

Kimberly Area School District

Public Notices 2018-19



Dear Kimberly Area School District Families,

As the Superintendent of the Kimberly Area School District, I welcome you to another exciting school year. Our public schools are a point of pride for our community. All students within our District, from high school aged scholars to the youngest of learners, are encouraged to pursue their potential in academics, the arts, athletics and club activities.

Every five years we update our District's Plan for Excellence. I hope you will check out this plan so you can see where our District is headed. By combining feedback from community members, parents, students and staff with District data, we developed our revised priorities and new goals. We are committed to improving your child's learning experience and are actively working to give them what they need, when they need it. To view our new Plan for Excellence, please visit www.kimberly.k12.wi.us/excellence.

You may be surprised to hear that the Kimberly Area School District is a mental health service leader in education. For the past two years clinical professionals have been providing mental health counseling services to our high school students. These services include a blend of professional mental health counseling and educational services. New for this school year, the United Way PATH counseling program will expand services in our District to students and families from kindergarten through eighth grade. The services will be available right at your child's school. Your child's mental health is critically important, please don't be afraid to contact us for support.



Together, we will provide an exceptional public education experience for your child. I encourage you to contact us should you have any concerns or questions.

Proud to be a Papermaker,

Robert S. Mayfield, Ed.D.
Superintendent of Schools



Join us on Facebook at:
www.facebook.com/KimberlyAreaSchoolDistrict



Visit our website at: www.kimberly.k12.wi.us

As required by law, we are notifying you of the following policies and procedures of the Kimberly Area School District. **The information provided below is a summation of policy content.** Complete District policies are available on our website www.kimberly.k12.wi.us

NONDISCRIMINATION AND ACCESS TO EQUAL

EDUCATIONAL OPPORTUNITY (POLICY 2260) The Board of Education is committed to providing an equal educational opportunity for all students in the District.

The Kimberly Area School District does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability (“Protected Classes”) in any of its student programs and activities.

The Board is also committed to equal employment opportunity in its employment policies and practices as they relate to students. The Board’s policies pertaining to employment practices can be found in Policy 1422, Policy 3122, and Policy 4122 – Nondiscrimination and Equal Employment Opportunity.

Reporting Procedures

Students, parents and all other members of the School District community are encouraged to promptly report suspected violations of this policy to a teacher or administrator. Any teacher or administrator who receives such a complaint shall file it with the District’s Compliance Officer at his/her first opportunity.

Students who believe they have been denied equal access to District educational opportunities, in a manner inconsistent with this policy may initiate a complaint and the investigation process that is set forth below. Initiating a complaint will not adversely affect the complaining individual’s participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

District Compliance Officers

The following individuals shall serve as the District’s “Compliance Officers”

Dawn Ludwig

Director of Human Resources
920-788-7900
425 S. Washington Street
PO Box 159
Combined Locks, WI 54113
dludwig@kimberly.k12.wi.us

Timothy Fosshage

Director of Pupil Services
920-788-7900
425 S. Washington Street
PO Box 159
Combined Locks WI 54113
tfosshage@kimberly.k12.wi.us

A Compliance Officer will be available during regular school/work hours to discuss concerns related to student discrimination in educational opportunities under this policy.

The Board reserves the right to investigate and resolve a complaint or report regardless of whether the member of the School District community or third party chooses to pursue the complaint. The Board also reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board.

118.13 Wis. Stats., P.I. 9, 41, Wis. Adm. Code, Fourteenth Amendment, U.S. Constitution, 20 U.S.C. Section 1681, Title IX of Education Amendments Act, 20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974, 20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act, 29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended, 42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964, 42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act, 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975, 42 et seq., The Americans with Disabilities Act of 1990, as amended, Vocational Education Program Guidelines for Eliminating Discrimination and Denial, of Services, Department of Education, Office of Civil Rights, 1979.

A complaint or appeal may also be made on some of the above bases (Title IX, Title VI, Section 504, Americans with Disabilities Act) to the U.S. Office for Civil Rights – Region V in Chicago or by email to: OCR.Chicago@ed.gov

Chicago Office
Office for Civil Rights, U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
FAX: 312-730-1576 TDD: 877-521-2172

COMPLAINT PROCEDURE - SPECIAL EDUCATION

Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability shall be processed in accordance with established appeal procedures outlined in the District’s Special Education Handbook.

