

Kimberly Area School District

Public Notices 2023-24



Dear Kimberly Area School District Families and Staff,
Each year we are required to provide notification of certain policies, procedures, programs, and general information regarding the Kimberly Area School District.

Information is distributed in several different formats based State, Federal and School District policy requirements. This document is one of the many ways that we share important information. This document contains summaries of certain policies and other content. District policies are updated often to reflect current law and are available in their entirety by accessing the school district's website.

Other required information may be found in student and parent handbooks, staff handbooks, posted in our buildings, published as a notice in the newspaper, included in school newsletters, as a direct mailing to families, as well as other formats.

If you need information that is not included here, or have additional questions, please contact someone at your school or at the District Administrative office.

We look forward to an exceptional 2023-24 school year!

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 gender status, change of sex or gender identity), or physical, mental, emotional, or learning disability ("Protected Classes") in any of its student programs and activities, including employment opportunities.

NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY: The Kimberly Area School District 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 gender status, change of sex or gender identity), or physical, mental, emotional, or learning disability (“Protected Classes”) in any of its student programs, activities, or employment.

All courses, including career and technical education courses, are available without discrimination based race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex (including gender status, change of sex or gender identity), or physical, mental, emotional, or learning disability (“Protected Classes”).

Reporting Procedures

Students, parents, and all other members of the School District community are encouraged to promptly report suspected violations of this policy to an administrator, supervisor or other District official. Any teacher, administrator or other District employee or official who receives such a complaint shall file it with the CO as soon as possible. Members of the District community, including students or Third Parties, who believe they have been discriminated/retaliated against are entitled to utilize the complaint process set forth below.

District Compliance Officers: The following individuals shall serve as the District’s Compliance Officers (COs) (all references to the duties of the CO's may also be filled by a designee) :

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 CO will be available during regular school/work hours to discuss concerns related to discrimination and/or retaliation.

INVESTIGATION AND COMPLAINT PROCEDURE All complaints must include the following information to the extent known: a description of the alleged violation, the identity of the Respondent; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a complaint, the CO will consider whether any action should be taken during the investigatory phase to protect the Complainant from further loss of educational opportunity, including but not limited to a change of work assignment or class schedule for the complainant, tentative enrollment in a program, or other appropriate action. In making such a determination, the CO should consult the Superintendent prior to any

action being taken. The Complainant should be notified of any proposed action prior to such action being taken.

This policy is pursuant to 118.13 Wis. Stats., P.I. 9, 41, Wis. Adm. Code, Fourteenth Amendment, U.S. Constitution, 20 U.S.C. Section 1681, 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.

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 believe 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 has been designated as a student's address and grade level. The District may disclose Directory Data without parental consent unless the District has been notified of an opt out in writing within 14 days after receipt of the Superintendent's annual public notice (this document).

PUPIL PHYSICAL HEALTH RECORDS include basic health information about a pupil, including the pupil's immunization records, 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:

1. The right to inspect and review the student's education records within 45 days of receipt of the request.
2. The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading.
3. 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. Disclosure without consent is permitted to school officials with legitimate educational interests.
4. The right to challenge Board noncompliance with a parent's request to amend the records through a hearing.

5. 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.
6. The right to obtain a copy of the policy 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 has 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 for the referral. 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 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.

Reference to "directory data" includes reference to "directory information" in the context of the Family Educational Rights and Privacy Act (FERPA). 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 Wisconsin Department of Justice (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 files) 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, the information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

DIRECTORY INFORMATION Each year the Superintendent shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory data." The Board has designated a student's grade level, and address as "directory data." Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory data." upon written notification to the Board within fourteen (14) days after receipt of the Superintendent's annual public notice (this document) 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 data 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, telephone listings and electronic mail address 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, telephone listing and school provided email address 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 Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer. The Board may disclose "directory data," 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 data 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 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, their 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 their parents;
- B. mental or psychological problems of the student or their 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 the student's 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 Superintendent shall establish procedures to provide parents with the opportunity to inspect any materials created by a third party used in conjunction with any such survey, analysis, or evaluation before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received 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.

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

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 and 5517.01) The Board 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. Bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. 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 can be found in the full text of these policies which is available upon request and on the District website.

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 the Kimberly Area School District’s homeless liaison for additional information about the rights and services described above.

Rob DeLain
Kimberly Area School District
Homeless Liaison
(920) 788-7905

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.

FOOD SERVICES: Substitutions to the standard meal requirements shall be made, at no additional charge, for students who for whom a health care provider who has prescriptive authority in the State of Wisconsin has provided medical certification that the student’s medical condition restricts their diet, in accordance with the criteria set forth in 7 C.F.R. Part 15b. To qualify for such substitutions, the medical certification must identify:

- A. the student’s medical condition or symptom and the major life activity affected by the disability;
- B. an explanation of how the condition or symptom affects the student’s diet; and
- C. the food(s) to be omitted from the student’s diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who provide a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs, but which does not comply with the requirements above. To qualify for such consideration and substitutions the medical statement must identify:

- A. the medical or dietary need that restricts the student’s diet; and
- B. the food(s) to be omitted from the student’s diet and the food(s) or choice of foods that may be substituted.

The District may provide a student with a substitute meal without any certification provided that the meal still meets the USDA meal pattern for reimbursement.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

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. The Superintendent 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 their 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 Superintendent 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.

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 classroom teacher(s) and paraprofessional(s).

STUDENT ASSESSMENTS: Parents/Guardians may request information regarding any state or local school district policy regarding student participation in any assessments mandated by law or by the District.

WELLNESS POLICY NOTIFICATION (POLICY 8510): The Kimberly Area School District recognizes that good nutrition and physical activity are essential for students to maximize their full academic potential, reach their physical and mental potentials, and achieve lifelong health and well-being. See the full policy on the District website. The District Wellness Coordinator is Dave Lamers, who can be contacted at (920)730-0924.

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 conflict with their religious beliefs or value system, the school will honor a written request for their 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 MANAGEMENT NOTIFICATION: Each primary and secondary school in the nation is required 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. The Asbestos Management Plan is available for review in the school office. The annual report can be found on the District's website.

SCHOOL AND SCHOOL DISTRICT PERFORMANCE REPORT: Parents/Guardians of students enrolled in the District have the right to request a copy of School and School District performance reports. These reports can also be found on the District website www.kimberly.k12.wi.us

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