

MILWAUKEE BOARD OF SCHOOL DIRECTORS



COMMITTEE ON LEGISLATION, RULES AND POLICIES
6:30 P.M., THURSDAY, JUNE 17, 2010

AGENDA **(2nd Revised Advance Copy)**

Central Services Building Auditorium – 5225 West Vliet Street
Milwaukee, Wisconsin

BOARD OF SCHOOL DIRECTORS

Michael Bonds, President		
Peter Blewett, Vice President		
Terry Falk	Tim Petersons	David Voeltner
Larry Miller	Jeff Spence	Annie Woodward
Bruce Thompson		

Committee on Legislation, Rules and Policies:
Directors Blewett, Chair; Thompson, Vice-Chair; Bonds; Falk; Spence

William G. Andrekopoulos
Superintendent of Schools

Lynne A. Sobczak
Board Clerk



MISSION STATEMENT

Milwaukee Public Schools educates all students for success in higher education, careers and responsible citizenship so that MPS is the first choice for families.

VISION STATEMENT

Milwaukee Public Schools will be among the highest-performing urban public school districts in the country, providing rigorous, high-quality learning opportunities for students. Schools will enable lifelong learning among students, families, educators and other staff focused on continuous improvement. Teaching will be child-centered, based on research-proven methods, and aligned to high academic standards; it will meet the learning needs of individual students. The district, its schools, and its employees will be accountable for measurable gains in student achievement.

Schools will be safe centers of community activity that are welcoming, well maintained, and accessible. Children will be provided maximum educational opportunities to become responsible citizens who make positive contributions to their communities. The district and its schools will strengthen partnerships with families and those in the community who influence and affect students and families.

CORE BELIEFS

- Children come first.
- The classroom is the most important place in the district.
- Leadership and accountability are keys to our success.
- Central Services supports student achievement.
- Families are valuable partners.
- Community partnerships add value.

Adopted July 26, 2007

ORDER OF BUSINESS

COMMITTEE ON LEGISLATION, RULES AND POLICIES 6:30 P.M., THURSDAY, JUNE 17, 2010

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<http://www2.milwaukee.k12.wi.us/governance>

(ITEM 1) ACTION ON RESOLUTION 1011R-002 BY DIRECTOR SPENCE TO INCREASE THE MEMBERSHIP OF THE COMMITTEE ON ACCOUNTABILITY/FINANCE AND PERSONNEL AND OF THE COMMITTEE ON INNOVATION/SCHOOL REFORM TO INCLUDE ALL MEMBERS OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

This Item initiated by a Member of the Board

BACKGROUND

At its meeting on May 27, 2010, the Board referred Resolution 1011R-002 by Director Spence to the Committee on Legislation, Rules and Policies:

WHEREAS, The Milwaukee Board of School Directors has five standing committees – the Committee on Accountability/Finance and Personnel; the Committee on Innovation/School Reform; the Committee on Legislation, Rules and Policies; the Committee on Parent and Community Engagement; and the Committee on Strategic Planning and Budget; and

WHEREAS, Generally, items to be considered by the Milwaukee Board of School Directors receive the most in-depth discussion and public comment at the committee level; and

WHEREAS, Once a committee has discussed and taken testimony on the items presented to it, the committee forwards a report, with its recommendations, to the full Board at the Board’s regular meeting at the end of the month; and

WHEREAS, A written report, no matter how detailed, cannot encompass all the nuances of the original discussion and testimony given at the committee level; and

WHEREAS, The bulk of items regarding the fundamental operations and outcomes of the Milwaukee Public Schools is handled by three committees – the Committee on Accountability/Finance and Personnel; the Committee on Innovation/School Reform; and the Committee on Strategic Planning and Budget; and

WHEREAS, Currently, of these committees, only the Committee on Strategic Planning and Budget has more than five members each; and

WHEREAS, It is especially important that each member of the Board has as much knowledge of the debate concerning these items – the “nuts and bolts” of the district – as possible before making his or her final decision; now, therefore, be it

RESOLVED, That the Milwaukee Board of School Directors adopt the following revision to Board Rule 2.01, Standing, Special, and Functional Committees, paragraph (l):

There shall be five regular standing committees of the Board. The Committees on ~~Special Education, Innovation/School Reform~~ Legislation, Rules and Policies and on ~~Finance/Personnel Parent and Community Engagement~~ shall have five members each. All Board members shall be members of the Committee on Accountability/Finance and Personnel, the Committee on Innovation/School Reform, and the Committee on Strategic Planning and Budget. Special committees consisting of Board members and/or other persons may be appointed by the Board or the president from time to time.

ANALYSIS

1. Several hours of research on the Internet regarding optimal committee size has revealed that opinion on the topic is strikingly consistent, both in its comparison of the benefits and detriments of smaller versus larger committees and in its lack of any definitive direction. Below is a summary of the common conclusions of the discussion:
 - a. Committees typically are relatively small. Recommended sizes range from three to nine members, depending upon the charge and function of the committee.
 - b. The pool of experience and skills in a larger committee may allow the committee to solve a greater variety of problems.
 - c. Smaller committees tend to be more coordinated and focused. In larger committees, coordination may become an issue. In situations in which the work of a committee requires interaction, consensus, and modification of opinion, its goals may be better accomplished with a small group.
 - d. Smaller committees tend to take less time to organize, can communicate more effectively, and can act more quickly.
 - e. Larger committees offer more Board members the opportunity to express their viewpoints and opinions, potentially allowing for more thoughtful recommendations. Also, larger committees have more members to offer their insights on the value of a particularly program or activity.
 - f. The number of members on a committee should be based on the number needed to represent all segments of the Board's constituency.
 - g. Small committees should be used to give administrative direction.
2. In regard to the practices of the Milwaukee Board of School Directors, including all members of the Board on the two committees under consideration may streamline debate among the Board. Participation of all the Board members at the meetings of the Committee on Accountability/Finance and Personnel and of the Committee on Innovation/School Reform could reduce debate and discussion at the regular monthly Board meetings, at which the Board must consider all the items considered by all the committees during the month, as well as communications from the Superintendent, the Board Clerk, and other governmental agencies, such as the City of Milwaukee.
3. In regard to the practical experiences of the Milwaukee Board of School Directors and its Office of Board Governance, the major consideration is the ability to schedule the meetings of a larger committee. Currently, only the Board's Committee on Strategic Planning and Budget comprises all nine members of the Board. While a quorum – the number of members that must be present in order to legally transact business – of a five-member committee is three members, a quorum of a nine-member committee is five members. As membership on the Milwaukee Board of School Directors is a part-time position, traditionally most, if not all, Board members have employment outside of the membership on the Board. Because of this and other commitments which Board members may have, it is sometimes difficult to obtain even a quorum of five members of the Committee on Strategic Planning and Budget.

4. Unlike the Committee on Strategic Planning and Budget, however, whose meetings are held at the call of the Committee's chair, both the Committee on Accountability/Finance and Personnel and the Committee on Innovation/School Reform meet monthly, at more or less set days of the month. For instance, the meetings of the Committee on Accountability/Finance and Personnel are normally scheduled for the second-to-last Tuesday of the month, while the meetings of the Committee on Innovation/School Reform are normally scheduled for the second Tuesday of each month. (The calendar for these committees, as well as that for the Committee on Parent and Community Engagement, are set at the Board's annual organizational meeting.) Having such a set schedule may mitigate any potential scheduling problems.
5. All Board members currently receive notices and advance copies of the agendas ("blue books") of all meetings of the Board's committees, as well as any other documents distributed to committees before, during, or after their meetings.
6. Members of the Board do have the right to attend meetings of committees of which they are not members. While they are not able to make motions or to participate in the votes of committees to which they have not been assigned, they are allowed to participate in debate at the committees' meetings.

**STATUTE, ADMINISTRATIVE POLICY OR BOARD RULES
STATEMENT**

7. The Resolution addresses the revisions to Board Rule 2.01, Standing, Special, and Functional Committees, paragraph (l), needed to implement the change in committee structure:

There shall be five regular standing committees of the Board. The Committees on ~~Special Education, Innovation/School Reform~~ Legislation, Rules and Policies and on ~~Finance/Personnel Parent and Community Engagement~~ shall have five members each. All Board members shall be members of the Committee on Accountability/Finance and Personnel, the Committee on Innovation/School Reform, and the Committee on Strategic Planning and Budget. Special committees consisting of Board members and/or other persons may be appointed by the Board or the president from time to time.

8. Board Rule 1.11, Amendments to the Rules, states:

Proposed amendments to the rules shall be presented at a regular Board meeting and shall be referred to the Committee on Legislation, Rules and Policies for its consideration and report thereon. The Committee's report with respect to such proposed amendment shall be presented to the Board and then held over until the next meeting, when it shall be considered and acted upon by the Board. A recorded affirmative vote of a majority of the members of the Board shall be necessary for the adoption, amendment, or repeal of rules, except as provided otherwise in article 1.14(3) of these rules.

