

## NORTH CAPE SCHOOL DISTRICT

### EQUAL OPPORTUNITY EMPLOYMENT

The District is committed to equal employment opportunity in its personnel practices. Hiring and administration shall be conducted so as not to illegally discriminate against any applicant or employee on the basis of age, race, national origin, color, ancestry, creed, religion, political or religious affiliation, sex, sexual orientation, disability, citizenship, marital status, pregnancy, arrest or conviction record, military service, use or nonuse of a lawful product off school premises during nonworking hours, declining to attend a meeting or to participate in any communication about religious matters or political matters, the authorized use of family or medical leave or worker's compensation benefits, genetic information, or any other reason prohibited by applicable law.

Reasonable accommodations shall be made for qualified individuals with a disability, unless such accommodations would impose an undue hardship on the District. A reasonable accommodation is a change or adjustment to job duties or work environment that permits a qualified applicant or employee with a disability to perform the essential functions of a position or enjoy the benefits and privileges of employment compared to those enjoyed by employees without disabilities. Employees desiring a reasonable accommodation should make such a request in writing to the District Administrator or his/her designee.

The District shall also accommodate the religious practices of an employee to the extent required by law.

Complaints regarding the interpretation or application of this policy shall be referred to the District Administrator and processed in accordance with established procedures. The Board encourages the informal resolution of complaints. Notice of this policy shall be given in accordance with state and federal laws.

LEGAL REF.: Wisconsin Statutes  
Section 111.31 [declaration of fair employment policy]  
Section 111.321 [prohibited basis for discrimination]  
Section 111.322 [discriminatory actions prohibited]  
Section 118.195 [discrimination against handicapped teachers]  
Section 118.20 [teacher/administrator discrimination prohibited]

#### Federal Laws and Regulations

Title IX, Education Amendments of 1972 [sex discrimination in employment in educational programs]  
Title VII of the Civil Rights Act of 1964 [employment discrimination based on race, color, religion, sex and national origin]  
Section 504 of the Rehabilitation Act of 1973 [employment discrimination based on handicap; reasonable accommodations]  
Age Discrimination Act of 1967 [age discrimination in employment]  
Pregnancy Discrimination Act [pregnancy discrimination in employment]  
Americans with Disabilities Act of 1990 [disability discrimination in employment; reasonable accommodations]

**Policy 511**  
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Genetic Information Nondiscrimination Act of 2008 [employment discrimination based on genetic information]

Uniformed Services Employment and Reemployment Rights Act (USERRA) [employment discrimination on the basis of military service]

Immigration and Nationality Act (Title II, Chapter 8, Act 274B) [employment discrimination based on national origin and citizenship status]

CROSS REF.: 511-Rule, Employee Discrimination/Harassment Complaint Procedures  
Policy 512, Employee Harassment and Bullying  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: October 31, 2016

REVISED:

## NORTH CAPE SCHOOL DISTRICT

### EMPLOYEE DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURES

An employee, former employee or applicant for employment who believes that any part of the school organization has violated any law prohibiting discrimination or harassment based on a legally protected status in the workplace (including provisions prohibiting employer retaliation in connection with such laws) or that there has been a violation of the District's equal opportunity employment or harassment/bullying policy may bring forward a complaint as outlined below:

Any person presenting a report or complaint under these procedures who has concerns about safety, confidentiality, or retaliation should discuss those concerns with the designated complaint officer as early as possible in the process — preferably at or even prior to the time that a detailed report or complaint is filed.

In conjunction with the District's receipt of notice of any report or complaint of alleged discrimination, harassment, bullying, or retaliation under these procedures, the District shall consider (and a complainant may affirmatively request consideration of) any interim measures that should be taken before the final outcome of an investigation (e.g., safety planning or other steps needed to protect the complainant).

#### Informal Procedure

Anyone who believes he/she has a valid basis for a complaint may discuss the concern with the District Administrator prior to initiating a formal complaint. If the complaint is against the District Administrator, this discussion should take place with the Board President.

If the complaint is submitted to the District Administrator, he/she shall serve as, or designate, a complaint manager. The complaint manager shall be responsible for coordinating the processing of the complaint, including any attempt to mediate a possible resolution to the complaint, any investigation that may be necessary, and all communications with the individual(s) who submitted the complaint and other appropriate parties.

If the complaint is against the District Administrator and is submitted to the Board President, the Board President shall hire outside legal counsel. Legal counsel shall determine, in consultation with the complaining party and the Board President, whether it is in the District's best interests to attempt to mediate a resolution to the complaint or to process the informal complaint under the steps of the formal complaint procedure, as identified below.

If the reply that the complainant receives is not acceptable to him/her, or if, for any reason, the individual does not feel comfortable attempting to resolve the matter informally as described in this section of the procedure, the individual may initiate the formal complaint procedure according to the steps listed below.

Formal Complaint Procedure

**Step 1:** The complainant shall submit a signed complaint to the District Administrator, who shall serve as or designate the complaint manager. Except as provided in the following paragraph, the District Administrator shall have responsibility to decide the merits of the case at Step 1, determine what actions will be taken (if any), and report in writing the resolution of the complaint to the appropriate parties.

If the allegation is against the District Administrator, the complainant shall submit the Step 1 complaint directly to the Board President. The Board President shall engage outside legal counsel as the complaint manager, who shall recommend either of the following to the Board President following an investigation into the matters raised by the complaint: (1) that the complaint lacks merit and that the Board President may communicate that conclusion and resolution to the appropriate parties; or (2) the complaint may have merit and/or that some degree of responsive or remedial action may be appropriate, and that legal counsel advises consultation with the full Board regarding such possible resolution. In conjunction with legal counsel, the Board President shall report in writing the resolution of the case to the appropriate parties.

The District can usually respond most effectively to a complaint when a complaint is filed shortly after the occurrence of the event(s) giving rise to the complaint. In general, formal complaints under this procedure should be filed within 300 calendar days of the occurrence of the alleged unlawful, discriminatory, harassing or retaliatory act(s), or within 300 days after the last occurrence of an ongoing condition. While there is no absolute deadline for the filing of a complaint under this procedure, it is important for complainants to be aware that gaps in time of even less than 300 days can make it more difficult to engage in fact-finding and/or may limit the remedies that are reasonably available from the District. The District, acting through the complaint manager may determine that any complaint filed more than 300 days after the alleged act(s) occurred (or more than 300 days after the last occurrence of an ongoing condition) is not sufficiently timely to permit an investigation and/or possible remedy. A decision to dismiss a complaint because it is untimely may be appealed to the Board under Step 2, and the Board may either affirm the dismissal of the complaint for lack of a timely filing or remand the complaint for further processing.

**Step 2:** If the complainant or alleged responsible party is dissatisfied with the decision of the District Administrator (or Board President or Board), he/she may appeal to the Board within twenty-one (21) calendar days of the date that he/she was notified of the Step 1 written decision. Such appeal shall be delivered to the District Administrator or (if the District Administrator is the alleged perpetrator) to the Board President or District Legal Counsel. The individual receiving notice of the appeal on behalf of the District shall immediately forward the appeal to the Board President, who shall arrange a meeting at which the Board will consider the appeal. If the Board issued the decision that is being appealed, the Board shall treat the appeal as a request for reconsideration.

**External Agency or Court Filing:** If the complainant is not satisfied with the Board's decision, or in lieu of or in addition to utilizing the internal complaint procedures established by this procedure, the complainant may pursue alternate actions available under state or federal laws (e.g. appeal to State Superintendent of Public Instruction (for teachers and administrative personnel), filing of complaint with the Equal Rights Division of the Department of Workforce Development, the U.S. Office for Civil Rights - Region V and/or any court having proper jurisdiction). Any party with a complaint is solely responsible for determining the applicable outside agencies or courts with which a complaint may properly be filed and the applicable filing deadlines. Unless mandated by a state or federal law or regulation, pursuing an internal complaint under this procedure does not extend or toll the filing deadlines applicable to filing a complaint with an external agency or court. While it is not always necessary to pursue an internal complaint before filing a complaint with an external agency or court, all individuals are given notice that failure to follow an employer's internal procedures for giving notice of incidents and complaints can, in some cases, affect the individual's ability to seek remedies from an external agency or court.

