

FIRST EDITION



A PROJECT OF THE WISCONSIN INSTITUTE FOR LAW & LIBERTY

# EMPOWERING SCHOOL BOARDS

**Model Policies that Promote Good  
Governance, Transparency, and  
Parental Rights**



[SchoolBoardPolicies.org](http://SchoolBoardPolicies.org)



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AMERICAN EDUCATION PROJECT**

**Restoring American Education**  
[www.RestoringAmericanEducation.org](http://www.RestoringAmericanEducation.org)

**Model School Board Policies**  
[www.SchoolBoardPolicies.org](http://www.SchoolBoardPolicies.org)

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## **About WILL**

Wisconsin Institute for Law & Liberty (WILL) is a nonprofit law and policy center based in Milwaukee, Wisconsin. WILL works for an America in which communities, businesses, and everyday people are flourishing due to personal and economic freedom and more widespread opportunity. WILL strives to help civil society flourish by restoring separation of powers between states and the federal government, fights for individuals' First Amendment rights so that their freedom of speech and exercise of religion are protected, and advocates for equality for all citizens.

Have questions or suggestions? Contact us at:  
[info@will-law.org](mailto:info@will-law.org)

## Mission Statement

Through litigation, education, and participation in public discourse, WILL advances the public interest in the rule of law, individual liberty, constitutional government, and a robust civil society.

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## Why was Restoring American Education created?

Communities across the nation are concerned that public schools are drifting away from their founding ideals. During the pandemic, parents were provided a peek into the classroom and had questions and concerns about what their children were learning. The result has been a wave of parental engagement and activism aimed at holding schools and school boards accountable for curriculum and academic proficiency.

**Restoring American Education** is an initiative of the Wisconsin Institute for Law & Liberty (WILL) to close a critical gap by engaging parents, school board members, and teachers with an understanding of these concerns, trends, and of the alternative resources available.

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## Why model school board policies?

Our hope in creating these model school board policies is to assist in informing school board members about what types of policies are considered to be pro-parent and pro-transparency. Ultimately, we aim to facilitate student academic success..

Ongoing discussions across our nation about public school education continue to be divisive and difficult. WILL provides these model school board policies as an addition and alternative to the limited options currently available for school board members.

WILL offers these model policies with goals of improving school governance, creating transparency, increasing parents' rights and involvement, and optimizing student academic achievement. Most of the policies fall within more than one of these categories, and each one is intended to improve students' academic proficiency.

**Good governance:** What we mean by good governance is essentially that school districts need to shift their perspective. Parents should be viewed as partners, not adversaries. This requires engagement, and it requires good governance. If districts do not have good policies in place to set and meet expectations, then no matter how much parents engage, there are going to be obstacles.

**Parents' rights:** The parents' rights category is derived from the principle that parents have a constitutional right to direct the upbringing and education of their children.\* Policies that engage parents are ultimately in the best interests of students.

**Transparency:** We think transparency is key to parents and taxpayers knowing about their local public school. This includes specific areas such as curriculum transparency, teacher professional development transparency, contracting transparency, and financial transparency. By providing information about content that is subject to open records laws anyways, districts can foster a partnership with parents and the community.

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## How can school boards use these model policies?

Most of these policies may be introduced and enacted in any state. They can be implemented as-is or revised based on the needs of the local community and school district. Model policies drafted specifically for Wisconsin may be revised to comply with various state laws around the country.

Restoring American Education is an ongoing project, and additional model policies will be added periodically. Please reach out to [info@will-law.org](mailto:info@will-law.org) if you have suggestions for model policies on particular topics or if you have questions about existing model policies.

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\* Article I, Section 1 of the Fourteenth Amendment – right of parents to direct the upbringing and care of their children. *Pierce v. Society of Sisters* (1925). SCOTUS described this right as “essential,” “commanding,” a “basic civil right of man,” “far more precious than property rights,” and “established beyond debate as an enduring American tradition.”

Likewise, SCOWIS has “long recognized the rights of parents to rear their children according to their own system of beliefs,” and has described parents’ rights as “substantial” and “of constitutional magnitude.”



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MODEL POLICY #1

# REVIEW AND UPDATE OF DISTRICT POLICIES

In connection with the District goal of optimizing student academic achievement, the School Board shall conduct a yearly review of District policies. To facilitate such review the Superintendent shall, at least once per year, suggest any changes to District policies which the Superintendent believes appropriate. The Board shall update policies as it determines appropriate and in accordance with existing law, and shall update parents and students at least yearly, at the beginning of the school year.

## Legal Analysis

School boards have a legal duty for oversight and administration of the school district. See Wis. Stat. § 120.12; Wis. Stat. § 120.13; Wis. Stat. § 118.001.



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## MODEL POLICY #2

# BOARD-SUPERINTENDENT COMMUNICATIONS

The Board believes that a strong, effective relationship between the Superintendent and School Board requires frequent communication both in and out of official settings.

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## Superintendent Communications to the Board

It is expected the Superintendent provide information to the School Board as follows:

1. **If an issue surfaces, the Superintendent will make every effort to inform the Board as soon as possible.**
  2. **Conduct bi-annual Superintendent/Board member one-on-one interview to discuss progress towards District mission and goals.**
  3. **Communicate electronically (i.e. e-mail, text message, etc.) in a timely manner when items of importance arise.**
  4. **Phone calls on urgent items.**
  5. **Respond to Board members' questions in a timely manner.**
  6. **Propose meetings and/or agenda items with input and approval of Board President.**
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## Board Communications to the Superintendent

The School Board may communicate with the Superintendent as follows:

1. **The Board, as an entity, may communicate with the Superintendent through the Board President. The Superintendent shall respond to such communication on a timely basis.**
2. **In addition, individual Board members may call, email or text the Superintendent with questions, which the Superintendent will respond to on a timely basis. If the Superintendent believes that a question from an individual Board member is inappropriate the Superintendent shall inform the Board member and the Board President of that fact and Board may take action as appropriate.**
3. **A reasonable amount of time will be given to process questions and responses (depending on the question and request, 1 to 3 business days). Every effort will be made to process the request as soon as possible.**

**4. On Board matters, the Board President, and not the Superintendent, serves as the public spokesperson for the Board.**

At any time, the Board may decide to conduct a monthly (informal) check-in between the Superintendent and Board members. If necessary, the Board may establish a standing Board agenda item to review progress and success of communication protocols.

## Legal Analysis

The Superintendent is an employee of the School District, and the School Board has the duty to oversee the administration of the District. Specifically, in Wisconsin, there are laws pertaining to the roles and responsibilities of the Board and the District administrator. See Wis. Stat. § 118.001; Wis. Stat. § 118.24.



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## MODEL POLICY #3

# PARENT, FAMILY, AND COMMUNITY ENGAGEMENT

## Relations with Parents and Families

The School Board believes that the education of children is a joint responsibility, one it shares with the parents of the school community. To ensure that the best interests of the child are served in this process, robust communication between home and school must be maintained.

The Board believes that it is the parents and legal guardians who have the ultimate responsibility for their children's in-school behavior, including the behavior of students who have reached the legal age of majority or have been recognized as emancipated by a court of law, but may be, for all practical purposes, still under parental or guardian authority.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

The Board recommends that the following activities be implemented to encourage parent/guardian-school cooperation:

- 1. Regular and frequent parent-teacher interaction to facilitate, promote, and encourage two-way communication between home and school;**
- 2. Meetings of staff members and groups of parents/guardians of those students having special abilities, disabilities, needs, or problems;**
- 3. Availability of student educational records for parent/guardian review upon request;**
- 4. Open houses in District schools to provide parents/guardians with the opportunity to see the school facilities and meet faculty.**

For the benefit of children, the Board believes that it is appropriate for the District to encourage parents/guardians to cooperate with the school to improve their child's career in school by:

- 1. Supporting schools by encouraging children to observe all school rules and regulations;**
- 2. Maintaining an active interest in the student's daily work and helping to make sure that students complete assigned homework;**
- 3. Reading all communications from the school, signing, and returning them promptly when required;**
- 4. Cooperating with the school in attending conferences set up for the exchange of information of the child's progress in school.**

**5. Communicate with the school administration with any comments or concerns regarding their childrens' education.**

To achieve the above goals, the Board directs the Administration of the District to do the following:

- 1. Ensure proper protocols are followed in order to evaluate family engagement;**
- 2. Confirm teachers and staff are knowledgeable and trained in what the expectations are for the District with respect to school rules and regulations;**

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## **Relations with Community**

The Board believes community engagement can benefit student academic and extracurricular achievement. The Board has identified three main goals related to community engagement:

- 1. Broaden students' education opportunities by bringing community members in to talk to students about government, business, community activities, etc.**
- 2. Engaging with community members to address, if possible, social and health conditions present in the community that can interfere with learning, including but not limited to crime, drug abuse, nutrition and health care.**
- 3. Improving representative and participatory government by engaging with citizens on their concerns about education governance.**

The Administration shall make every effort to maximize opportunities to meet the above goals. It shall conduct annual meetings involving school leadership personnel to discuss opportunities to engage with the community.