COMPLAINT PROCEDURE - FEDERAL PROGRAMS

Discrimination complaints relating to programs specifically governed by federal law or regulation shall be referred directly to the State Superintendent of Public Instruction.

MAINTENANCE OF COMPLAINT RECORDS Records shall be kept of all formal and informal complaints for the purpose of documenting compliance and past practices. The records shall include information on all levels of the complaint and any appeals. The records should include:

1. The name of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action

requested by the complainant.

4. The name(s) of the respondents.

5. The levels of processing followed, and the resolution, date and decision-making authority at each level.

6. A summary of facts and evidence presented by each party involved.

7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action taken.

CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION OBTAINED THROUGH CHILD FIND

ACTIVITIES The Kimberly Area School District is required to locate, identify, and evaluate all children, with disabilities, including children with disabilities attending private schools in the school district, and homeless children. The process of locating, identifying, and evaluating children with disabilities is known as child find. This agency conducts the following child find activities each year: Annually, the district conducts developmental screening of preschool children. Each child's motor, communication, cognitive, and social skills are observed at various play areas.

The information is used to provide the parent with a profile of their child's current development and to provide suggestions for follow-up activities. Parents learn about community services available to them. The information from the screening is also used to determine whether a child should be evaluated for a suspected disability. When school staff reasonably believes a child is a child with a disability, they refer the child for evaluation by a school district Individualized Education Program (IEP) team.

The school district gathers personally identifiable information on any child who participates in child find activities. Parents, teachers, and other professionals provide information to the school related to the child's academic performance, behavior, and health. This information is used to determine whether the child needs special education services.

This notice informs parents of the records the school district will develop and maintain as part of its child find activities. This notice also informs parents of their rights regarding any records developed. The school district maintains several classes of pupil records:

PROGRESS RECORDS include grades, courses the child has taken, the child's attendance record, immunization records, required lead screening records, and records of school extra-curricular activities. Progress records must be maintained for at least five years after the child ceases to be enrolled.

BEHAVIORAL RECORDS include such records as psychological tests, personality evaluations, records of conversations, written statements relating specifically to the pupil's behavior, tests relating specifically to

achievement or measurement of ability, physical health records other than immunization and lead screening records, law enforcement officers' records, and other pupil records that are not "progress records." Law enforcement officers' records are maintained separately from other pupil records. Behavioral records may be maintained for no longer than one year after the child graduates or otherwise ceases to be enrolled, unless the parent specifies in writing that the records may be maintained for a longer period of time. The school district informs parents when pupil records are no longer needed to provide special education. At the request of the child's parents, the school district destroys the information that is no longer needed.

DIRECTORY DATA includes a student's address and grade level.

PUPIL PHYSICAL HEALTH RECORDS include basic health information about a pupil, including the pupil's immunization records, an emergency medical card, a log of first aid and medicine administered to the pupil, an athletic permit card, a record concerning the pupil's ability to participate in an education program, any required lead screening records, the results of any routine screening test, such as for hearing, vision or scoliosis, and any follow-up to the test, and any other basic health information, as determined by the state superintendent. Any pupil record relating to a pupil's physical health that is not a pupil physical health record is treated as a patient health care record under sections 146.81 to 146.84, Wisconsin Statutes. Any pupil record concerning HIV testing is treated as provided under section 252.15, Wisconsin Statutes.

The Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), and section 118.125, Wisconsin Statutes, afford parents and students over 18 years of age ("eligible students") the following rights with respect to education records:

The right to inspect and review the student's education records within 45 days of receipt of the request.

The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading

The right to consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law. The exceptions are stated in 34 CFR 99.31, Family Educational Rights and Privacy Act regulations; Sec. 9528, PL107-110, No Child Left Behind Act of 2001; and section 118.125(2) (a) to (m) and sub. (2m), Wisconsin Statutes. One exception that permits disclosure without consent is disclosures to school officials with legitimate educational interests.

Also the district discloses "directory data" without consent,

unless the parent notifies the district that it may not be released without prior parental consent upon written notification within 15 days after receipt of the District Administrator's annual public notice.

- A. The right to challenge Board noncompliance with a parent's request to amend the records through a hearing.
- B. The right to file a complaint with the U. S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-8520.

- C. The right to obtain a copy of the Board's policy and administrative guidelines on student records.

NOTICE OF SPECIAL EDUCATION REFERRAL & EVALUATION PROCEDURES

Upon request, the Kimberly Area School District is required to evaluate a child for eligibility for special education services. A request for evaluation is known as a referral. When the district receives a referral, the district will appoint an Individualized Education Program (IEP) team to determine if the child has a disability, and if the child needs special education services. The district locates, identifies, and evaluates all children with disabilities who are enrolled by their parents in private (including religious) schools, elementary schools and secondary schools located in the school district.

A physician, nurse, psychologist, social worker, or administrator of a social agency who reasonably believes a child brought to him or her for services is a child with a disability has a legal duty to refer the child, including a homeless child, to the school district in which the child resides. Before referring the child, the person making the referral must inform the child's parent that the referral will be made.

Others, including parents, who reasonably believe a child is a child with a disability may also refer the child, including a homeless child, to the school district in which the child resides.

Referrals must be in writing and include the reason why the person believes the child is a child with a disability. A referral may be made by contacting:

Timothy Fosshage

Director of Pupil Services
Kimberly Area School District
425 S Washington St. Combined Locks WI 54113
PHONE: 920-788-7900

STUDENT RECORDS (POLICY 8330) In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use

information about individual students. Simultaneously, the Board 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.

Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

Address Confidentiality Program: Students who are verified participants in the Safe at Home/Address Confidentiality Program administered by the WDOJ shall be permitted to use their substitute assigned address for all District purposes. The Board shall refrain from including the student's actual/confidential address in any student records or files (including electronic records and filed) or disclosing the student's actual/confidential residential address when releasing student records. The Board shall only list the address designated by the WDOJ to serve as the student's address in any student records or files, communications and correspondence between the Board and the parent(s) of the student (or adult student). The student's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. The intentional disclosure of a student's actual/confidential residential address is prohibited.

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be

released to any person or party, other than the student or his/her parent, without the written consent of the parent, or, if the student is an eligible student, without the written consent of the student, except as provided by applicable law.

DIRECTORY INFORMATION Each year the District Administrator shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information." The Board designates student "directory information" as a student's grade level, and address; Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory information" upon written notification to the Board within fourteen (14) days after receipt of the District Administrator's annual public notice or enrollment of the student into the District if such enrollment occurs after the annual public notice. Any parent or eligible student that refuses to allow disclosure of directory data may waive the refusal to disclose directory information obtained during the course of the student's participation in extra-curricular activities.

In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces." The District Administrator is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of "directory information," either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the District Administrator shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information," on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

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. Directory information shall not be provided to any organization for profit-making or marketing purposes.

INSPECTION OF INFORMATION COLLECTION INSTRUMENT

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least fourteen business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within fourteen (14) business days of the principal receiving the request. 118.125 Wis. Stats., 34 C.F.R. Part 99, 20 U.S.C., Section 1232f through 1232i (FERPA), 26 U.S.C. 152, 20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act, 20 U.S.C. 7165(b), 20 U.S.C. 7908

STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION (POLICY 2416)

The Board of Education respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult, or an emancipated minor) or, if an unemancipated minor, his/her parents, 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;
- B. 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).

The District Administrator shall ensure that procedures are established whereby parents may 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 by the building principal.

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 in accordance with Policy 8350.

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

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: the Library; the Instructional Materials Center; the Guidance Office; or a supervised location, where under the supervision of a staff member the student will be provided with an alternate activity.

The Board will not allow 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).

The District Administrator 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.

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).

STUDENT ANTI-HARASSMENT AND BULLYING (POLICIES 5517 & 5517.01)

The Board of Education is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Harassment or bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. These policies also include information on reporting suspected harassment or bullying, the investigation and complaint procedures, confidentiality, and disciplinary actions taken to halt sexual harassment, boundary invasions and other forms of harassment, bullying and cyber-bullying. The full text of these policies are available upon request and on the District website www.kimberly.k12.wi.us.

HOMELESS CHILDREN (POLICY 5111.01) Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. The District shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those who may be a member of any of the Protected Classes (Policy 2260). Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include those who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
 - B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
 - C. live in emergency or transitional shelters
 - D. are abandoned in hospitals
 - E. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, or
 - F. live in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting
- Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian.

The District will provide services to homeless students that are comparable to other students in the District. Please contact Rob DeLain, homeless liaison for the Kimberly Area

School District, for additional information about the rights and services described above. Mr. DeLain can be reached at (920) 788-7905 or rdelain@kimberly.k12.wi.us.

EDUCATIONAL RIGHTS FOR CHILDREN AND YOUTH IN FOSTER CARE (POLICY 5111.03) Children who meet the Federal definition of “in foster care” will be provided a free appropriate public education (FAPE) in the same manner as all other students of the District. To that end, students in foster care will not be stigmatized or segregated on the basis of their status. The District shall establish safeguards that protect foster care students from discrimination on the basis of their foster care status or any other of the recognized Protected Classes (Policy 2260). The District shall regularly review and revise its policies, including school discipline policies that may impact students in foster care. (See also policy 5111.03)

MEAL CHARGE (POLICY 8500) Negative Account Balances: Students will be permitted to purchase meals from the District’s food service using either cash on hand or a food service account. A student may be allowed to incur a negative food service account balance subject to the following conditions.

Students may be permitted to accumulate negative food service account balance. The District Administrator shall determine the manner of determining permissible account balances by grade level. A student shall not be permitted to purchase a la carte items without sufficient account balance or cash on hand.

Students that are receiving free or reduced price meals will be permitted to purchase a USDA approved meal if the student has the necessary funds with him/her to purchase the meal, regardless of whether the student has a negative account balance.

A student that has exceeded the permissible negative balance amount in his/her account and does not have cash on hand sufficient to purchase a meal will be provided an alternative meal, subject to USDA guidelines applicable to alternative meals. The District Administrator shall, in coordination with the District’s food services, assure that any alternative meals provided to any student receiving paid or reduced price meals that is either claimed for reimbursement or charged to the student account, meets all of the requisite USDA guidelines for alternative meals.

CONTROVERSIAL ISSUES IN THE CLASSROOM (POLICY 2240) This policy describes parents’ right to request program modifications, the procedures used in responding to such a request and the complaint process, including their right to appeal. The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the

school that either content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular classes for specified reasons. The student, however, will not be excused from participating in the course or activities mandated by the State and will be provided alternative learning activities during times of parent requested absences.

ASBESTOS NOTIFICATION As a result of federal legislation (Asbestos Hazard Emergency Response Act - AHERA), each primary and secondary school in the nation is required to complete a stringent inspection for asbestos and to develop a plan of management for all asbestos-containing building materials. The Kimberly Area School District has a goal to be in full compliance with this law and is following the spirit, as well as, the letter of the law. As a matter of policy (8431.01), the district shall continue to maintain a safe and healthful environment for our community’s youth and employees.

The Kimberly Area School District has a list of the locations(s); type(s) of asbestos containing materials found in that school building and a description and time table for their proper management. A copy of the Asbestos Management Plan is available for review in the school office. Copies are available at 25¢/page.

PARENT PARTICIPATION IN TITLE I PROGRAMS (POLICY 2261.01) Programs supported by Title I funds must be designed and implemented in consultation with parents of the students being served. In addition parents may request information regarding the professional qualifications of their child’s teacher(s) and paraprofessionals.

STUDENT HAZING (POLICY 5516) The Board of Education believes that hazing activities of any type are inconsistent with the educational process and a violation of State law. It prohibits all such activities at any time in school facilities, on school property, and at any District-sponsored event.

VIDEO SURVEILLANCE AND ELECTRONIC MONITORING (POLICY 7440.01) The Board of Education has developed a policy that authorizes the use of video surveillance and electronic monitoring equipment at various school sites throughout the District and on school buses.

The Kimberly Area School District does not discriminate on the basis of race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, (including transgender status, change of sex or gender identity), or physical, mental, emotional, or learning disability (“Protected Classes”) in any of its student program and activities.

Kimberly Area School District
425 S Washington Street
Combined Locks, WI 54113



VIEW THIS DOCUMENT ONLINE.