

McFarland School District

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Family Educational Rights and Privacy Act (FERPA)

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.** Parents or eligible students should submit to the school administrator a written request that identifies the records(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected. The school district will comply with the request without unnecessary delay and before any meeting about an individualized education program, or any due process hearing, and in no case more than 45 days after the request has been made. If any record includes information on more than one child, the parents of those children have the right to inspect and review only the information about their child or to be informed of that specific information. Upon request, the school district will give a parent or eligible student a copy of the progress records and a copy of the behavioral records. Upon request, the school district will give the parent or eligible student a list of the types and locations of education records collected, maintained, or used by the district for special education. The school district will respond to reasonable requests for explanations and interpretations of the records. A representative of the parent may inspect and review the records.
2. **The right to request the amendment of the student's education records that the parent or eligible student believes is inaccurate or misleading.** Parents or eligible students may ask McFarland School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the district decides not to amend the record, the district will notify the parent or eligible student of the decision and the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. **The right to consent to disclosures of personally identifiable information in the student's education records, except to the extent that federal and state law authorize disclosure without consent.** 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. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the district has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the district discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. Also the district discloses

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"directory data" without consent, unless the parent notifies the district that it may not be released without prior parental consent.

4. **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, S.W., Washington, DC 20202-4605.

Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, requires that McFarland School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, McFarland School District may disclose appropriately designated "directory information" without written consent, unless you have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the McFarland School District to include this type of information from your child's education records in certain school publications. Examples include:

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require local educational agencies (LEAs) receiving assistance under the *Elementary and Secondary Education Act of 1965* (ESEA) to provide military recruiters, upon request, with three directory information categories—names, addresses and telephone listings—unless parents have advised the LEA that they do not want their student's information disclosed without their prior written consent. (These laws are: Section 9528 of the ESEA (20 U.S.C. 7908), as amended by the *No Child Left Behind Act of 2001* (P.L. 107-110), the education bill, and 10 U.S.C. 503, as amended by section 544, the *National Defense Authorization Act for Fiscal Year 2002* (P.L. 107-107), the legislation that provides funding for the Nation's armed forces.)

If you do not want McFarland School District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by October 1st. McFarland School District has designated the following information as directory information:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Participation in officially recognized activities and sports

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- Weight and height of members of athletic teams
- Degrees, honors, and awards received
- Date and place of birth
- Major field of study
- The most recent educational agency or institution
- Dates of attendance
- Grade level attended

Release Time for Religious Instruction

The School Board shall, in accordance with state law, permit students to be absent from school to obtain religious instruction during the required school attendance hours. Specifically, the state law allows students with written permission of a parent or guardian to be absent from school at least 60 minutes but not more than 180 minutes per week to obtain religious instruction outside the school during the required school period. The supervisor of such religious instruction shall report monthly, to the principal of the school regularly attended, the names of the pupils who attended such weekly religious instruction.

The School Board may deny the privilege of released time to pupils who absent themselves from such religious instruction after requesting the privilege. The time period, or periods, allotted for the pupil to be absent from school for the purpose of religious instruction shall be determined by the school board.

Any transportation to religious instruction or from religious instruction to the public school shall be the responsibility of the parents or of the organization sponsoring the religious instruction. The School District shall be released from all liability for a pupil who is absent from school to attend religious instruction.

Asbestos Notice

As a result of federal legislation, each primary and secondary school in the nation is required to complete a stringent new inspection for asbestos and to develop a plan of management for all asbestos-containing building materials. Our School District's goal is 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, we shall continue to maintain a safe and healthful environment for our community's youth and employees. In keeping with this legislation, all buildings owned or leased by the school district have been inspected by EPA accredited inspectors and samples were analyzed by an independent laboratory. Based on the inspection, the school prepared and the state approved a comprehensive management plan for handling the asbestos located within its buildings safely and responsibly. Furthermore, the School District has completed its required three-year re-inspection in April 2019. The new maintenance shop was added and inspected (4915 Burma Road) and the old elementary school was demolished and taken off the AHERA (Asbestos Hazard Emergency Response Act).

The School District continues the following:

1. Operations and Maintenance of our asbestos to ensure the material is in good condition.
2. Short-term workers (outside contractors e.g. telephone repair workers, electricians and exterminators) must be provided information regarding the location of asbestos in which they may come into contact.

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3. All short-term workers shall contact the building Chief Custodian before commencing work to be given this information.
4. The School District of McFarland has a list of the location(s), type(s), of asbestos- containing materials found in that school building with a description and timetable for their proper management. A copy of the Asbestos Management Plan is available for review in the school office. Copies are available at 25 cents per page.