FISCAL IMPACT STATEMENT

8. Adoption of this Resolution would have no fiscal impact.

IMPLEMENTATION AND ASSESSMENT PLAN

9. Should the Board adopt this Resolution, the Office of Board Governance will immediately publish the revisions to Board Rule 2.01, Standing, Special, and Functional Committees, and will add all Board members to the rosters of the Committee on Accountability/Finance and Personnel and of the Committee on Innovation/School Reform. The Office of Board Governance will also work with the chairs of the affected committees to ensure a schedule of meetings that will be most convenient to all members of the Board.

OFFICE OF BOARD GOVERNANCE'S RECOMMENDATION

The Office of Board Governance recommends that the Committee determine how it wishes to proceed with this Resolution.

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(ITEM 2) ACTION ON RESOLUTION 1011R-003 BY DIRECTOR MILLER TO PARTICIPATE IN AN ECONOMIC BOYCOTT OF ARIZONA UNTIL THAT STATE'S RECENTLY ADOPTED IMMIGRATION LAWS ARE REPEALED

This Item initiated by a Board member

BACKGROUND

At its meeting on May 27, 2010, the Milwaukee Board of School Directors referred Resolution 1011R-003 by Director Miller to the Committee on Legislation, Rules and Policies:

WHEREAS, In April 2010, the Arizona legislature passed SB 1070, a bill making it a state misdemeanor to be in the state of Arizona without legal documentation and giving law enforcement broader abilities to enforce federal immigration laws; and

WHEREAS, While bill SB 1070 mandates law enforcement to detain people who are "reasonably suspicious", the legal definition of "reasonably suspicious" states that it must be based on specific and articulable facts and inferences; and

WHEREAS, The only articulable facts and inferences that could lead law enforcement to reasonably suspect that someone is undocumented are skin color, physical features, or vocal accent; and

WHEREAS, Making the decision to detain someone purely on the basis of these criteria is the very definition of racial profiling; and in no way indicates that a person is in the country illegally and, similarly, it in no way proves that someone of a different skin color without an accent is here legally; and

WHEREAS, The bill requires detained individuals to show documentation that they are here legally, such as a driver's license or immigration papers, which violates the civil liberties of law-abiding citizens who are not required to carry identification but could be detained and forced to prove their legal status; and

WHEREAS, Many people already have a distrust of law enforcement, and this bill will further strain the relationship between law enforcement and residents; and

WHEREAS, The legality and enforceability of Arizona SB 1070 is questionable since the Constitution of the United States grants authority over immigration matters to the federal government, not to individual states; and

WHEREAS, Arizona SB 1070 discounts the efforts of immigrants who are following immigration laws and struggling to navigate their way through the bureaucratic process of becoming legal citizens; and

WHEREAS, Arizona SB 1070 is merely reactionary and does nothing to be proactive in bringing about the nation-wide immigration reforms that the United States needs; and

WHEREAS, In May of 2010, the Arizona legislature passed HB 2281, a bill restricting and prohibiting the teaching of ethnic studies in Arizona public schools; and

WHEREAS Arizona HB 2281 prohibits teaching classes designed primarily for pupils of a particular ethnic group or to advocate ethnic awareness and solidarity; and

WHEREAS, Ethnic-studies classes throughout the U.S. have historically taught critical thinking, ethnic pride, and a fuller unbiased depiction of all people's journey in American history; and

WHEREAS, Omission of the experiences and contributions of many ethnic minority groups has stood in the way of students' understanding the full spectrum of American history; now, therefore, be it

RESOLVED, That Milwaukee Public Schools participate in the economic boycott of Arizona until SB 1070 and HB 2281 are overturned; and be it

FURTHER RESOLVED, That this boycott include, but not be limited to, products and services coming from Arizona, travel to Arizona, entertainment venues, and tourist attractions; and be it

FURTHER RESOLVED, That this boycott shall not apply to products and services of businesses, organizations, and venues from Arizona that have taken a position against these laws; and be it

FURTHER RESOLVED, That this resolution is to be effective immediately upon adoption by the Milwaukee Board of School Directors.

ANALYSIS

1. Arizona Senate Bill 1070, states,

Where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person.
2. Arizona Senate Bill 1070 specifies that, in addition to any violation of federal law, a person is guilty of trespassing if the person is:
 - (a) present on any public or private land in the state, and
 - (b) is not carrying his or her alien registration card or has willfully failed to register.
3. Arizona Senate Bill 1070 disallows officials or agencies of the state or political subdivisions from adopting or implementing policies that limit immigration enforcement to less than the full extent permitted by federal law, and allows a person to bring an action in superior court to challenge an official or agency that does so.
4. Arizona House Bill prohibits public schools from including courses or classes which:
 - a) promote the overthrow of the U.S. government;
 - (b) promote resentment towards a race or class of people;
 - (c) are designed primarily for pupils of a particular ethnic race; or
 - (d) advocate ethnic solidarity instead of the treatment of pupils as individuals.

5. Since 2003, Milwaukee Public Schools has purchased just over \$1.9 million worth of products and services from businesses within the state of Arizona. In Fiscal Year 2010, as of June, MPS has purchased \$64, 230 worth of products and services from businesses within the state of Arizona.
6. Although the similar products and services may be purchased in other states, there may be instances where alternative products and services are not available that would allow for proper support of existing programs or curricula within MPS.
7. In May of 2010, the Milwaukee Area Technical College (MATC) adopted a resolution similar to 1011R-003.

**STATUTE, ADMINISTRATIVE POLICY OR BOARD RULES
STATEMENT**

8. This item aligns to Administrative Policies 7.01, Teaching and Learning Goals, and Administrative Policy 8.01, Student Nondiscrimination.

FISCAL IMPACT STATEMENT

9. There is no fiscal impact related to this item.

IMPLEMENTATION AND ASSESSMENT PLAN

10. Should the Milwaukee Board of School Directors adopt this resolution, the Milwaukee Public Schools will institute policies and procedures that will ensure compliance with the resolution.

OFFICE OF BOARD GOVERNANCE'S RECOMMENDATION

The Office of Board Governance recommends that the Board decide how it wishes to proceed with this item.

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(ITEM 3) ACTION ON RESOLUTION 0910R-041 BY DIRECTOR BLEWETT TO ENDORSE THE “A PENNY FOR KIDS” PLAN CREATED BY THE WISCONSIN ALLIANCE FOR EXCELLENT SCHOOLS (WAES)

This Item initiated by a Board member

BACKGROUND

1. At its meeting on February 25, 2010, the Board referred Resolution 0910R-041 to the Committee on Legislation, Rules and Policies:

WHEREAS, Wisconsin’s school-funding system has created a crisis for children, schools, and communities that has, over the last 15 years, forced property tax increases and threatened the quality of our once-proud public education system; and

WHEREAS, The inability of the State of Wisconsin to make good on its longstanding promise to fund an average of two-thirds of the cost of public education has put a disproportionate burden on local property taxpayers to try to save our struggling schools; and

WHEREAS, In order to raise the necessary funding, school districts have been resorting to referenda, many of which have failed; and

WHEREAS, At a time when states across the nation, as well as nations around the world, are looking for cures to an ailing economy, it is short-sighted and foolhardy to cut funding that would aid in the development of a well-educated populace that is necessary to find those cures; and

WHEREAS, If our children are to receive the high-quality education that will help guarantee them a prosperous 21st century, comprehensive school-funding reform is vital; and

WHEREAS, The 2009-11 state budget cuts state funding to our schools by \$535 million; and

WHEREAS, 336 school districts have lost \$175 million in general aid, resulting in a decrease of more than 10 percent for 181 school districts and more than 15 percent for many others; and

WHEREAS, In order to meet head-on the funding crisis created by the 2009-11 state budget the Wisconsin Alliance for Excellent Schools (WAES) has proposed “A Penny for Kids,” a plan to increase Wisconsin’s sales tax – one of the lowest in the country – by one cent; and

WHEREAS, WAES has specifically proposed that:

- \$280 million go into the equalization formula to help children learn and to help control property taxes;
- \$280 million go to helping children from low-income backgrounds and continuing to close the achievement gap;
- \$170 million be allotted to progressive tax relief, in order to offset the regressive effects of the sales tax;
- \$66 million be used to increase aid to children with disabilities;
- \$25 million be used to increase aid to students in small, rural school districts;

- \$15 million pay for programs for children learning the English language;
- \$10 million go to transportation for children; and
- \$10 million will help districts offset the adverse effects of declining enrollment; and

WHEREAS, At a time when budget cuts have devastated our schools, limited opportunities for our children, and threatened our communities, an increase to Wisconsin's low sales tax of just one penny will start turning this crisis around; now, therefore, be it

RESOLVED, That the Milwaukee Board of School Directors publicly endorse the "A Penny for Kids" plan created by the Wisconsin Alliance for Excellent Schools (WAES); and be it

FURTHER RESOLVED, That the Milwaukee Board of School Directors encourage the parents of Milwaukee and all those who are concerned about education in Milwaukee and in Wisconsin to sign the petition (available online at <http://www.apennyforkids.org>) asking the state government to raise the Wisconsin sales tax one cent for schools and property tax relief.