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## **Legal Analysis**

In accordance with the Every Student Succeeds Act (ESSA), school districts are required to maintain parent and family engagement. This policy furthers that directive by providing additional guidance. See 20 U.S.C. § 6318; 20 U.S.C. § 6312. Additionally, the district must follow FERPA to protect student privacy. Every effort to comply with policy should be mindful of that requirement. See 20 U.S.C. § 1232g; 34 CFR Part 99.

## MODEL POLICY #4

# ACCESS TO STUDENT RECORDS

In order to provide appropriate educational services and programming, the District must collect, retain, and use information about individual students. Simultaneously, the District recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Except for data identified by policy as "directory data," student "personally identifiable information" includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, such as the student's social security number, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Family Educational Rights and Privacy Act (FERPA) defines an education record as including information about a student that is maintained in schools in any recorded way, such as handwriting, print, computer media, video or audio tape and film. Categories of education records include, but are not limited to:

- 1. Date and place of birth, parent(s) and/or guardian addresses, and where parents can be contacted in emergencies;**
- 2. Grades, test scores, courses taken, academic specializations and activities, and official letters regarding a student's status in school;**
- 3. Special education records;**
- 4. Disciplinary records;**
- 5. Medical and health records that the school creates or collects and maintains;**
- 6. Personal information such as a student's identification code, social security number, picture, or other information that would make it easy to identify or locate a student.**

Student records shall be available only to students, their parents, designated school officials who have a legitimate educational interest in the information, and other individuals or organizations only as permitted by law. Beyond these listed individuals, all student records shall be kept confidential. The Board shall adopt policies to maintain the confidentiality of such records.

The District is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant

to the function of the School District or specifically permitted by this Board will be compiled by District employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

A student, or the parent or guardian of a minor student, shall, upon request, be shown the student's educational records. Upon request by a parent or student, the District must also provide copies of educational records. A request for student records must be signed and dated, specify what records are being requested, indicate to whom the records should be provided and for what purpose.

A student, or the parent or guardian of a minor student, has the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or student has the right to place a statement with the record setting forth his or her view about the contested information.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

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## Legal Analysis

FERPA gives parents access to student information, and it requires privacy protections for both paper and computerized student records. See 20 U.S.C. § 1232g; 34 C.F.R. § 99. In addition to the federal law restricting disclosure of information from student records, Wisconsin law also has parental access and privacy protection laws. See Wis. Stat. § 118.125; Wis. Stat. § 118.126; Wis. Stat. § 118.127; Wis. Stat. § 938.396.



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## MODEL POLICY #5

# RIGHT TO REVIEW INSTRUCTIONAL MATERIALS AND RELATED DOCUMENTS

Parents shall have the right to access, upon request, the instructional materials used in the education of their children. In this policy, “instructional materials” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the internet). This includes copyrighted materials used by a teacher, materials created by a teacher, materials available to or accessible by students but not required in the education of the child, and any tests or assessments.

For purposes of this policy, “education of the child” includes classes the child is currently enrolled in, any in-school activity required by the school or District, and any other program the student opts to participate in. For purposes of this policy, a test or assessment is an evaluation to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students.

The District values and encourages transparency between parents and the school, and therefore the District shall make every effort to be as transparent as possible.

Tests or assessments administered to District students may be reviewed in such a way so as not to compromise the integrity of the test or assessment or invalidate the results. For instance, a test or assessment may not be reviewed before it is administered to a student unless it would reveal information concerning:

- A. political affiliations or beliefs of the student or his/her parents or family members;**
- B. medical, health information, mental or psychological problems of the student or his/her parents or family members;” as “medical or health information or mental or psychological problems of the student or his/her parents or family members;**
- C. sex behaviors or attitudes;**
- D. illegal, anti-social, self-incriminating, or demeaning behavior;**
- E. critical appraisals of other individuals with whom respondents have close family relationships;**
- F. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;**

**G. religious practices, affiliations, or beliefs of the student or his/her parents;**

**H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).**

The Superintendent shall provide reasonable notification to parents and students of their rights to review instructional materials.

The District will develop and adopt policies, in consultation with parents, for granting such a request within a reasonable time period. The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes.

The Board encourages parents to engage with their child's teachers and school administrators and believes that access to educational materials is vital to effective communication.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

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## Legal Analysis

See 20 U.S.C. § 1232h. Federal law requires that parents be allowed to inspect, upon request, any instructional material used as part of the educational curriculum for the student. See 20 U.S.C. § 1232h(c). This policy enhances parents' rights to review instructional materials.



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## MODEL POLICY #6

# RIGHT TO REVIEW PROFESSIONAL DEVELOPMENT TRAINING MATERIALS

Parents shall have the right to access, upon request, all District training materials used for professional development. "Training Materials" means content or resources provided to an administrator, educator or other District staff member, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the internet). "Training materials" also includes information received via assessments and evaluations, and any services hired or contracted with for use by the District, including bringing in outside presenters or consultants.

School board members shall also have the right to access, upon request, District training materials used for professional development.

The Superintendent shall provide reasonable notification to parents and students of their rights to review professional development training materials. Requests shall be granted in compliance with applicable public records laws.

## Legal Analysis

Teachers and principals undergo periodic professional development training and incorporate that training into their work. District training materials used for professional development are subject to public records laws. See 5 U.S.C. § 552.

MODEL POLICY #7

# SURVEY NOTICE AND OPT OUT

No student shall be required, without prior written parental consent, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

- A. political affiliations or beliefs of the student or his/her parents or family members;**
- B. medical, health information, mental or psychological problems of the student or his/her family;**
- C. sex behavior or attitudes;**
- D. illegal, anti-social, self-incriminating or demeaning behavior;**
- E. critical appraisals of other individuals with whom respondents have close family relationships;**
- F. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;**
- G. religious practices, affiliations, or beliefs of the student or his/her parents; or**
- H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).**

If any survey, analysis, or evaluation would reveal information concerning the above categories but is not required, then parental notice shall be provided before any such survey is administered, and parents shall have the opportunity to opt their child out of participating.

Consistent with parental rights, the Board directs building and program administrators to:

- A. notify parents in writing of any surveys, analyses, or evaluations, which may reveal any of the information, as identified in A-H above, in a timely manner, and which allows interested parties to request an opportunity to inspect the survey, analysis, or evaluation; and the administrator to arrange for inspection prior to initiating the activity with students;**
- B. allow the parents the option of excluding their student from the activity;**
- C. report collected data in a summarized fashion which does not permit one to make a connection between the data and individual students or small groups of students;**
- D. treat information as identified in A-H above as any other confidential information maintained in student records and therefore not subject to public disclosure.**

The Board shall establish procedures to provide parents with the opportunity to inspect any materials created by a third party used in conjunction with any such survey, analysis, or evaluation before the



survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received.

For the privacy of students whose parents request that they not take part in the survey, arrangements will be made prior to the time period when the survey will be given, for the student(s) to go to a supervised location where under the supervision of a staff member the student will be provided with an alternate activity.

The Board shall not collect or use personal information obtained from students or their parents for the purpose of marketing or for selling that information.