The District's responses to discrimination complaints shall be made within any timelines established by law.

#### Maintenance of Complaint Records

Records should be kept for each complaint filed and, at a minimum, should include the following:

1. The name and address of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complainant.
4. The name and address of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

REVISION AND NEW APPROVAL:      October 31, 2016

REVISED:

## NORTH CAPE SCHOOL DISTRICT

### EMPLOYEE HARASSMENT AND BULLYING

The District is committed to providing fair and equal employment opportunities and to providing a professional work and student learning environment free of all forms of harassment and bullying.

- **Harassment:** The District shall not tolerate harassment based on any personal characteristic described in the District's equal opportunity employment policy. Harassment and other unacceptable activities that could alter conditions of employment, or form a basis for personnel decisions, or interfere with employee's work performance are specifically prohibited. Sexual harassment, whether committed by supervisory or non-supervisory personnel, is unlawful and also specifically prohibited. In addition, the District shall not tolerate acts of non-employees (volunteers, vendors, visitors, etc.) that have the effect of harassing District employees in the workplace. Harassment can occur as a result of a single incident or a pattern of behavior where the purpose or effect of such behavior is to create an intimidating, hostile or offensive working environment. Harassment encompasses a broad range of physical and verbal behavior that can include, but is not limited to, the following:
  1. Unwelcome sexual advances, comments or innuendos;
  2. Physical or verbal abuse;
  3. Jokes, insults or slurs based on any personal characteristic (*Such comments are unacceptable whether or not the individual within the protected class is present in the workplace to overhear them and whether or not a member of a class professes to tolerate such remarks*);
  4. Taunting based on any personal characteristic described in the District's equal opportunity employment policy; and/or
  5. Requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, compensation, etc.
  
- **Bullying:** Bullying is defined as systematic or repeated infliction (or attempted or threatened infliction) of physical harm or psychological/emotional distress on one or more students, staff, or other persons. It involves purposeful or intentional written, spoken, nonverbal, or physical behavior, including but not limited to any threatening, intimidating, insulting, degrading, or dehumanizing conduct, gesture, or communication that has the effect of doing any of the following:
  1. Substantially interfering with any employee's work or a student's education;
  2. Substantially interfering with a person's ability to participate in or benefit from any school activity or program;
  3. Endangering the health, safety, or property of the target(s) of the behavior;
  4. Creating a threatening, intimidating, hostile, or offensive environment within any District school, activity, or program; or
  5. Substantially disrupting the orderly operation of the school.

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“Cyber-bullying” is defined as bullying that involves the use of digital technologies, including but not limited to, e-mail, cell phones, text messages, instant messages, chat rooms, and social media (e.g., Twitter™ or Facebook™). Cyber-bullying is prohibited and treated the same as all other types of bullying.

Bullying is deliberate/purposeful conduct, but intent/purpose may properly be inferred from the totality of the circumstances (e.g., where the behavior is persistent/repeated or where the responsible party reasonably should have been able to foresee the consequences of his/her actions and the manner in which his/her conduct would be likely to be perceived by the target(s) of the conduct).

Bullying can involve direct interaction between the aggressor-bully and the target(s), or it can be indirect (such as orchestrating others to engage in acts of bullying; facilitating bullying conduct by others; etc.).

Not all behaviors that (1) hurt another person's feelings; (2) are a manifestation of an interpersonal conflict; or (3) are in some way unkind amount to acts of bullying. However, such negative behaviors are still a legitimate subject of concern and regulation within the school environment. Further, it shall be a goal of the District's workplace and educational programs to help staff, students and others recognize and acknowledge that even one-time instances of, for example, name calling, negative teasing, put-downs, or excluding others (when inclusion was readily possible) are inappropriate and problematic for a number of reasons.

All employees are responsible for ensuring that harassment and bullying do not occur. The District intends to comply with both the letter and spirit of the law in making certain that harassment and bullying do not exist in its policies, regulations and operations. Anyone who believes that he/she has been the subject of harassment or bullying or has knowledge of violations of this policy shall report the matter in accordance with the District's employment and harassment discrimination complaint procedures. All reports regarding employee harassment or bullying shall be taken seriously, treated fairly and promptly and thoroughly investigated. Individual privacy shall be protected to the extent possible. There shall be no retaliation against any person who files a complaint under this policy. The District shall take appropriate and necessary action to eliminate employee harassment and bullying. Actions that are determined to be harassment or bullying shall be subject to disciplinary action, up to and including dismissal.

All employees have a duty to report incidents of alleged harassment or bullying to their immediate supervisor or designated equal opportunity employment officer. Employees who fail to report incidents of alleged harassment or bullying may be subject to disciplinary action up to and including dismissal. In addition, supervisory employees who fail to respond to harassment or bullying complaints or to act on their knowledge of violation of this policy will likewise be subject to disciplinary action, up to and including dismissal.

This policy and related complaint procedures shall be published annually and distributed to all staff.

**Policy 512**  
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LEGAL REF.: Wisconsin Statutes  
Section 111.31 [declaration of fair employment policy]  
Section 111.32(13) [definition of sexual harassment in employment]  
Section 111.321 [prohibited bases for discrimination]  
Section 111.322 [discriminatory actions prohibited]  
Section 111.36 [sex discrimination prohibited in employment, including sexual harassment]  
  
Section 118.20 [teacher/administrator discrimination prohibited]  
Section 120.13(1) [school board power to set rules of conduct and order]  
Section 947.0125 [unlawful use of electronic communications]  
Section 947.013 [harassment prohibited]

Federal Laws and Regulations

Title VII of the Civil Rights Act of 1964 [race, color, religion, sex and national origin discrimination prohibited in employment]  
Regulations Implementing Title VII of the Civil Rights Act (29 C.F.R. – Part 1604.11) [employment discrimination; sexual harassment]  
Regulations Implementing Title IX of the Education Amendments of 1972 (34 C.F.R. - Part 106.51) [sex discrimination in employment in educational programs]

CROSS REF.: Policy 511, Equal Employment Opportunities  
511-Rule, Employee Discrimination/Harassment Complaint Procedures  
Policy 411.1, Student Harassment and Bullying  
Policy 454, Reporting Child Abuse/Neglect  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: October 31, 2016

REVISED:



## Policy 521.1

### NORTH CAPE SCHOOL DISTRICT

#### BOARD-STAFF COMMUNICATIONS

The School Board wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the District Administrator.

- Staff Communications to the Board: All communications or reports to the Board or any Board committee from supervisors, teachers, or other staff members will be submitted through the District Administrator. This necessary procedure will not be construed as denying an employee the opportunity to appeal administrative decisions to the Board where a District procedure includes an appeal level that involves the Board. For example, the District's procedure for handling employee grievances related to discipline, termination or workplace safety.

Also, Board meetings are public meetings. As such, they provide an excellent opportunity to observe at first-hand the Board's deliberations on problems of staff concern, and staff members may participate in Board meetings in accordance with the District's policy on public participation at such meetings. Further, at times, and with the knowledge of the District Administrator, the Board may invite staff members to speak at Board meetings or to serve on advisory committees to the Board.