2. At the Board's annual organizational meeting on April 27, 2010, Director Blewett requested that the resolution be carried over for action in the 2010-11 Board year.

ANALYSIS

3. Under the provisions of the state funding formula put in place in 1994, state law directed that the Legislature provide an estimate of the amount needed to provide two-thirds state funding, 66.66%, for the support of K-12 education. Although the two-thirds funding estimate is no longer required by law, the two-thirds terminology has been commonly used to describe a reasonable level of state funding for K-12 education.
4. Under the state funding system, as a general rule, when state-level funding for K-12 education is reduced, the burden on the local property tax is increased. When state-level funding for education is increased, the pressure on local property taxes is reduced.
5. The State of Wisconsin does not currently provide two-thirds funding, and the Legislative Fiscal Bureau estimates that the state will provide only 62.7% of total funding for K-12 education in 2010-2011. The balance of funding needed for schools is supported by local property tax revenues.
6. Currently, the difference in state K-12 funding, in dollar terms, between 66.66% and 62.7% is an estimated \$1.5 billion.
7. The Wisconsin Alliance for Excellent Schools is not unique in its call for more appropriate funding for schools. Assembly Bill 919, introduced on April 2, 2010, which proposes a gradual return to two-thirds funding by the 2016-2017 school year. calls for a state funding level of 65.56% by 2012-2013. Moving from 62.7% in 2010-2011 to 65.56% in 2012-2013 would require an estimated increase in state funding of \$1.2 billion over that two-year period.
8. The proposed one-cent sales tax increase is also not unique to the state of Wisconsin. The states of Arizona and Kansas have recently passed similar measures in order to support their K-12 educational systems.

9. Wisconsin's sales tax rate is lower than those of all of its neighbors: Minnesota – 6.875%; Illinois – 6.25%; Iowa – 6%; Michigan – 6%.

**STATUTE, ADMINISTRATIVE POLICY OR BOARD RULES
STATEMENT**

10. This item aligns to Board Governance Policy BG 2.01, General Governance Commitment.

FISCAL IMPACT STATEMENT

11. Currently, there is no district-by-district fiscal analysis of the "A Penny for Kids" proposal; however, the additional revenue that would be generated and the manner in which it would be distributed would be of considerable benefit to MPS students and property owners in the City of Milwaukee.

IMPLEMENTATION AND ASSESSMENT PLAN

12. Should the Board adopt the resolution, the MPS Office of Intergovernmental Relations will communicate the district's support for the "A Penny for Kids" proposal and will work to support passage of related legislation.

OFFICE OF BOARD GOVERNANCE'S RECOMMENDATION

The Office of Board Governance recommends that the Board decide how it wishes to proceed with this item.

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(ITEM 4) ACTION ON TECHNICAL AMENDMENTS TO BOARD RULES PERTAINING TO THE COMMITTEES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

This item initiated by the Office of Board Governance

BACKGROUND

1. At its meeting on January 28, 2010, the Board considered Resolution 0910R-020 by Director Bonds:

WHEREAS, The Milwaukee Board of School Directors recently authorized the creation of an Office of Accountability, to be implemented in January 2010; and

WHEREAS, The Board remains committed to maintaining proper oversight of the District and ensuring accountability to the parents, taxpayers, and citizens of Milwaukee; and

WHEREAS, In the past, the Board had, as one of its standing committees, the Accountability and Audit Committee, which considered issues of accountability and reviewed audits performed within the District; and

WHEREAS, The Accountability and Audit Committee has not been a standing committee since 1999; and

WHEREAS, A specific committee dedicated to accountability would add another layer of accountability to the District by allowing Board members to monitor the performance of the District; and

WHEREAS, All of the Board's committee meetings are open to the public; therefore, the open nature of the Committee's discussions would provide additional transparency to the District's operations; now, therefore, be it

RESOLVED, That the Milwaukee Board of School Directors hereby creates the Committee on Accountability and Audit as a standing committee of the Board of School Directors; and, be it

FURTHER RESOLVED, That this committee will have five members who will be appointed by the Board president; and, be it

FURTHER RESOLVED, That the Accountability Committee will be charged with the duties of receiving the District's audits as well as considering issues pertaining to the accountability of the District; and be it

FURTHER RESOLVED, That this committee be established for the January 2010 Board cycle.
2. In response to the Resolution, the Board voted to:
 - a. adopt Resolution 0910R-020, amended to combine the current charge of the Board's Committee on Finance/Personnel with accountability matters and to change the name of the Committee on Finance/Personnel to the Committee on Accountability/Finance and Personnel;
 - b. direct that the Committee on Accountability/Finance and Personnel consider all audits;
 - c. direct that the Committee on Accountability/Finance and Personnel meet on a regular monthly basis;

- d. fold the functions of the Committee on Safety and Climate – with the exception of the issues that had been reported to the Committee on Finance/Personnel prior to the creation of the Committee on Safety and Climate, which shall be returned to the Committee on Accountability/Finance and Personnel – into the charge of the Committee on Innovation/School Reform;
- e. change the name of the Committee on Special Education to the Committee on Parent and Community Engagement, which shall address all of the current special education functions, Title I, recreation, parental involvement, CLCs, community partnerships, and all other parental and community public hearing;
- f. by these actions, reduce the number of the Board's standing committees from 6 to 5. The Board's President will make the necessary changes to appoint the chairs relative to the reduction in the committee assignments; and
- g. direct the Office of Board Governance to update any and all policies and procedures necessary to reflect the changes outlined in this resolution.

ANALYSIS

3. At this time, in accordance with item 2.g above, the Office of Board Governance is bringing forward its proposed changes to the following Board Rules to reflect the action taken by the Board.
 - a. ***Board Rule 2.01, Standing, Special, and Functional Committees:***
 - All instances of "Committee on Finance/Personnel" changed to "Committee on Accountability/Finance and Personnel"
 - All instances of "Committee on Special Education" changed to "Committee on Parent and Community Engagement"
 - All instances of "Committee on Safety and Climate" eliminated
 - b. ***Board Rule 2.02, Committee Meetings, section (2):***
 - All instances of "Committee on Finance/Personnel" changed to "Committee on Accountability/Finance and Personnel"
 - All instances of "Committee on Special Education" changed to "Committee on Parent and Community Engagement"
 - All instances of "Committee on Safety and Climate" eliminated
 - c. ***Board Rule 2.05, Committee on Special Education – Powers and Duties:***
 - All instances of "Committee on Special Education" changed to "Committee on Parent and Community Engagement"
 - New section (5) added to reflect the Committee's charge to consider "all issues involving Title I, recreation, parental involvement, community learning centers (CLCs), community partnerships, and all other parental and community public hearing."
 - d. ***Board Rule 2.06, Committee on Finance/Personnel – Powers and Duties:***
 - All instances of "Committee on Finance/Personnel" changed to "Committee on Accountability/Finance and Personnel"

- New language added to reflect assumption of accountability functions formerly assigned to the Committee on Innovation/School Reform.
 - New language added to reflect assumption of safety functions formerly assigned to the defunct Committee on Safety and Climate.
 - Subsequent sections renumbered to reflect addition of new sections above.
- e. **Board Rule 2.10, Committee on Innovation/School Reform – Powers and Duties:**
- Policy revised throughout to reflect the reassignment of some of the Committee’s previous duties to the Committee on Parent and Community Engagement.
- f. **Board Rule 2.12, Committee on Safety and Climate – Powers and Duties:**
- Entire policy eliminated.
4. In accordance with item 2.g above, the reference to “the Committee on Finance/Personnel” in section (12)(8), Appeals, of Administrative Policy 3.09. Purchasing and Bidding Requirements, has been amended to read “the Committee on Accountability/Finance and Personnel.”

**STATUTE, ADMINISTRATIVE POLICY OR BOARD RULES
STATEMENT**

5. Board Rule 1.11, Amendments to the Rules, states:

Proposed amendments to the rules shall be presented at a regular Board meeting and shall be referred to the Committee on Legislation, Rules and Policies for its consideration and report thereon. The Committee’s report with respect to such proposed amendment shall be presented to the Board and then held over until the next meeting, when it shall be considered and acted upon by the Board. A recorded affirmative vote of a majority of the members of the Board shall be necessary for the adoption, amendment, or repeal of rules, except as provided otherwise in article 1.14(3) of these rules.

FISCAL IMPACT STATEMENT

6. Adoption of these proposed revisions will have no fiscal impact.

IMPLEMENTATION AND ASSESSMENT PLAN

7. The Office of Board Governance will publish the revised Board rules and administrative policy immediately upon the Board’s approval.