The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

**A.** The notice shall provide the following:

**1. Notice of the specific or approximate dates during the school year when the following activities are scheduled or expected to be scheduled:**

- a. activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose)
- b. the administration of any survey by a third party that contains one or more of the items described in A through H above

**B.** For surveys that are required - the opportunity for the parents to opt their child(ren) in to participation in any survey involving any of the items above.

**C.** For surveys that are voluntary - the opportunity for the parents to opt their child(ren) out of participation in any survey involving any of the items above.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

## Legal Analysis

Federal law requires notice and consent to parents pertaining to some surveys and assessments. This requirement applies to the programs and activities of a local educational agency (LEA) or other recipient of funds under any program funded by the U.S. Department of Education (20 U.S.C. § 1232h, 34 CFR Part 98).



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## MODEL POLICY #8

# CONTROVERSIAL ISSUES

The Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the District.

For purposes of this policy, a controversial issue means anything that is the subject of intense public argument, disagreement, or disapproval. This includes issues which may have political, social, or personal impacts on students and/or the community, and it includes issues that are likely to arouse both support and opposition in the community.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

The Board will permit the introduction of controversial issues provided that their use in the instructional program:

- A. is related to the instructional goals of the course of study;**
- B. is age-appropriate for the students;**
- C. does not indoctrinate or persuade students to a particular point of view;**
- D. encourages analytical thinking and open-mindedness;**
- E. does not create a hostile school environment. See *legal analysis*.**

For purpose of this policy, age-appropriate means suitable to a particular group of students based on their developing cognitive and emotional capacity and consistent with adolescent development and community standards.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction, relate to the topic of instruction, and do not create a hostile school environment.

In the discussion of any controversial issue in the classroom, including during non-instructional time such as school announcements or assemblies or during homeroom or study periods, or in the course of professional duties, an educator must not pressure students to adopt a certain point of view. If an educator expresses a personal opinion on controversial issues, he or she shall identify the opinion as such, and must not express such an opinion for the purpose of pressuring students to adopt his or her point of view.

The Board recognizes that certain controversial issues may contain content that some parents may find objectionable. Educators shall provide effective notice to parents in advance of controversial issues being instructed in the classroom.

Effective notice shall be construed to mean notice sufficiently in advance of instruction such that a parent may opt out of particular units, classes, assemblies or announcements prior to information being presented to the student. If a parent indicates to the school that the content conflicts with his or her religious beliefs or value system, the school will honor a written request for his or her child to be excused from particular units, classes, assemblies or announcements. This will not affect the grade of the student, and the student will be provided alternative learning activities during times of parent requested absences. See *legal analysis*. Nothing in this Policy shall be construed to conflict with state or federal law or the District policy on survey administration.

For purposes of this policy, the term “parent” includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

## Legal Analysis

Federal law, 20 U.S.C. § 1232h establishes pupil rights, which are considered the baseline for pupil rights. This policy expands on those rights and empowers parents to continue to direct the upbringing of their children, in accordance with the U.S. Constitution. In allowing the discussion of controversial issues, school administrators should keep in mind that in *Bryant v. Independent School Dist. No. 1-38 of Garvin County, OK*, 334 F.3d 928 (10th Circuit 2003) the court held that deliberate indifference by school administrators to known incidents of racial harassment can constitute intentional discrimination under Title VI and thereby grounds for a private suit. Thus, enforcing all five of these requirements is important.



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## MODEL POLICY #9

# STUDENT GENDER IDENTITY AND PARENTAL NOTIFICATION AND CONSENT

Parents have the right to determine the names and pronouns that staff use to refer to their children while at school. Staff shall not refer to or address minor students by a different name or pronouns that differ from their biological sex, during school hours, without written authorization from a parent. The document authorizing the change of name and/or pronoun shall be kept on file in the administrative offices. This policy does not require parental consent for shortened versions of the legal name of a student.

The District shall not be responsible for the diagnosis and treatment of gender dysphoria. The Board acknowledges that District staff and volunteers are not experts in diagnosing or treating gender dysphoria or related mental health conditions. Parents have the right to determine whether to seek professional and medical support for their child.

If District personnel have reason to believe that a student is seeking to transition or has begun to socially transition to a gender that differs from his or her biological sex, personnel may, but are not required to, inform parents.

For purposes of this policy, the term “parent” includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

## Legal Analysis

The Fourteenth Amendment of the U.S. Constitution recognizes the “inherent right” of parents to “direct the upbringing and education of children under their control.” See *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925).

## MODEL POLICY #10

# EMPLOYEE EXPRESSION IN NON-SCHOOL SETTINGS

The School Board acknowledges the right of its professional staff members, as citizens in a democratic society, to speak out on issues of public concern in non-school settings. The District issues this policy to balance its employees' right to free speech against the District's interests in an efficient, disruption-free workplace.

Consistent with this balance, there are certain limited occasions when the statements of District employees, even in non-school settings, and on issues of public concern, can adversely affect the District and when the District may take action adverse action against the employee.

These include, but are not limited to:

1. **Where the employees speaks as an employee of the District rather than as a private citizen;**
2. **Where the employee makes threats or abusive comments about co-workers, administrators, officials in the District, students, or parents or guardians of students;**
3. **Where the employee discloses any confidential information that the employee has obtained during the course of his or her employment with the District;**
4. **Where the employee makes statement that are false and defamatory; or**
5. **Where the employee makes statements that so disrupt the employee's workplace that the District is justified in taking adverse action against the employee.**

Violations of this policy, as determined by the Board to be sufficiently severe and disruptive, may result in disciplinary action.

## Legal Analysis

Public employees do not surrender all their First Amendment rights by reason of their employment; Rather, the First Amendment protects the right of a public employee to speak as a citizen addressing matters of public concern. *Garcetti v. Ceballos*, 547 U.S. 410, 126 S. Ct. 1951, 164 L.Ed.2d 689 (2006). Teachers may not constitutionally be compelled to relinquish First Amendment rights they would otherwise enjoy as citizens to comment on matters of public interest in connection with operation of public school in which they work. *Pickering v. Board of Education of Tp. High School Dist. 205, Will County, Illinois*, 391 U.S. 563, 88 S. Ct. 1731, 20 L.Ed.2d 811 (1968). In determining a public employee's rights of free speech, courts balance interests of

the employee as a citizen, commenting upon matters of public concern, and the interest of the employer, in promoting the efficiency of the public services it performs through its employees. *Connick v. Myers*, 461 U.S. 138, 103 S. Ct. 1684, 75 L.Ed.2d 708 (1983).



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MODEL POLICY #11

# ASSESSMENT OF EDUCATIONAL GOALS

Annually, prior to the beginning of the school year, the School Board shall provide parental or guardian notice of the pupil academic standards, adopted under s. 118.30 (1g) (a) 1., that will be in effect for the school year. The school board may provide the notice required under this paragraph electronically, including by posting the notice or a link to the pupil academic standards on the school district's Internet site.

At least once every two months, the School Board shall include as an agenda item for board meetings an assessment of student achievement in relation to the pupil academic standards in effect for the district. The Board shall first prioritize assessment of student achievement in English language arts and math. If the Board determines student achievement is not meeting the applicable pupil academic standards, the Board shall take appropriate action in an effort to meet such standards.

## Legal Analysis

Wisconsin school boards have the duty to determine the educational standards for the district. See Wis. Stat. § 120.12(13); Wis. Stat. § 118.01.



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## MODEL POLICY #12

# STUDENT DISCIPLINE

In the use of disciplinary authority, including suspension and expulsion authority, neither the Board nor any employee or school administrator may discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

Before the beginning of the school year, the School Board shall determine:

- 1. A specification of what constitutes dangerous, disruptive or unruly behavior or behavior that interferes with the ability of the teacher to teach effectively under 118.164 (2), Wis. Stats.**
- 2. Any grounds in addition to those under subd. 1. for the removal of a pupil from the class under s. 118.164 (2), Wis. Stats.**
- 3. The procedures for determining the appropriate educational placement of a pupil who has been removed from the class and assigned a placement by the school principal or his or her designee under 118.164, Wis. Stats.**
- 4. A procedure for notifying the parent or guardian of a minor pupil who has been removed from the class under 118.164 (2), Wis. Stats.**

A description of the above-referenced determinations regarding discipline shall be provided to parents at least once annually, at the beginning of the school year, such as in the student handbook.

