

**NORTH CAPE SCHOOL DISTRICT**

**SAFETY PROGRAM**

The School Board has, as one of its primary concerns, the safety, health and physical well-being of students and employees of the District. To meet this concern, a school safety program shall be developed and implemented in the District. The safety program shall be designed to:

- Provide a safe and healthy school and work environment for students and employees;
- Protect the safety of students, employees and other persons present on District property and at school-sponsored events to the extent reasonably possible;
- Comply with applicable health and safety codes and regulations;
- Minimize mechanical hazards and unsafe conditions in school facilities and on school grounds so as to prevent accidents;
- Inform students and employees of acceptable safety procedures and practices;
- Develop an attitude of safety-mindedness among students that will endure through their school experience and extend into their adult lives; and
- Develop an attitude of safety-mindedness among staff that will help ensure a safe and healthy school and work environment, appropriate safety instruction, and enforcement of safe practices among students.

The Head Custodian, working in conjunction with the District Administrator, is designated as the District's Safety Coordinator. The Safety Coordinator shall be responsible for coordinating all activities related to the safety program and for keeping staff members informed of pertinent state and local regulations and recommendations relating to school safety. The Safety Coordinator shall also be responsible for establishing a school safety and crisis response team annually to help make recommendations for improved school safety and security in the District and to help implement school safety plans.

A school safety and crisis response plan shall be developed and in effect in the District. The school safety and crisis response plan shall be developed in accordance with District policies and legal requirements, and shall be reviewed and updated at least every three years. The District shall work collaboratively with community agencies in developing and implementing the plan. District employees shall receive a copy of the school safety and crisis response plan, and a copy of the school safety and crisis response plan shall also be filed in the District Office. Appropriate training shall be provided to District employees so they may properly carry out the safety and crisis response plan and other safety protocols in the District.

**Policy 720**  
**Page 2**

LEGAL REF.: Wisconsin Statutes  
Section 101.055 [public employee safety and health]  
Section 101.11 [employer's duty to furnish safe employment and place]  
Section 118.07 [health and safety requirements, including school safety plans]  
Section 120.12(1) [board duty; care, control and management of district property]  
Section 120.12(5) [board duty; repair of school buildings]  
Section 121.02(1)(i) [school district standard; safe and healthful facilities]  
Section 167.32 [safety at sporting events]  
Section 255.30 [safety eye protective goggles]  
Wisconsin Administrative Code  
PI 8.02(1)(i) [safe and healthful facility rules]

CROSS REF.: Policy 363.2, Internet Safety and Acceptable Technology Use  
Policy 411.1, Student Harassment and Bullying  
Policy 434, Release Time for Students  
Policy 443.6, Student Possession/Use of Weapons  
Policy 443.7, Threats to and by Students  
Policy 443.8, Gang-Related Behavior  
453.1-Rule(1), Emergency Care Procedures  
453.1-Rule(2), Emergency Procedures for Field Trips, Sports Activities and Other School Events  
453.1-Rule(3), Management of Sports-Related Head Concussions  
Policy 453.3, Communicable Disease Control  
Policy 512, Employee Harassment and Bullying  
Policy 721, Building and Grounds Inspections  
Policy 723.3, Emergency School Closings  
Policy 724, Chemical Hygiene Plan  
Policy 731.1, Facility Access and Security  
Policy 832, Possession and Use of Weapons by Persons Other Than Students on School Premises  
Policy 833, Public Conduct on School Property  
Policy 860, Visitors on School Premises  
School Safety/Crisis Response Plan(s)  
Bloodborne Pathogens Exposure Control Plan

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

**Policy 721**

**NORTH CAPE SCHOOL DISTRICT**

**BUILDING AND GROUNDS INSPECTIONS**

All classrooms and facilities shall be inspected annually for potential hazards to health and safety, and playground equipment, building bleachers and school equipment shall be inspected monthly.

The District's Safety Coordinator (Head Custodian) shall be responsible for conducting the building, grounds and equipment inspections and/or designating appropriate personnel to do the inspections. Written inspection reports shall be filed with the District Administrator.

Hazardous conditions shall be corrected, compensating devices installed, or special arrangements made as necessary to provide for health and safety. Faulty or unsafe equipment shall not be used until repairs are completed or the equipment has been replaced. A log of all repairs shall be maintained by the maintenance personnel.

LEGAL REF.: Wisconsin Statutes  
Section 115.33 [state superintendent inspection of school buildings]  
Section 120.12(5) [school board duty to keep school buildings and grounds in good repair, suitably equipped and in safe and sanitary condition and to establish an annual building maintenance schedule]  
Section 120.12(12) [school board duty to provide sanitary facilities]  
Section 121.02(1)(i) [school district standard; providing for safe and healthful facilities]  
Wisconsin Administrative Code  
PI 8.01 (2) (i) [school district standard; providing for safe and healthful facilities, including adopting long-range plan and conducting an inspection of facilities at least annually]

CROSS REF.: Policy 720, Safety Program  
Policy 724, Chemical Hygiene Plan  
Policy 731, Facility Access and Security

APPROVAL: August 21, 2017

REVISED:

**Policy 723.3**

**NORTH CAPE SCHOOL DISTRICT**

**EMERGENCY SCHOOL CLOSINGS**

The District Administrator is authorized to close school in case of inclement weather, malfunctioning of school facilities, or other emergency that threatens the health or safety of students and staff, and to delegate this responsibility to another staff person when he/she is unavailable to make the decision.

The District Administrator may cancel school for the entire day, delay the start of school for the day or dismiss school early. The school district may have a late start or early close when the wind chill is minus 50 degrees Fahrenheit or greater. If the actual thermometer reading is minus 35 degrees Fahrenheit, school may be closed.

When making school closing decisions, the District Administrator shall consult with resource personnel appropriate to the particular type of emergency situation (e.g., transportation supervisor, highway departments, weather service, public health officials, law enforcement officials, fire department personnel, maintenance personnel, administrators in adjoining school districts).

If school is closed because of inclement weather or other emergency, District employees and parents/guardians of students attending school in the District shall be notified by an automated call system as early as possible, and notification shall also be given over designated radio and television stations.

The reasons for a school closing, such as hazardous travel conditions or malfunctioning of school facilities, may also affect student extracurricular activity programs or community activities which take place in school facilities. When school is closed all day, all practices and activities shall be cancelled. Exceptions to this policy may be made by the District Administrator, in consultation with others, with respect to scheduled contests and performances.

School days missed due to inclement weather, or for other declared reasons, are to be made up as determined by the North Cape School Board and District Administrator

This policy and any related implementing procedures shall be published annually and communicated to parents/guardians at the start of the school year.

LEGAL REF.:   Wisconsin Statutes  
                  Section 115.01(10) [definition of school day; includes information on days school is closed by order of the district administrator or local health officer]  
                  Section 121.02(1)(f) [school district standard; required hours of instruction]  
                  Wisconsin Administrative Code  
                  PI 8.01(2)(f) [school district standard; required hours of instruction]

**Policy 723.3**  
**Page 2**

CROSS REF.: 723.3-Rule, Inclement Weather and School Closing Procedures  
Policy 260, Temporary Administrative Arrangements  
Policy 453.3, Communicable Disease Control  
Policy 720, Safety Program  
Policy 751, Student Transportation Services  
School Safety/Crisis Response Plan(s)  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

## **NORTH CAPE SCHOOL DISTRICT**

### **INCLEMENT WEATHER AND SCHOOL CLOSING PROCEDURES**

The Waterford Area School District administrative team is responsible for implementing the emergency procedures for closing school for inclement weather or other emergencies.