Questions should be directed to the Director of Building and Grounds, Bill Foust at 608-838-4519.

Pupil Nondiscrimination Notice

It is the policy of the public schools that no person may be denied admission to any public school in the district, or be denied participation in, be denied the benefits of, or be discriminated against in any curricular, co-curricular, pupil service, recreational or other program or activity because of the person's race, color, religion, national origin, ancestry, creed, pregnancy, marital status, parental status, sexual orientation, sex, including transgender status, change of sex or gender identify, disability, age, military status, or physical, mental, emotional, or learning disability, or any other characteristic protected by law as required by x. 118.13 WIS. Stats. This policy also prohibits discrimination as defined by Title IX of the Education Amendments of 1972 (sex), Title VI of the Civil Rights Act of 1964 (race and national origin) and Section 504 of the Rehabilitation Act of 1973.

The McFarland School District encourages informal resolution of complaints under this policy. A formal complaint resolution is available to address allegations for violation of the policy.

Complaint Procedures

Any complaint regarding the interpretation or application of the District's student nondiscrimination policy shall be processed in accordance with the following grievance procedures:

1. Any student, parent or resident of the District complaining of discrimination on the basis of sex, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability or disability, in school programs or activities shall report the complaint in writing to the building administrator. There shall be no retaliation against any person who files a complaint under these procedures.
2. The building administrator, upon receiving such a written complaint, shall immediately undertake an investigation of the suspected infraction. Within 10 days after receiving the complaint, the building administrator shall decide the merits of the case, determine the action to be taken, if any, and report in writing the findings and the resolution of the case to the grievant.
3. If the grievant is dissatisfied with the decision of the building administrator, he/she may appeal the decision in writing to the Compliance Officer, Lauren Arango, Director of Student Services, 5101 Farwell Street, McFarland, WI 53558. The Compliance Officer shall investigate the alleged discrimination and make a written decision regarding the case within 10 days after receiving the complaint. Copies of the written decision shall be mailed or delivered to the grievant, the building administrator and District Administrator.
4. If the grievant is dissatisfied with the decision of the Nondiscrimination Officer, he/she may appeal the

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decision in writing to the District Administrator. The District Administrator shall review the investigation process, and make a written decision regarding the case within 10 days after receiving the complaint. Copies of the written decision shall be mailed or delivered to the grievant, the compliance officer and the building administrator.

5. If the grievant is dissatisfied with the District Administrator's decision, he/she may within 30 days appeal the decision in writing to the State Superintendent of Public Instruction.

Discrimination Complaints Involving Students with Disabilities

Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate education of a child with a disability shall be processed in accordance with established special education appeal procedures.

Due Process Hearing Procedures

The District shall exhaust all possible options before entering a hearing procedure. These options shall include: a meeting of the parent(s) or guardian with designated special education personnel and the building administrator, and a subsequent meeting, if necessary, with the aforementioned and the District Administrator. In the event a mutually agreeable option is not reached, the District's due process procedure will be utilized.

As a part of each Individual Education Program or IEP team meeting, the parent or guardian will be informed of his/her right to a hearing as contained in section 115.81 of the statutes. This information will be provided both in writing and orally in his/her native tongue, or will be signed if oral communication is not possible. The hearing will be conducted by an administrative law judge appointed by the Division of Hearings and Appeals.

IDEA Complaints

McFarland School District encourages informal resolution of complaints through communication with the appropriate school principal or Director of Student Services. If informal resolution cannot be attained, discrimination complaints relating to programs specifically governed by federal law or regulation (IDEA complaints) shall be referred directly to the State Superintendent of Public Instruction. Notification of the complaint procedures shall be included in student handbooks.

Any further questions, please contact Lauren Arango, Director of Student Services at 608-838-4512.

Services Available in the McFarland School District

The goal of the McFarland School District is to graduate learners who achieve the knowledge and skills necessary to make a positive contribution to a changing world. To ensure that all students are successful McFarland offers a variety of services to students with unique learning needs.

Building Student Support Team (S.S.T.)

Student Services staff, along with special and general education teachers, function as part of a building support team, which is a problem-solving group who meet to discuss student needs. Student Services staff assist in:

1. Reviewing information and discussing accommodations for working with students in general education.
2. Clarifying concerns about students in general education.

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3. Meeting with parents, teachers and other support personnel about student needs.
4. Coordinating the efforts of school staff in meeting individual student needs.

Early College Credit Program

The Board will allow any high school student who satisfies the eligibility requirements to participate in the Early College Credit Program (ECCP) to enroll in an approved course at an ECCP-approved institution of higher education while attending in the District. Students will be eligible to receive college and high school credit for completing course(s) at authorized institutions of high education provided they complete the course(s) and receive a passing grade. The School District's responsibility to pay for tuition, fees, books and other necessary materials shall be limited to eighteen (18) postsecondary credits per student.

Program for English Learners

There are specific school district noticing requirements with programs for English Learners (EL). A school district that uses federal funds to provide a language instruction education program for children with limited English proficiency.

From the first day of enrollment, districts have 30 calendar days to determine the EL status of new students. Districts must notify parents in a timely fashion of this determination. Districts have 30 days from the start of the school year to notify parents of ELs enrolled prior to or at the start of the school year. For students enrolling mid-year, districts have 2 weeks to notify parents once they have made an EL determination.

In addition, if a student is determined to be an EL, the notification must include the following information:

1. The process of identification, and the assessments, data, and/or observations used to make the determination. This should include the student's ELP (English Language Proficiency) score and a summary of any MIP (Multiple Indicator Protocol) observations.
2. What EL status means, and what services this makes their child eligible for.
3. The specific Language Instruction Education Plans (LIEPs) available in the district for students of this age, the method of instruction in those LIEPs, and information on how those programs differ in content, instruction goals, and use of English and a native language in instruction.
4. How the programs can meet the educational strengths and needs of the child, including specifically how the programs will help the student learn English and meet age-appropriate academic achievement standards for grade promotion and graduation.
5. The specific exit requirements for such program, the expected rate of transition from such program into general education classrooms, and the expected rate of graduation from secondary school if applicable.
6. The guarantee to offer programming in the least restrictive environment and to transition the student to general education classrooms when appropriate.
7. In the case of a child with a disability, how the program will meet the objectives of the individualized education program of the child.

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8. Information pertaining to parental/guardian rights that includes:
 - a. The right that parents/guardians have to have their child immediately removed from an Language Instruction Educational Program (LIEP) upon their request;
 - b. The options that parents have to decline to enroll their child in such programs or to choose another program or method of instruction, if available; and
 - c. Assistance in selecting among various LIEPs, if more than one is offered.
9. The allowable language services and accommodations available to the student should the parents/guardians accept or deny language support services for their student.
10. The school district's obligation to support this student's academic needs should a parent accept or deny services.
11. The requirement to annually assess the student's English language proficiency until the student reaches proficiency, independent of whether or not the parents accept or deny EL services.
12. Notice that a student's status as an EL is viewed as confidential information within school data collection and notification.

Please contact Lauren Arango at 608-838-4512 if you have any questions about the English Learner Program.

Education of Homeless Children and Youth

The McKinney-Vento Act defines homeless children and youth as:

- Children and youth who lack a fixed, regular, and adequate nighttime residence, and includes children and youth who are:
 - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
 - living in emergency or transitional shelters—abandoned in hospitals—living in 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;
 - living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - migratory children who qualify as homeless because the children are living in circumstances described above

If you are personally aware of or are acquainted with any children or youth who may qualify according to the above criteria, the McFarland School District provides the following assurances to parents and guardians of homeless children and youth and unaccompanied homeless youth:

- The child or youth shall be immediately enrolled and allowed to fully participate in school, even if unable to produce records normally required for enrollment (e.g., academic records, immunization and other

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required health records, proof of residency, or other documentation) or has missed application or enrollment deadlines during any period of homelessness.

- Homeless children and youths are not stigmatized or segregated on the basis of their status as homeless and have full and equal educational and related opportunities.
- Meaningful opportunities to participate in the education of their children including special notices of events, parent-teacher conferences, newsletters, and access to student records.
- Immediate enrollment and transportation to the school of origin. “School of origin” means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including a preschool.
- Written explanation of any decisions related to school selection or enrollment made by the school, the local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal and receive prompt resolution of such decisions.

Please contact Lauren Arango, Homeless Liaison for the School District, at 608-838-4512 or arangol@mcfsd.org additional information about the rights and services described above.

Student Services

The Student Services staff within each building consists of staff in counseling, school psychology, social work and health services. These professionals work with staff, parents and community resources to assist students in optimal personal, social, educational, health and career development. Services include:

1. Individual counseling concerning social emotional and learning.
2. Assessments for academic, social and emotional needs.
3. Whole group classroom discussion and presentations.
4. Consultation with staff and parents.
5. Comprehensive guidance activities covering topics such as decision- making, feelings, friendship, cooperation, conflict resolution, alcohol, drug awareness, and safety issues.
6. Small group work, such as new student groups, family change groups, friendship groups, restorative circling, and social skills groups.
7. Alcohol, drug or other risk behavior screening or resource information.
8. Emergency health services and maintenance of immunization and health records.
9. Public health services, disease prevention, health promotion.

If you do not want your child to participate in the small group pairings listed above, please contact your

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student's school administrator.

Section 504

Section 504 prohibits discrimination against persons with disabilities by school districts receiving federal financial assistance. Each district must provide accommodations and services so that students with disabilities have access to equitable participation in programs and activities. Without these modifications and/or intervention, the student would not have equal opportunity to receive an appropriate education. Referrals for an evaluation under Section 504 may be made by parents, classroom teachers, other school personnel, students, or outside agencies who represent the student by contacting the building administrator.

Special Education Services

The District provides excellent special education services in the following areas: emotional behavioral disabilities, specific learning disabilities, speech or language disorders, intellectual disabilities, visual impairments, hearing impairments, orthopedic impairments, other health impairments, autism, and traumatic brain injuries. If you have concerns about a child's development, contact the school administrator. If this student does not attend a district school, but is a resident of the school district, please contact the Director of Student Services at 838-4512 for further information.

Services Available in Private School for Children with Disabilities

If you have a child with a disability or suspected disability—please contact Lauren Arango, Director of Student Services at 608-838-4512 to:

1. Review private school service plan.
2. Initiate screening, referral and evaluation.
3. Develop an individual service plan.
4. Receive parent and children rights (S.S.300.451).

Child Find Information

McFarland 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. McFarland School District conducts 3-year-old screeners for all age eligible students. 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 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. Personally identifiable information directly related to a child and maintained by the school is a pupil record. Pupil records include records maintained in any way including, but not limited to, computer storage media, video and audiotape, film, microfilm, and microfiche. Records maintained for personal use by a teacher and not available to others and records available only to persons involved in the psychological

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treatment of a child are not pupil records.

The school district maintains several classes of pupil records.

1. "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.
2. "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.
3. "Directory data" includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, photographs, degrees and awards received, and the name of the school most recently previously attended by the student.
4. "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.

Referral Procedure

The school district shall solicit and receive referrals of students suspected of needing special education services from all persons who have responsible cause to believe that such needs exists. A parent, or health care professional such as a physician, nurse, psychologist or social agency that has reason or cause to believe that a child brought to him or her for services is a child with a disability has a legitimate duty to report the child.

Referrals must be made in writing to the district the child resides in and should include date of referral; explanation of why the child might have a suspected disability; include the child's and parents' names; before referral is made the person making the referral must inform the child's parents of the pending referral. Please note the time and date of that notification.

Send the referral to Lauren Arango, Director of Student Services, 5101 Farwell Street McFarland, WI 53558. Specific state criteria will be adhered to in determining eligibility for specific disability conditions. Referrals of

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children suspected of needing special education services shall be referred to the appropriate building administrator or the Director of Student Services at 838-4512.

Procedural Safeguards

If a student is referred for a special education evaluation, the District must follow procedural safeguards. Parents/guardians will be sent a notice of the District's intent to evaluate that will include:

1. A full explanation of the due process/procedural safeguards in their native language or other mode of communication.
2. A description of the evaluation proposal, an explanation of why the evaluation is proposed, any options that were considered, and the reasons why those options were rejected.
3. A description of each evaluation procedure used as a basis for the evaluation.
4. The type of professionals conducting the evaluation.
5. A description of any other relevant factors. Written parental consent shall be obtained when a child is being evaluated for or reevaluated with the District. This consent form shall include:
 - A statement documenting that the parent understands the content of the notice.
 - Information on the general areas to be evaluated or reevaluated;
 - Information on the general types of procedures to be used.

For more information contact: Lauren Arango, Director of Student Services, (608) 838-4512

Individual Education Program (IEP) Team Evaluation

Whenever a child is referred, who is suspected of needing special education services, the school district shall establish an Individual Education Program team of evaluators. The appointment of this team shall be the responsibility of the Director of Student Services. All Individual Education Program teams will include at least two persons who are District employees and have expertise in assessment and programming for the suspected disability of the child being evaluated. For a child with a suspected learning disability, a general education teacher will be a member of the team. The process shall include the collection and analysis of information from the parent(s)/guardian pertaining to the needs of the child. The Director of Student Services shall approve the evaluation process and may request additional information.