The School Board endorses alternatives to out-of-school suspension when appropriate. Such alternatives may include, but are not limited to, before-school detention, lunch/recess detention, after-school detention, Saturday detention, and in-school suspension.

In-school discipline alternatives to out-of-school suspension may be offered at the discretion of the principal for inappropriate conduct pursuant to District policy.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. No student shall be refused transportation services until the parent has been notified and other suitable transportation arrangements have been made. Notification to the parent is the responsibility of District personnel and should be made prior to the departure of school buses. If a parent cannot be contacted, the child should be detained on another day.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

## Legal Analysis

Wisconsin law specifically addresses requirements for student discipline by school districts including school board powers for suspension and expulsion and requirements related to the removal of a student from class. See Wis. Stat. § 120.13; Wis. Stat. § 118.164. Federal law also limits disciplinary options for students with disabilities, such as when conduct in violation of school policy is determined to be a manifestation of the disability of a student. See 20 U.S.C. § 1415(k)(1)(E); 34 C.F.R. § 300.530.



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## MODEL POLICY #13

# HUMAN GROWTH AND DEVELOPMENT INSTRUCTION AND PARENTAL NOTICE AND OPT OUT

The School Board shall determine on a yearly basis whether students will receive instruction in human growth and development. If the School Board elects to provide an instructional program in human growth and development, it shall be administered in a manner consistent with Chapter 118.019 Wis. Stats, and must include the following:

**A. Medically accurate and age-appropriate instruction in the following topics:**

1. The importance of communication about sexuality between the pupil and the pupil's parents or guardians.
2. Reproductive and sexual anatomy and physiology, including biological, psychosocial, emotional, and intellectual changes that accompany maturation.
3. The benefits of and reasons for abstaining from sexual activity. Instruction under this subdivision shall stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections, and shall identify the skills necessary to remain abstinent.
4. Methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress.
5. How alcohol and drug use affect responsible decision making.
6. The impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality.
7. Adoption resources, prenatal care, and postnatal supports.
8. The nature and treatment of sexually transmitted infections.

**B. Use of instructional methods and materials that do not discriminate against a student based upon the student's race, gender, religion, sexual orientation, or ethnic or cultural background or against children with disabilities;**

**C. Use of instructional methods and materials that address self-esteem, personal responsibility, healthy relationships, and positive interpersonal skills, with an emphasis on healthy relationships;**

- D. Identification of counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships;**
- E. Use of instructional methods and materials that address the positive connection between marriage and parenting;**
- F. Presentation of information about avoiding stereotyping and bullying, including how to refrain from making inappropriate remarks, avoid engaging in inappropriate physical or sexual behaviors, and how to recognize, reject, and report any unwanted or inappropriate remarks or physical or sexual behaviors.**

The Superintendent will ensure that any instruction provided under this policy also includes age-appropriate instruction that specifically fulfills the requirements of Chapter 118.019(2m) Wis. Stats., including:

- A. Presentation of abstinence from sexual activity as the preferred choice of behavior for unmarried students;**
- B. Emphasis that abstinence from sexual activity before marriage is the only reliable way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome;**
- C. Provision of instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children;**
- D. Explanation of pregnancy, prenatal development, and childbirth;**
- E. Explanation of the criminal penalties for engaging in sexual activities involving a child under Ch. 948, Wis. Stats.;**
- F. Explanation of the sex offender registration requirements under Section 301.45;**
  - a. Instruction under this paragraph shall include who is required to report under 301.45, Wis. Stats., what information must be reported, who has access to the information reported, and the implications of being registered under Section 301.45, Wis. Stats.
- G. Provision of medically accurate information about the human papilloma virus and the human immunodeficiency virus and acquired immunodeficiency syndrome.**
- H. Explanation of the process under Section 48.195 under which a parent of a newborn child may relinquish custody of the child to a law enforcement officer, emergency medical services practitioner, or hospital staff member.**

The Board authorizes the curriculum to include separation of students from members of the opposite sex.

Upon the determination of the board to offer a human growth and development curriculum, the board shall establish a citizens' advisory committee, in accordance with 118.019(5), Wis. Stats., in order to ensure the effective participation of staff, parents, health-care professionals, members of clergy, and other residents of the District in the design and implementation of this program area.

The District shall provide parents or guardians at least annually, at the beginning of the school year, with an outline of the human growth and development program used in their child's grade level as well as

information regarding how the parent may inspect the complete program and instructional materials. Prior to use in the classroom, the program shall be made available to parents for inspection.

Parental notice of human growth and development topics shall be provided for any instruction on the topics listed in A. 1–8, above. For all units or classes providing instruction on such topics, parents shall be provided notice in advance of the instruction and given the opportunity to opt their child out. The notice shall state that, in the event a student is excused, that student will still receive instruction under Wis. Stat. 118.01(2)(d)2c, Wis. Stats. unless exempted and under 118.01(2)(d)8, Wis. Stats.

For purposes of this policy, the term “parent” includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

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## Legal Analysis

Under Wisconsin law, human growth and development is an optional instructional program that the School Board can choose to provide. If the Board chooses to provide such a program, it must meet certain requirements. Wisconsin law requires that parents be provided with information regarding how they may inspect the human growth and development curriculum instructional materials, and no student may be required to take instruction in human growth and development. See Wis. Stat. § 118.01(2)(d); Wis. Stat. § 118.019.



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## MODEL POLICY #14

# DISTRICT PERSONNEL EVALUATION AND TRAINING

The Board is responsible for the employment of all personnel. To carry out this responsibility, it delegates to the Superintendent the function of developing professional staff job descriptions. The Superintendent is responsible for implementing a program of personnel assessment that identifies specific criteria and a systematic procedure to evaluate staff.

To achieve this responsibility, the Superintendent shall execute an annual personnel assessment. The purpose of annual personnel assessment is to:

- 1. Confirm district personnel are knowledgeable of state and federal laws and regulations;**
- 2. Assess whether district personnel are complying with state and federal laws and regulations;**
- 3. Determine if district personnel activities and services are meeting the expectation of improving District programs, services and student outcomes;**
- 4. Ensure the continuous improvement of administrative and supervisory services provided to professional staff members, including professional development opportunities for career advancement.**

The annual evaluation program shall also aim to identify specific areas in which individual professional staff members need improvement so that appropriate assistance may be provided or arranged for. Staff members shall be provided access to any written supervisory report and/or comments relating to the annual assessment. Upon request, staff members shall also be provided with access to and a copy of any documents relating to job performance that will be placed in the personnel file.

## Legal Analysis

Under Wisconsin law, School Boards are required to evaluate, in writing, the performance of all school personnel at the end of their first year and at least every third year thereafter. See Wis. Stat. § 121.02(1)(q). School Boards have a duty to advise school teachers and administrative staff regarding the instruction, government and progress of students and exercise general supervision over schools. See Wis. Stat. § 120.12. Employees are entitled to inspect any personnel documents and may request all or any part of his or her records. See Wis. Stat. § 103.13(1).

## MODEL POLICY #15

# EMPLOYEE USE OF STUDENT PRONOUNS

Parents have the right to determine the names and pronouns that staff use to refer to their children while at school. Subject to the provisions of the following paragraph, professional staff members must address students by the name and pronouns as indicated by the student's parents.

In addition to respecting parents' rights to direct the upbringing and education of their children, the district also respects the rights of its professional staff members to free speech and to teach while remaining consistent with their sincerely held beliefs and religious practices. Any professional staff member that has an objection to using names and pronouns which correspond with a gender identity inconsistent with the biological sex of a student will not be forced to do so. Instead, professional staff members may refer to a student by last name or other neutral means as approved by the building principal, with a focus on finding a balance between accommodating sincerely held beliefs and religious practices and respecting the dignity of students and rights of all parents.