1. If a situation arises when the start of the normal school day is altered due to inclement weather or other emergency, automated calls will be placed to student and employee home phone numbers beginning at 6:00 a.m. or as soon as practicable using Alert Solutions in Powerschool. Staff may also be notified by the District's email service.
2. If a situation arises when school closes early, an automated message will be sent to the listed daytime phone numbers the school has on file for family members. Parents/guardians, with their children, are encouraged to develop an alternative plan to be put into effect in the event school is cancelled or dismissed early. Parents/guardians are reminded that their child(ren) can be released to the people listed on the student's emergency card without parental consent.
3. If school is cancelled on a school day, usually all evening activities are cancelled as well.

APPROVAL: August 21, 2017

REVISED:

## **NORTH CAPE SCHOOL DISTRICT**

### **CHEMICAL HYGIENE PLAN**

In compliance with the Federal Laboratory Standard, the North Cape School District shall strive to provide a safe and healthy environment for all persons on its premises including those working in the science, art, and technical education laboratories. To aid in reaching this goal, the District shall implement a Chemical Hygiene Plan. This plan shall meet legal requirements and include the following:

1. An Authorized Use List (ALL) of chemicals currently approved for classroom and laboratory use within the District. All chemicals must be approved for instructional use and appear on this list prior to requisitioning chemical substances from the Purchasing Department. Chemicals or chemical substances not on this list are prohibited from use. Students and/or staff members found using any unauthorized chemical shall be subject to disciplinary action.
2. Standard operating procedures developed to ensure that certain classes of hazardous materials (corrosives, flammables, oxidizers, etc.) are handled safely and used in a manner protective of employee and student health.

Staff members shall be expected to comply with the District's School Safety/Crisis Response Plan and all potential revisions that support the Chemical Hygiene Plan. Staff members found in violation of District policy or related regulations shall be subject to disciplinary action.

#### **Officer Appointment**

The District will appoint a Chemical Hygiene Officer, acknowledging that the Chemical Hygiene Officer (CHO) has the knowledge and authority to implement and enforce the Chemical Hygiene Plan.

Although the District is designating a Chemical Hygiene Officer, the District realizes the success or lack of success of the Chemical Hygiene Plan rests with all employees.

#### **Objectives**

The Chemical Hygiene Plan should be capable of:

1. Protecting employees from health hazards associated with hazardous chemicals in the laboratory by providing training/information for employees working in laboratories.
2. Addressing the acquisition, storage, use and maintenance of hazardous chemicals, including keeping chemical exposures below established permissible exposure limits. (Consult *Flinn Scientific Catalog/Reference Manual* for specific chemical permissible exposure limits.)

#### **School District Responsibilities**

The School Board and District Administrator have the ultimate responsibility to ensure the District complies with the Laboratory Standard. Several of these tasks are:

**Policy 724**  
**Page 2**

1. Record all employee exposures to hazardous chemicals.
  - a. Record all chemical exposures and use monitoring instruments to get hard data.
  - b. Obtain and keep up-to-date information provided by a medical examination resulting from a chemical exposure.
  - c. Keep these chemical exposure records and allow employees access to their personnel records, including all employee exposure and relevant medical records.
2. Train employees to:
  - a. Understand the hazards of chemicals they use in the laboratory.
  - b. Recognize signs and symptoms associated with overexposure to hazardous chemicals.
  - c. Properly use personal protective equipment (fume hoods, respirators, goggles, etc.).
  - d. Protect themselves from chemical exposure by following good laboratory procedures.
  - e. Understand the content of the Chemical Hygiene Plan.
3. Provide access to all employees of:
  - a. Material Safety Data Sheets (MSDS) for all hazardous materials.
  - b. Previous exposure records (if any).
  - c. The Laboratory Standard and Chemical Hygiene Plan.
  - d. Permissible exposure limits of hazardous chemicals used in the laboratory. (*Consult Flinn Scientific Catalog/Reference Manual.*)
  - e. Their own personal medical records (if any).
4. Upon receipt of a chemical:
  - a. Make sure it has a MSDS and make the MSDS accessible to the employee).
  - b. Make sure the label is proper and contains the minimum amount of information, including chemical name or identity of contents, concentration, Hazard information, name and address of the manufacturer or name of preparer and date of preparation.

The Chemical Hygiene Plan and related regulations and programs shall be made available to those persons working in science, art and technical education laboratories. The Chemical Hygiene Plan shall be reviewed annually and updated as necessary.

The policy does not apply to chemicals used for facility maintenance purposes.

LEGAL REF.:	Wisconsin Statutes
	Section 121.02(1)(i) [school district standard; safe and healthful facilities]
	Wisconsin Administrative Code
	COMM 32 [Bloodborne Pathogens Standard]
	Federal Regulations
	29 CFR 1910.1450 [Occupational Exposure to Hazardous Chemicals in Laboratories]
	20 CFR 1910.1200 [Hazard Communication Standard]
	NFPA 30 [National Fire Protection Association Flammable and Combustible Liquids Code]



CROSS REF.: 453.3-Rule(1), Emergency Care Procedures  
Policy 523.1, Staff Physical Examinations  
Policy 526, Personnel Records  
Policy 720, Safety Program  
Policy 823, Access to Public Records  
School Safety/Crisis Response Plan(s)

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

## Policy 731

### NORTH CAPE SCHOOL DISTRICT

#### FACILITY ACCESS AND SECURITY

When school is in session and during school-sponsored activities and events, access and security is the responsibility of the District Administrator or designee.

When school is not in session and there are no school-sponsored activities and events being conducted, facility access is limited to:

- Non-employees who are coaching and using school facilities consistent with the District's public use of school facilities policy or as approved by the District Administrator.
- Employees who are key holders and using school facilities consistent with the District's public use of school facilities policy or when approved by the District Administrator.

School custodians or the District Administrator are responsible for facility security when assigned to accommodate approved users of the facility.

Key holders assume responsibility for facility security when they use school facilities at times when the facility is not otherwise open. Key holder responsibility for facility security includes:

- Monitoring the entrance door when it is open;
- Locking and checking all doors are locked prior to leaving the facility;
- Inspecting all accessible portions of the building after usage;
- Reporting any damage to the District Administrator, maintenance personnel, or appropriate law enforcement; and
- Reporting the presence of any strangers or intruders in the building to the District Administrator, maintenance personnel, or appropriate law enforcement.