OFFICE OF BOARD GOVERNANCE’S RECOMMENDATION

The Office of Board Governance recommends that the Board adopt the revisions to the following Board rules and administrative policy as presented below:

**Board Rule 2.01
STANDING, SPECIAL, AND FUNCTIONAL COMMITTEES**

- (l) There shall be five regular standing committees of the Board. The Committees on ~~Special Education~~ Parent and Community Engagement, on

Innovation/School Reform, on Legislation, Rules and Policies, ~~on Safety and Climate,~~ and on ~~Finance/Personnel~~ Accountability/Finance and Personnel shall have five members each. All Board members shall be members of the Committee on Strategic Planning and Budget. Special committees consisting of Board members and/or other persons may be appointed by the Board or the president from time to time.

[Balance of Policy remains the same.]

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Board Rule 2.02
COMMITTEE MEETINGS

- (1) Unless otherwise ordered by the respective chair, standing committees shall meet at 6:30 p.m., according to a schedule adopted by the Board on an annual basis.
- (2) The Committee on ~~Special Education~~ Parent and Community Engagement, the Committee on Innovation/School Reform, and the Committee on ~~Finance/Personnel~~ Accountability/Finance and Personnel shall meet monthly, except in July.
- (3) The Committee on Strategic Planning and Budget, ~~the Committee on Safety and Climate,~~ and the Committee on Legislation, Rules and Policies shall meet at the call of the chair.
- (4) Special meetings of committees and meetings of special and functional committees shall be held at the call of the respective committee chair or upon the written request of two committee members. Such request from committee members shall state the time and place of the meeting and the purpose or purposes for which it is being called.

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Board Rule 2.05
COMMITTEE ON SPECIAL EDUCATION PARENT AND COMMUNITY
ENGAGEMENT – POWERS AND DUTIES

- (1) The Committee on ~~Special Education~~ Parent and Community Engagement shall monitor and assess district and school progress in meeting state and federal mandates as well as the Board's goals and standards in all matters relating to serving students with special needs.
- (2) The Committee shall consider, evaluate, and monitor district and school compliance with legal responsibilities, reform initiatives, parent and advocacy group recommendations, and policy development in the area of its focus.
- (3) The Committee shall have oversight responsibility relative to the monitoring of organizational performance for all departments, functions, initiatives, schools, and district services and activities pertaining to students with special needs.
- (4) The Committee shall review all reports issued relating to special education to ensure that departments, divisions, and schools implement recommendations for internal control, compliance, and program effectiveness so that the Board can assure the public that all special education programs and operations are effectively serving students with special needs.
- (5) The Committee shall address all issues involving Title I, recreation, parental involvement, community learning centers (CLCs), community partnerships, and all other parental and community public hearing

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Board Rule 2.06
COMMITTEE ON ~~FINANCE/PERSONNEL~~ ACCOUNTABILITY/FINANCE AND
PERSONNEL – POWERS AND DUTIES

(1) The Committee on ~~Finance/Personnel~~ Accountability/Finance and Personnel shall consider and make recommendations to the Board on all disciplinary and evaluation matters as currently set forth in any collective bargaining agreements, as well as those matters specified in the Administrators and Supervisors Council's grievance procedures and on the principal and teacher evaluation process.

(2) The Committee on Accountability/Finance and Personnel shall monitor and assess district and school progress in meeting the Board's goals and standards, including performance and program audits and other assessment reports. The Committee shall consider the district accountability plan, the district report card, monitoring of reform initiatives, and monitoring of decentralization. The Committee shall have oversight responsibility relative to the monitoring of organizational performance for all department, functions, initiatives and schools.

~~(2)~~ (3) The Committee on ~~Finance/Personnel~~ Accountability/Finance and Personnel shall consider and make recommendations to the Board on all financial matters pertaining to the Board's Contingent Fund, contracts, and bids required by law, modification of technology, student transportation, and attendance-district boundaries.

- (a) The earmarking of an amount in, or the transfer of money from, the Board's Contingent Fund shall require a recorded affirmative vote of two thirds of the Board members present at the Board meeting at which either such action is taken.
- (b) The Committee shall recommend fund-transfer policies specifying those transfers that may be authorized by the Superintendent and those which require review and approval of the Board.

~~(3)~~ (4) The Committee on Accountability/Finance and Personnel shall consider financial analysis reports and financial audits and shall monitor compliance with executive limitations.

~~(4)~~ (5) The Committee on Accountability/Finance and Personnel shall have oversight of all district audit activities. It shall review the reports of the Office of Board Governance/Audit Services as well as those reports issued by external auditors to ensure that departments, divisions, and schools implement recommendations regarding internal control, compliance, economical sufficiency, and program effectiveness so that the Board can assure the public that all operations and programs funded with public resources are operating effectively, efficiently, and economically.

~~(5)~~ (6) The Committee on Accountability/Finance and Personnel shall have all of the Board's books and accounts audited annually by a certified public accountant and shall transmit the respective audits and reports to the Board at its regular meeting within two months after the audit is issued. The audit shall include a report by the certified public accountant on observations and recommendations relating to internal controls and other accounting, administrative, and operating matters.

~~(6)~~ (7) The Committee on Accountability/Finance and Personnel shall consider and make recommendations to the Board on all facilities matters, including building repairs, alterations, improvements, improvement of grounds, purchases, development of sites, erection of new buildings, additions to buildings, and major alterations and

remodelings. No site shall be purchased or leased, nor shall any building be erected or materially altered or remodeled, without resolution duly recommended by the Committee and passed by the Board, except as the Board shall otherwise provide for in its policies.

(8) The Committee on Accountability/Finance and Personnel shall consider, monitor, assess and make recommendations to the Board on all matters pertaining to school and district safety and security.

(9) The Committee on Accountability/Finance and Personnel shall review, monitor and make recommendations to the Board on all district safety and security plans and procedures, including emergency plans and procedures related to fire, safety and health codes and statutes.

(10) The Committee on Accountability/Finance and Personnel shall consider, review and monitor all school climate and culture issues that present safety concerns, including neighborhood safety issues that could impact on schools and the District.

(11) The Committee on Accountability/Finance and Personnel shall receive and consider the recommendations of community partners, City departments and other non-MPS entities that relate to district safety and climate issues.

(12) The Committee on Accountability/Finance and Personnel shall consider and make recommendations regarding transportation safety and safe-passage matters.

~~(7)~~ (13) The Committee on Accountability/Finance and Personnel shall consider and make recommendations to the Board on all personnel matters, including matters pertaining to the appointment of all full-time and regular part-time employees as required by law or Board policies; approval of personnel transactions as required by law or Board policies, including appointment of probationary personnel; and allocation of appropriated funds for new and vacant positions and student personnel, including student rights policy, review of student discipline, and student complaints.

~~(8)~~ (14) Other items to be considered by the Committee on Accountability/Finance and Personnel shall include:

- (a) Salary Schedules. The Committee shall consider all proposals or requests for revisions or changes in salary schedules and shall make recommendations thereto. Upon recommendation by the Committee, the Board shall annually determine and fix salary schedules for all of its employees – except the prevailing wage rates, which may be amended by the Board from time to time. (A recorded affirmative vote of two thirds of the members of the Board shall be required for the amendment or repeal of the provision concerning the amendment of prevailing wage rates). All schedules of salaries annually fixed by the Board shall be adopted for the same period and on the same year-basis as the annual school budget is adopted by the Board.
- (b) Salary Increases. No increase in salary without change in duties and responsibilities, other than automatic training and service increments provided for in salary schedules and increases based on Board-approved changes in the prevailing wage rates, shall be granted except upon recommendation of the Committee and approval of the Board or by special action of the Board.

- (c) Teachers' Examination and Appointment.
 - 1. The examination of teachers shall be conducted by the Superintendent and his/her assistants, and the results of such examination shall be available for inspection by the Committee.
 - 2. In conformity with and subject to the provisions of sections 119.18 and 119.32 of the Wisconsin Statutes, the employment, classification, transfer, and promotion of all employees included thereunder shall be acted upon by the Board upon recommendation of the Superintendent and approval by the Committee. Classifications and transfer refer to the various groups and divisions of the salary schedules.
 - 3. All appointments shall be to the unassigned list. Assignments shall be made by the Superintendent.
- (d) Probationary Appointments. Before the monthly meetings of the Committee in December and May, and at such other times as may be necessary, it shall be the duty of the Committee to receive from the Superintendent a report of certificated and recreation and community-education personnel serving on the probationary list who are recommended for continued employment. Upon the Committee's recommendation, the Board shall consider and approve all recommendations.

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Board Rule 2.10

COMMITTEE ON INNOVATION/SCHOOL REFORM – POWERS AND DUTIES

(1) The Committee on Innovation/School Reform shall consider and make recommendations to the Board on emerging issues and new ideas in education and their relationship to achievement of the Board's goals and standards. The Committee shall serve as the primary vehicle for discussing programs, initiatives, reforms, and other subjects needing public input.