The district will not discipline teachers for refraining from using the preferred names and pronouns of students if doing so would conflict with teachers' sincerely held beliefs.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

## Legal Analysis

The Fourteenth Amendment of the U.S. Constitution recognizes the "inherent right" of parents to "direct the upbringing and education of children under their control." See *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925). With respect to rights of professional staff members, courts have held that the government cannot compel speech that contradicts individuals' sincere beliefs. See also *303 Creative LLC v. Elenis*, No. 21–476, Slip Op. (June 30, 2023) (holding that the State of Colorado could not use its public accommodations law to compel a graphic artist to speak message that contradicts her beliefs and stating that our commitment to free speech does not allow "a government to coerce an individual to speak contrary to her beliefs on a significant issue of personal conviction"); *West Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 640 (1943) (holding that the Constitution forbids the state from using the public schools as

a tool “to coerce uniformity of sentiment in support of some end thought essential” by the government); *Wooley v. Maynard*, 430 U.S. 705, 714 (1977) (stating that “the right of freedom of thought protected by the First Amendment against state action includes both the right to speak freely and the right to refrain from speaking at all”).



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## MODEL POLICY #16

# DISCIPLINE

This policy is established to provide clear guidelines for maintaining a safe, respectful, and orderly learning environment within the district. This policy aims to allow school staff and administrators to address student behavior and discipline through approaches that prioritize accountability, positive behavior, and adherence to established rules and expectations.

**Non-Discrimination:**

In the use of disciplinary authority, including suspension and expulsion authority, neither the Board nor any employee or school administrator may discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability.

**Expectations for Student Behavior:**

The district shall communicate and reinforce clear expectations for student behavior that align with fostering a positive and safe school environment and prioritizing student academic achievement. The District Administrator shall ensure that a code of conduct is included in the handbook for each district school as well as the consequences for behavior that violates the code of conduct.

The handbook for each district school shall include information about (a) what constitutes punishable behavior, (b) grounds for removal of a student from the classroom, (c) the procedures for determining placement of a student who has been removed from the classroom, and (d) a procedure for notifying parents if their child has been removed from the classroom for punishable behavior under this section.

**Social Media:**

For any social media posts that directly involve the district or members of the school community, all students are expected to avoid language that is discriminatory, harassing, threatening, or otherwise disruptive to the classroom environment. Cyberbullying and harassment directly involving members of the school community will be treated the same as in-person incidents and will result in appropriate disciplinary action.

**Parents/Visitors:**

The district values the collaboration between parents, visitors, and the school community to create a safe and respectful environment for all students. Parents, guardians, caregivers, and visitors participating in or attending school-related activities are expected to engage in respectful and courteous behavior toward students, staff, and other attendees. Disruptive or aggressive behavior will not be tolerated. Parents and

visitors should model appropriate behavior and language for students. Parents and visitors must follow school security protocols and sign in when required. In the event of a disagreement or concern, parent and visitors are encouraged to contact the school principal or other district employee, rather than addressing the matter in a confrontational manner during school-related activities.

Failure of parents and visitors to adhere to the behavior expectations outlined in this policy may result in the following consequences: verbal warning; removal from activity; restrictions on future school-related events if there are repeated violations; or involving legal authorities in extreme cases involving threats, violence or harassment.

### **Teacher Authority:**

Teachers shall have the authority to maintain discipline and order within their classrooms to ensure effective teaching and learning. Teachers shall address unruly behavior promptly and proportionately, promoting a respectful and focused learning atmosphere. Teachers may implement discipline that includes verbal warning, redirection, private discussions, and parental involvement as needed.

Teachers shall maintain accurate and objective records of behavior punishable under this policy, interventions, and consequences. Teachers should provide details of the behavior, date, time, location, individuals involved, actions taken by the teacher to address the behavior, consequences administered, parent communication regarding the incident, and any follow-up actions taken. This documentation shall be shared with relevant school staff and administrators as needed. Records may be kept electronically or in hard copy, in accordance with school policies.

The district shall provide teachers with resources and professional development opportunities to enhance their classroom management skills. Teachers shall have access to guidance from administrators to address challenging behavior effectively.

### **Actions of District Personnel:**

District personnel must respond to behavior outlined in this policy. If district personnel takes action against a student in accordance with this policy, the building principal or other administrator shall provide parental notification.

If a teacher removes a student from class due to behavior outlined in this policy, before a return to class, the building principal or other administrative personnel will administer appropriate corrective action in accordance with the behavior code outlined in this policy and in the applicable student handbook. If a student violates the expectations for behavior as outlined in this policy either in a way that is severely disruptive to the classroom or multiple times, then district personnel shall take one of the following actions: Impose before-school detention, lunch/recess detention, after-school detention, or in-school suspension. Additional in-school discipline alternatives to out-of-school suspension may be offered at the discretion of the principal for inappropriate conduct pursuant to district policy.

**Parent Notification:**

Parents will be notified by the building principal or other administrator if district personnel takes action against a student in accordance with this policy. No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. No student shall be refused transportation services until the parent has been notified and other suitable transportation arrangements have been made. Notification to the parent is the responsibility of district personnel and should be made prior to the departure of school busses. If a parent cannot be contacted, the child should be detained on another day.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

*Federal laws interact with state laws and regulations on the topic of discipline in a school district. Before adopting this policy, WILL encourages school board members to determine what state-specific requirements exist.*

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 **Legal Analysis**

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With respect to off-campus student speech, schools have limited authority, and such authority must be based on whether the speech created a substantial disruption to the school environment. *Mahanoy Area School District v. B.L.* (2021). Federal law limits disciplinary options for students with disabilities, such as when conduct in violation of school policy is determined to be a manifestation of the disability of a student. See 20 U.S.C. § 1415(k)(1)(E); 34 C.F.R. § 300.530. Federal laws also prohibit discrimination in the use of disciplinary authority. See, e.g., 42 U.S.C. § 2000d; 20 U.S.C. §§ 1681–1688.



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## MODEL POLICY #17

# RACIAL NON-DISCRIMINATION

The school board is committed to maintaining a learning environment in which discrimination based on race is strictly prohibited. This policy aims to ensure that every individual is treated fairly as an individual, regardless of race.

The School Board has adopted a non-discrimination policy in compliance with state and federal law that governs several protected categories, including race, sex, and religion, among others. However, given the current emphasis on race in education throughout the United States, the School Board believes it is critically important to emphasize that no employee of this district may use race as a factor in any decision regarding the treatment of any person, including students. As examples, (1) teachers and other district employees may not prioritize students for instruction, services, or support based on race, (2) offer clubs, scholarships, benefits, services, or trips based on race, (3) attempt to racially balance classrooms, teams, sports, clubs, or other groups based on race, (4) alter or adjust school policies, the enforcement of school policies, or any outcomes, such as discipline policies and academic outcomes, based on race, (5) disaggregate data in such a way as to evaluate student or staff performance or discipline based on race, or (6) require, support, endorse, permit, or facilitate the segregation by race in any way of any person, including students and teachers (this would include the use of so-called racial “affinity groups”). School employees are prohibited from making decisions, changing policy, or otherwise acting based on race or on raw statistical disparities among racial groups. The phrase “based on race” should be read broadly to include any treatment, conduct, or action in which race is a factor in a decision or action. Race may never be used as a negative or stereotype in any situation. Racial groups, to the extent they need to be described, should be described carefully, thoughtfully, and accurately. Overall, it is the policy of this school district that all individuals should be treated as individuals, not as racial-group members. In short, all staff should act in a colorblind manner towards everyone.

## Legal Analysis

This policy operates supplementary to other non-discrimination policies and applicable state and federal laws and does not replace them. The right to a public education “must be made available to all on equal terms” and no public school has authority to “use race as a factor in affording educational opportunities.” *Students for Fair Admissions, Inc. v. Harvard*, No. 20-1199 (U.S. June 29, 2023) (citations omitted). The right of equality “requires equality of treatment before the law for all persons without regard to race or color.” *Id.* “The educational benefits of diversity” does not justify the use of race in any way in public

education. *Id.* Describing racial groups in general terms, for example as broadly labeling a student as “Asian” or “Hispanic,” are in many ways “overbroad,” “underinclusive,” “arbitrary,” “incoherent,” “irrational,” and “undefined” and therefore constitutionally “imprecise” as a legal matter. *Id.* Caution should therefore be exercised in using these labels. Race can never be used as a “negative” or as a “stereotype.” *Id.* It is constitutionally impermissible for a public school to claim that “a black person can usually bring something that a white person cannot offer.” *Id.*



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## MODEL POLICY #18

# CONTRACTING AUDIT AND TRANSPARENCY

This policy is established to ensure transparency and accountability in the financial transactions and contractual relationships between the district and its vendors.