LEGAL REF.: Wisconsin Statutes  
Section 120.12(1) [school board duty to provide for proper care, control and management of school property]  
Section 120.13(1)(k) [school board power to adopt rules governing access to school facilities]  
Section 121.02(1)(i) [school district standard; safe and healthful facilities]

CROSS REF.: Policy 720, Safety Program  
Policy 731.1, Locker Room Privacy  
Policy 731.2, School Vandalism  
Policy 822, News Media Relations  
Policy 830, Public Use of School Facilities  
Policy 833, Public Conduct on School Property  
Policy 860, School Visitors on School Premises  
School Safety/Crisis Response Plan(s)

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

**Policy 731.1**

**NORTH CAPE SCHOOL DISTRICT**

**LOCKER ROOM PRIVACY**

The school locker room is provided for the use of physical education students, athletes, and other activity groups or individuals authorized by the District Administrator or District policy. The District shall take the following reasonable measures to protect the privacy of individuals using the school locker room:

- Under no circumstances may a person use a camera, video recorder, cell phone, or other recording device to capture, record, or transfer a representation of a nude or partially nude person in the locker room. Any other use of a camera, video recorder, or other recording device in the locker room requires the prior permission of the District Administrator or designated locker room supervisor, and the person being photographed, videotaped, or recorded.
- No media is allowed access to the locker room before, during or after any school athletic event or practice. Coaches and student athletes may be available for interviews directly outside the locker room, consistent with District policy and school rules.

Anyone who violates this policy shall be subject to school disciplinary action and/or penalties under state law.

The District Administrator or designated locker room supervisor, as applicable, shall be responsible for enforcing this policy.

A copy of this policy shall be distributed to all employees, published annually in the student handbook, and posted at the entrance to the school locker room.

LEGAL REF.: Wisconsin Statutes  
Section 120.13(35) [access to school buildings]  
Section 175.22 [privacy in locker room policy]  
Section 942.08 [invasion of privacy]  
Section 942.09 [representations depicting nudity]  
Section 995.50 [right of privacy]

CROSS REF.: 363.2-Rule, Student Acceptable Use of Technology Rules  
Policy 443, Student Conduct and Discipline  
Policy 443.5, Student Possession and Use of Personal Electronic Communication Devices  
Policy 830, Public Use of School Facilities  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

**Policy 731.2**

**NORTH CAPE SCHOOL DISTRICT**

**SCHOOL VANDALISM**

Because North Cape School and everything within its doors belongs to the community taxpayers, the School Board expects the students, staff and other members of the school community to protect the physical facilities and all school property from destruction and defacement.

The Board urges every citizen of the District, students, and members of the police department to cooperate in reporting any incidents of vandalism to property belonging to the District and the name(s) of the person(s) believed to be responsible. Each employee of the District shall report to the District Administrator every incident of vandalism known to him/her and, if known, the names of those responsible.

The District Administrator is authorized to sign a criminal complaint and to press charges against perpetrators of vandalism against school property, which includes school buses owned by a contractor, and is further authorized to delegate, as he/she sees fit, authority to sign such complaints and to press charges.

The Board shall cooperate fully with law enforcement agencies in their efforts to apprehend and punish such persons under criminal laws and will enforce school district disciplinary measures when applicable. The District Administrator is authorized to pursue the collection of damages through legal action when necessary.

Any student who damages, disturbs, or destroys school property is expected to make restitution to the District. A student may also be requested to cooperate and work with custodial personnel to help clean up any damage caused by the student. Students who violate District policy will be dealt with on an individual basis regarding appropriate discipline. A student involved in an act of vandalism is subject to one or more of the following disciplinary actions based upon the severity of the misconduct: warning and student conference, parent/guardian notification, detention, suspension from school, recommendation for expulsion, referral to law enforcement for disorderly conduct, criminal damage to property and other citable offenses. Students may also be subject to a loss of privileges (e.g., loss of technology use privileges due to vandalism to computers or technology network).

If a staff member is involved in an act of vandalism, he/she is subject to discipline up to and including the possibility of dismissal.

LEGAL REF.:	Wisconsin Statutes	
	Section 120.13(8)	[school board authority to establish a reward leading to apprehension of persons who damage school property]
	Section 895.035	[parental liability for acts of minor child, including liability for damages to property]
	Section 943.01	[damage to property]
	Section 943.017	[graffiti]
	Section 943.70	[computer crimes]

CROSS REF.: 731.2-Rule, Guidelines for Responding to Incidents of Vandalism  
Policy 443, Student Conduct and Discipline  
Policy 447.3, Student Suspensions/Expulsions  
Policy 656, Student Fees  
Policy 720, Safety Program  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

## NORTH CAPE SCHOOL DISTRICT

### GUIDELINES FOR RESPONDING TO INCIDENTS OF VANDALISM

To help school personnel respond to school property damages, the District has established the following procedures. The procedures make a distinction between major vandalism (more than \$25), minor vandalism (less than \$25), and accidental damage to school property.

**Major Vandalism:** When major vandalism to school district property occurs, the following will happen:

1. Immediately report the vandalism to the Racine County Sheriff's Department.
2. Take measures to make the property secure so as to prevent further damage or vandalism.
3. Report the vandalism to the District Administrator, School Secretary or Head Custodian.  
**{NOTE: The narrative report information was deleted from this item because similar information is addressed in item (6) below.}**
4. Make a preliminary assessment of the damage and property loss with the assistance of any and all available resources. Property repair estimated in each case must include costs of labor as well as materials.
5. Make whatever arrangements are necessary for the continuation of operation. It may be necessary, for example, to close one or more rooms for use after an act of vandalism.
6. Complete a vandalism report, in a narrative form, providing information on the name of the perpetrator; when the vandalism occurred (date, day of the week and time); when it was discovered (date, day of week and time); who discovered the damage (name and address); where the damage occurred and the extent of damage; whether the damage occurred at a regular school activity or at some other time; the estimated cost of repairing or replacing damaged property; how and where the building was entered and by whom; police department notification (when reported and to whom); fire department notification (how, when, and by whom); and any further information with respect to the vandalism incident.
7. Take appropriate disciplinary action based on the severity of the vandalism act. Disciplinary action will include referral to the Racine County Sheriff's Department for appropriate legal action: disorderly conduct, criminal damage to property, or other citable offenses.

**Minor Vandalism:** Follow through by the District Administrator or designee is expected in a timely manner with a full written report. The responsibility of the District Administrator is to give the appropriate disciplinary action and to collect any restitution from the responsible party.

**Accidental Property Damage:** When it is established that school property has been damaged by accident, without willfulness or malice, the District Administrator is expected to use regular District procedures for assessing the damage or loss and requisitioning its repair and replacement. This type of property damage is not considered vandalism.

REVISION AND NEW APPROVAL: August 21, 2017

**Policy 742**

**NORTH CAPE SCHOOL DISTRICT**  
**AUTHORIZED USE OF SCHOOL-OWNED EQUIPMENT**

All equipment within the District is purchased with the understanding that such equipment is necessary to achieve the educational or operational goals of the District. The District, however, respects the needs for the use of specialized equipment and/or furniture by the community from time to time during non-school hours.

School equipment and/or furniture may be allowed to be used by members of the public during non-school hours at the discretion of the person normally responsible for said equipment or furniture and/or the District Administrator as outlined below:

- School equipment and/or furniture may be authorized for use by individuals or groups within the school building as part of an approved public use of school facilities permit.
- Some school equipment and/or furniture (e.g., tables, chairs) may be authorized for use off school premises when it is not needed for school purposes. Such equipment and/or furniture must be officially checked out prior to use and upon return. Documentation shall be kept showing dates, locations and purposes of all off-site usage of school property. Individuals borrowing school equipment or furniture for off-site use shall be responsible for the safe return of it to the school.