(2) The Committee shall consider instructional reform issues and plans; charter school and partnership school proposals and contracts; innovative school proposals; proposals and plans for closing/reconstituting schools; graduation standards and benchmarks; K-12 learning goals and curriculum reform; establishment of measurement criteria or standards; ~~performance and program audits~~; non-routine, futuristic instruction items; decentralization initiatives and policy modification; and development in the area of its focus.

~~(3) The Committee shall monitor and assess district and school progress in meeting the Board's goals and standards, including audits and other assessment reports. The Committee shall consider the district accountability plan, the district report card, monitoring of reform initiatives, and monitoring of decentralization. The Committee shall have oversight responsibility relative to the monitoring of organizational performance for all department, functions, initiatives and schools.~~

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Board Rule 2.12**~~COMMITTEE ON SAFETY AND CLIMATE — POWERS AND DUTIES~~**

~~1.— The Committee on Safety and Climate shall consider, monitor, assess and make recommendations to the Board on all matters pertaining to school and district safety and security.~~

~~2.— The Committee on Safety and Climate shall review, monitor and make recommendations to the Board on all district safety and security plans and procedures, including emergency plans and procedures related to fire, safety and health codes and statutes.~~

~~3.— The Committee on Safety and Climate shall consider, review and monitor all school climate and culture issues that present safety concerns, including neighborhood safety issues that could impact on schools and the District.~~

~~4.— The Committee on Safety and Climate shall receive and consider the recommendations of community partners, City departments and other non MPS entities that relate to district safety and climate issues.~~

~~5.— The Committee on Safety and Climate shall consider and make recommendations regarding transportation safety and safe passage matters.~~

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Administrative Policy 3.09**PURCHASING AND BIDDING REQUIREMENTS****(12) Supplemental Contract Conditions****8. APPEALS**

An apparel contractor who objects to any decision or action by the Procurement Manager relative to specifications and recommendations for purchasing items of apparel, may appeal the decision to the Committee on ~~Finance/Personnel~~ Accountability/Finance and Personnel of the Milwaukee Board of School Directors.

[Balance of Policy remains the same.]

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(ITEM 5) ACTION ON PROPOSED ADMINISTRATIVE POLICY 8.51, ELECTRONIC COMMUNICATION DEVICES

This Item initiated by the Administration

ADMINISTRATION'S ANALYSIS

1. Section 118.258, Wisconsin Stats., allows school boards to adopt rules prohibiting pupil from using or possessing electronic communication devices while on premises owned or rented by, or under the control of, a public school. This law was passed in response to safety concerns and the sale and distribution of illicit drugs on school grounds.
2. Section 118.258, Wisconsin Stats., requires the Board to annually adopt rules and provide each pupil enrolled in Milwaukee Public Schools with a copy of its rule pertaining to electronic communication devices.
3. The *Parent/Student Handbook on Rights, Responsibilities and Discipline*, revised 2010, has a rule under "Maintaining a Safe Educational Environment/Student Use of Electronic and Computer Technology/Communication Devices" which indicates that students are not allowed to use electronic communication devices, such as pagers and cell phones. Students may not activate, use, or display, for other than approved educational purposes, electronic communication devices while on school premises owned or rented by, or under the control of, Milwaukee Public Schools or while attending school-sponsored events.
4. The *Parent/Student Handbook on Rights, Responsibilities, and Discipline* is shared with students, staff and parents annually.

STRATEGIC PLAN COMPATIBILITY STATEMENT

5. The Administration's recommendation supports the MPS *Working Together, Achieving More* (WTAM) Strategic Plan.
Goal 5: School staffs are supportive and responsive to students and families.
WTAM Strategy: Schools are safe learning environments.
WTAM applicable measurable objective: 95% of MPS stakeholders will rate the district's schools as safe.

STATUTE, ADMINISTRATIVE POLICY OR BOARD RULES STATEMENT

6. This item is requesting creation of Administrative Policy 8.51, Electronic Communication Devices, in accordance with Wisconsin §118.258.

FISCAL IMPACT STATEMENT

7. This item does not authorize expenditures.

IMPLEMENTATION AND ASSESSMENT PLAN

8. School administrators will be notified of the revision through the Administrators' Bulletin, e-mail, and at monthly principal meetings.
9. The *Parent/Student Handbook on Rights, Responsibilities and Discipline* will be shared with students, staff, and parents annually.

10. The *Parent/Student Handbook on Rights, Responsibilities and Discipline*, revised 2010, has a rule under “Maintaining a Safe Educational Environment/Student Use of Electronic and Computer Technology/Communication Devices” which indicates that

...[s]tudents are not allowed to activate, use or display electronic communication devices, such as pagers and cell phones, while on the premises controlled by MPS or while attending school sponsored events. Students may not activate, use or display communication devices for other than approved educational purposes. Violation of this rule will result in discipline according to district policy.

11. In addition, the *Parent/Student Handbook on Rights, Responsibilities and Discipline*, revised 2010, states,

...[U]nauthorized or inappropriate items found may be confiscated. The items shall be inventoried by the school principal/designee and may be returned to the student’s parent/guardian, to the student if he/she is an adult, be held for disciplinary proceedings, or turned over to law enforcement officers. Any items that may endanger safety will not be returned.

ADMINISTRATION’S RECOMMENDATION

The Administration recommends that the Board approve Administrative Policy 8.51, Electronic Communication Devices:

Administrative Policy 8.51: ELECTRONIC COMMUNICATION DEVICES

(1) POLICY STATEMENT

The Milwaukee Public Schools shall provide an educational environment that is safe and orderly. Students are prohibited from activating, using, or displaying electronic communication devices such as cell phones, electronic pagers, or other electronic communication devices while on school premises during the school day (including after-school programs) or while participating in school-related activities off of school premises (for example field trips), other than for approved educational purposes. This commitment to a safe and orderly educational environment applies to all schools within the District.

(2) DEFINITION OF ELECTRONIC COMMUNICATION DEVICES

Electronic communication devices are any devices that can be used to send and/or receive voice or text messages. Such devices include, but are not limited to, cell phones, devices with internet access, and pagers.

(3) RIGHTS AND RESPONSIBILITIES OFF STUDENTS

(a) The policy will be shared with students, staff, and parents annually.

(b) Any electronic communication device that is activated, used, or displayed will be confiscated, inventoried, and stored in a secure location until the school administration holds a conference with the parent or adult student. Any electronic communication device that is activated, used, or displayed in a manner that endangers the physical safety or emotional wellbeing of others will be confiscated and held for disciplinary proceedings or turned over to law enforcement.

(c) Students in violation of this rule shall be disciplined in accordance with Administrative Policy 8.28, Student Discipline.

(4) LIABILITY

In the event that electronic communication devices are brought to school, the school and school district will not be financially responsible for lost or stolen items.

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(ITEM 6) ACTION ON PROPOSED REVISIONS TO ADMINISTRATIVE POLICY 6.34, REGARDING THE ACCEPTABLE USE OF DISTRICT TECHNOLOGY BY MPS STAFF; ADMINISTRATIVE POLICY 8.48, REGARDING THE ACCEPTABLE USE OF DISTRICT TECHNOLOGY BY MPS STUDENTS; AND ADMINISTRATIVE POLICY 7.41, REGARDING TECHNOLOGY CONCERNS FOR STUDENTS WITH SPECIAL NEEDS

This Item initiated by the Administration

BACKGROUND

1. MPS is required by the Department of Public Instruction (DPI) and the E-Rate program to have Board-approved policies for staff and students regarding the acceptable use of technology.
2. This item seeks approval of changes to the acceptable-use policy for each of two groups of technology users: students and staff.

ADMINISTRATION'S ANALYSIS

3. MPS is required by law to meet the unique needs of each student with a disability based on his/her Individualized Education Plan (IEP) or Section 504 Rehabilitation Plan. Related services include technology concerns for students with special needs or assistive technology.
4. The Telecommunications Relief Act of 1996 established the E-Rate program to fund the implementation of technology in schools based upon a poverty index associated with free and reduced-price lunch participation.
5. In order for schools to be eligible for E-Rate funding for technology, schools (districts) must have approved policies regarding the proper use of technology.
6. MPS must adhere to state and federal law as it relates to assistive technology for students with special needs.
7. Currently, the district receives over \$7 million annually in E-Rate funding.

STRATEGIC PLAN COMPATIBILITY STATEMENT

8. The Administration's recommendation supports the MPS *Working Together, Achieving More* (WTAM) Strategic Plan.
 Goal 5: School staffs are supportive and responsive to students and families.
 WTAM Strategy: Schools are safe learning environments.
 WTAM applicable measurable objective: 95% of MPS stakeholders will rate the district's schools as safe.

STATUTE, ADMINISTRATIVE POLICY OR RULE STATEMENT

9. This item recommends approval of the changes to these policies that are included in this item:
 - Administrative Policy 6.34, Staff Acceptable Use Policy (AUP)
 - Administrative Policy 8.48, Student Acceptable Use Policy (AUP)
 - Administrative Policy 7.41, Technology Concerns for Students with Special Needs

IMPLEMENTATION AND ASSESSMENT PLAN

10. The proposed modified policies will be implemented upon adoption by the Board.

FISCAL IMPACT STATEMENT

11. This item does not authorize expenditures.

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board approve the implementation of the changes to the following policies, as indicated, in order to bring the district into compliance with the E-Rate guidelines and Section 504 Rehabilitation Plan:

Administrative Policy 6.34
STAFF ACCEPTABLE USE POLICY (AUP)

[Note: The following would replace the current Administrative Policy 6.34 in its entirety]

Milwaukee Public Schools offers electronic network access for students, teachers, and other staff within the school system. The purpose of having the electronic network is to support the instructional program, including learning opportunities, business applications, information retrieval, searching strategies, research skills, and critical thinking. This document defines the acceptable use of the MPS network system (i.e., WAN, LAN, Internet, and Email) and computer resources by MPS Staff.

(1) EDUCATIONAL PURPOSE

(a) The district's network system has been established for educational and administrative purposes. The term educational purposes includes classroom activities, continuing education, professional or career development, and high-quality, educationally enriching personal research.

(b) The district's network system has not been established as a public access service or a public forum. The district has the right to place restrictions on the material which staff accesses or posts through the system. Staff is also expected to follow the rules set forth in this policy and the law in staff's use of the network system. Disciplinary action may take place against MPS staff that breaks rules as defined in MPS administrative policy.

(c) Staff may not use the network system for commercial purposes. This means that staff may not offer, provide, or purchase products or services through the network system.

(2) RULES AND REGULATIONS

(a) ACCEPTABLE USE

Milwaukee Public Schools networks are to be used in a responsible, efficient, ethical, and legal manner and must be in support of the educational objectives and employee guidelines of Milwaukee Public Schools.

(b) UNACCEPTABLE USE INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

1. violation of copyright/trademark laws
2. use of threatening or obscene material
3. political or campaign materials
4. The casual use of the email system is permitted as long as it does not interrupt the network or interfere with the employee's assignments and the email item is a legal document.
5. Listservs may never be used for personal emails nor may the employee use district-wide school/department email addresses.

6. Use of offensive or harassing statements or language, including profanity, vulgarity, and/or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs, is prohibited.
7. Staff shall not cyber-bully another person. Cyber-bullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another staff member or student by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures, or images, or website postings.
8. Sending or soliciting sexually-oriented messages or images
9. Changing settings on computers
10. Disrupting the network through casual use of the Internet
11. Accessing chat rooms and other social networking sites, except those set up and/or approved by school administration
12. Accessing programs not appropriate for educational use
13. Unauthorized use of password protected programs (SIMMS, IFAS, Portal, eSIS, etc.).

(3) SYSTEM SECURITY AND RESOURCE LIMITS

(a) SYSTEM SECURITY

1. Attempts to login to the system as any other user, to share a password, or to allow a security breach may result in cancellation of user privileges.
2. Staff will immediately notify a system administrator if he/she has identified a possible security problem. Staff, however, shall not look for security problems, because this may be construed as an unlawful attempt to gain access. Staff shall not demonstrate any such problem to other users. Messages relating to, or in support of, illegal activities may be reported to the authorities.
3. Staff will avoid the inadvertent spread of computer viruses by following the district's virus-protection procedures.

(b) RESOURCE LIMITS

Staff will not download files unless absolutely necessary for educational or administrative purposes. If deemed necessary, staff shall immediately remove the file from the computer/network after there is no longer a need access to it.

(4) EMAIL ACCOUNTS

- (a) Email accounts are to be used only by the owner.
- (b) Electronic mail is not guaranteed to be private; system operators have access to all mail.
- (c) All staff email is archived for a period of seven years, in accordance with the Open Records Act.

(5) PRIVACY

(a) PRIVACY

1. Staff should expect only limited privacy in the contents of their personal files on the network system and records of their online activity. This district's monitoring of Internet usage can reveal all activities in which staff engage in using the network system.
2. Routine maintenance and monitoring of the network system may lead to discovery that staff has violated this policy or the law. An individual search will be conducted if there is reasonable suspicion

that staff has violated this policy or the law. The investigation will be reasonable and related to the suspected violation.

3. Confidential files are to be accessed only by appropriate personnel.

(b) DUE PROCESS

1. The district will cooperate fully with local, state, or federal officials in any investigation related to any unlawful activities conducted through the network system.

2. In the event there is a claim that a member of the staff has violated this policy in his/her use of the network system, he/she will be provided with notice and opportunity to be heard in the manner set forth in administrative policy.

(6) LIMITATION OF LIABILITY

The district will not guarantee that the functions or services provided through the network system will be without error. The district will not be responsible for any damage which staff may suffer, including, but not limited to loss of data, interruptions of service, or exposure to inappropriate material or people. The district will not be responsible for the accuracy or quality of the information obtained through the network system. The district will not be responsible for financial obligations arising through the unauthorized use of the system.

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Administrative Policy 8.48
STUDENT ACCEPTABLE USE POLICY (AUP)

[Note: The following would replace the current Administrative Policy 8.48 in its entirety]

This document defines for students the acceptable use of the MPS network system's (i.e., WAN, LAN, Internet, and Email) computer and other technology resources. Following this policy allows students to use the Internet in a safe and responsible manner.

(1) PURPOSE

(a) The district's network system has been established for educational and administrative purposes. The term *educational purposes* includes classroom activities, continuing education, professional or career development, and high-quality, educationally-enriching personal research.

(b) The district's network system has not been established as a public access service or a public forum. The district has the right to place restrictions on the material which students access or post through the system. Students are also expected to follow the rules set forth in this policy, the student disciplinary code, and the law in their use of the district's network system. Teachers, counselors, administrators, and other school personnel may take disciplinary action against MPS students who break rules. Disciplinary actions are set according to federal and state laws and MPS administrative policies.

(c) Students may not use the district's network system for commercial purposes. This means students may not offer, provide, or purchase products or services through the district's network system.

(2) ACCESS TO ONLINE MATERIALS

(a) The material which students access through the district's network system should be for class assignments or for personal research on subjects similar to what a student might study in a class or in the school library. Use for entertainment purposes is not allowed.

(b) Students shall not use the district's network system to access the following:

1. material that is obscene;
2. pornography;

3. material that depicts, or describes in an offensive way, violence, nudity, sex, death, or bodily functions;
4. material that has been designated as for adults only;
5. material that promotes or advocates illegal activities;
6. material that promotes the use of alcohol or tobacco, school cheating, or material that advocates participation in hate groups or other potentially dangerous groups.

(c) If a student mistakenly accesses inappropriate information, he/she should immediately report this access in the manner specified by his/her school. This will protect the student against any claim that he/she has intentionally violated this policy.

(d) The district has installed filtering software to protect against access to inappropriate material, as required by the Children's Internet Protection Act ("CIPA").

1. If a student feels that the filtering software is blocking access to an appropriate site, the student should report this to the school's library media specialist, instructional technology leader, principal, or teacher.
2. Students shall not seek to bypass the filtering software by using a proxy site or some other technology.

(e) New technologies are being invented constantly, and it is impossible to predict what systems or applications will be available for use in the future. This policy applies to all technologies currently in use on the MPS network and those technologies that may be used on the MPS network in the future.

(3) SYSTEM SECURITY AND RESOURCE LIMITS

(a) SYSTEM SECURITY

1. Students are responsible for their individual accounts and should take all reasonable precautions to prevent others from being able to use their accounts. Students should change their passwords regularly. Under no conditions should students provide their passwords to other people. Students should always log off the computer when they are finished.

2. The students shall immediately notify a teacher or another school employee if the student has identified a possible security problem. Students, however, shall not look for security problems, as this may be construed as an unlawful attempt to gain access.

3. Students shall avoid the inadvertent spread of computer viruses by following the district's virus-protection procedures.

(b) RESOURCE LIMITS

1. Students shall use the system only for educational and career development activities and limited, high-quality personal research.

2. Students shall download only those files (e.g., music files and images) deemed necessary for educational purposes, with the instructor's permission. The files shall be removed from the network after students no longer need access to it.

(4) COMMUNICATION SAFETY

Students shall not disclose names, personal contact information, or any other private or personal information about themselves or other students. "Personal contact information" includes the student's full name, together with other information that would allow an individual to locate the student, including the student's family name, the student's home address or location, the student's work address or location, or the student's phone number.

(5) UNLAWFUL, UNAUTHORIZED AND INAPPROPRIATE USES**(a) UNLAWFUL ACTIVITIES**

1. Students shall not attempt to gain unauthorized access to the district's network system or to any other computer system through the district's network system nor shall they go beyond their authorized access. This includes attempting to log in through another person's account or to access another person's files.

2. Students shall not make deliberate attempts to disrupt the district's network system or any other computer system or destroy data by spreading computer viruses or by any other means.

3. Students shall not use the district's network system to engage in any other unlawful act, including, but not limited to; arranging for a drug sale or the purchase of alcohol or weapons, engaging in criminal gang activity, or threatening the safety of any person.

(b) INAPPROPRIATE LANGUAGE

1. Restrictions against inappropriate language apply to all speech communicated through the district's network system, including public messages, private messages, and material posted on Web pages, wikis and blogs, or any other social networking sites.

2. Students shall not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.

3. Students shall not post information that could cause damage or a danger of disruption to their schools or any other organizations or persons.

4. Students shall not engage in personal attacks, including prejudicial or discriminatory attacks.

5. Students shall not harass or bully other persons. Students shall not cyber-bully other persons. Cyber-bullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any technological tool, such as sending or posting inappropriate or derogatory email messages, instant messages, text messages, digital pictures, or images, or website postings.

6. Students shall not knowingly or recklessly post false or offensive information about a person or organization.

7. A student shall promptly disclose to his/her teachers or other school employee any messages that the student receives from any other student that is in violation of the restrictions on inappropriate language.

(c) PLAGIARISM AND COPYRIGHT INFRINGEMENT

1. Students shall not plagiarize work that they find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were one's own.

2. Students shall respect the rights of copyright owners in their use of materials found on, disseminated through, or posted to the Internet. Copyright infringement occurs when one inappropriately reproduces a work that is protected by a copyright.

(6) PRIVACY

1. Students should expect only limited privacy in the contents of their personal files on the district's network system and records of their online activity.

2. The district will cooperate fully with local, state, and federal officials in any investigation related to any unlawful activities conducted through the district's network system.

(7) VIOLATIONS OF THIS ACCEPTABLE USE POLICY

Violations of this policy may result in loss of access as well as other disciplinary or legal action in accordance with administrative policy. A student's violation of this policy shall be subject to the consequences as indicated within this policy, as well as other appropriate discipline. Disciplinary actions will be tailored to meet specific concerns related to the violation and to assist the student in gaining the self-discipline necessary to behave appropriately on an electronic network. If the violation also involves a violation of other provisions of other school rules, it will be handled in a manner described in the school rules. Additional restrictions may be placed on a student's use of his/her network account.

(80) LIMITATION OF LIABILITY

The district will not guarantee that the functions or services provided through the district's network service will be without error. The district will not be responsible for any damage which the student may suffer, including but not limited to, loss of data, interruptions of service, or exposure to inappropriate material or people. The district will not be responsible for the accuracy or quality of the information obtained through the system. The district will not be responsible for financial obligations arising through the unauthorized use of the system. A student's parents may be held financially responsible for any harm that may result from the student's intentional misuse of the system.

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Administrative Policy 7.41**TECHNOLOGY CONCERNS FOR STUDENTS WITH SPECIAL NEEDS****(1) GENERAL PRINCIPLES**

(a) The Milwaukee Public School District shall provide special education and related services designed to meet the unique needs of each student with a disability, based on his/her individualized education program (IEP), or Section 504 Rehabilitation Plan, as required by law. Related services includes assistive technology devices and services as defined below.

(b) Those students having special needs but not requiring a formal IEP according to law, which may include but are not limited to migrant students, homeless students, students living with poverty, and English Language Learners, will also be considered for assistive technology devices and/or services.

(2) DEFINITIONS

(a) The term "related services" means transportation and such developmental, corrective and other supportive services as required for the student with a disability to benefit from special education.

(b) "Assistive technology devices and services" would clearly be a functional part of the services defined.

1. An "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of students with disabilities.
2. "Assistive technology service" means any service that directly assists a student with a disability in the selection, acquisition or use of an assistive technology device. The term includes:
 - a. Evaluation of needs of a student with a disability, including a functional evaluation of the child's customary environment;
 - b. purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;

- c. coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
 - d. training or technical assistance for a child with a disability or, if appropriate, that child's family; and
 - e. training or technical assistance for professionals, employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of students with disabilities.
3. Accessible Text: A provision in the Individuals with Disabilities Education Act established the National Instructional Materials Accessibility Standard (NIMAS). The goal is of NIMAS is to promote the development of high-quality source files to be used to create specialized formats for students with print disabilities. Students eligible for accessible text under NIMAS regulations:
- a. IEP Team Responsibility – The IEP Team makes the determination concerning the need and the type of alternative format, based on the evaluations of certified professionals.
 - b. Students with Print Disabilities – “Print-disabled” refers to a student’s inability to access standard print format. A diagnosis alone does not constitute automatic consideration for “print disability”: The IEP Team should consider if the student needs specialized materials to meet IEP goals and to access the general curriculum.
 - c. Visual Impairment/Blind – A certified teacher of the visually impaired must conduct functional vision evaluations to determine the implications of the visual impairment on educational and curricular needs.
 - d. Timely Manner – If a child with a print disability does need an alternative format for text, the IEP should specify the format to be provided and the assistive technology needed by the student to access the specialized format. All students eligible for alternate format texts must receive them at the same time as non-disabled peers.

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(ITEM 7) ACTION ON PROPOSED ADMINISTRATIVE POLICY 8.52, BULLYING, AND ON PROPOSED RELATED REVISIONS TO ADMINISTRATIVE POLICY 8.28, STUDENT DISCIPLINE

This item initiated by the Administration

BACKGROUND

1. Every school district should strive to provide a safe, secure, and respectful learning environment for all students in school buildings, on school buses, and at school-sponsored activities. Bullying has harmful social, physical, psychological, and academic impacts on the bullies, the victims, and the bystanders. Districts should consistently and vigorously address bullying so that there is no disruption to the learning environment and learning process.
2. Bullying is defined as unfair and one-sided behavior that involves people of unequal power. Such actions are purposeful and repeated and may include acts of physical, verbal, written, or electronic abuse and aggression, as well as social exclusion. Bullying behavior can occur in writing, verbally, or electronically. This behavior can be perpetrated directly by an individual or by someone engaging in bullying behavior on the behalf of another.
3. Bullying is of great concern in our schools. According to the Center for Disease Control's Youth Risk Behavior survey completed in 2007, approximately 30% of students in grades 6-10 report moderate or frequent involvement in bullying, as a victim (11%), perpetrator (13%), or both (6%). A recent (2008) cyber-bullying survey found that 72% of respondents reported at least one online incident of bullying within the survey year. 85% also report being bullied in schools. Two-thirds of the cyber-bullying victims reported knowing their perpetrators.
4. Adult intervention is also an important concern with bullying. Although 71% of those that bullied other students said that they bullied less when confronted by an adult about bullying, 59% of the students that were bullied did not report the incident, and 90% of students who experienced cyber-bullying did not tell an adult.
5. The effects of bullying are costly. Students who are frequently bullied are at greater risk for depression, anxiety, low self-regard, poor school attendance, and poor concentration. Students who engage in bullying are at risk for poor school performance, continued aggression, more social-adjustment problems, and proclivity for delinquent or criminal behavior.
6. Bullying has been recognized as a significant problem in our schools, and both the state and federal governments are responding. Currently, legislation is pending in the US House of Representatives to amend the Safe and Drug-Free Schools and Communities Act to include bullying- and harassment-prevention programs. In Wisconsin, Senate Bill 202 was introduced in May 2009, requiring schools to adopt bullying-prevention policies.

ADMINISTRATION'S ANALYSIS

7. Regional and individual schools surveys document that bullying is a problem in our schools. Almost 30% of students surveyed indicated that they were bullied at school or on their way to or from school. Ten percent of those surveyed in 2003 stated that they stayed home from school to avoid bullying. Only 41% of students thought the school staff was aware of bullying in their schools. (Statistics taken from Midwest Regional Survey conducted in 2003.)

8. Research on effective methods of addressing the problem of bullying in schools identifies the need for interventions that increase adult knowledge and intervention, minimize rewards for coercive behavior, forge socially responsible peer norms, and support efforts to improve social-emotional and behavioral skills (Frey, Hirschstein, Edstrom & Snell, 2009).
9. There has been an increased need reported by MPS schools to address this problem within their buildings. Over the past two years, at least 25 schools have requested training or resources from the MPS Violence Prevention Team on this issue.
10. A district policy would help unify administrative actions regarding bullying in schools throughout the district. Such a policy would also provide a basic framework that schools can use to build their school-wide policies and procedures regarding bullying. This policy will also place Milwaukee Public Schools in compliance with state law SB154 and pending federal legislation.

STRATEGIC PLAN COMPATIBILITY STATEMENT

11. The Administration's recommendation supports the MPS *Working Together, Achieving More* (WTAM) Strategic Plan.
Goal 5: School staffs are supportive and responsive to students and families.
WTAM Strategy: Schools are safe learning environments.
WTAM applicable measurable objective: 95% of MPS stakeholders will rate the district's schools as safe.

STATUTE, ADMINISTRATIVE POLICY OR BOARD RULES STATEMENT

12. The 2010 Senate Bill 154 has been recently passed by the State legislature to support school safety related to bullying-prevention.
13. This policy requires revision to Administrative Policy 8.28, Student Discipline, under the examples of conduct that violates the code.
14. This item is also requesting creation of Administrative Policy 8.52, Bullying.

FISCAL IMPACT STATEMENT

15. This item does not authorize expenditures.

IMPLEMENTATION AND ASSESSMENT PLAN

16. The "Code of Conduct and Discipline Chart" in the *Parent/Student Handbook on Rights, Responsibilities and Discipline* will be modified to include Action Levels 1-4 for bullying behavior under the section entitled "Physical Safety/Mental Well-being (non-criminal acts)."
17. A section on the policy on bullying will be added to the *Parent/Student Handbook on Rights, Responsibilities and Discipline*.
18. School district personnel violating Administrative Policy 18:52 shall be disciplined in accordance with the guidelines established through collective bargaining agreements or disciplinary action established by policy or practice.

19. School administrators will be notified of the revision through the Administrators' Bulletin, e-mail, or other normal means used for communication of new district policies.
20. The district will make available evidence-based resources and comprehensive research-based programs to address bullying. Program support may include coaching, training, surveys and evaluation tools, staff training, student skill-training, and program implementation support. Currently, these supports are available from the MPS Violence Prevention Program/Special Services, although it is anticipated the need for these services will increase as this new policy is implemented. Additional positions are currently not funded.

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board adopt Administrative Policy 8.52, Bullying, and revision to Administrative Policy 8.28, Student Discipline, Section (5)(f):

Administrative Policy 8.52 BULLYING

<u>History</u>	
<u>Previous Coding</u>	
<u>Legal Ref.</u>	
<u>Contract Ref.</u>	<u>MTEA Contract (Teachers, School Aides)</u>
<u>Cross Ref.</u>	<u>Handbook on Student Rights and Responsibilities</u>
<u>Admin. Policy</u>	<u>8.17 School Rights, Responsibilities and Discipline</u>
	<u>8.19 Student Conduct</u>
	<u>8.22 Alcohol Use by Students/Student Drug Abuse</u>
	<u>8.23 Weapons in the Schools</u>
	<u>8.31 Student Suspension</u>
	<u>8.32 Student Expulsion</u>
<u>Admin. Proc.</u>	<u>8.28 Student Discipline</u>

(1) GENERAL PRINCIPLES

The Milwaukee Public Schools is committed and dedicated to the task of providing a safe environment for students to attain high academic standards and to promote healthy human relationships. Bullying behavior interferes with this mission by obstructing the school district's ability to maintain the safety or welfare of students and staff. Bullying interferes with students' ability to learn and with the teachers' ability to educate students in a safe environment.

(2) DEFINITION

(a) Bullying is deliberate or intentional behavior using words or actions, intended to cause fear, humiliation, intimidation, harm, or social exclusion. Bullying may be repeated behavior and involves an imbalance of power. Bullying may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age, national origin, race, ethnicity, religion, gender identify, physical attributes, physical or mental ability or disability, and social, economic or family status.

(b) Bullying behavior can be:

- physical (assault, hitting, kicking, theft, etc.);
- verbal (threatening or intimidating language, name-calling, cruel rumors, racist remarks, etc.);

- indirect (spreading rumors, social exclusion and isolation, using technology in a hurtful manner – cyber bullying) Cyber bullying includes, but is not limited to, use of email, instant messaging, text messages, digital pictures or images, cell phones, or website postings;
- bullying by proxy (i.e., someone engaging in bullying through another or on behalf of another); or
- between students and students, students and adults, or adults and adults.

(3) PROHIBITION

Bullying behavior by either an individual student, a group of students, or an adult is prohibited in all schools, school district buildings, educational environments, and on school district property, including any property or vehicle owned, leased, or used by the school district. Educational environments include, but are not limited to, every activity under school supervision. Bullying and harassment of students or school employees is also prohibited when perpetrated through the use of data or computer software that is accessed through a computer, computer system, computer network, or other electronic means of communication. Students' out-of-school speech or behavior that results in a "substantial disruption of the learning environment" is also prohibited.

(4) PROCEDURE FOR REPORTING AND INVESTIGATION OF BULLYING

(a) It is the responsibility of all students, school staff members, and concerned individuals who observe or become aware of acts of bullying to report these acts confidentially to a member of the school staff or administration.

(b) The school district will act to investigate all complaints of bullying and will take appropriate action against any student or employee of the district who is found to have violated this policy.

(c) All schools will follow these procedures for handling reports of bullying:

- All staff may receive reports of bullying.
- All reports of bullying must be placed on an Incident Referral Form, which is to be sent to the principal/school leader. If the report is regarding an employee, the principal shall investigate and take appropriate action under the Employee Code of Conduct, Administrative Policy 6.07.
- Parents/guardians of the accused and the accuser shall be notified by the principal/school leader that a report has been made.
- The principal/school leader will investigate the report and make a finding. If necessary, the principal/school leader shall impose appropriate consequences.

(d) Individuals making such reports will be supported and protected against potential retaliation for making such a report.

(e) The school district will also take appropriate action against any student or employee of the school district who retaliates against any person who makes a good-faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation or hearing related to such bullying.

(f) The school and the district shall keep the complaint confidential for both the accused and the accuser, to the extent permitted by law.

(5) SANCTIONS AND SUPPORTS

(a) Where it is determined that a student has participated in bullying behavior in violation of the policy, the school district may take disciplinary action including suspension, expulsion, and/or referral to law-enforcement officials for possible legal action, as appropriate.

(b) The school district will also take appropriate action against any student of the school district who retaliates against any person who makes a good-faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation or hearing related to such bullying.

(c) Whenever possible, attempts will be made to use disciplinary alternatives for students who engage in bullying or who retaliate against a student who reports a bullying incident.

(d) The district will make available evidence-based resources and comprehensive research-based programs to address bullying. Program support may include coaching training, reporting templates, surveys and evaluation tools, staff training, student skill training, and program-implementation support.

(e) Employees found to have participated in bullying behavior or to have been aware that bullying was taking place and failed to report the behavior are considered to be in violation of the prohibition expressed by the policy and may be subject to disciplinary action.

(6) DISCLOSURE AND PUBLIC REPORTING

(a) This policy will be annually distributed to all pupils enrolled in the school district, their parents and/or guardians, and employees, in the *Parent/Student Handbook on Rights, Responsibilities and Discipline*. It will also be distributed to charter and partnership schools and organizations in the community having cooperative agreements with Milwaukee Public Schools. The school district will provide a copy of the policy to any person who requests it.

(b) Records will be maintained by the Department of Parent and Student Services on the number of bullying incidents reported through the Incident Referral Form.

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**Administrative Policy 8.28
STUDENT DISCIPLINE**

(5)(F) CONDUCT THAT VIOLATES THE CODE

<u>Examples of Conduct That Violates the Code</u>	<u>Definition</u>	<u>Action Levels</u>	
		<u>Min</u>	<u>Max</u>
Weapons			
Guns	Possession of, use of, or threat to use a gun.....	4.....	4
Other Weapons	Possession of any object which by its design and intended purpose is to inflict bodily harm	4.....	4
Illegal Drugs and Alcohol....	Possessing, having under one’s control, or using any controlled substance/alcoholic beverage	3.....	4
Gang Activity			
Gang Symbols	Disruption and intimidation caused by gang symbols on materials, jewelry, or clothing	3.....	3
Posturing.....	Gang posturing which provokes an altercation.	2.....	4
Fighting.....	Involvement in a gang-fighting exchange of blows	2.....	4
Assault.....	Verbal or physical threat with intent to place a person in imminent danger of harmful or offensive contact without the person’s consent.	4.....	4
Personal Threat	Intent to do bodily harm, threats.....	1.....	3
Bullying.....	<u>Unfair, one-sided, repetitive, unwanted deliberate harming of another with unequal power through physical, verbal, cyber or proxy bullying.....</u>	<u>1.....</u>	<u>4</u>
Fighting			
Pushing and shoving.....	1.....	4

Exchange of physical blows..... 2.....4

Verbal Abuse

Profanity The use of language, either written or spoken, or
conduct or gestures which are obscene,
lewd, profane, vulgar, or sexually
suggestive..... 1.....4

Harassment..... Disturbing by pestering, tormenting, or
threatening. 1.....4

Repeated Classroom

Disruption..... Confronting staff argumentatively, throwing
objects, refusing to follow directions, or
making loud noises. 1.....4

Chronic Disruption by Violation
of School Rules..... Behavior that disrupts the educational process
of others by involvement in misconduct that
recurs on a regular basis over a period of
time..... 2.....4

Action Level Key:

- | | | | |
|---|-------------------------|---|---|
| 1 | Conference/Intervention | 3 | Referral to the Division of Parent/Student Services |
| 2 | Suspension | 4 | Expulsion recommendation |

[Balance of Policy remains unchanged.]

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