At least once per year, the school board will conduct a review of all contracts between the district and vendors. This policy applies to all contracts entered into between the district and its vendors, whether or not financial considerations are involved.

If district administration enters into a new contract of greater than \$5,000 in value, the District Administrator shall report to the school board and provide a copy of the contract within 30 days of entering into the new contract.

The district shall post, at least once per year at the beginning of the school year, a full list of contracts between the district and vendors.

If the district contracts for services that require the district to share student information, parents shall be provided effective notice that student information will be shared by the district, and have an opportunity to object to the information of their child(ren) being included in the information shared. *See legal analysis.* District administration shall ensure to the fullest extent possible that the vendor complies with all state and federal laws regarding confidentiality of student personal information.

If the district shares student information with external researchers, the district shall notify parents and share research findings and identify if the district made any changes to curriculum, policies, or programs as a result.

*Districts should consider an appropriate threshold amount and/or particular subject areas which will trigger the notice requirement when district administration enters into a new contract with a vendor. Our recommendation would be to set an amount that is appropriate based on the level of budgeting for the district.*

## Legal Analysis

Federal law limits the disclosure of personally identifiable student information from educational records without parental consent. 20 U.S.C. § 1232g; 34 C.F.R. § 99 (Family Educational and Privacy Rights Act). Except as authorized by federal law, any personally identifiable information collected in an audit or

evaluation shall be protected in a manner which will not permit the personal identification of students and their parents other than by officials designated by law. *Id.* See also 20 U.S.C. § 1232h (Protection of Pupil Rights Amendment).



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## MODEL POLICY #19

# PARENTAL NOTIFICATION OF ACTS OR THREATS OF VIOLENCE

The School District is committed to the prevention of violence against any individual or property in the schools and on school property whether such acts or threats of violence are made by students, staff, or third parties. This policy is established to ensure effective communication between the school district and parents in the event of acts or threats of violence.

For purposes of this policy, acts or threats of violence include the following:

- 1. Physical violence: Any use of force that imminently threaten or results in bodily injury or harm to others, such as hitting, punching, kicking, pushing, or any other form of physical aggression.**
- 2. Verbal or written threats of violence: Any spoken, written, or electronic communication that conveys an intention to cause harm or engage in violent actions against individuals or property.**
- 3. Social media: Any social media post or communication directly involving the district or members of the school community that conveys an intent to cause harm or engage in violent actions against individuals or property.**
- 4. Possession or use of weapons: Any possession or use of weapons, such as firearms, knives, or other device designed as a weapon and capable of producing death or great bodily harm, with the intent to cause harm or intimidate individuals in the school community.**
- 5. Vandalism and property destruction: Any act or damage to school property with the intent to convey a threat or cause intimidation or harm amongst the school community.**

The school district shall maintain a comprehensive safety plan to evaluate and respond to threats, potential threats, or concerning behaviors that could impact the safety of the school community. A copy of the threat assessment policy shall be provided to students, parents, and all district personnel at least once per year at the beginning of the school year and as required by applicable law.

## **Notification Requirements:**

School personnel will provide timely notice to students and school personnel who are subjects of individually-directed acts or threats of violence. Parents of students who are subjects of individually-directed acts or threats of violence will also be provided timely notice. If the act or threat is by a student, information will be shared with parents of students directly affected, but personally identifiable student information will be kept confidential in compliance with applicable state and federal laws.

School personnel will provide timely notice to students, parents and school personnel, in the event of a building-directed act or threat of violence. Building-directed threats of violence include threats of violence directed against a building or school property, communicated directly or indirectly by any means, that a reasonable person would perceive to show an intent to cause damage to a school building or school property, or to harm students, employees, volunteers, community members or visitors. In exceptional cases where notifying parents could jeopardize ongoing



efforts to apprehend a suspect, such notifications may be temporarily withheld to avoid tipping off the individual involved. In such instances, law enforcement’s guidance and expertise will guide the decision-making process, with the paramount goal of safeguarding the well-being of all individuals within the school community.

Notifications shall be clear, factual, and designed to provide parents with essential information about the nature of the threat, actions taken, and any measure implemented to ensure the safety of the students and staff.

Parental notification may be sent via email or other digital communication, written notice, phone call, in-person meetings or social media, depending on the urgency and severity of the threat. District administration shall ensure that parental notifications are issued promptly, taking into consideration the urgency of the situation and the need for accurate information dissemination.

Parents of students who are directly involved in acts or threats of violence may request access to relevant reports and videos pertaining to the incident. Upon receipt of a written request, the district administration will facilitate parental access to the requested materials in accordance with applicable laws, regulations, and procedures.

The school district encourages parents to engage in discussions with their children about safety, responsible behavior, and the importance of reporting any concerns to school authorities.

For purposes of this policy, the term “parent” includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

## Legal Analysis

This policy operates supplementary to other threat assessment or response policies and applicable state and federal laws and does not replace them. This policy enhances parents’ rights to be notified about acts or threats of violence. FERPA gives parents access to student information, and it requires privacy protections for student records. See U.S.C. § 1232g; 34 C.F.R. § 99. The Fourteenth Amendment of the U.S. Constitution recognizes the “inherent right” of parents to “direct the upbringing and education of children under their control.” See *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925).

In Wisconsin, each school board is required to have in effect a school safety plan, there are requirements for school safety drills, and schools are required to have “safe and healthful facilities.” See Wis. Stat. § 118.07; Wis. Admin. PI Chapter 8. Wisconsin law also has parental access and privacy protection laws which are in addition to FERPA. See Wis. Stat. § 118.125; Wis. Stat. § 118.126; Wis. Stat. § 118.127; Wis. Stat. § 938.396.

MODEL POLICY #20

# PARENTAL NOTICE OF SCHOOL SAFETY UPDATES

This policy is established to ensure transparent communication between the district and parents regarding updates to school security systems and school safety plans. The school board acknowledges the importance of keeping parents informed about changes that may impact the security of students and staff.

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## Timely Notification of Updates

The district shall provide parents with timely and comprehensive notifications upon the creation or addition of a school security system and when a school security system receives significant updates or changes. Updates covered under this policy include substantial changes to security protocols, surveillance systems, emergency communication systems, or any other security-related technology or infrastructure. Routine maintenance and minor adjustments that do not significantly impact security do not require notifications.

Content of Notifications: Notifications shall include clear and concise information about the nature of the security system update, the reason for the change, and the potential impact on students, staff, and the school community.

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## Feedback and Questions

The District Administrator shall provide a designated contact person or department to address questions, concerns, or feedback from parents regarding the security system updates. Response to inquiries shall be prompt and informative.

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## Teacher Training

The District Administrator shall ensure that a comprehensive training plan is in place that outlines the content, objectives, and methods of training for teachers and staff members in response to security system updates. The plan shall be designed to ensure that all relevant personnel receive appropriate training before the implementation of security system changes.

The district shall schedule periodic refresher training sessions to reinforce security procedures and accommodate new staff members who join after initial training. Updates to security system technology and protocols shall prompt corresponding training sessions.

The district shall collaborate with security professionals and law enforcement agencies to develop and deliver accurate and up-to-date training content. Expert input shall ensure that training aligns with best practices and current security standards.

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## Legal Analysis

This policy operates supplementary to other school safety plan policies and applicable state and federal laws and does not replace them. This policy enhances parents' rights to be notified about school security system and safety plan updates. The Fourteenth Amendment of the U.S. Constitution recognizes the "inherent right" of parents to "direct the upbringing and education of children under their control." See *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925).

In Wisconsin, each school board is required to have in effect a school safety plan, there are requirements for school safety drills, and schools are required to have "safe and healthful facilities." See Wis. Stat. § 118.07; Wis. Admin. PI Chapter 8. Wisconsin law also has parental access and privacy protection laws which are in addition to FERPA. See Wis. Stat. § 118.125; Wis. Stat. § 118.126; Wis. Stat. § 118.127; Wis. Stat. § 938.396.



