee to have reasonable suspicion that the student may be a user or under the influence of controlled substances, the building administrator or their designee will cause the student's name to be added to the list of students randomly drawn under first bullet above. The reasonable suspicion conduct will be documented in writing within 24 hours of the observed conduct. If feasible, the reasonable suspicion conduct will be witnessed by at least two MAPSD staff members. The building administrator or their designee will receive proper training in the detection and objective evaluation of reasonable suspicion conduct.

No student will be given advanced notice or early warning of the testing by any MAPSD employee or any person contracted to provide or facilitate this testing.

**TESTING PROCEDURES**

The laboratory selected to perform the testing must follow the standards set by the Department of Health Services and must be certified under the auspices of the Clinical Laboratory Improvement Amendment and The Joint Commission.

The certified laboratory will provide training and directions to those who supervise the testing program, set up the collection environment and guarantee specimens and supervise the chain-of-custody.

**The building administrator or their designee will be responsible for escorting students to the collection site. The student will bring all materials currently in their possession with them to the collection site and will not be allowed to go to their locker.**

Upon being selected for testing under this policy, a student will be required to provide a specimen which may include hair, saliva or urine according to the quality control standards and policies of the laboratory conducting the test. The 10-panel test may include: amphetamines, methamphetamine, cocaine, opiates, oxycodone, phencyclidine PCP, THC, barbiturates, benzodiazepines and methadone, and in addition to a cotinine (nicotine) test.

Before the student's specimen is collected, students will agree to fill out, sign and date any form which may be required. If a student chooses, they may notify the administrator and the testing facility that they are taking a prescription medication.

If it is proven that tampering or cheating has occurred during the collection, the student will become ineligible for all co-curricular programs for the remainder of the school year. The reason for this ineligibility will also be reported to the parent(s)/guardian(s).

### **TESTING NEGATIVE**

The rapid oral test results will be available shortly after the test is conducted. If the results are negative, the proper paperwork will be marked and filed.

### **TESTING NON-NEGATIVE**

Any non-negative tests will be sent to the testing laboratory for a confirmation test and screened by the contracted facilitator's Medical Review Officer (MRO). The MRO will contact the donor to determine whether the non-negative test results can be satisfactorily explained. If the non-negative result cannot be justified or confirmed with a prescription from a provider, the test results will be positive. The donor may be eligible to participate in co-curricular activities until this process is complete.

The certifying laboratory will contact the building administrator or their designee as soon as possible (usually within 48 hours) but not to exceed 10 days of the testing date if the results are positive. The student or parent(s)/guardian(s) may, within five days of the notification of the positive test result, request that the specimen be re-tested by the certified laboratory at full cost to the student or their parent(s)/guardian(s).

If the test is verified "positive," the building administrator or their designee will meet with the student and their parent(s)/guardian(s) at a school facility as soon as reasonable. At this meeting, the student and parent(s)/guardian(s) will be given the names of counseling and assistance agencies that the family may want to contact for help.

### **CONSEQUENCES**

**See Page 7 of the Co-Curricular Code of Conduct.**

In addition, MAPSD reserves the right to continue testing, at any time during the remaining school year, any participating student who tested "positive" and did not make satisfactory explanation.

**FINANCIAL RESPONSIBILITY**

Under this policy, MAPSD will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial “follow up” drug tests. Once a student has a verified positive test result and has subsequently tested negative from a “follow up” test, any future “follow up” drug test that must be conducted, as required above, will be paid for by the student or their parent(s)/guardian(s).

The initial parent(s)/guardian(s) requested test or a request for a re-test of a “positive” specimen is the financial responsibility of the student or their parent(s)/guardian(s).

Counseling and subsequent treatment by non-school agencies is the financial responsibility of the student or their parent(s)/guardian(s).