- Board Communications to Staff: All official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the District Administrator, and the District Administrator will employ all such media as are appropriate to keep staff fully informed of the Board's desires, concerns and actions.
- Visits to School: Individual Board members, who, in their parental capacity, wish to visit the school or classroom(s) of their child(ren) will follow the regular procedures for visitors. Board members who wish to visit the school or classrooms as an informal expression of interest in school affairs (not as an "inspection") will inform the District Administrator who will arrange such visit(s). Official visits by Board members will be conducted only under Board authorization and with the full knowledge of the District Administrator and staff.
- Communications and Interactions between Individual Staff Members and Individual Board Members: Except where expressly authorized by Board action or by the District Administrator, or necessitated by the legal duties related to positions held by Board officers, individual employees are not expected to engage in work-related tasks directly with, or at the direction of, individual Board members. For this reason, if an individual Board member contacts an employee in connection with the employee's assigned duties and responsibilities, the employee is expected to involve the District Administrator in establishing an appropriate response to the Board member's inquiry. In the event an individual employee communicates with an individual Board member pursuant to the duties and responsibilities of the employee's position, the individual Board member should contact and work with the

**Policy 521.1**  
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District Administrator in resolving and responding to the issue or concern. Each individual employee retains ultimate responsibility for ensuring that all communications pursuant to his/her assigned duties to the Board and/or to any individual Board member are authorized and follow appropriate procedures.

The Board and District Administrator understand that Board members and District employees share a keen interest in the school and in education generally. Therefore, it is to be expected that individual Board members and individual employees will meet in the community and through social events and functions and informally discuss such matters as educational trends, issues, and innovations and general school district problems. On such occasions, however, the Board's expectation is that employees and Board members will use sound judgment in ensuring that they are not purposefully undermining the established lines of authority in the District or violating the other expectations established in this policy. District employees are reminded that Board members have no special authority excepting when they are convened at a legal meeting of the Board or vested with special authority by Board action. Therefore, discussions by either party of personalities or personnel complaints or grievances will be considered as evidence of unethical conduct.

CROSS REF.: Policy 150, School Board Governance  
Policy 161, Board Member Authority and Responsibilities  
Policy 187, Public Participation at Board Meetings  
Policy 224, Board-Administrator Relations  
Policy 860, Visitors to the Schools  
Policy 870, Public Complaints/Concerns

POLICY REVISION AND NEW APPROVAL: December 21, 2015

REVISED;

## Policy 522

### NORTH CAPE SCHOOL DISTRICT

#### STAFF CONDUCT

The District expects its employees to do quality work, maintain confidentiality, work efficiently, and exhibit a professional, courteous and respectful attitude toward other employees, parents, and students.

The District also expects employees to:

1. Comply with all applicable work rules, job descriptions, terms of the *Employee Handbook* and legal obligations; and
2. Comply with the standards of conduct set out in Board policies, the *Employee Handbook*, administrative regulations, and with any other policies, regulations and guidelines that impose duties, requirements or standards attendant to their status as District employees.

Violation of any policies, rules, regulations and guidelines may result in disciplinary action, up to and including discharge. Disciplinary actions shall be carried out in accordance with established District procedures.

Some infractions have implications beyond the employment relationship between the District and an individual employee, and the District may inform local, state, and federal officials of such conduct. Included among the behaviors covered by this policy are violations of applicable law, "immoral conduct" that could result in revocation of an individual's licensure through the Wisconsin Department of Public Instruction, and any other actions that the District deems pertinent.

LEGAL REF.: Wisconsin Statutes  
Section 115.31 [staff misconduct reporting; license or permit revocation;  
reports; investigation]

CROSS REF.: Policy 512, Employee Harassment and Bullying  
Policy 521.1, Board-Staff Communications  
Policy 522.1, Alcohol and Drug-Free Workplace  
Policy 524, Staff Gifts and Gratuities  
Policy 527, Employee Grievances (Discipline, Termination and Workplace Safety)  
Policy 529, Employee Suspension  
Policy 665, Fraud Prevention and Reporting  
Employee Handbook

APPROVED: August 21, 2017

REVISION:

## **Policy 522.1**

### **NORTH CAPE SCHOOL DISTRICT**

#### **ALCOHOL AND DRUG-FREE WORKPLACE**

In order to protect the health, welfare and safety of students and employees, no employee shall engage in any of the following conduct in the school building or on school premises or off premises at any school-approved activity, event or function where students are under the jurisdiction of the North Cape School District: possess, manufacture, distribute, dispense, use, or be under the influence of alcohol, hazardous inhalants, any controlled substance (including all illegal drugs), or substances represented as such. The sole exceptions to these prohibitions involve (1) medication prescribed to an employee and used by the employee in accordance with the instructions of the employee's health care provider, and (2) lawful products/substances that, if misused, are potential intoxicants, but that are possessed and used solely for a lawful and authorized purpose and in accordance with any appropriate safety precautions and manufacturer directions. In addition, the District does not condone the involvement of any employee with illegal controlled substances, even when the employee is not on District premises.

If the immediate supervisor has reasonable suspicion concerning an employee's use of alcohol or controlled substances while on the job or if the immediate supervisor has reasonable suspicion that the employee's job performance is impaired due to the recent use of any such product or substance, the employee may be asked to submit to alcohol and drug testing, which will be done using procedures that protect the privacy interests of the employee.

Compliance with the District's policies and rules regarding alcohol or drug use is mandatory and is a condition of employment. Employees who violate the District's policies or rules regarding these substances shall be subject to sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, discipline or discharge from employment with the District, and/or referral to appropriate law enforcement officials for prosecution.

An employee who is engaged in the performance of a federal grant shall notify the District Administrator of any criminal drug statute conviction for a violation occurring in the workplace. This notification shall be made within three days of such conviction, and the District Administrator will then notify the appropriate federal agency. After receiving notice from an employee, the District shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency.

The District shall distribute drug-free awareness information to employees regarding the dangers of drug abuse in the workplace, the District's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and (if applicable) employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

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LEGAL REF.: Wisconsin Statutes  
Section 111.35 [use or nonuse of lawful products; exceptions and special cases]  
Section 120.13 [school board powers, including broad power to do all things reasonable for the cause of education]  
Section 121.02(1)(i) [safe and healthful facilities]  
Section 125.09 [restriction on alcoholic beverages on school grounds]  
Section 939.22(15) [definition of hazardous inhalant]  
Chapter 961 [controlled substances laws]  
Drug-Free Workplace Act of 1988 [drug-free workplace requirements]

CROSS REF.: Policy 831, Tobacco Use on School Premises  
Employee Handbook

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REVISED:

**Policy 523.1**

**NORTH CAPE SCHOOL DISTRICT**

**STAFF PHYSICAL EXAMINATIONS**

Employees are responsible for obtaining all physical examinations that may be required under this policy and relevant law.

Upon initial employment and at intervals deemed appropriate by the School Board, District employees shall have a physical examination, including a standard tuberculin test or chest x-ray, as required by state law. Employees must also provide proof of MMR vaccine. Evidence that employees are of sound health, sufficient to perform the essential functions of their assignment, is necessary to make binding the offer of employment or the initial contract, as applicable, with the District.

The District Administrator may permit an employee (or an applicant who has been offered employment) to submit sufficient proof of the results of a qualifying health examination, chest X-ray, or tuberculin test that was taken within the past 90 days in lieu of taking any new-employee or interval-based physical examination required under this policy.

To the extent mandated by applicable law, physician-supervised new-employee physical examinations and any interval-based re-examinations shall not be required of any employee (or applicant who has been offered employment) who files a written affidavit with the District that sets forth (1) that that he/she depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination or organization; (2) that the employee is, to the best of the employee's knowledge and belief, in sound health; and (3) that the employee claims exemption from a physical examination on these grounds. No employee shall be discriminated against by reason of his/her filing of such an affidavit. However, notwithstanding the filing of any such affidavit, the District reserves the right to require a physical examination by an appropriate medical practitioner where the District has reasonable cause to believe that the employee (or applicant) is suffering from a condition that would be detrimental to the health of students and in any other circumstances permitted by law.

The District may also require a physical and/or mental examination at the expense of the District where reasonable doubt arises in the minds of the District concerning the current health of the employee, and consistent with the limitations imposed by applicable state and federal law. Failure to comply with this request or failure to provide a doctor's certification of sufficiently sound health to perform duties assigned may result in discipline up to and including discharge/termination.

LEGAL REF.:	Wisconsin Statutes	
	Section 103.15	[restrictions on use of HIV test]
	Section 111.321	[prohibited bases for employment discrimination under state law]
	Section 111.322	[discriminatory actions prohibited]
	Section 118.195	[discrimination against teachers with a disability]

prohibited]  
Section 118.25 [school employee health examinations]  
Section 121.555(2)(c) [medical examinations required of employees who  
provide transportation to students]  
Sections 146.81 – 146.84 [patient health care records]  
Section 343.12(2) [school bus operator requirements; includes physical  
examination requirement]

Federal Laws

Americans with Disabilities Act [nondiscrimination on the basis of disability;  
employee medical examinations and recordkeeping]  
Health Insurance Portability and Accountability Act (HIPAA) [restrictions on  
disclosure of personal health information]  
Genetic Information Nondiscrimination Act of 2008 [restrictions on disclosure of  
genetic information]

CROSS REF.: Policy 453.3, Communicable Disease Control  
453.3-Rule, Communicable Disease Control Procedures  
Policy 511, Equal Opportunity Employment  
Policy 523.11, Employee Immunizations  
Policy 526, Personnel Records  
Policy 751.5, Use of Private Vehicles to Transport Students  
Employee Handbook  
Bloodborne Pathogen Exposure Control Plan

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISION:

## NORTH CAPE SCHOOL DISTRICT

### EMPLOYEE IMMUNIZATIONS

Educational institutions and childcare facilities are potential high-risk areas for transmission of vaccine-preventable diseases. While immunization is an important health requirement for students in Wisconsin schools, it is equally important for staff to be protected against vaccine-preventable diseases. Employee immunization can decrease the number of days teachers, staff and students miss school due to illness. Absence due to sickness causes disruption in class schedules resulting in missed educational learning opportunities. Most importantly, employees who come to school sick can spread disease to other staff, students and the community. Vaccine-preventable disease outbreaks can result in enormous costs for employees, employers and public health.

For these reasons, the North Cape School District requires that all full-time and part-time teachers, student teachers, and school support staff provide written evidence from a health care provider showing proof of immunity to vaccine-preventable diseases (including MMR – measles, mumps, rubella; Hepatitis B; and Tdap – tetanus, diphtheria, pertussis). Employees may sign a statement formally declining to show proof of immunity with the knowledge that they may not be protected from the disease and may be excluded by the local health department from the school in the event of an outbreak of that disease in the school.

The tracking of requirements related to employees' proof of immunity to selected vaccine-preventable diseases is under the direction of the District Administrator or his/her designee.

The Central Racine County Health Department, in collaboration with the District Administrator or his/her designee, interested community partners, and school staff, shall review this policy periodically to ensure that it meets the needs of the North Cape School District, and is based on current recommendations of the Centers for Disease Control and Prevention (CDC) and the Advisory Committee on Immunization Practices (ACIP).

LEGAL REF.: Wisconsin Statutes  
Section 121.02(1)(i) [provision of safe and healthful facilities]  
Sections 146.81 – 146.83 [patient health care records]  
Section 252.19 [protection of public from communicable diseases]  
29 Code of Federal Regulations (CFR), Part 1910 Subpart Z [bloodborne pathogens/exposure control plan requirements]

CROSS REF.: 523.11-Rule, Tracking Requirements Related to Employee Immunizations  
523.11-Exhibit(1), Declination of Vaccination/Proof of Immunity  
523.11-Exhibit(2), Authorization for Release of Immunization Record Information  
Policy 453.3, Communicable Disease Control  
453.3-Rule, Communicable Disease Control Procedures  
Policy 526, Personnel Records  
Policy 720, School Safety  
Bloodborne Pathogen Exposure Control Plan



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Centers for Disease Control Adult Immunization Schedule  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: October 31, 2016

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## NORTH CAPE SCHOOL DISTRICT

### DECLINATION OF VACCINATION/PROOF OF IMMUNITY

North Cape School District has recommended that I provide proof of immunity or receive the following vaccinations to protect myself and the students I serve:

- MMR (measles, mumps, and rubella) - at least 1 dose
- Hepatitis B - 3 doses
- Tdap (tetanus, diphtheria, and pertussis) - 1 dose

I acknowledge that I am aware of the following facts:

- Educational institutions and childcare facilities are potential high-risk areas for transmission of vaccine-preventable diseases.
- In the event of an outbreak of a vaccine-preventable disease, it could mean either unpaid days off or the use of sick days/vacation days/paid time off (PTO) for compensation until I can provide written proof of immunity or until the local health department removes restrictions.
- The consequences of my refusing to be vaccinated could have life-threatening impacts on my health and the health of those with whom I have contact, including students I serve, my coworkers, my family, and my community.

Despite these facts, I am choosing to decline vaccination/providing proof of immunity right now for the following reasons:

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I understand that I can change my mind and acquire vaccination or provide written proof of immunity to the North Cape School District at any time.

I have read and fully understand the information on this declination form.

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

Name (Print): \_\_\_\_\_

Department: \_\_\_\_\_

## NORTH CAPE SCHOOL DISTRICT

### AUTHORIZATION FOR RELEASE OF IMMUNIZATION RECORD INFORMATION

CLIENT INFORMATION	
Name:	DOB:
Address:	
City/State/Zip	SSN: (optional)

**Release Information:** I give consent for the following individuals, agencies or organizations to Central Racine County Health Department for the named person above. The information is to be used for entry into the Wisconsin Immunization Registry (WIR). The WIR is a secure computerized internet database application developed to record and track immunization dates of Wisconsin's residents, providing assistance for keeping everyone on track for recommended immunizations.

**Approve Individuals, Agencies or Organizations:**

Name:	North Cape School District
Address	11926 W. Hwy K, Franksville, WI 53126
Type of Authorization:	Disclose information to:

**Type of information to be disclosed: (check all that apply)**

- Immunization Records
- Blood Titer Results

**Do not disclose the following information:**

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- I understand that this consent will be effective for disclosure of information in verbal (via telephone, etc.) as well as written form.
- The information I authorize to be released may be re-disclosed by the recipient of the records only if allowed by law. If information is re-disclosed, the recipient of the re-disclosed information may be controlled by different laws.
- I understand I may revoke this authorization at any time by providing my written revocation.

<b>Client Signature</b> (Record Subject):	<b>Date:</b>
<b>Signature</b> (Other Person Legally Authorized to Consent to Disclosure):	Title or Relationship to Record Subject: <b>Date:</b>

## NORTH CAPE SCHOOL DISTRICT

### TRACKING REQUIREMENTS RELATED TO EMPLOYEE IMMUNIZATIONS

1. The District shall provide information regarding required employee immunizations to all existing employees and to new employees upon hire. This information shall include a letter outlining the immunization requirements and a Frequently Asked Questions (FAQ) sheet.
2. Within 30 days of hire, the District shall obtain written evidence from the employee showing proof of immunity to selected vaccine-preventable diseases as outlined in the District's employee immunization policy and as recommended by the Central Racine County Health Department. This documentation can be provided through any of the following means:
  - a. Written evidence from a health care provider showing month-day-year of vaccine administration, and/or
  - b. Copy of Wisconsin Immunization Registry (WIR) record, and/or
  - c. Blood tests showing antibodies to diseases in question.
3. A copy of the employee's written proof of immunity shall be kept on file at the school in the employee medical file. With written permission of the employee, provided via the "Authorization for Release of Immunization Record Information" form [523.11-Exhibit(2)], immunization dates can also be put into the Wisconsin Immunization Registry by the local health department for easy access.
4. If employees cannot or elect not to show written proof of immunity to selected vaccine-preventable diseases:
  - a. A "Declination of Vaccination/Proof of Immunity" form [523.11-Exhibit(1)] will be provided to the employee for the vaccines with the understanding that in the event of an outbreak, the employee may be excluded from the school and quarantined to their home by the local health department.
  - b. In the event of an outbreak of a vaccine-preventable disease, for employees without written proof of immunity, it could mean either unpaid days off or the use of sick days/vacation days/paid time off (PTO) for compensation until the employee can provide written proof of immunity or the local health department removes restrictions.

REVISION AND NEW APPROVAL:      October 31, 2016

REVISION:

## Policy 524

### NORTH CAPE SCHOOL DISTRICT

#### STAFF GIFTS AND GRATUITIES

An employee, or a member of the employee's immediate family, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the District that a reasonable person would understand was intended to influence official action or judgment of the employee in executing decision-making authority affecting the District, its employees, or students. It shall not be considered a violation of this policy for an employee to receive incidental entertainment, food, refreshments, meals, or similar amenities, that are provided in connection with a conference or similar work-related activity where the employee's supervisor has reviewed the agenda for the conference or other activity and concluded that such incidentals primarily facilitate the employee's attendance at and participation in the activity, and, therefore, primarily benefit the District rather than serving primarily as a personal benefit. Exceptions to this policy are acceptance of minor items, which are generally distributed by companies through public relations programs. Teachers should accept only gifts of token value from students.

It is the Board's policy for employees to decline gifts, gratuities or favors from any outside organization or individual doing business or seeking to do business with the District. Gifts that are intended for the benefit of the District should be referred to the District Administrator or his/her designee for proper processing in accordance with state law and the District's public gifts policy. Gifts of nominal or of insubstantial value and services offered for a reason unrelated to the employee's position and which could not reasonably be expected to influence a decision could be accepted. Larger gifts to employees as an individual and gifts of more than nominal or insignificant value should be graciously declined.

LEGAL REF.: Wisconsin Statutes  
Section 19.59 [codes of ethics for local government officials, employees and candidates]  
Section 118.12 [sale of goods and services at schools]  
Section 118.27 [gifts and grants]

CROSS REF.: Policy 840, Public Gifts to the Schools  
Policy 850, Public Sales and Solicitations on School Property  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISION:

**Policy 526**

**NORTH CAPE SCHOOL DISTRICT**

**PERSONNEL RECORDS**

A personnel file shall be maintained for each District employee. To the extent required by applicable law, employee medical records, including genetic information regarding an employee, shall be maintained separately from an employee's other personnel records.

An employee shall have the right, upon request and consistent with the timelines and content limitations specified in state law, to review the contents of his/her personnel file, while in the presence of the District Administrator or his/her official designee. The employee shall be entitled to have a representative accompany him/her during such review. The removal of this file from the safekeeping place will be done by the official personnel file custodian. The employee's personnel file or any part of it may not be removed from the visual presence of the official custodian. An employee shall have the right, upon request, to receive copies of documents contained in the personnel file upon payment of the actual cost for making such a copy. An employee shall not have the right to review the contents of or receive copies of the following items:

- Records relating to the investigation of possible criminal offenses committed by that employee.
- Letters of reference for that employee.
- Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document.
- Materials used by the employer (the District) for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes.
- Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.

Personnel records shall be released to third parties only in accordance with relevant law.

LEGAL REF.:	Wisconsin Statutes	
	Sections 19.31 to 19.37	[Wisconsin Public Records Law]
	Section 103.13	[records open to employee]
	Sections 146.81 to 146.84	[patient health care records]
	Section 252.15	[restrictions on use of HIV test]

Federal Laws

Americans with Disabilities Act [nondiscrimination on the basis of disability;  
employee medical examinations and recordkeeping]

Health Insurance Portability and Accountability Act (HIPAA) [restrictions on  
disclosure of personal health information]

Genetic Information Nondiscrimination Act of 2008 [restrictions on disclosure of  
genetic information]

CROSS REF.: Policy 523.1, Staff Physical Examinations  
Policy 523.11, Employee Immunizations  
Policy 823, Access to Public Records  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISION:

**NORTH CAPE SCHOOL DISTRICT**

**EMPLOYEE GRIEVANCES  
(Discipline, Termination and Workplace Safety)**

Pursuant to state law, the School Board shall provide a grievance procedure for the orderly resolution of employee grievances related to employee discipline, employee terminations, and workplace safety. Any employee of the District has the right to access the grievance procedure provided the grievance is filed in writing within the applicable timelines, and provided that the issue presented by the grievance properly concerns a grievable complaint. However, nothing within this policy or within the written rules and procedures implementing this policy shall be construed:

1. To prevent an employee and the District from voluntarily resolving, or attempting to resolve, an employee's grievance, complaint, concern or other dispute using informal methods separate from the formal grievance process, such as a mediated resolution or other similar outcome.
2. To grant or confer to any employee any substantive rights or employment protections that would not exist in the absence of this policy and its implementing rules, except for those primarily procedural rights inherent and minimally necessary to an employee's ability to access and use the grievance procedure in the manner defined by state law and by the Board.

No employee is required to pursue a formal grievance using the procedures established pursuant to this policy, and supervisors and administrators are expected to fulfill their supervisory role(s) with respect to managing employee complaints and concerns even where an employee is unable to or elects not to pursue a grievance under the formal procedures established by the Board.

The grievance procedure shall provide for grievances to be handled in a timely manner. The procedure shall also include an opportunity for a grievant to present his/her grievance before an impartial hearing officer, as well as an appeals process in which the highest level of appeal is the Board.

No employee or District official shall, or attempt to, restrain, interfere with, coerce, discriminate against and/or retaliate against any employee who files or processes a grievance in good faith. The same protections apply to any person who otherwise participates in the presentation, processing or resolution of a grievance (e.g., a witness), regardless of whether the allegations presented by the grievance are ultimately sustained. Actions taken in bad faith, such as engaging in abuse of the process, providing false information, or engaging in libel or slander in connection with a grievance, are not protected. Violations of this paragraph may lead to disciplinary action, up to and including termination.

In the event a grievance proceeds to a hearing before an impartial hearing officer, the District Administrator or designee shall identify an impartial hearing officer consistent with minimum requirements set forth by the Board. The role of the hearing officer shall include adherence to the following:



**Policy 527**  
**Page 2**

- A hearing officer must agree to comply with all relevant laws and with all applicable Board policies and District procedures to the extent not inconsistent with the law, including laws and policies covering public records, personnel records, and student records.
- An impartial hearing officer shall neither add to, delete from, nor modify any Board policies or administrative rules or regulations, although it shall be within the purview of a hearing officer to reach a conclusion that a given policy, rule or regulation violates applicable law (subject to an appeal of such a conclusion to the Board).
- In reaching conclusions based upon his/her factual findings, an impartial hearing officer is not to substitute his/her independent judgment for the judgment of the District provided that the hearing officer determines that the District's conclusions and any action taken by the District were lawful and reasonable under all of the facts, circumstances, and applicable standards. However, a hearing officer may state in his/her decision that he/she believes an alternative conclusion would have been more reasonable and explain the basis for making such a determination. An employee may appeal such a decision to the Board and request that the Board consider adopting the hearing officer's alternate conclusion(s) or resolution.

LEGAL REF.: Wisconsin Statutes  
Section 19.81 – 19.88 [Open Meetings Law]  
Section 66.0509(1m) [Civil service protection; grievance procedures  
requirement]

CROSS REF.: 527-Rule, Employee Grievance Procedures (Discipline, Termination and  
Workplace Safety)  
511-Rule, Employment Discrimination and Harassment Complaint Procedures  
870, General Public Complaints/Concerns  
District Employee Handbook

APPROVED: October 31, 2016

REVISED:

## NORTH CAPE SCHOOL DISTRICT

### EMPLOYEE GRIEVANCE PROCEDURES (Discipline, Termination or Workplace Safety)

#### A. Definitions

1. Grievance: A "grievance" is defined as any complaint that arises concerning discipline, termination or workplace safety.
2. Grievant: A "grievant" may be any employee or group of employees.
3. Days: The term "days" as used in this section shall mean regularly scheduled workdays in the District office, unless otherwise indicated.
4. Discipline: "Discipline" is defined as a suspension [unpaid or paid], or a written reprimand. In addition, an employee who is involuntarily transferred or demoted due to poor performance and suffers a loss of wages, hours or other fringe benefit as a result of such transfer or demotion may also contest the transfer or demotion as discipline.
5. Termination: "Termination" is defined as an involuntary discharge involving the dismissal of an employee, usually for some infraction of the rules or policies of the District, abandonment of the position, incompetence or other reason deemed sufficient by the Board and/or its designee. "Termination" includes nonrenewal of a contract under section 118.22 of the state statutes or section 118.24 of the state statutes, for failing to meet the District's performance expectations, but excludes separation from employment or nonrenewal as a result of a reduction in force, or a non-reappointment of an extra-curricular assignment. Termination results in involuntary separation with prejudice to the employee. A termination will result in the loss of length of service and other employment benefits. For the purposes of this document, termination shall not include, for instance, voluntary retirement or voluntary resignation.
6. Workplace Safety: For purposes of that procedure, the following guidelines shall apply when filing grievances related to workplace safety:
  - a. A grievance can be filed over workplace safety only if the safety of at least one employee is involved (as opposed to the safety of students or visitors).
  - b. The issue must concern the safety of a person (e.g., not the "safety" of one's vehicle or other personal possessions).
  - c. The grievance must be filed by the affected employee(s) (i.e., one employee may not file on behalf of another).
  - d. The individual(s) filing the grievance must propose a specific remedy.
  - e. The issue and proposed remedy must be under the reasonable control of the District.

## B. Time Limits

The time limits set forth in this section shall be considered as substantive, and failure of the grievant to file and process the grievance within the time limits set forth in this section shall be deemed a waiver and a settlement of the grievance. The number of days indicated at each level should be considered a maximum. The time limits specified may, however, be extended by the mutual consent of the District and the grievant. The parties may, through mutual consent, agree to start the grievance at a higher step if the grievance involves termination and is initially filed in a timely manner pursuant to the timelines set forth below.

## C. Grievance Processing Procedure

Grievances shall be processed in accordance with the following procedure:

Step One – Informal Resolution: An earnest effort shall first be made to settle the matter informally between the employee and the immediate supervisor. A grievance may be initiated through an informal meeting and discussion with the immediate supervisor, the employee and the employee's designated representative. The informal meeting and discussion shall occur within thirty (30) days after the facts upon which the grievance is based first occurred. The immediate supervisor will give an answer to the grievance. The grievant(s) must state the purpose of the discussions and event(s) upon which the discussions are based. The immediate supervisor shall notify the grievant and (if applicable and appropriate) the representative of his/her answer within ten (10) days. If the matter cannot be resolved or if no answer is provided in the above timeframe, the grievant(s) may file a written grievance.

Step Two – Written Grievance: If the grievance is not resolved at Step One, the grievant shall file a written grievance with District Administrator within ten (10) days after the earlier of the following: (1) receipt of the Step One response; or (2) the District's deadline for providing a Step One response (if no response is provided). The written grievance shall include the facts upon which the grievance is based, the issues involved, the *Handbook* provision relating to discipline, termination or workplace safety alleged to be violated and the relief sought. The grievance shall be signed and dated by the grievant. The District Administrator shall respond to the grievance in writing within ten (10) days. However, if there is an ongoing investigation related to the subject matter of the grievance, the District Administrator shall have until ten (10) days after completion of the investigation to respond to the grievance.

Step Three – Appeal to Impartial Hearing Officer: If the grievance is not resolved in Step Two, the employee must notify the District Administrator, within ten (10) days after receipt of the District Administrator's answer or if no response is provided within ten (10) days of the deadline for the response, if he or she intends to process the grievance to an impartial hearing officer. The selected impartial hearing officer will be approved by the School Board.

The Board shall select the hearing officer in accordance with the following guidelines:

- The hearing officer shall be impartial.

**527-Rule  
Page 3**

- The hearing officer shall be (1) an attorney who is licensed to practice in the State of Wisconsin; or (2) a current or former school administrator who is familiar with procedures for conducting a fair and impartial hearing.
- The hearing officer must be available to hear the case and render a decision in a timely manner.
- The hearing officer may not be an employee of the District.
- The hearing officer must agree to comply with all relevant laws covering personnel and student records.

If there is a dispute over the timeliness or the ability to use the grievance procedure on the issue, the administration shall have the discretion to bifurcate the hearing for the purpose of deciding those issues (i.e. address whether the grievance was filed in a timely manner before hearing the merits of the grievance or address whether the content of the grievance is properly before the impartial hearing officer).

Step Four – Appeal to School Board: If the grievance is not resolved at the prior step, the grievance may be appealed to the School Board within ten (10) days after the decision at the prior step. Either the administration or the grievant may appeal an impartial hearing officer's decision to the Board.

The Board shall meet with the parties to review the evidence and hear testimony relating to the grievance. At the hearing, each party may cross-examine any witness of the other party. If either party presents an exhibit that was not presented at a prior step of the grievance process, the exhibit must be provided to the other party at least twenty-four (24) hours prior to the hearing.

The Board shall render a written decision that affirms, reverses, or modifies the decision of the hearing officer (or, if applicable, of the District Administrator). Such decision shall be rendered in a timely manner and shall be sent to the administration, the grievant, and (if applicable) the grievant's representative. The Board's decision is final and may not be appealed. All Board actions throughout this process shall comply with requirements of Wisconsin's Open Meetings Law.

Grievances Filed by the District Administrator

In the event a grievance is filed by the District Administrator, it shall be initially filed with the Board President and Board Clerk according to the deadlines established within Step 1 of this grievance procedure, above, and the Board shall have the role and responsibilities of the District Administrator in Step 2 and elsewhere in the process. All other notices provided by the District Administrator acting as a grievant shall similarly be filed with the Board President and Board Clerk.

**D. Grievant's Right to Representation**

Any grievant may be represented at all stages of the grievance procedure by a representative(s) of his/her own choosing.

**E. Consolidation of Grievances**

Grievances of the same type, and with similar fact situations, may be consolidated at the discretion of the Administration.

**F. Group Grievances**

Group grievances involve more than one employee and any of the following:

1. More than one work site;
2. More than one supervisor; or
3. An administrator other than the immediate supervisor

Such grievances may be initially filed at Step Three; however, they shall follow the initial timelines for filing the grievance at steps One and Two above.

APPROVED: October 31, 2016

**Policy 529**

**NORTH CAPE SCHOOL DISTRICT**

**EMPLOYEE SUSPENSION**

The District Administrator, or designated representative, is authorized to suspend any District employee, with or without pay, whose behavior or actions are deemed detrimental to his/her ability to function in the school setting or could endanger the welfare of the students and/or staff. Such suspensions shall be handled in accordance with any applicable legal requirements and District procedures.

An employee's suspension shall be subject to appeal to the School Board, however, shall be in effect until reviewed by the Board.

LEGAL REF.: Wisconsin Statutes  
Section 66.0509(1m) [public employer grievance procedures covering termination, discipline, and workplace safety]

CROSS REF.: Policy 527, Employee Grievances (Discipline, Termination and Workplace Safety)  
Employee Handbook

APPROVED: August 21, 2017

REVISION:

**Policy 531**

**NORTH CAPE SCHOOL DISTRICT**

**STAFF POSITIONS**

All staff positions shall be created only with the approval of the School Board. It is the Board's intent to activate a sufficient number of positions to accomplish the school district's goals and objectives.

Before any new position is established, the District Administrator shall present for the Board's approval, a job description for the position that specifies the qualifications necessary for the position, the essential functions of the position, and the method by which the performance of these functions will be evaluated. All professional staff members shall possess the proper license and certification credentials required by state law and the Department of Public Instruction.

The Board also instructs the District Administrator to maintain a comprehensive and up-to-date set of job descriptions of all positions in the school district.

LEGAL REF.: Wisconsin Statutes  
Section 118.19 [teacher certificates and licenses]  
Section 118.191 [experience-based licensure for technical and vocational education subjects]  
Section 118.192 [professional teaching permits]  
Section 118.21 [teacher contracts, including certificate and license requirements]  
Section 121.02(1)(a) [school district standard; assure proper license/certification is on file]  
Wisconsin Administrative Code  
PI 8.01(2)(a) [school district standard; assure proper license/certification is on file]  
PI 34 [licensure requirements]  
Federal Laws  
Americans with Disabilities Act [nondiscrimination on the basis of disability; ability to perform essential functions of the job with or without reasonable accommodations]

CROSS REF.: Policy 533, Recruitment and Hiring of District Employees  
Policy 534, Substitute Teachers  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISION:

## **NORTH CAPE SCHOOL DISTRICT**

### **RECRUITMENT AND EMPLOYMENT OF DISTRICT STAFF**

All of the District's recruitment, selection, and hiring practices and procedures are subject to and guided by the District's commitment to nondiscrimination and equal opportunity in employment, as further identified in related Board policies. The primary goals of these processes shall be to attract and identify a diverse range of highly qualified candidates who, if hired, will demonstrate a high degree of commitment to the District's mission, to the District's goals, and to their assigned duties and responsibilities, and who will also make positive personal and professional contributions to the District.

The recruitment and hiring for all positions of employment in the District, except for the position of District Administrator, shall be conducted in accordance with provisions of this policy.

The District Administrator shall ensure that the District's core practices and procedures surrounding recruitment, selection, and hiring are well-defined and implemented consistently. Different core practices and procedures may be defined for different types of positions.

The District Administrator shall have the power, at his/her discretion, to make binding offers of employment to fill vacancies in Board-approved positions, except for positions which require the employee to hold an individual employment contract. Where the School Board will make the final decision to approve, or not approve, the hiring of any employee, any preliminary offer of employment or any offer of a contract shall be contingent on obtaining Board approval, and the contingent offer shall be revocable in the event the Board does not approve the employment of the individual. The District Administrator shall inform the Board of all new support staff members employed in the District, or any changes in support staff employment.

If the District Administrator determines there is an urgent need to fill a position or that another exceptional and good cause exists, standard practices may be modified for all potential candidates by, e.g., shortening the standard application period, eliminating multiple interview levels, or considering interim appointments. However, under no circumstances shall an employee be hired without:

1. Participating in a personal interview;
2. Completing required physical examinations with satisfactory results, or expressly conditioning the offer of employment or offer of contract on such satisfactory completion;
3. For all positions, either of the following:
  - a. The District has completed licensure (where applicable), reference, and criminal background checks, and determined that the results of said checks are acceptable before the offer of employment is made; or
  - b. Any preliminary offer of employment is made expressly contingent upon completion of licensure (where applicable) confirmation, reference checks, and criminal background checks, the results of which the District, in its discretion, determines are acceptable; and



4. Where the Board will make the final decision to hire an employee, including the hiring of all employees who are required to hold an individual contract, any offer of employment shall either:
  - a. be made following Board approval of the hiring decision and the terms of any employment contract; or
  - b. be made in a manner that is contingent upon a subsequent Board decision to approve the hiring decision and the terms of any employment contract.
5. Completing the necessary employment forms required by state and federal law (e.g., the I-9 form).

Additional Provisions Applicable to Most Contracted Positions

Professional staff who are required to be licensed or certified by law must provide the District with a copy of the current license or certificate. Such employees are expected to remain licensed in good standing, including knowing the expiration date of their license/certification and meeting the requirements for maintenance/renewal in a timely manner. A contract with any person not legally authorized to hold the licensed position identified in his/her contract shall be (1) deemed materially breached by the individual holding the contract; and/or (2) void by operation of law. All teaching contracts shall terminate if, and when, the authority to teach terminates.

To the extent required by state law, teachers may be employed or dismissed from their contracted positions only by a majority vote of the full membership of the Board. To the extent prohibited by state law, the District shall not enter into a contract of employment with any teacher for any period of time that the individual is then under a contract of employment with another school board.

LEGAL REF.:	Wisconsin Statutes	
	Section 66.0502	[employee residency requirements prohibited]
	Section 111.31	[declaration of fair employment policy]
	Section 118.19	[licensure and certification]
	Section 118.195	[discrimination against handicapped teachers prohibited]
	Section 118.20	[teacher discrimination prohibited]
	Section 118.21	[teacher contracts]
	Section 118.22	[renewal and nonrenewal of teacher contracts]
	Section 118.24	[administrator contracts]
	Section 121.02(1)(a)	[school district standard; employ teachers, supervisors and administrators with appropriate license/certification]
	Wisconsin Administrative Code	
	PI 8.01(2)(a)	[school district standard; assure proper license/certification is on file]
	PI 34	[licensure requirements]
	Federal Laws	
	<a href="#">Americans with Disabilities Act</a>	[nondiscrimination on the basis of disability; ability to perform essential functions of the job with or without reasonable accommodations]

CROSS REF.: Policy 221, Recruitment and Hiring of the District Administrator  
Policy 511, Equal Opportunity Employment  
Policy 531, Staff Positions  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISION:

## Policy 534

### NORTH CAPE SCHOOL DISTRICT

#### SUBSTITUTE TEACHERS

All substitute teachers shall possess the appropriate license or permit required by law in order to teach at North Cape School

The District Office is responsible for keeping a list of certified substitute teachers, and a designated teacher will be responsible for assigning all substitute teachers within the building. If the designated sub-calling teacher or District Office are unable to secure a substitute teacher, the District Administrator has authority to assign teachers to cover the classes for the absent teacher. Such assignments shall be made on an equitable, rotating basis among teachers in the building whenever possible.

Teachers should provide substitute teachers with appropriate lesson plans, and easy access to the seating chart, class record book and copies of all texts, teacher manuals and materials to be used in class.

Teachers should contact the designated teacher no later than two hours prior to the workday of the day they need a substitute (by 6:00 a.m.). If a teacher is going to be absent for more than one day, he/she must notify the school secretary that he/she will be absent the following day by 4:00 p.m. on the first day they are absent and every day thereafter until they return. In the case of extended absences due to illness, etc., arrangements may be made for a long-term substitute teacher thereby negating the need for daily phone calls.

Substitute teachers shall be paid on a per diem basis at a rate stipulated by the School Board.

A long-term substitute, which is defined as a substitute teacher employed for more than 20 consecutive days in the same teaching position, will receive a regular salary in accordance with his/her training and experience. A higher daily rate will be negotiated by the District Administrator and payment will start the first day of a long-term substitute assignment.

LEGAL REF.:	Wisconsin Statutes	
	Section 118.19	[teacher certificates and licenses]
	Section 118.191	[experience-based licensure for technical and vocational education subjects]
	Section 118.192	[professional teaching permits]
	Section 121.02(1)(a)	[school district standard; assure proper license/certification is on file]
	Wisconsin Administrative Code	
	PI 8.01(2)(a)	[school district standard; assure proper license/certification is on file]
	PI 34.01(53)	[definition of short-term substitute]
	PI 34.01(57)	[definition of substitute teacher]
	PI 34.23	[substitute teacher license]
	PI 34.24	[substitute teacher permit]

CROSS REF.: 534-Rule, Substitute Teacher Guidelines  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISION:

## NORTH CAPE SCHOOL DISTRICT

### SUBSTITUTE TEACHER GUIDELINES

1. All substitute teachers shall complete an application for substitute teaching and have it on file in the District Office. In addition, substitute teachers must have an appropriate license or permit on file in the office before they can do substitute teaching.
2. A list of qualified substitute teachers shall be approved by the District Administrator. Substitute teachers shall be called by a designated teacher. New substitute teachers shall be required to spend two (2) hours of assigned visitation before being placed on the list.
3. **Substitute Teacher Responsibilities** - The substitute teacher shall:
  - a. Check with the District Administrator or designee upon arrival at the school to obtain information about any routine procedures to be carried out.
  - b. Assume all the responsibilities of the regular teacher in his/her absence, including recess duty, noon hour duty, etc.
  - c. Keep the regular hours required of the regular teacher.
  - d. Keep accurate daily attendance records.
  - e. Carry out the lesson plans left by the regular teacher. When a teacher returns, the teacher should find that the instructional program has progressed as planned.
  - f. Correct written assignments if they have been given. Assignments should not be left for the teacher, upon the teacher's return to regular duty.
  - g. Immediately report any problems which may arise, such as a student's illness or accident on the playground, to the District Administrator or designee.
  - h. As a professional teacher, refrain from divulging any information which might have been gained about students from confidential records.
  - i. As a professional teacher, be responsible for maintaining good professional relations. A desirable substitute will always help to improve the relationship between the community and the school, and to maintain a good relationship between the parents/guardians and the regular teachers.
  - j. Check with the District Administrator or designee before departing from the school. The District Administrator or designee may, at that time, be able to tell the substitute if he/she is to return the next day.