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## MODEL POLICY #21

# PLANNING AND PARENTAL NOTICE FOR SCHOOL TRIPS

Field trips and other off-campus activities, including extended trips, have the potential to further student learning, offer new experiences, and connect students to their communities. This policy is established to ensure clear and comprehensive communication between the school district and parents regarding school trips. The policy aims to provide parents with relevant information about the trip, safety measures, and expectations, fostering trust and transparency in the educational experiences offered by the school.

## Definitions:

1. **Field trips** are trips that are part of the school curriculum and support the educational program and extend classroom knowledge through firsthand observation and experiences.
2. **Off-campus activities** include optional, school approved student trips (such as an optional trip for music students to view a musical production) and extra-curricular activities (such as through school services clubs and sports competitions).
3. **Extended trips** are those which extend overnight.

## Planning and Parental Notice Requirements:

1. **Field trips, off-campus activities and extended trips shall be planned and scheduled to provide students with educational experiences which are related to the instructional goals of classroom programming.**
2. **Field trips, off-campus activities, and extended trips must be pre-approved by the building principal. To obtain approval, a staff member involved in the field trip, off-campus activity or extended trip must submit an application for approval which shall include:**
  - a. Information about the classes of students attending, number of students expected to attend, and names of district employees planning to attend as supervisors (including information about employees certified in CPR and first aid and any other verification as may be required by state law, i.e. for the administration of medication);
  - b. The name and address where the trip will be held;
  - c. A description of the instructional purpose of the trip;
  - d. A complete, detailed itinerary for the trip;
  - e. A budget for the trip and whether any fundraising is required;
  - f. Proposed eating arrangements;
  - g. If the district will provide transportation, the method of transportation to be used and details of the transportation plan, established in accordance with state law and school policy; and

- h. If the trip involves an overnight stay, provide details for sleeping accommodations for the students and supervisors (including chaperones), such that room assignments are based on biological sex.
  - For all extended trips, parents shall be notified at least two weeks in advance if an exception is being made to the requirement that sleeping arrangements be arranged by biological sex. See details below.

**3. Upon request for approval for a school trip, the building principal shall:**

- a. Review the request and ensure that all required information has been provided;
- b. Determine the appropriateness of activities for the students' age(s) and skill(s);
- c. Ensure school district insurance coverage extends to the field trip location and activities; and
- d. Sign or authorize district personnel to sign any applicable contracts or agreements.

**4. Parental notice of all field trips, off-campus activities, and extended trips shall be provided at least two weeks in advance and shall include:**

- a. The name and address where the trip will be held;
- b. The description of the instructional purpose of the trip;
- c. A complete, detailed itinerary for the trip;
- d. Potential hazards or safety risks involved with the trip;
- e. Cost associated with the trip;
- f. Name(s) and contact information for the district employee(s) who will be supervising the trip;
- g. Information about qualifications and responsibilities for parents interested in attending as chaperones or accompanying district staff members; and
- h. The method of transportation to be used and details of the transportation plan, established in accordance with state law and school policy. Parents must be informed if the district will not be providing transportation (i.e. for optional off-campus activities).
- i. For all extended trips, parents shall be notified at least two weeks in advance if an exception is being made to the requirement that sleeping arrangements be arranged by biological sex.
  - Parents shall be notified if sleeping arrangements will include a district employee or other supervisor of one biological sex supervising students of the opposite biological sex.
  - Parents shall be notified if sleeping arrangements will include a student of one biological sex sleeping in the same room as students of the opposite biological sex.

**5. No child shall be allowed to participate in any field trip, off-campus activity or extended trip without prior written permission from a parent.**

**6. Prior to any field trip, off-campus activity or extended trip, parents may submit questions orally or in writing. Upon determination by the building principal, school board, or superintendent, the field trip organizer shall hold an informational meeting for parents.**

**7. If a field trip, off-campus activity or extended trip will contain programming or content involving a controversial issue, including anything that is the subject of intense public**

**argument, disagreement or disapproval, then the programming and content must:**

- a. Be set forth in the application submitted to the principal and disclosed in the notice to parents;
- b. Be related to the instructional goals of course programming;
- c. Be age-appropriate;
- d. Not indoctrinate or persuade students to a particular point of view;
- e. Encourage analytical thinking and open-mindedness; and
- f. Not create a hostile educational environment. *See legal analysis.*

If a student does not participate in a field trip, it will not affect their grade or student evaluation.

For purposes of this policy, the term “parent” includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

## Legal Analysis

Federal law, 20 U.S.C. § 1232h, establishes pupil rights, which are considered the baseline for pupil rights. This policy expands on those rights and empowers parents to continue to direct the upbringing of their children, in accordance with the U.S. Constitution. The Fourteenth Amendment of the U.S. Constitution recognizes the “inherent right” of parents to “direct the upbringing and education of children under their control.” *See Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925). *See also* 20 U.S.C. § 1232g (Family and Educational Rights and Privacy Act); 20 U.S.C. § 1232h (Protection of Pupil Rights Amendment).

In allowing the discussion of controversial issues during school trips, school administrators should keep in mind that in *Bryant v. Independent School District No. 1-38 of Garvin County, OK*, 334 F.3d 928 (10th Circuit 2003) the court held that deliberate indifference by school administrators to known incidents of racial harassment can constitute intentional discrimination under Title VI and thereby grounds for a private suit. Thus, it is important to ensure that instruction complies with the five requirements herein.

## MODEL POLICY #22

# EVALUATION AND UPDATE OF DISTRICT CURRICULUM PURCHASED FROM THIRD PARTIES

This policy is established to ensure that the district maintains a dynamic and effective curriculum that prioritizes student academic achievement and adapts to evolving educational needs. The policy provides a framework for the ongoing evaluation and updates of district curriculum purchased from publishers or other third-party vendors.

For purposes of this policy, third-party curriculum refers to educational materials used as part of the educational program which may include textbooks, workbooks, teacher guides, digital resources, assessment materials, and other print and non-print materials or resources which are purchased from publishers or other third-party vendors.

For kindergarten through grade 12, District curriculum shall be adopted in the subject areas of reading, language arts, math, social studies, science, health, computer literacy, environmental education, physical education, art and music. For grades 7 through 12, curriculum shall also be adopted in vocational education.

District administration shall develop a plan for monitoring curriculum continuously, and the overall program evaluation method of the district shall be reviewed at least once every five years and revised as appropriate. All selected curriculum shall ensure that students receive a high-quality education and are prepared for academic success and shall comply with all applicable requirements in federal and state law. As part of that process, this policy applies to the District's selection of third party curriculum.

In addition to establishing and monitoring overall curricula for the District, the District shall have a standing Curriculum Review Committee to evaluate and update third-party curriculum for certain core subject areas as described below. The Curriculum Review Committee shall consist of members who shall be selected by the District Administrator and approved by the Board. The Committee shall include at least one person from each of the following groups: teachers, administrators, curriculum coordinators, parents and students. The District Administrator and Board are free to have as many members from each group as they determine in their discretion so long as there is at least one member from each group. The District Administrator shall appoint one member as the chairperson of the Committee who shall be approved by the Board. Each member and the chairperson of the Committee shall participate for a term determined by the District Administrator and Board and may be replaced by the District Administrator and Board at any time. The Curriculum Review Committee shall comply with all applicable open meetings and open records laws.

### **Third-Party Curriculum Review Process:**

The district shall implement a process for evaluating and selecting educational materials in the subjects of English Language Arts, Math, Science and Social Studies on a rotating basis every four years. For each subject area being evaluated, the Curriculum Review Committee shall:

- 1. Make a list of high-quality curricula available from third parties;**
- 2. Request samples of curriculum listed, review content and data, and narrow the list to 3 to 5 options.**
- 3. Conduct a detailed review of the top 3 to 5 options.**
  - a. In determining the top option, the Committee shall invite vendors to present on curriculum, attend site visits, research relevant resources, and consider whether prospective curriculum has demonstrated a positive impact on student outcomes. The Committee may also organize a pilot course, gather student surveys, and seek parent input.
- 4. After the Committee has selected a top option, the chairperson shall present the top option to the school board.**
  - a. Approval of a new third-party curriculum shall follow applicable district policy.