FILE: GBAA

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: September 23, 2024

FILE SECTOR: PERSONNEL  
POLICY TITLE: TITLE IX REGULATIONS

**Nondiscrimination policy:**

The Medford Area Public School District (MAPSD) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

**Notice of Nondiscrimination**

MAPSD does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. Inquiries about Title IX may be referred to MAPSD's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

**MAPSD's Title IX Coordinators are:**

Joseph Greget  
Director of Special Education & Pupil Services  
1065 W Broadway  
Medford, WI 54451  
[gregejo@medford.k12.wi.us](mailto:gregejo@medford.k12.wi.us)  
715-748-2316, ext. 3324

Elizabeth Rachu  
Director of Curriculum & Instruction  
124 W State Street  
Medford, WI 54451  
[rachuel@medford.k12.wi.us](mailto:rachuel@medford.k12.wi.us)  
715-748-4620, ext. 5525

**Grievance Procedures for Complaints of Sex Discrimination (§ 106.45)**

MAPSD has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

**Complaints:**

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that MAPSD investigate and make a determination about alleged discrimination under Title IX: A "complainant," which includes:

- a student or employee of MAPSD who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of MAPSD who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in MAPSD's education program or activity; A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- MAPSD's Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of

such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee MAPSD; or
- Any person other than a student or employee who was participating or attempting to participate in MAPSD's education program or activity at the time of the alleged sex discrimination.

MAPSD may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

### **Basic Requirements of Title IX Grievance Procedures:**

MAPSD will treat complainants and respondents equitably.

MAPSD requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

MAPSD presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures. MAPSD has established the following timeframes for the major stages of the grievance procedures:

**A. Evaluation** - The Title IX Coordinator will determine whether to dismiss a complaint or investigate it within ten (10) days of receiving the complaint.

**B. Investigation** - The Title IX Coordinator, or designated investigator, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) within 30 days of the Title IX Coordinator determining the charges require investigation. If, however, the Title IX Coordinator, or designated investigator, determines that the investigation is going to take longer, the Title IX Coordinator will so notify the parties and the Superintendent and will thereafter keep the parties and the Superintendent informed of the status of the matter on a regular basis. Once the Title IX Coordinator, or designated investigator, provides the parties with "access" to either the relevant and not otherwise impermissible evidence and/or an accurate description of the evidence, the parties will have 5 days to respond to the evidence or the description of the evidence unless the Title IX Coordinator approves a party's written request for more time. If the Title IX Coordinator approves such a request, both parties will be afforded an equal amount of time to submit their response.

**C. Determination** - After the parties either submit responses to the evidence/description of the evidence, or the deadline for submitting such responses expires, the Title IX Coordinator, or designated decision-maker, will consider the relevant and otherwise not impermissible evidence and issue a determination as to whether sex discrimination occurred. The determination shall be issued within ten (10) days of the deadline for the parties to submit responses to the evidence/description of the evidence unless the Title IX Coordinator approves an extension of



time, which must be communicated in writing to the parties.

**D. Appeal** - A party filing an appeal of the Title IX Coordinator's decision to dismiss a complaint, or the Determination, must do so within five (5) days of receiving the Dismissal or Determination.

MAPSD may allow for the reasonable extension of the preceding timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

MAPSD will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

MAPSD will objectively evaluate all evidence that is relevant and not otherwise impermissible - including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by MAPSD to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless MAPSD obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

### **Notice of Allegations:**

Upon initiation of MAPSD's Title IX grievance procedures, MAPSD will notify the parties of the following:

- MAPSD's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. [If MAPSD provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant

and not otherwise impermissible evidence upon the request of any party.]

If, in the course of an investigation, MAPSD decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, MAPSD will notify the parties of the additional allegations.

### **Dismissal of a Complaint:**

MAPSD may dismiss a complaint of sex discrimination if:

- MAPSD is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in MAPSD's education program or activity and is not employed by MAPSD;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and MAPSD determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- MAPSD determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, MAPSD will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, MAPSD will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then MAPSD will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

MAPSD will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then MAPSD will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, MAPSD will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, MAPSD will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within MAPSD's education program or activity.

### **Investigation:**

The burden of proof is on MAPSD—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

MAPSD will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

MAPSD will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

MAPSD will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- MAPSD will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If MAPSD provides a description of the evidence: MAPSD will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- MAPSD will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- MAPSD will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

### **Questioning the Parties and Witnesses:**

As part of the investigation, the investigator is encouraged to include in the investigator's notes/file the investigator's opinion about each party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one (1) or more allegations of sex discrimination.

### **Determination Whether Sex Discrimination Occurred:**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, MAPSD will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in

prohibited sex discrimination.

- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - Coordinate the provision and implementation of remedies to a complainant and other people MAPSD identifies as having had equal access to MAPSD's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within MAPSD's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

### **Appeal of Determinations:**

MAPSD offers the following process for appeals from a determination whether sex discrimination occurred:

If a party disagrees with the decision-maker's determination as to whether sex discrimination occurred, the party may file an appeal. Appeals must be submitted, in writing, within five (5) days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

- A.** procedural irregularity that would change the outcome.
- B.** new evidence that would change the outcome and that was not reasonably available when the Determination was made; and
- C.** the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed.