LEGAL REF.: Wisconsin Statutes  
Section 120.13(17) [school board power to authorize the use of school facilities and equipment when it is not being used for school purposes]

CROSS REF.: 742-Exhibit, Off-Site/Off-Hours School Equipment/Furniture Usage Check-Out-Check-In Form  
Policy 830, Public Use of School Facilities

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

**NORTH CAPE SCHOOL DISTRICT**

**OFF-SITE/OFF-HOUR SCHOOL EQUIPMENT/FURNITURE USAGE  
CHECK-OUT/CHECK-IN FORM**

Equipment/furniture to be used: \_\_\_\_\_

\_\_\_\_\_

Name of Person using equipment or furniture: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Date equipment/furniture will be picked up: \_\_\_\_\_

Date equipment/furniture will be returned: \_\_\_\_\_

For what purpose will the equipment/furniture be used? \_\_\_\_\_

\_\_\_\_\_

Were there any problems with the equipment/furniture before, during or after you used it? If so, please describe what happened as best you can. Note any damage to equipment/furniture and possible cause.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Checked Out: \_\_\_\_\_

\_\_\_\_\_  
Signature of Person Checking Equipment/Furniture Out

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

\_\_\_\_\_  
Custodian Signature

REVISION AND NEW APPROVAL: August 21, 2017



## **NORTH CAPE SCHOOL DISTRICT**

### **STUDENT TRANSPORTATION SERVICES**

While the District is only legally required to provide transportation to and from school for students residing two or more miles from the public school they attend and for other students as specifically required by law, the School Board has determined, at its own discretion, to provide bus transportation to and from North Cape School for all students in grades Kindergarten (4-K and 5-K) through 8 residing in the North Cape School District. Private school students who are eligible for transportation shall be transported to the designated private school for their area in accordance with state law.

In addition to normal school day bus transportation for students, the District may provide for transportation of students in extracurricular activities.

The Bus Transportation Supervisor is responsible for coordinating and directing all bus schedules and routes. The Bus Transportation Supervisor will be responsible for maintaining an electronic database of students and routes. The electronic database of students and routes will be a current, up-to-date listing that will be made available to the District Administrator or his/her designee upon request. In directing the bus services, the Bus Transportation Supervisor shall make decisions which further the interests of the students and the goals of the District. The Bus Transportation Supervisor shall develop rules and procedures for the safe and efficient operation of the bus transportation services. These rules and procedures shall be reproduced and distributed to the parents/ guardians of all students attending school in the North Cape School District and shall be posted on the District's website. All rules and procedures are subject to the approval of the District Administrator.

At this time, the District neither owns nor leases any school busses, and no District employee operates a school bus as part of his/her regular duties. Accordingly, all student transportation via school bus involves a contracted service provider. The following provisions concern contracted service providers (not including individual parent contracts) that provide student transportation services for the District:

1. For daily student transportation to and from school using school busses, the District will contract with a service provider that the Board determines is in the best interests of the District. The contracting process will involve the periodic solicitation of bids or requests for proposals.
2. Each transportation contract shall require the service provider to ensure that the drivers and vehicles used for student transportation meet the requirements established under state or federal law, Board policy, or the contract itself. Such requirements shall include but are not limited to ensuring proper licensure, verifying all aspects of operator eligibility, providing operator training, maintaining appropriate insurance, conducting vehicle inspections, and monitoring vehicle operation.

**Policy 751**  
**Page 2**

3. The contracted provider (via the contracted party, the contractor's driver, and/or any other employee of the contractor who may be assigned to provide services under the contract) shall have responsibility to supervise the students who are being transported and shall have the authority to enforce rules and directives and to monitor and appropriately respond to student conduct, except that the contractor is not delegated final authority to suspend or revoke a student's ability to receive/use District-provided transportation services. Further, nothing in this paragraph prevents the District from choosing to exercise concurrent supervisory authority through its officers or employees in any situation.
4. If a student or parent or guardian has a concern about a third-party contractor or any other individual involved in the provision of student transportation services who is not a District employee or a concern about the transportation service provided (e.g., bus routes, bus stops, safety standards), the student or parent or guardian is expected to notify and work with the third-party contractor to resolve the issue. Concerns regarding student behavior on the bus or while loading the bus should be directed to the District Administrator.

LEGAL REF.: Wisconsin Statutes  
Subchapter IV of Chapter 121 [student transportation and transportation aid]  
Section 340.01 (56) [state law definition of school bus]  
Wisconsin Administrative Code  
PI 7 [unusually hazardous areas; parent contracts]  
TRANS 300 [state rules governing the transportation of school children, including  
driver and passenger requirements]  
Section 504 of the Rehabilitation Act of 1973 [programs/services for handicapped  
students]  
Individuals with Disabilities Education Act (IDEA) [programs/services for students  
with disabilities]  
McKinney-Vento Homeless Assistance Act [equal access for homeless students;  
includes transportation provisions]  
Omnibus Transportation Employee Testing Act of 1991 [alcohol and controlled  
substances use and testing requirements for individuals holding commercial  
drivers' licenses]

CROSS REF.: Policy 352, Field Trips  
Policy 370, Extracurricular Activities (including Interscholastic Athletics)  
Policy 411.3-Rule, Procedures for Providing Transportation for Children in Out-of-  
Home Care (Foster Care)  
420-Rule(2), Procedures for Enrollment and Placement of Homeless Children and  
Youth  
Policy 423, Full-Time Open Enrollment  
Policy 443.2, Student Conduct on School Buses  
443.2-Rule, Bus Rider Conduct and Discipline Rules  
Policy 723.3, Emergency School Closings  
Policy 751 .2, Transportation in Private Vehicles  
Policy 751 .21, Video Cameras on School Buses

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

## Policy 751.21

### NORTH CAPE SCHOOL DISTRICT

#### VIDEO CAMERAS ON THE SCHOOL BUS

The North Cape School Board approves the use of video cameras on all school buses for the primary purpose of reducing disciplinary problems and vandalism on the bus. In turn, this allows the bus driver to focus on driving the bus and providing safe transportation for students.

Parents/guardians shall be notified once a year that video cameras are being used on the buses.

The bus company shall determine the rotation as to which bus a video camera shall be located and maintain a log to include the date, bus number and driver. Bus drivers do not need to be informed as to which bus a video camera is operating. Individual drivers and the District Administrator may request that the video camera be on a specific bus at designated times. Parents/guardians may contact the District Administrator and request that a video camera be utilized on a specific bus.

Only the bus company, bus driver, the District Administrator or designee shall be authorized to view the videotape for the purpose of documenting a problem, and determining which student(s) may be involved. Disciplinary action may be taken with students based on video documentation. If a student is being disciplined (suspended or expelled) based on the viewing of videotape recording, the parent/guardian may view that isolated segment of the videotape that documents the incident the student is being disciplined for. The bus company or District Administrator shall view the videotape with the student and/or parent or guardian and document the date and names of all individuals viewing the tape.

Videotapes, which are used as documentation in a student behavior/discipline incident (suspension or expulsion), will be maintained consistent with the record retention periods for student discipline records outlined in the Wisconsin Records Retention Schedule for School Districts, which has been adopted by the North Cape School Board.

