

POLICY 5110
EQUAL EDUCATIONAL OPPORTUNITY
DISCRIMINATION COMPLAINT

No student may be denied admission to, be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, student services, recreational or other program or activity because of the student's sex, race, national origin, ancestry, creed, religion, color, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap in accordance with Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972 and Sections 504 of the Rehabilitation Act of 1975 and the Americans with Disabilities Act of 1992. This does not preclude decisions relative to classes or activities based on a student's individual performance or needs.

Students who have been identified as having a handicap or disability under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act shall be provided with reasonable accommodations in educational services or programs. Students may be considered handicapped or disabled under this policy even if they are not covered under the District's special education policies and procedures.

The District shall also provide for the reasonable accommodation of a student's sincerely held religious beliefs. Requests for accommodations shall be made in writing and approved by the (e.g., building principal, assistant principal, classroom teacher). Accommodations may include, but not necessarily be limited to, exclusion from participation in an activity, alternative assignments, and make up opportunities for coursework missed due to religious observances. Any accommodations granted under this policy shall be provided to students without prejudicial effect.

The District encourages informal resolution of complaints under this policy. A formal complaint procedure shall also be available to address allegations of violations that cannot be solved informally.

Annually, the District shall provide public notice of this policy, the name and address of the designated employee to receive complaints and the complaint procedures. Student nondiscrimination statements shall also be included on staff and student handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities. The complaint procedure shall be included in student and staff handbooks.

LEGAL REF.: Wisconsin Statutes

Section 118.13 [Student discrimination prohibited]

Wisconsin Administrative Code

PI 9 [Student nondiscrimination policies/discrimination complaint procedures required]

PI 41 [Accommodating a student's religious beliefs policy required]

Title IX, Education Amendments of 1972 [Sex discrimination prohibited]

Title VI, Civil Rights Act of 1964 [Race, color and national origin discrimination prohibited]

Section 504 of the Rehabilitation Act of 1973 [Handicap discrimination prohibited]

Americans with Disabilities Act of 1990 [Disability discrimination prohibited]

Individuals with Disabilities Education Act [Accommodating needs of disabled children]

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CROSS REF.: 3280, Student Fees, Fines and Charges (currently 3250, 3411, 6120.1 – paragraph two)
5111, Harassment/Hate
5341, Released Time for Religious Instruction
5440, Married Students and School-Age Parents
6233, Holiday/Religious Observances
6330, Privacy Rights in District Programs
6421, Programs for Students with Disabilities
6810, Teaching about Controversial Issues
Section 504 Educational Program Plan
Special Education Program and Procedure Manual

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: September 24, 1991

REVISED: March 22, 1994
November 28, 1995
July 10, 2001

RULE 5110
EQUAL EDUCATIONAL OPPORTUNITY

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

INFORMAL PROCEDURE

The District promotes the voluntary resolution of problems at the level of government closest to their source and, as such, encourages informal resolution of student discrimination complaints. If a complaint cannot be solved informally, the complainant may initiate a formal complaint as outlined below. An informal resolution of a complaint does not prohibit the filing of a formal complaint at any time.

FORMAL COMPLAINT PROCEDURE

The timelines governing the resolution of the formal complaint do not go into effect until the written complaint is received.

Step 1: Except as outlined in (a) and (b) below, a written statement of the complaint shall be signed and submitted by the complainant to the Executive Director of School Leadership. The statement shall specify the nature of the alleged discrimination, the facts (including specific details and corresponding dates), the relief sought and the name, address and phone number of the complainant. If the complainant is a minor, the complaint may also be signed by his/her parent or guardian.

The Executive Director of School Leadership shall thoroughly investigate the complaint, notify the employees who have been accused of discriminating and permit them to respond to the allegation, and arrange a meeting to discuss the complaint with all concerned parties within 10 working days after receipt of the written complaint, if deemed necessary. The Executive Director of School Leadership shall, by certified mail, give a written answer to the complaint within 15 working days after receipt of the written complaint unless the parties agree to extend the timeline.

- a. 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 Program and Procedure Manual*.
- b. Discrimination complaints relating to programs specifically governed by federal law or regulation (e.g., EDGAR complaints) shall be referred directly to the State Superintendent of Public Instruction.

Step 2: If the complainant is not satisfied with the answer of the Executive Director of School Leadership, a written appeal to the Superintendent may be submitted indicating with particularity the nature of disagreement with the answer. The appeal must be filed within 10 calendar days after receipt of the Administrator's answer. The Superintendent shall arrange a meeting with the complainant and other affected parties, if requested by the complaint, at a mutually agreeable time to discuss the appeal. The Superintendent shall, by certified mail, give a written answer to the complainant's appeal within 10 working days.

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Step 3: If the complainant is not satisfied with the answer of the Superintendent, the complaint may be filed with the School Board by submitting a written appeal to the Superintendent within 10 calendar days after receipt of the Superintendent's answer. The Board shall, within 20 calendar days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall give, by certified mail, a written answer to the complaint within 10 working days following the completion of the hearing. The determination of the Board shall be based upon a reasonable investigation of the facts allegedly constituting a violation as presented in the complaint. If it is determined that a violation has occurred, the Board shall take appropriate steps to ensure compliance with state and federal laws and Board policy. If the Board makes a negative determination with regard to the complaint, the complainant will be notified of his/her right to appeal the decision to the State Superintendent.

Step 4: If a complainant wishes to appeal a negative determination of the Board, there is the right to appeal the decision to the State Superintendent within 30 days of the written notification of the Board's decision. The appeal must specify the grounds upon which the action was brought, the facts and the relief sought, and must be signed by the complainant. If the complainant is a minor, the appeal shall also be signed by his/her parent or guardian. Appeals should be addressed to: State Superintendent, Wisconsin Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841. Also, discrimination complaints involving federal law violations (sex, race, color, national origin, handicap or disability) may be made directly, or on appeal, to the U.S. Office for Civil Rights - Region V, 401 South State Street, Chicago IL 60605-1292.

MAINTENANCE OF COMPLAINT RECORDS

Records shall be kept of all formal and informal student discrimination 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 complaint.
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.