If a party appeals the decision-maker's determination, the Title IX Coordinator will:

- A.** notify the parties of any appeal.
- B.** implement appeal procedures equitably for the parties.
- C.** designate an appeal decision-maker, who will be a person who did not conduct the investigation or render the Determination, and is appropriately trained.
  - 1. the Title IX Coordinator will designate the Superintendent to be the appeal decision-maker, provided the Superintendent has not been otherwise involved in the grievance procedures (i.e., did not serve as the investigator, decision-maker, or informal resolution process facilitator) and is appropriately trained.
  - 2. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the decision-maker's determination.
  - 3. provide the appeal decision-maker with the relevant and not otherwise impermissible evidence along with the accurate description of the relevant evidence (if one was prepared and shared with the parties), any responses the parties submitted to the investigator related to the evidence and/or the description of the evidence (if one was prepared), and the

- decision-maker's determination; and
4. notify the parties, in writing, of the result of the appeal and the appeal decision-maker's rationale for the outcome.

This appeal process will be, at a minimum, the same as MAPSD offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

**Informal Resolution:**

In lieu of resolving a complaint through MAPSD's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. MAPSD does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

**Supportive Measures:**

MAPSD will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to MAPSD's education program or activity or provide support during MAPSD's Title IX grievance procedures or during the informal resolution process.

The Title IX Coordinator shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the Title IX Coordinator deems to be reasonably available. Supportive measures may include, but are not limited to counseling; extensions of deadlines or other course-related adjustments; school/campus escort services; increased security and monitoring of certain areas of the campus (including school buildings and facilities); restrictions on contact between the parties; leaves of absence; changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; training and education programs related to sex-based harassment; referral to Employee Assistance Program; and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the MAPSD's educational environment, or to provide support during the MAPSD's grievance procedures or the informal resolution process.

The MAPSD will not impose such measures for punitive or disciplinary reasons.

The Title IX Coordinator may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, at the conclusion of the informal resolution process, or may continue them beyond that point.

The MAPSD will provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the Title IX Coordinator's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision. If the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures as set forth in the Key Definitions section of this policy.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The MAPSD will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the MAPSD's education program or activity, or as otherwise permitted pursuant to the 2024 Title IX regulations.

If the complainant or respondent is an elementary or secondary student with a disability, the Title IX Coordinator shall consult with one (1) or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one (1) or more members, as appropriate, of the student's Section 504 team, if any, to determine how to comply with the requirements of the IDEA and/or Section 504, in the implementation of supportive measures.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the MAPSD's grievance procedures.

### **Disciplinary Sanctions and Remedies:**

Following a determination that sex-based harassment occurred, MAPSD may impose disciplinary sanctions, which may include:

- A.** Students: Full range of discipline, including suspension or expulsion, as set forth in Student Code of Conduct, Board Policy, and state and federal laws, as applicable.
- B.** Employees: Full range of discipline, including suspension or termination/contract non-renewal, as set forth in Employee Handbook, Board Policy, and state and federal laws, applicable.

MAPSD may also provide remedies, which may include disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

With respect to student respondents, the Title IX Coordinator will notify the Superintendent of the recommended remedies (including disciplinary sanctions/consequences), so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy JGE – Student Expulsion, Policy JGD – Student Suspension. Discipline of a student respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972 ("Section 504"), and their respective implementing regulations.

Discipline of an employee will be implemented in accordance with Federal and State law, MAPSD policy, and applicable provisions of any relevant employee handbooks.

## **Appendix:**

### **Definitions (106.2)**

*Complainant* means:

- 1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- 2. A person other than a student or employee who is alleged to have been subjected to conduct that

could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

*Complaint* means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

*Disciplinary sanctions* means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

*Party* means a complainant or respondent.