LEGAL REF.: Wisconsin Statutes  
Chapter 19, Subchapters II and IV [access to and management of public records]  
Section 118.125 [student records]  
Section 120.13(1) [school board power to make rules pertaining to student conduct to maintain good decorum]  
Section 121.52(1) [school board authority to adopt rules for the protection of students or to govern the conduct of the person in charge of the motor vehicle used for transportation of students]  
Family Educational Rights and Privacy Act (FERPA) [confidentiality of student records]

CROSS REF.: 347-Rule, Procedures for the Maintenance and Confidentiality of Student Records  
Policy 443, Student Conduct and Discipline  
Policy 443.2, Student Conduct on School Buses  
443.2-Rule, Bus Rider Conduct and Discipline Rules

Policy 447.3, Student Suspensions/Expulsions  
Policy 751, Student Transportation Services  
Policy 823, Access to Public Records  
Wisconsin Records Retention Schedule for School Districts

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

## Policy 751.5

### NORTH CAPE SCHOOL DISTRICT

#### TRANSPORTATION BY PRIVATE VEHICLE

The School Board recognizes the need for some school employees, or other persons serving in an official capacity, to use their own motor vehicle for school purposes. To safeguard the District, employees and students in matters of liability, particularly as it relates to the transporting of students, the following policy guidelines will be observed:

1. District employees or other persons serving in an official capacity shall have the written permission of the District Administrator, or designee, in order to use a private motor vehicle for school purposes. Permission may only be granted if the person providing transportation has satisfactorily met all District and state law requirements.
2. The District shall assume no responsibility for liability in case of an accident, unless the employee or other person serving in an official capacity has obtained the necessary authorization. In all cases, however, the driver's automobile insurance is the primary carrier, with the District insurance being secondary. Proof of insurance must be provided. The minimum insurance policy limits that must be carried are: \$300,000 combined single limit (CSL) liability, \$100,000/\$300,000 bodily injury, and \$10,000 property damage.
3. Transportation by private vehicle shall be strongly discouraged and shall be used only when no other transportation is available. No District employee shall be required to transport students and any employee may refuse to do so.
4. The vehicle operator must meet all of the qualifications required by state law and as outlined in the District's procedures implementing this policy. The requirements include possessing a valid operator's license, meeting age requirements, submitting to required criminal background checks, submitting to motor vehicle record checks, having sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator, and submitting the required medical opinion stating that he/she is not afflicted with or suffering from any mental or physical disability or disease such as to prevent the operator from exercising reasonable control over a motor vehicle. In addition, the vehicle operator must provide written evidence of having an annual inspection of the vehicle in compliance with state law.
5. The vehicle may not be used to transport more persons than can be seated on the permanently mounted seats facing forward without interfering with the operator. The driver and all passengers must wear seat belts at all times.
6. Any student under the age of eight (8) must be restrained in compliance with state law in a safety restraint system that is appropriate to the child's age and size (i.e., car seat, booster seat) that meets the standards established by the Wisconsin Department of Transportation (DOT).
7. Drivers must refrain from the use of alcoholic beverages or controlled substances (any drug or medicine which may impair the ability of the driver to perform safely) for a period of not less than 24 hours prior to the transportation of students.

8. Any individual who has been approved on an annual basis to operate a motor vehicle to transport students must report to District Administrator or designee in writing within three (3) days of the occurrence of any accident in which the individual was involved as the operator of a motor vehicle, regardless of whether the individual was issued a uniform traffic citation or charged with any offense or any suspension or revocation of the individual's operating privileges.

LEGAL REF.: Wisconsin Statutes  
Section 110.075 [motor vehicle inspection]  
Section 121.52 [vehicle, operator and driver requirements]  
Section 121.53 [school bus insurance]  
Section 121.54 [transportation by school districts]  
Section 121.55 [methods of providing transportation]  
Section 121.555 [alternative methods of providing transportation]  
Chapter 347 [equipment of vehicles]  
Wisconsin Administrative Code  
Trans 305 [standards for vehicle equipment]

CROSS REF.: 751.5-Rule, Procedures for Transporting Students in Private Vehicles  
751.5-Exhibit(1), Driver Record Validation Request  
751.5-Exhibit(2), Insurance Requirements and Vehicle Inspection Form  
751.5-Exhibit(3), Medical Opinion Verification of Fitness to Drive Vehicle to  
Transport Students  
Policy 352, Field Trips  
Policy 353.1, School Volunteers/Chaperones  
Policy 751, Student Transportation Services  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

## NORTH CAPE SCHOOL DISTRICT

### PROCEDURES FOR TRANSPORTING STUDENTS IN PRIVATE VEHICLES

Before a District employee or adult volunteer is given permission by the District Administrator to transport students in a private vehicle for school purposes, the District Administrator or designee shall (1) secure written statements from the driver of the vehicle which indicate that the driver is in compliance with state law provisions relating to student transportation in private vehicles, and (2) notify the individual of his/her responsibilities (including using seat belts) as the driver of the vehicle. Employees and other individuals who do not sign the required forms and submit them to the District shall not be allowed to transport students in their private vehicles for school purposes.

The forms for requesting to have an individual validated to drive students in a private vehicle for school purposes may be obtained in the District Office. The forms must be filled out completely and submitted to the District Administrator's Administrative Assistant or the District Bookkeeper. Only those individuals who have been validated and whose names appear on the list located in the District Office are allowed to transport students in private vehicles for school purposes.

#### **Vehicle Operator Requirements**

Employees and other individuals transporting students in private vehicles for school purposes must:

1. Possess a valid Wisconsin operator's license or a valid operator's license issued by another jurisdiction, as defined by state law.
2. Be between 18 and 70 years of age.
3. Submit to a criminal background check on an annual basis.
4. Submit to a Motor Vehicle Record (MVR) check on an annual basis.

The "Driver Record Validation Request" form [751.5-Exhibit(1)] must be completed annually and forwarded to the District Office for approval and signature. This form will be used to determine eligible drivers. The Administrative Assistant or Bookkeeper will request driving records from the Department of Motor Vehicles (DMV). Based on information obtained from the DMV, the following criteria shall be used to determine if the individual is an approved driver:

The individual shall not have: (a) any moving violations within the past 24 months; (b) received a major moving violation, such as reckless driving, operating while intoxicated, etc. in the last seven years; or (c) had more than three (3) or more preventable accidents or minor moving violations over the most recent five (5) year period.

A maximum of 60 points is allowed and anyone with more than 60 points will not be eligible to drive students to or from school-sponsored events/activities.

**751.5-Rule**  
**Page 2**

Any individual who has been approved on an annual basis to operate a private vehicle for school purposes (including transporting students) must report to the District Administrator or designee, in writing, within three (3) days of the occurrence of any accident in which the individual was involved as the operator of a motor vehicle, regardless of whether the individual was issued a uniform traffic citation or charged with any offense or any suspension or revocation of the individual's operating privileges.