### **Monitoring and Follow-Up:**

For third-party curriculum approved pursuant to this policy, the Curriculum Review Committee shall create a three-year implementation plan which must include the following:

- 1. Goals for implementation of the new curriculum;**
- 2. Procedure for monitoring student progress; and**
- 3. Regular updates to the school board by the District Administrator.**

All selected curriculum shall ensure that students receive a high-quality education and are prepared for academic success and shall comply with all applicable requirements in federal and state law.

The district shall offer professional development to address changes in curriculum content, pedagogical approaches, and educational technology.

*Each state will have its own process regarding statutory mandates for curriculum. Before adopting this policy, WILL encourages school board members to determine what those state-specific requirements are.*

## **Legal Analysis**

The Every Student Succeeds Act (ESSA) requires states to establish academic standards in reading, math and science. See 20 U.S.C. § 6301. In Wisconsin, school boards have the duty to determine the educational standards for the district and to adopt all textbooks necessary for the use in district schools. School boards also have authority to do all things reasonable to promote the cause of education, including establishing, providing and improving school district programs for the benefit of students. See Wis. Stats. § 118.03, 118.13, 119.18, 120.13, 121.02; see *also* Wis. Admin PI § 8.01 and Wis. Admin. PI § 8.01(2)(k).



## MODEL POLICY #23

# LIBRARY MATERIAL TRANSPARENCY

This policy is established to ensure that the review of library materials in the district is conducted in a manner that promotes the educational needs and values of the community and considers age-appropriateness. It seeks to ensure transparency in the management of library materials in the district and aims to promote openness and accountability in providing access to educational resources for students and the school community.

Library material means any print or nonprint material that is purchased with public funds and is catalogued and processed as part of a library, including books, e-books, material available in a digital library database, streaming videos, sound recordings, periodicals, newspapers, applications, and subscription content in any form. This includes materials in classroom libraries that are purchased with public funds.

At least once per year, district personnel shall establish or maintain a list of the library materials in each school library in the school district. At least once per year, at the beginning of the school year, district personnel shall publish a list of the library materials in each school library in the district on the district website. The library materials list shall be published as either a searchable online database or a sortable spreadsheet that includes material title, author, publisher, and the school(s) where the material is located.

The District Administrator, in collaboration with school librarians and relevant administrators and district personnel, will be responsible for implementing this policy and shall have 120 days from the effective date of this policy to publish a list of library materials.

The District Administrator shall establish a process to ensure school librarians or relevant administrators and district personnel will post on the district websites, once per semester, an updated list that reflects additions and changes to available library materials.

## Legal Analysis

This policy enhances parents' rights to have access to what library materials their children will have access to in school. The Fourteenth Amendment of the U.S. Constitution recognizes the "inherent right" of parents to "direct the upbringing and education of children under their control." See *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925).

In Wisconsin, school districts are required to designate a library media person to direct and coordinate the library media program for the district. See Wis. Admin PI § 8.01(2)(h). This policy operates supplementary to other library media services regulations and does not replace them.

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## MODEL POLICY #24

# LIBRARY MATERIALS AND PARENTAL RIGHTS

The district recognizes the importance of providing an avenue for concerns regarding library materials. This policy is established to acknowledge and respect the diverse values and preferences of parents within the district while ensuring that all students have access to a wide range of age-appropriate library materials. The policy provides a process through which parents can request restrictions on certain library materials for their child.

The district recognizes the rights and responsibilities of parents and guardians to guide the educational experiences of their children. Parents or guardians may request that specific library materials be restricted from being checked out by their child based on their individual beliefs and values.

A parent may submit a written request, via hard copy or electronic mail, to both the librarian and the building principal, to request that a library material not be made available to his or her child(ren). The request shall specify the material(s) they wish to restrict. The librarian shall create a record to ensure that the material will not be checked out as designated by the parent request.

For classroom libraries, this policy applies only to books purchased with public funds. If a parent requests for their child to be restricted from a book in a classroom library, a written request must be submitted to the teacher and building principal. Upon receiving such a request, the teacher must make sure the restricted book is appropriately placed to comply with the parent request.

The librarian shall keep a list of library materials requested by parents to be restricted from being checked out by their children. At least once per year, district personnel shall review the materials on this list to determine whether they are age-appropriate. Upon discovery of a library material that is not age-appropriate, district personnel shall discontinue the availability of the library material at any grade level or age for which the material is determined not to be age-appropriate.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as grandparent or stepparent with whom the child lives).

Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

## Legal Analysis

This policy enhances parents' rights to "direct the upbringing and education of children under their control" by allowing them to control what library materials their children have access to in school. See *Pierce v. Society of Sisters*, 268 U.S. 510, 534–35 (1925).

In Wisconsin, school districts are required to designate a library media person to direct and coordinate the library media program for the district. See Wis. Admin PI § 8.01(2)(h). This policy operates supplementary to other library media services regulations and does not replace them.



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## MODEL POLICY #25

# PRAYER IN SCHOOLS

The district recognizes the importance of religious freedom, including the freedom of individuals to pray. This policy is established to provide guidance on prayer in district schools. This policy also provides guidelines for respecting the rights of teachers to express and practice their religious beliefs while maintaining a professional learning environment that prioritizes student academic achievement.

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## Student Religious Freedom

The district acknowledges and respects the right of students to freely exercise their religion, including the right to engage in personal and voluntary prayer. Students shall not face discrimination based on their religious beliefs or expression or for a lack thereof. School officials may not impose rules on religious student speech and activities if they discriminate against student speech or activities for being religiously motivated or reflecting a religious perspective.

Students may pray with fellow students during the school day on the same terms and conditions that they may engage in other conversations or activities unrelated to school curriculum. Students may also speak to their peers about religious matters just as they may do with other matters unrelated to school curriculum. Students may distribute religious literature to their classmates on the same terms as they are permitted to distribute other literature that is unrelated to school curriculum or activities.

Students may express their beliefs about religion in their homework, art work, and in written and oral reports. Such work shall be evaluated by the regular academic standards, free of discrimination based on religious content.

The district shall provide students with the opportunity to form religious clubs or organizations, subject to the same guidelines as non-religious clubs. Religious clubs shall be student-initiated and student led.

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## School Staff Religious Freedom

The district acknowledges the right of teachers to practice their religious beliefs and expressions, in accordance with federal and state laws.

School staff may take part in protected religious expression such as prayer, even during their workday, in a manner that does not disrupt the educational environment or interfere with their professional duties. Teachers may wear religious attire or symbols consistent with these principles.

When teachers, coaches, and other public officials speak in their official capacities, they may not engage in prayer or promote religious views. Staff shall not initiate, lead, or participate in prayer activities with students during instructional time. In contexts where the district permits teachers, coaches, and other employees to engage in personal speech, however, it may not prohibit those employees from engaging in prayer merely because it is religious or because some observers, including students, might misperceive the school as endorsing that expression.

The district will not sponsor, endorse, or organize any official prayer or religious activity as part of school events, ceremonies, or programs.

Teachers shall not face discrimination or adverse actions based on their religious beliefs or expression.

The district will annually certify in writing to the Department of Public Instruction that it has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools.

## Legal Analysis

First Amendment; *Kennedy v. Bremerton School District* (holding that the prayers of a football coach on the field after games was private speech and that the school was not justified in restricting it); *Morse v. Frederick*, 551 U.S. 393, 397 (2007) (the rights of students "'must be 'applied in light of the special characteristics of the school environment'" (quoting *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 266 (1988) (quoting *Tinker*, 393 U.S. at 506))); *Mahanoy Area Sch. Dist. v. B. L. by and through Levy*, 141 S. Ct. 2038, 2045 (2021); *Garcetti v. Ceballos*, 547 U.S. 410, 421 (2006); accord *Lane v. Franks*, 573 U.S. 228, 237 (2014); Section 8524(a) of ESEA, 20 U.S.C. § 7904a.



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