*Pregnancy or related conditions* means pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

*Relevant* means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

*Remedies* means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

*Respondent* means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

*Retaliation* means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

*Sex-based harassment* is a form of sex discrimination and means harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a

fact-specific inquiry that includes consideration of the following:

- i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
  - ii) The type, frequency, and duration of the conduct;
  - iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - iv) The location of the conduct and the context in which the conduct occurred; and
  - v) Other sex-based harassment in the recipient's education program or activity; or
3. Specific offenses.
- i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - ii) Dating violence meaning violence committed by a person:
    - (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - (a) The length of the relationship;
      - (b) The type of relationship; and
      - (c) The frequency of interaction between the persons involved in the relationship;
  - iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:
    - (1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
    - (2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
    - (3) Shares a child in common with the victim; or
    - (4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
  - iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - (1) Fear for the person's safety or the safety of others; or
    - (2) Suffer substantial emotional distress. Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
      - (a) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
      - (b) Provide support during the recipient's grievance procedures or during an informal resolution process.

**CROSS REFERENCE: GBA, GBCBA, JBA**

**LEGAL REFERENCE: Nondiscrimination Policies, Notices of Nondiscrimination, and Grievance Procedures under 2024 Amendments to the U.S. Department of Education's Title IX Regulations**



# Chart of Changes to the Title IX Rules

This chart compares [Biden's 2024 rule](#) with the previous Title IX rules (including [Trump's 2020 rule](#)). The new rule strengthens protections against sex-based harassment and clarifies protections for LGBTQI+ and pregnant and parenting students. **Major rule differences are bolded.**

## Part I. Sex-Based Harassment

Duty to Address Sex-Based Harassment		
	Trump Rule (2020)	Biden Rule (2024)
<b>Definition of harassment</b>	Schools must address sexual harassment if it is so <b>"severe" and "pervasive"</b> that it <b>"effectively denies"</b> a person equal access to a school program or activity. § 106.30(a).	Schools must address sex-based harassment if it is so <b>"severe or pervasive"</b> that it <b>"denies or limits"</b> a person's ability to participate in a school program or activity. § 106.2.
<b>Off-campus harassment</b>	Schools must address sexual harassment that occurs off-campus and inside the U.S. if it occurs: <ul style="list-style-type: none"> <li>In a school program or digital platform;</li> <li>In an official student group's building; <u>or</u></li> <li>Under the school's "substantial control." §§ 106.44, 106.45(b)(3)(i).</li> </ul>	Schools must address an <u>incident</u> of sex-based harassment ( <b>or other sex discrimination</b> ) that occurs off-campus and inside the U.S. if it occurs: <ul style="list-style-type: none"> <li>In a school program or digital platform;</li> <li>In an official student group's building; <u>or</u></li> <li>Under the school's "disciplinary authority."</li> </ul> <p><b>Regardless of where an underlying incident occurs (e.g., off campus, outside the U.S.), schools must address any resulting hostile environment that arises:</b></p> <ul style="list-style-type: none"> <li>In a school program or digital platform;</li> <li>In an official student group's building; <u>or</u></li> <li>Under the school's "disciplinary authority." § 106.11.</li> </ul>
<b>Complainant status</b>	Schools must address a complaint of sexual harassment only if the complainant was participating or trying to participate in school <b>at the time of filing the complaint.</b> § 106.30(a).	Schools must address a complaint of sex-based harassment ( <b>or other sex discrimination</b> ) if the complainant was participating or trying to participate in school <b>at the time of the incident.</b> § 106.2.
<b>Respondent status</b>	Schools can dismiss a complaint of sexual harassment at any time if the respondent is no longer a student or employee at the school. § 106.45(b)(3)(ii).	Schools can still dismiss a complaint of sex-based harassment ( <b>or other sex discrimination</b> ) at any time if the respondent is no longer a student or employee at the school, <b>but they must also offer supportive measures.</b> §§ 106.45(d)(1)(ii), 106.45(d)(4).
<b>Notice of harassment</b>	K12 schools must respond to alleged sexual harassment if any employee has <b>actual knowledge of it.</b>  Institutions of higher education (IHEs) must respond to alleged sexual harassment if a Title IX coordinator or an official with <b>"authority to institute corrective measures"</b> has actual knowledge of it. § 106.30(a).	All <b>non-confidential</b> K12 employees must <b>report</b> possible sex-based harassment ( <b>or other sex discrimination</b> ) to the Title IX coordinator.  All <b>non-confidential</b> IHE employees must report possible sex-based harassment ( <b>or other sex discrimination</b> ) to the Title IX coordinator <u>or</u> tell the victim how to contact the Title IX coordinator. §§ 106.44(c)(1)-(2).

## Responding to Sex-Based Harassment

	Trump Rule (2020)	Biden Rule (2024)
<b>Standard of care</b>	Schools must respond to sexual harassment in a way that is <b>not “deliberately indifferent.”</b> § 106.44(a).	Schools must respond to sex-based harassment ( <b>or other sex discrimination</b> ) with “ <b>prompt and effective action.</b> ” § 106.44(a).
<b>Supportive measures</b>	<p>Schools must offer supportive measures to all people who report sexual harassment, even if there is no investigation.</p> <p>Supportive measures must be non-punitive and not unreasonably burdensome on the respondent. The school can reasonably burden the respondent. § 106.30(a).</p>	<p>Schools must offer supportive measures to all people who report sex-based harassment (<b>or other sex discrimination</b>), even if there is no investigation and <b>even if the complaint is dismissed.</b></p> <p>Supportive measures must be non-punitive and not unreasonably burdensome on the respondent. The school can reasonably burden the respondent. §§ 106.2, 106.44(g)(2).</p>
<b>Informal resolutions</b>	Schools can use an informal resolution process, such as mediation or a restorative process, to resolve a complaint of <b>student-on-student sexual harassment.</b> § 106.45(b)(9).	Schools can use an informal resolution process, such as mediation or a restorative process, to resolve a complaint of <b>any sex discrimination, except employee-on-student sex-based harassment in a K-12 school.</b> § 106.44(k).
<b>Retaliation</b>	<p>Schools cannot retaliate against anyone to (i) interfere with their Title IX rights or (ii) punish them for their participation or lack thereof in a sex discrimination proceeding, including by:</p> <ul style="list-style-type: none"> <li>• <b>Charging someone for misconduct that arises out of the same facts as the reported sex discrimination.</b></li> <li>• Charging someone for a “false statement” based solely on the school’s decision in an investigation. § 106.71.</li> </ul>	<p>Schools cannot retaliate against anyone to (i) interfere with their Title IX rights or (ii) punish them for their participation or lack thereof in a sex discrimination proceeding, including by:</p> <ul style="list-style-type: none"> <li>• <b>Disciplining someone for any misconduct for the purpose of retaliation.</b></li> <li>• Disciplining someone for making a “false statement” <b>or engaging in consensual sexual conduct</b> based solely on the school’s decision in an investigation. §§ 106.2, 106.45(h)(5), 106.71.</li> </ul>

## Investigating Sex-Based Harassment

	Trump Rule (2020)	Biden Rule (2024)
<b>Time frame</b>	<p>Schools must resolve complaints of sex discrimination in a “prompt” manner.</p> <p>In investigations of sexual harassment, schools can impose “<b>temporary</b>” delays for “good cause,” including because there is a <b>concurrent criminal investigation.</b> §§ 106.8(c), 106.45(b)(1)(v).</p>	<p>Schools must resolve complaints of sex discrimination in a “prompt” manner.</p> <p>In investigations of sex-based harassment (<b>or other sex discrimination</b>), schools can impose “<b>reasonable</b>” delays for “good cause.” §§ 106.8(b)(2), 106.45(a)(1), 106.45(b)(4), 106.46(a), 106.46(e)(5).</p>
<b>Presumption of non-responsibility</b>	Schools must presume the respondent is not responsible until the end of an investigation of sexual harassment. §§ 106.45(b)(1)(iv), (b)(2)(i)(B).	Schools must presume the respondent is not responsible until the end of an investigation of sex-based harassment ( <b>or other sex discrimination</b> ). §§ 106.45(b)(3), 106.46(c)(2)(i).

<b>Questioning parties and witnesses</b>	<p>In institutions of higher education's (IHEs) following an investigation of <b>sexual harassment</b>, the school must allow the parties' advisors to conduct cross-examination at a live hearing.</p> <p><b>In K12 schools' investigations of sexual harassment</b>, the school must allow the <b>parties to submit written questions</b> for the school to ask of the other party and witnesses. §§ 106.45(b)(6)(i)-(iii).</p>	<p>In IHEs, for complaints of <b>sex-based harassment involving 1+ students</b>, the school must (1): <b>interview each party or witness in individual meeting(s); or (2) have a decision-maker question all parties and witnesses at a live hearing, where the school has the option of also</b> allowing the parties' advisors to conduct cross-examination.</p> <p><b>In all other investigations of sex discrimination</b> (besides the above), the school must use a process to <b>assess the credibility</b> of parties and witnesses. §§ 106.45(g), 106.46(f)(1), 106.46(g).</p>
<b>Standard of proof</b>	<p>Schools must use either a "<b>preponderance of the evidence</b>" <b>standard or "clear and convincing evidence" standard</b> in sexual harassment investigations, <u>as long as</u> the school uses the same standard for students and employees. § 106.45(b)(1)(vii).</p>	<p>Schools must use a "<b>preponderance of the evidence</b>" <b>standard</b> in all investigations of sex-based harassment (<b>or other sex discrimination</b>) <u>unless</u> the school uses a "clear and convincing evidence" standard in all "comparable" proceedings (such as for race and disability discrimination or physical assault). § 106.45(h)(1).</p>
<b>Appeals</b>	<p>In a <b>sexual harassment investigation</b>, the parties can appeal if there was a procedural irregularity, new evidence, or bias or conflict of interest that affected the outcome. § 106.45(b)(8)(i).</p>	<p><b>In all investigations of sex discrimination:</b> (i) the complainant can appeal a dismissal of their complaint, <u>and</u> (ii) the parties must have the same appeal rights as in all "comparable" proceedings (such as for race and disability discrimination or physical assault).</p> <p>In an <b>institution of higher education's investigation of sex-based harassment involving 1+ students</b>, the parties can also appeal if there was a procedural irregularity, new evidence, or bias or conflict of interest that would change the outcome. §§ 106.45(i), 106.46(i)(1).</p>

Preventing Sex-Based Harassment		
	Trump Rule (2020)	Biden Rule (2024)
<b>Training</b>	N/A.	Schools must train <b>all employees</b> on how to recognize and report sex discrimination. Additional training is required for all <b>Title IX officials</b> : coordinators, investigators, decision-makers, informal resolution facilitators, and those who can modify or terminate supportive measures. § 106.8(d).
<b>Prevention &amp; monitoring barriers to reporting</b>	N/A.	Schools must <b>prevent</b> sex discrimination from recurring (including when a complaint is dismissed) and <b>monitor and address barriers to reporting</b> . §§ 106.44(b), 106.44(f)(1), 106.45(d)(4)(iii).

## Part II. Anti-LGBTQI+ Discrimination

	Previous Title IX Rules	Biden Rule (2024)
<b>Definition of discrimination</b>	<p>While the previous rules did not explicitly address it, courts have held for years that Title IX prohibits discrimination based on sexual orientation and gender identity. In 2020, the Supreme Court confirmed this is the case under Title VII in <i>Bostock v. Clayton County</i>.</p> <p>The Department has stated that <a href="#">intentional misgendering</a> is sex-based harassment.</p>	<p>Sex discrimination includes discrimination based on <b>sexual orientation, gender identity, sex characteristics</b> (including intersex traits), and <b>sex stereotypes</b> under Title IX.</p> <p>Schools must address anti-LGBTQI+ <b>harassment</b> (see <b>Part I</b>). §§ 106.2, 106.10.</p>
<b>Transgender inclusion</b>	<p>While the previous rules did not explicitly address transgender inclusion, federal courts have repeatedly held that Title IX prohibits exclusion of transgender students from school facilities.</p>	<p>Schools must allow individuals to participate in <b>classes and activities</b>, use <b>bathrooms and locker rooms</b>, and <b>dress and groom</b> themselves consistent with their gender identity. § 106.31(a)(2).</p>
<b>Athletics</b>	<p>While the previous rules did not explicitly address this, a number of federal courts have held that Title IX prohibits excluding transgender students from sports consistent with their gender identity.</p>	<p><u>Note: This proposed rule is not yet final.</u></p> <p><b>Categorical anti-trans sports bans in schools would be prohibited. Anti-trans sports bans would also be prohibited in nearly all cases in K-8 and in most cases in high school.</b></p> <p>Any policy that limits or denies a transgender student's participation in sports would have to:</p> <ul style="list-style-type: none"> <li>• Be <b>specific</b> to a sport, grade level, or level of competition;</li> <li>• Be “<b>substantially related</b>” to an important educational objective; <u>and</u></li> <li>• <b>Minimize harm</b> to transgender students.</li> </ul> <p>Schools could not justify an anti-trans sports ban based on <b>overbroad generalizations or false assumptions</b>. § 106.41(b)(2).</p>

## Part III. Discrimination against Pregnant and Parenting Students

	Previous Title IX Rules	Biden Rule (2024)
<b>Definition of discrimination</b>	<p>Schools cannot discriminate against students based on pregnancy or related conditions. Related conditions include childbirth, termination of pregnancy, and recovery from any of these conditions. § 106.40(b)(1).</p>	<p>Schools cannot discriminate against students based on <b>past, current, or potential</b> pregnancy or related conditions. Related conditions include childbirth, termination of pregnancy, <b>lactation</b>, and <b>medical conditions</b> or recovery related to any of these conditions.</p> <p>Schools must address pregnancy or related <b>harassment</b> (see <b>Part I</b>). §§ 106.2, 106.10.</p>
<b>Notice of rights</b>	N/A.	<p>An <b>employee</b> who knows of a student's pregnancy or related condition must inform them of the Title IX coordinator's role and contact information. The <b>Title IX coordinator</b> must then inform the student of their rights. §§ 106.40(b)(2), 106.40(b)(3)(i).</p>

<b>Participation and exclusion</b>	<p>A <b>pregnant</b> student can participate in an alternate program if it is voluntary, and the program is comparable to those offered to their peers.</p> <p>A school cannot require a student who is pregnant or has a related condition to get a <b>doctor's</b> approval to participate in a school program or activity unless it is required of <b>students with other physical or emotional conditions</b>. §§ 106.40(b)(1), 106.40(b)(3).</p>	<p>A student who is <b>pregnant or has a related condition</b> may participate in an alternate program if it is voluntary, and the program is comparable to those offered to their peers.</p> <p>A school cannot require a student who is pregnant or has a related condition to get approval from a <b>healthcare provider or anyone else</b> to participate in a school program or activity unless it is required of <b>all students</b>. §§ 106.40(b)(3)(iii), 106.40(b)(5).</p>
<b>Leaves of absence</b>	<p>Schools must allow a leave of absence for pregnancy or related conditions for as long as a student's <b>doctor</b> deems medically necessary.</p> <p>Upon return, the student must be reinstated to their <b>prior status</b>. § 106.40(b)(5).</p>	<p>Schools must allow a <b>voluntary</b> leave of absence for pregnancy or related conditions for <b>at least</b> as long as a student's <b>healthcare provider</b> deems medically necessary.</p> <p>Upon return, the student must be reinstated to their <b>prior academic status and, where practicable, prior extracurricular status</b>. § 106.40(b)(3)(iv).</p>
<b>Accommodations</b>	<p>Schools must offer <b>services and benefits</b> to students who are pregnant or have a related condition <b>if they are offered to temporarily disabled students</b>. § 106.40(b)(4).</p> <p>While the previous rules did not explicitly address it, a <a href="#">2013 guidance</a> stated that reasonable modifications include <b>elevator access, a larger desk, or more frequent trips to the bathroom</b>.</p>	<p>Schools must <b>consult</b> with a student who is pregnant or has a related condition to offer <b>individualized and voluntary "reasonable modifications"</b> unless this would <b>"fundamentally alter" the school's program or activity</b>.</p> <p>Reasonable modifications include <b>elevator access, a larger desk, a footrest, breaks from class, absences, online courses, schedule changes, extensions, rescheduled exams, and counseling</b>. § 106.40(b)(3)(ii).</p>
<b>Lactation</b>	<p>While the previous rules did not explicitly address it, a <a href="#">2013 guidance</a> stated schools <b>should</b> provide a lactation room for students.</p>	<p>Schools <b>must</b> provide a <b>private, clean, non-bathroom</b> lactation space for students. § 106.40(b)(3)(v).</p>
<b>Limitation on documentation</b>	N/A.	<p>Students who are pregnant or have a related condition need not submit <b>documentation</b> to get a modification, leave of absence, alternate program, or lactation space if: their need is obvious or is water, a bigger desk, sitting or standing, breaks, or lactation; prior documentation was sufficient; <b>or</b> documentation is not required of other students. § 106.40(b)(3)(vi).</p>
<b>Parental, family, or marital status</b>	<p>Schools cannot apply a <b>rule</b> about a <b>student's actual or potential</b> parental, family, or marital status that treats them differently based on gender. § 106.40(a).</p>	<p>Schools cannot apply a <b>policy, practice, or procedure</b> about a <b>student or applicant's past, current, or potential</b> parental, family, or marital status that treats them differently based on gender. §§ 106.21(c)(2)(i), 106.40(a).</p>