POLICY REVISION AND NEW APPROVAL: August 21, 2017

REVISION:

## NORTH CAPE SCHOOL DISTRICT

### STAFF PROFESSIONAL DEVELOPMENT OPPORTUNITIES

The School Board delegates to the District Administrator the task of annually establishing and overseeing the implementation of a comprehensive professional development plan in order to provide learning and development opportunities for the District's staff. The comprehensive plan shall be established and updated collaboratively with the assistance of staff.

Primary goals of the professional development plan, and the activities pursued under the plan, include the following:

1. Improving instruction and learning opportunities for District students;
2. Fostering a shared and clear sense of mission, goals and priorities within the District;
3. Sharing and disseminating institutional knowledge and internal successes;
4. Providing exposure to ideas, research, and expertise from outside of the District;
5. Assessing and evaluating District programs;
6. Building internal capacity for leadership, change, and innovation;
7. Enhancing technical skills and knowledge;
8. Enabling consistent compliance with District policies and relevant legal requirements; and
9. Fostering a commitment toward continuous professional learning and personal development.

In particular years, or as applied to particular staff positions, the professional development plan and activities pursued under the plan may focus primarily on one or several of the above goals.

The professional development programming that is provided in the District shall be managed and delivered at various levels, including District-wide programming and programming that is specific to particular functions, skills, or subjects. The plan shall also include components that allow means for the identification and pursuit of individualized activities that focus on personal needs, goals and interests. Such individualized components may be coordinated, for example, through formative personnel evaluations and assessments, through individual goal-setting activities, or through the stages and procedures related to licensure.

The District Administrator shall regularly inform the Board regarding the development, review, and implementation of the professional development plan for staff.

LEGAL REF.:	Wisconsin Statutes	
	Section 120.12(2m)	[school board duty to evaluate effectiveness of teachers and principals]
	Section 121.02(1)(a)	[school district standard; verification of licensure]
	Section 121.02(1)(b)	[school district standard; professional development of employees]
	Section 121.02(1)(q)	[school district standard; evaluation of licensed staff]
	Wisconsin Administrative Code	
	PI 8.01(2)(b)	[school district standards; staff development]
	PI 34, Subch. V	[licensure stages; including professional development plans]

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CROSS REF.: Policy 110, School District Mission  
Policy 223, Administrator Professional Development Opportunities  
Policy 538, Professional Staff Evaluation  
Policy 548, Support Staff Evaluation  
Policy 671.2, Expense Reimbursements  
Policy 673, Payment Procedures  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: October 31, 2016

REVISED:

## Policy 538

### NORTH CAPE SCHOOL DISTRICT

#### EVALUATION OF PROFESSIONAL STAFF

The School Board and the professional staff view evaluation as a continuing process for the purpose of improving instruction and assessing the individual performance of staff members.

Every professional staff employee in the District will be supervised and evaluated by the District Administrator and/or his/her designee.

- A new-to-the-system employee shall be formally evaluated at the end of their first year of employment.
  - A continuing employee shall be formally evaluated at least every third school year.
  - Assistance, recommendations and directions may, at the discretion of the District Administrator or his/her designee, and consistent with legal requirements, be provided to each employee in an attempt to correct professional difficulties observed or noted.

Nothing in this policy shall be interpreted as a limitation to the number of formal or informal evaluations that may be conducted by the District Administrator or his/her designee.

The Board delegates to the District Administrator and his/her designee the responsibility for defining and implementing a systematic program of evaluation for the professional staff covered by this policy. All professional staff evaluations shall be based on written job descriptions, including key job-related activities, and include observation of the individual's performance as part of the evaluation data. Professional staff evaluations shall be carried out in accordance with the evaluation procedures outlined in the Employee Handbook.

For the purpose of this policy, professional staff employees include all staff members holding a professional license issued by the Wisconsin Department of Public Instruction who are under contract with the District, other than licensed administrators.

LEGAL REF.:	Wisconsin Statutes	
	Section 115.415	[educator effectiveness evaluation requirements]
	Section 118.21	[teacher contracts]
	Section 118.22	[renewal and nonrenewal of teacher contracts]
	Section 118.225	[limited authority to use student assessment data as part of a teacher evaluation program]
	Section 118.30(2)(c)	[prohibited uses of student assessment data]
	Section 120.12(2m)	[school board duty to evaluate teachers using DPI-developed educator effectiveness evaluation system or equivalency evaluation process]
	Section 121.02(1)(a)	[verification of licensure]
	Section 121.02(1)(b)	[professional development of employees]
	Section 121.02(1)(q)	[evaluation of licensed staff]



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Wisconsin Administrative Code

PI 8.01 (2)(a) [annual certification to DPI of educator's current license]

PI 8.01 (2)(b) [professional development plan for employees]

PI 8.01 (2)(q) [evaluation of licensed staff]

PI 34 [DPI standards and licensure]

PI 34.32(1) [license requirements for individuals who supervise and evaluate other professional staff]

PI 47 [equivalency process for educator effectiveness evaluation; principals and teachers]

CROSS REF.: Policy 225, District Administrator Evaluation  
Policy 537, Staff Professional Development Opportunities  
Policy 548, Support Staff Evaluation  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: October 31, 2016

REVISED:

## Policy 548

### NORTH CAPE SCHOOL DISTRICT

#### SUPPORT STAFF EVALUATION

This policy applies to the evaluation of District-employed support staff personnel, which shall be understood to include all custodial, clerical, maintenance and paraprofessional employees of the District (including all licensed special education paraprofessionals).

The primary purpose of employee evaluation is to provide for continuous improvement in the quality of the services that are delivered to the District's students and to the broader school community. Support staff evaluations shall cover the major areas of the employee's school district responsibilities and duties, including, but not limited to, the following:

- Specific work assignment;
- Understanding his/her role in the educational system;
- Attitude toward children and public education;
- Attitude toward teachers, supervisors, and fellow employees; and
- Work ethic and habits.

The School Board delegates to the District Administrator the responsibility for defining and implementing a program of evaluation for the support staff personnel covered by this policy. However, at a minimum, each support staff employee shall receive a written performance evaluation at least once every three years. The normal evaluation schedule applicable to any position may be adjusted in individual circumstances at the discretion of the District.

The District Administrator or his/her designee shall determine which individual(s) will have primary responsibility for conducting any formal, written evaluations of support staff personnel. Evaluator(s) may seek input and data from multiple sources, including both supervisors and non-supervisors who are familiar with the employee's performance.

The District Administrator shall orient all new employees regarding evaluation procedures and instruments. If an evaluation instrument is changed, affected employees will be reoriented.

Each employee shall be given a copy of the evaluation report prepared by his/her evaluator. The employee may respond to the written evaluation in writing with his/her comments and have those comments attached to the file copy of the completed evaluation.

LEGAL REF.: Wisconsin Administrative Code  
PI 8.01 (2)(b) [professional development plan for employees]  
PI 34.34(18) [DPI licensure for special education program aides]

CROSS REF.: Policy 526, Personnel Records  
Policy 531, Staff Positions  
Policy 537, Staff Professional Development Opportunities  
Employee Handbook

POLICY REVISION AND NEW APPROVAL: August 21, 2017  
REVISION: