
From: Sherman, Paul A. DPI <Paul.Sherman@dpi.wi.gov>
Sent: Tuesday, August 3, 2021 1:19 PM
To: [REDACTED]
Subject: Kiel Pupil Discrimination Appeal
Attachments: 20 PDA 03 Stipulated Dismissal.pdf

Hello [REDACTED]

This brochure explains Wisconsin law regarding pupil discrimination complaints and appeals:
<https://dpi.wi.gov/sites/default/files/imce/sped/pdf/pndbrochure.pdf>

On September 18, 2020, the Department of Public Instruction received a pupil discrimination appeal regarding the Kiel Area School District.

The department acknowledged the appeal on October 1, 2020.

The district's attorney submitted an initial written response to the appeal on October 16, 2020.

The appellants attorney submitted a written reply to the district's response on November 6, 2020.

On November 23, 2020, the district's attorney informed the department that the parties were in talks to resolve the matter. The department did not request the parties enter into settlement talks and the department did not participate in any way in those talks.

On January 14, 2021, the district's attorney informed the department a settlement had been reached and provided the department the attached corrective action plan and dismissal order.

I had to redact some information from the attached document so as to comply with state and federal pupil confidentiality requirements.

Please let me know if I can provide any additional information.

--Paul Sherman
Pupil Nondiscrimination Program
Wisconsin Department of Public Instruction

Wisconsin Department of Public Instruction

, Complainant

v.

No. 20-PDA-03

Kiel Area School District

STIPULATED CORRECTIVE ACTION PLAN

The parties, ("Complainant") and (collectively " "), and the Kiel Area School District ("District") have stipulated to the entry of the following Corrective Action Plan and DPI Monitoring in resolution of the above-captioned Complaint:

1. The District will consult with one or more of the following organizations (assuming one of these organizations agrees to serve as a consultant) to plan for and implement the action steps described in Paragraphs 2 and 3 of this agreement:
 - a. Great Lakes Equity Center <https://greatlakesequity.org/>
 - b. ICS Equity <https://icsequity.org/about>
 - c. Culturally Responsive School Leadership Institute <https://www.crsli.org/?home>

DPI MONITORING: The District will provide DPI with confirmation of selection of its consultant(s) within 30 days after the consultant is contacted.

2. The District will identify and implement a research-based curriculum that educates students in all grades in the district about racism and harassment and how to oppose such actions. Such curriculum shall begin to be implemented no later than the second semester of the 2021-22 school year.

DPI MONITORING: The District will provide DPI with confirmation of implementation of such curriculum within 30 days after the curriculum is selected.

3. The District shall identify a qualified individual or organization with expertise in restorative justice and racial harassment to train District administrators and staff on how to prevent and respond to student racial harassment using techniques consistent with the policy revision provided in

Paragraph 5.a., below. Such training shall be provided before or in connection with the start of the 2021-22 school year.

DPI MONITORING: The District will provide DPI with confirmation of completion of such training within 30 days after the training is completed.

4. The District will place the following language prominently on its website, and keep it there at least until the beginning of the 2021-22 school year: "The Kiel Area School District has a strong commitment to an anti-racist learning and work environment. Racial discrimination and harassment are unacceptable and prohibited. The District has policies that address this commitment, and will be reviewing and revising these policies in 2021 to strengthen this commitment. In addition, the District will provide training to ensure that staff know how to try to prevent and respond to student behavior that is contrary to these policies, and how to support students who experience discrimination or harassment. Through these efforts, we will reinforce our goal that all students and staff feel welcome and know that our differences do not divide us but make us stronger."

DPI MONITORING: The District will provide DPI with confirmation of that such language has been placed on the District's website within 30 days after it is posted.

5. The District will make the following revisions to its board policies and athletic code before the start of the 2021-22 school year:
 - a. Revise PO5517, Student Anti-Harassment, and the District Athletic Code to include the following language: "When school administrators determine a student has racially harassed another student, the student will be provided with training and/or programming to educate the student about the impact of their actions on others through such practices as restorative practices, mediation, role play or other explicit policies or training resources. This policy emphasizes the district's position that racial harassment, and retaliation for reporting such harassment, is unacceptable and prohibited."
 - b. Revise PO5517, Student Anti-Harassment, and PO2260, Nondiscrimination and Access to Equal Educational Opportunity, to include the following language:

- i. "When a student or parent notifies a staff member, teacher, coach, or district administrator of conduct that may constitute racial discrimination or harassment, the district shall inform that student or parent of the right to file a formal complaint and shall provide information about complaint procedures."
- ii. "Written complaints made under this policy should be signed by the complainant. The District shall ensure that oral complaints are reduced to writing and signed by the complainant. However, a complainant's refusal or failure to sign a complaint made under the policy will not delay or preclude investigation of the complaint. The CO should document that the complainant was asked to sign the complaint and that the complainant refused or failed to do so."
- c. Revise PO5517 to include the following language: "Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited. Acts that constitute retaliation include but are not limited to: harassing, confronting, or threatening a person about a harassment report; making a false report or filing a false complaint against a person who made a report; or interfering with a harassment investigation. All reports of retaliation shall be taken seriously and investigated. Where school administrators determine that a person has retaliated against a student for making a report of harassment or filing a harassment complaint, the person will be provided with training and/or programming to educate the person about the impact of their actions on others through such practices as restorative practices, mediation, role play or other explicit policies or training resources."

DPI MONITORING: The District will provide DPI with confirmation of School Board approval of the revised policies within 30 days after the Board adopts the revised policies.

6. dismiss the Complaint filed in this matter with prejudice.

Date: 01-12-21

Date: 1/18/21

Date: 1/13/2021

KIEL AREA SCHOOL DISTRICT

Dr. Brad Ebert

Dr. Brad Ebert, District Administrator

Note that at the 1/4/23 KASD BOE meeting Amy Wempner revealed that she is the redacted signatory to the CAP, which she described as a "contract".