5. Have on file in the District Office a "Medical Opinion Verification of Fitness to Drive Vehicle to Transport Students" form [751.5-Exhibit(3)] stating that the operator is not afflicted with or suffering from any mental or physical disability or disease such as to prevent the operator exercising reasonable control over a motor vehicle. This medical opinion must be updated at least every three years.
6. Have sufficient use of both hands and foot normally employed to operate the foot brake and foot accelerator. The District Administrator may waive this requirement if the operator has sufficient use of one hand to safely operate the vehicle in which the District Administrator proposes the operator use, as substantiated by a special driving examination conducted by the Wisconsin Department of Transportation (DOT).

**Vehicle Requirements**

Employees and other individuals transporting students in private vehicles for school purposes must:

1. Have an Annual Vehicle Inspection.
2. Provide Proof of Insurance Coverage - Employees or adult volunteers who transport students in their private vehicles must carry the following minimum insurance policy limits: \$300,000 combined single limit (CSL) liability, \$100,000/\$300,000 bodily injury, and \$10,000 property damage.

An "Insurance Requirements and Vehicle Inspection" form [751-Exhibit (2)] must be completed and submitted to the District Office annually.

REVISION AND NEW APPROVAL: August 21, 2017

REVISED:



**NORTH CAPE SCHOOL DISTRICT**

**DRIVING RECORD VALIDATION REQUEST**

***{All drivers who will be transporting students in private vehicles must complete this form annually and return it to the District Office for validation.}***

I hereby request the Department of Motor Vehicles (DMV) to validate my driving record to the North Cape School District so that I may qualify to act as a driver of a vehicle transporting students to and from school-sponsored events, activities, tutoring, etc. as required by section 121.555 of the state statutes.

I understand that the DMV will be checking my driving record for the past five years.

In the past three years:

- I have had a moving violation.
- I have not had a moving violation.

In order to drive students, your record must be free from any convictions for driving under the influence of alcohol or drugs for the past five years.

- I have been convicted of driving under the influence of alcohol or drugs.
- I have never been convicted of driving under the influence of alcohol or drugs.

Signed \_\_\_\_\_

**PLEASE PRINT OR TYPE INFORMATION REQUESTED BELOW:**

Name (as it appears on license):	
Address:	
Driver License No.:	
Date of Expiration:	State:
Date of Birth:	

**PLEASE ALLOW AT LEAST ONE WEEK TO PROCESS**

Signature of District Administrator:
Date:

(over)

**FOR OFFICE USE ONLY – DO NOT WRITE IN FORM BELOW**

AGE	DRIVING VIOLATIONS (3-YR PERIOD)	ACCIDENTS P AND NP (3-YR PERIOD)	MAJOR CONVICTIONS	OTHER/CONVICTION/ ACCIDENTS
Under 25 or over 65 25 points	Four or More 50 points	Three or More 50 points	Under the influence of alcohol or drugs.  <b>Cannot drive students for five years.</b>	For moving violations: A conviction and an accident arising out of the same occurrence are considered as one occurrence.  20 points each
25-34 5 points	Three 40 points	Two 30 points	License suspension 50 points	
	Two 20 points	One 20 points	Driving while license suspended 50 points	
			Hit and Run 50 points	

Points \_\_\_\_\_

MAXIMUM ALLOWABLE – 60 POINTS

REVISION AND NEW APPROVAL: August 21, 2017

**751.5-Exhibit(2)**

**NORTH CAPE SCHOOL DISTRICT**

**INSURANCE REQUIREMENTS & VEHICLE INSPECTION**

*{All drivers who will be transporting students in private vehicles must complete this form annually and submit it to the District Office.}*

Owner/Insured:
Year and Make of Vehicle:
Insurance Company:
Policy No:

**INSURANCE COVERAGE IS AT OR ABOVE THE FOLLOWING LIMIT:**

	Property damage coverage with a limit of not less than \$100,000.
	Bodily injury coverage with limits of not less than \$100,000 per person and \$300,000 per accident.
	Written evidence verifying that vehicle is inspected annually.

**VEHICLE INSPECTION:** Annual inspection of vehicle shall be made in compliance with section 110.75 of the state statutes. The owner of the vehicle shall be responsible for the annual inspection. The inspection shall include the following:

		Operates Correctly	Needs Correction	Comments
1	Lights			
	High Beam			
	Low Beam			
	Parking Lights			
	Brake Lights			
	Tail Lights			
2	Signal Lights			
	Front Left			
	Front Right			
	Back Left			
	Back Right			
3	Horn			
4	Windshield Wipers			
5	Tires			
6	Test Drive Brakes			
7	Additional Comments:			

Inspection Date:	Inspector:
------------------	------------

REVISION AND NEW APPROVAL: August 21, 2017

**NORTH CAPE SCHOOL DISTRICT**

**MEDICAL OPINION VERIFICATION OF FITNESS TO  
DRIVE VEHICLE TO TRANSPORT STUDENTS**

NAME \_\_\_\_\_ BIRTHDATE \_\_\_\_\_

DISTRICT EMPLOYEE

NON-DISTRICT EMPLOYEE

ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

*I certify that I am authorized within my scope of professional practice to conduct a general physical examination of a patient and that I have conducted a general physical examination of the individual identified above on this form within the past three months of the date of this certification. Based on the results of that general physical examination, the individual's own representations about his/her current health, and any other relevant information of which I have knowledge, it is my opinion that the individual identified above on this form:*

- (1) has sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator for purposes of operating a motor vehicle; and*
- (2) is not afflicted with or suffering from any known vision impairment or any known mental or other physical disability or disease such as to prevent the individual from operating and exercising reasonable control over a motor vehicle.*

HEALTH CARE PRACTITIONER \_\_\_\_\_ DATE \_\_\_\_\_

(Signature)

NAME \_\_\_\_\_

(Please print name)

BUSINESS ADDRESS \_\_\_\_\_

**NOTE: This verification must be renewed *every three (3) years* and filed with the District Office of the North Cape School District. The form shall be maintained in a confidential medical file. For employees, it will be kept separate from the employee's general personnel file.**

**Policy 760**

**NORTH CAPE SCHOOL DISTRICT**

**FOOD SERVICES MANAGEMENT**

The School Board shall contract with a private firm to manage the District's food service program. All cafeteria food supply items shall be purchased as part of the contract with the private food service management company selected by the Board. The contractor will be encouraged to use local suppliers if at all possible.

While the District does not currently participate in federally-funded school meal programs, the District does participate in the Wisconsin School Milk Program and shall comply with requirements of that program.

The Board shall approve the prices for school meals and the price of milk. The District shall provide reduced price meals for students who qualify.

The District shall not discriminate in school-sponsored food service programs on the basis of a person's sex, race, age, religion, national origin, homelessness status, color, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap. Discrimination complaints shall be processed in accordance with established procedures.

LEGAL REF.: Wisconsin Statutes  
Section 97.59 [restrictions on handling foods]  
Section 97.33 [school lunchroom management food protection practices certificate requirement]  
Section 115.343 [Wisconsin school day milk program]  
Section 118.13 [student nondiscrimination]  
Section 120.10(16) [annual meeting authority to direct the board to provide student lunches]  
Section 120.13(10) [authority to expend funds for a food service program and to charge students and employees for such meals]  
Wisconsin Administrative Code  
PI 9.03(1)(i) [policy requirement to address nondiscrimination in relationship to school-sponsored food service programs]

CROSS REF.: Policy 411, Equal Educational Opportunities  
411-Rule, Student Discrimination Complaint Procedures  
Policy 656, Student Fees

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

## Policy 771.1

### NORTH CAPE SCHOOL DISTRICT

#### USE OF COPYRIGHTED MATERIALS

The School Board intends and expects that copyright laws will be observed in the District. Specifically, no person shall unlawfully duplicate, reproduce, distribute, or display copyrighted materials in connection with any District-sponsored activity, on District property, or using District equipment or technology resources. In addition, only appropriately licensed software, programs, and applications shall be used with the District's technology resources or to otherwise conduct District programs or operations.

The Board directs the District Administrator (1) to implement initiatives intended to inform staff members and students about the appropriate use of copyrighted materials; and (2) to promote consistent adherence to applicable requirements and guidelines. District guidelines shall describe the general boundaries of the limited "fair use" exception that is found in the copyright law (e.g., guidelines for staff for the recording and use of broadcast programming for educational purposes) and may include such other information as the District Administrator deems appropriate.

The Board expects all staff members and students to follow applicable legal requirements and District guidelines as to the use of copyrighted materials of all types and formats (including materials in electronic/digital formats). Any staff member or student who is uncertain as to whether reproducing or using copyrighted material is permissible under the law should contact the District Library Media Specialist. The District Library Media Specialist will provide guidance for the staff member or student in obtaining the information needed as to whether the reproduction or use of copyrighted material is within the "fair use" guidelines. Staff members and students will be assisted in obtaining proper authorization to copy or use protected material when necessary. The District Technology Coordinator shall be responsible for maintaining records regarding software licensing agreements.

Possible violations of copyright laws occurring within the District may be brought to the attention of the District Administrator or his/her designee. The District Administrator or designee shall then ensure that any confirmed violation is promptly remedied.

Copyright violations can lead not only to District-imposed consequences but also to legal consequences. To the extent consistent with applicable law, a person who commits copyright infringement while using District equipment may incur individual and personal liability for their actions.

There shall be a posting located near each District copy machine reminding students and staff to follow applicable federal copyright laws. All staff and students shall be informed annually, via the employee and student handbooks, that violation of copyright laws is a breach of District policy and is an illegal activity.

LEGAL REF.: Wisconsin Statutes  
Section 943.70 [computer crimes]  
Federal Laws  
Title 17 U.S.C. [use and copying of copyrighted materials, including "fair use"]  
Digital Millennium Copyright Act [digital rights management]

CROSS REF.: 771.1-Rule, Copyright Guidelines  
361.1-Rule, Procedures for the Selection and Reconsideration of Textbooks and  
Other Classroom Instructional Materials  
Policy 362.1, Interlibrary Loan  
Policy 363.2, Internet Safety and Acceptable Use of Technology  
363.2-Rule, Student Acceptable Use of Technology Rules  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISED:

## NORTH CAPE SCHOOL DISTRICT

### COPYRIGHT GUIDELINES

#### A. Definitions

1. "Copyright" – Copyright is a right granted by Congress to the author or originator of certain literary or artistic productions whereby his/her works are protected for a period of his/her lifetime, renewable for an additional 70 years, with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them.

Copyright protection exists for original works of authorship fixed in any tangible medium of expression, now known or later developed, from which the works can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include the following categories:

- a. Literary works
- b. Musical works, including any accompanying words
- c. Dramatic works, including any accompanying music
- d. Pantomimes and choreographic works
- e. Pictorial graphic and sculpture works
- f. Motion pictures and other audiovisual works
- g. Sound recordings

A work is protected by the copyright law from the moment of its creation; however, the right cannot be enforced in the courts until the work is registered with the U.S. Copyright Office.

#### B. Fair Use

Under the "fair use" doctrine, unauthorized reproduction of copyright materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research. In determining whether the use of a work in a particular case is "fair use", the following four criteria must be met.

1. **The Purpose and Character of the Use (commercial or educational)** – The use must be for such purposes as teaching or scholarship, and must be non-profit. "Fair use" would probably allow teachers acting on their own to copy small portions of a work for the classroom, but would not allow a school system or institution to do so.
2. **The Nature of the Copyrighted Work (textbook, workbook, tests, poetry, art work, song, novel)** – Copying portions of a news article may fall under "fair use", but not copying of a workbook designed for a course of study.
3. **The Amount and Substantiality of the Portion Used (How much is being copied? How many copies)** – Copying the whole of a work cannot be considered fair use; copying a small portion may be.



4. **The Effect of the Use Upon the Potential Market for or Value of the Copyrighted Work (Is the owner being denied potential financial return?)** – If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials is an infringement, and making multiple copies presents the danger of greater penalties.

These four criteria provide only general minimal standards, however, and each situation must be decided on the basis of its own facts.

### C. **Single Copying for Teachers**

A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class.

1. A chapter from a book
2. An article from a periodical or newspaper
3. A short story, short essay or short poem, whether or not from a collective work
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper

### D. **Multiple Copies for Classroom Use**

1. Allowed

Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- a. The copying meets the tests of brevity and spontaneity.
  - In general, brevity limits poems to 250 words, complete prose works to 2,500 words, prose excerpts to 1,000 words, and illustrations to one per book or periodical.
  - Spontaneity requires that the copying be at the “instance and inspiration” of the individual teacher and that this inspiration to copy makes it unreasonable to expect a timely reply for a permission request.

- b. Meets the cumulative effect test.

Cumulative effect limits the number of copies that can be made. These limits require that the copies made may only be used for one course and that no course can have over nine instances of multiple copying per term. In addition, only one complete work or two excerpts per author are allowed per term. Note that these limitations do not apply to current news.

- c. Each copy includes a notice of copyright (for example, Copyright 2017 by \_\_\_\_\_) along with an appropriate citation.

**771.1-Rule  
Page 3**

2. Not Allowed

- a. The creation of anthologies or compilations
- b. Copying from “consumables” like workbooks
- c. Copying to substitute for purchase
- d. Copying must not be directed by a higher authority, repeated from term to term, or charged to students beyond the cost of photocopying. Teachers who plan to use a work repeatedly should obtain permission.

**E. Music for Educational Use**

1. Allowed

The music guidelines represent the minimum standards of five permissible uses for music:

a. For *sheet music*

- Emergency copying (providing replacement copies are purchased)
- Excerpts of no more than 10% of the whole work
- Editing as long as the fundamental character of the work is not distorted or lyrics altered or added.

b. For *sound recordings*:

- A single copy of student performances may be made for evaluation or rehearsal purposes
- A single copy of copyrighted music owned by the school or the individual teacher may also be made, as long as it is only for aural exercises or examinations.

2. Not Allowed

- a. Like the Classroom Use copying guidelines, the creation of anthologies or compilations, copying from “consumables” like workbooks, and copying to substitute for purchase are prohibited.
- b. Emergency copying is the only allowable use of copying for performances and all copies made must include the copyright notice and a citation.

**F. Off-Air Recording for Educational Purposes**

1. Educational TV Network

**771.1-Rule**  
**Page 4**

An instructor may use all the programs aired on the Wisconsin Educational Television Network (for example, WPNE Channel 13, PBS Channel 38, WMVT Channel 36, WMVS Channel 10). Each program has its own individual use rights; either seven-day, school year, or extended. See *Parade of Programs* for use rights.

Another educational television resource used by teachers for instructional purposes is *Cable in the Classroom* programming. Again, each program has its own individual use rights as specified in the publication *Salem Learning*.

2. Commercial TV Network

- a. The guidelines allow off-air tapes to be held for a 45-calendar day retention period.
- b. During the first 10 consecutive school days, the tapes may be used once in teaching activities and repeated once for reinforcement.
- c. After the first 10 days, the tapes can only be used for teacher evaluation purposes.
- d. At the end of the 45-day retention period, the tapes must be erased. Note that *Cable in the Classroom* programs offer extended copyright clearances.

In addition, the taping can only be made at the request of individual teachers – no advance taping in anticipation of requests is allowed. With restrictions, a limited number of copies can be made. The recorded programs may not be altered or included in anthologies or compilations. And, finally, the recording must include the copyright notice and a citation.

**G. Library and Classroom Use of Copyrighted Videotapes**

1. Allowed

Section 110(1) of the Copyright Act permits the performance or display of any copyrighted work either owned by the teacher or school district in face-to-face teaching activities without having to obtain a public performance license if certain conditions are met.

- a. This section requires that the performance or display of a copyrighted work take place in a classroom or similar place of instruction (such as a school library).
- b. The performance or display must be directly related to the curriculum.
- c. The copyright law contains an exception which allows the lawful use of "home use only" video recordings for public performance or display without the permission of the copyright owner.

2. Not Allowed

The performance or display must not be connected with recreation or a reward. For example, treating a class to a movie (unrelated to course content) would require obtaining permission.

**H. Duplication of Videotapes**

Under limited circumstances libraries may duplicate videotapes. According to Section 108(h), videotapes may be reproduced if certain conditions are met.

1. It serves the purpose of preservation, scholarship or research.
2. It is housed in the library.
3. A copy of the work cannot be obtained at a reasonable price.

**I. Library and Classroom Use of Computer Software and Courseware**

1. Section 117 of the Copyright Law, "Limitations on exclusive rights: computer programs," permits the owner of a computer program to make another copy of adaptation of the program for archival (backup) purposes.
2. In addition, computer programs are covered by Section 107, "Limitations on exclusive rights: Fair Use". Nonprofit libraries under Section 109(b)(2), providing a warning of copyright is affixed to the program, may also lend computer programs.
3. However, if the computer program is licensed, refer to the license agreement: *limitations on exclusive rights* can be overridden by contract. By installing or using a licensed software product, the user will be legally bound by the agreement. This stresses the need to review the *terms and conditions* of license agreements, especially clauses relating to permitted uses, prohibited uses, restrictions, and copying limitations. In certain circumstances, negotiating objectionable terms with the publisher may be recommended.
4. Loaning Software
  - a. Copyright notice placed on a software label should not be obscured.
  - b. License terms, if any, should be circulated with the software package.
  - c. To assist copyright owners in preventing theft, the library may add an additional notice.
  - d. Libraries generally will not be liable for infringement committed by borrowers.

5. In-Library and In-Classroom Use

- a. License restrictions, if any, should be observed
- b. If only one program is owned under license, ordinarily it may only be used on one machine at a time.
- c. Most licenses do not permit a single program to be loaded into a computer, which can be accessed by several different terminals, or into several computers for simultaneous use.
- d. If the machine is capable of being used by a patron to make a copy of a program, a warning should be posted on the machine.

**J. Library and Classroom Use of the Internet**

1. Educators and students are advised to exercise caution in using digital material downloaded from the Internet in producing their own educational multimedia projects because there is a mix of works protected by copyright and works in the public domain on the network.
2. Access to works on the Internet does not automatically mean that these can be reproduced and reused without permission or royalty payment and, furthermore, some copyrighted works may have been posted to the Internet without authorization of the copyright holder.
3. Internet users should also refer to the School District of North Cape's Board Policy #363.2, Acceptable Use Policy and related acceptable use rules.
4. Because the Copyright Law and related guidelines have not specifically addressed this new technology, the best strategy is to apply the existing law, especially the "fair use" doctrine, to the Internet.
  - a. Face-to-face teaching activities permit the display of copyrighted works, including web pages, in classrooms and similar places devoted to instruction. Downloading a webpage and storing it for use in an offline browser, however, requires obtaining permission from the site's webmaster.
  - b. Copying Internet materials to paste onto a school webpage or incorporate into a multimedia project also requires obtaining permission. Emailing a site's webmaster is a good way to seek permission. Be sure to save a record of the email correspondence.
  - c. Always properly credit your sources.

**K. Library and Classroom Use of Multimedia**

1. An educational multimedia project is a project which incorporates students' or educators' original material, such as course notes or commentary, together with various copyrighted media formats including but not limited to, motion media, music, text material, graphics, illustrations, photographs and digital software which are combined into an integrated presentation.
2. While these guidelines refer to the creation and use of educational multimedia projects, readers are advised that in some instances, other "fair use" guidelines such as those for off-air taping may be relevant.
3. Allowed
  - a. Students may perform and display their own educational multimedia projects for the course for which they were created and may use them in their own portfolios as examples of academic work.
  - b. Educators may perform and display their own education multimedia projects for face-to-face instruction, assigning to students for directed self-study, peer conferences, and professional portfolios.
4. Limitations
  - a. Time: Educators may use their projects for teaching courses for two years. Use beyond that time period requires obtaining permission for each copyrighted portion.
  - b. Portion: Portions are generally specified "in the aggregate", meaning the total amount that can be used from a single copyrighted work.
  - c. Motion Media: Up to 10% or 3 minutes, whichever is less, from a single copyrighted work.
  - d. Text Material: Up to 10% or 1000 words, whichever is less, from a single copyrighted work. Special limitations are placed on poems.
  - e. Music, Lyrics, and Music Video: Up to 10%, but in no event more than 30 seconds, of the music and lyrics from an individual musical work.
  - f. Illustrations and Photographs: No more than 5 images by an artist or photographer. From a published collective work, no more than 10% or 15 images.
  - g. Data Sets: Up to 10% or 2500 fields or sell entries from a database or table.
  - h. Copying and Distribution: There may be no more than two copies, only one of which can be placed on reserve. An additional copy may be made for preservation (backup) purposes.

5. Educators and students must seek individual permissions for all copyrighted works incorporated in their educational multimedia projects for non-educational or commercial purposes, duplication beyond guidelines limitations, and for distribution over an electronic network.
6. Important Reminders
  - a. Exercise caution in using digital material downloaded from the Internet. Some copyrighted works cannot be reused without permission or royalty payment. Also, many websites contain material posted without authorization from the copyright holder.
  - b. Credit the sources and display the copyright notice and copyright ownership information; this information may be shown in a credit section.
  - c. A notice that "certain materials are included under the 'fair use' exemption of the U.S. Copyright Law and have been prepared according to the educational multimedia fair use guidelines and are restricted from further use", must be included on the opening screen of the multimedia project and any accompanying print material.
  - d. Alterations of copyrighted works must support specific instructional objectives. Make note that alterations have been made.
  - e. Fair use guidelines do not preempt or supersede license agreements and contractual obligations.

REVISION AND NEW APPROVAL: August 21, 2017

REVISED: