

POLICY 5110.1
STUDENT EQUAL OPPORTUNITY AND
NON-DISCRIMINATION IN EDUCATION

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, ancestry, creed, religion, color, pregnancy, marital or parental status, sexual orientation, national origin or undocumented/immigration status (including limited English proficiency), marital or parental status, transgender status, (including gender expression, gender identity and gender nonconformity (see, Policy 51102), social, economic or family status 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 1973 and the Americans with Disabilities Act. Harassment on any of these bases is also prohibited. Decisions relative to classes or activities based on a student's individual performance or needs is not considered to be discriminatory.

Pursuant to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, students with disabilities may not be discriminated against on the basis of their disability and they shall be provided with a free appropriate public education regardless of the nature or severity of their disability. Students may be considered disabled under this policy even if they are not covered under the District's special education policies and procedures.

Students with disabilities may also require reasonable accommodations. Requests for accommodations shall be made in writing and approved by the building principal after approval from Administration. 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 resolved informally.

Annually, the District shall provide public notice of this policy, the name and address of the designated staff member to receive complaints and the complaint procedures. Student nondiscrimination statements shall also be included in staff and student handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities. This policy and its complaint procedure shall be published annually through the student information system or through direct email publication.

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

PLEASE NOTE: Discrimination complaints involving federal law violations (sex, race, color, national origin, handicap or disability) may be made directly at any time to the U.S. Office for Civil Rights - Region V, 401 South State Street, Chicago IL 60605-1292 and a student is not obligated to follow this informal complaint procedure for such complaints.

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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. Any request to informally resolve a complaint should be directed to the student's building principal. Upon receipt of a request to informally resolve a complaint the building principal shall notify the Chief of School Leadership within three (3) school days. If a complaint cannot be resolved 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 Chief 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.

The Chief of School Leadership shall thoroughly investigate the complaint, notify the employees who have been accused of discrimination or harassment and permit them to respond to the allegation. Thereafter, the Chief of School Leadership shall arrange a meeting to discuss the complaint with the Complainant. The Chief of School Leadership shall, by certified mail, give a written answer to the complaint within 20 school days after receipt of the written complaint unless the parties agree in writing 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 under the Individuals with Disabilities Act 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., Title 34, Code of Federal Regulations (CFR), Parts 75-79, 81 to 86 and 97-99, "EDGAR complaints" or 20 USC § 1400 et. seq., "IDEA complaints") may be referred directly to the State Superintendent of Public Instruction.

Step 2: If the complainant is not satisfied with the answer of the Chief 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

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the Chief of School Leadership's answer. The Superintendent or designee shall arrange a meeting with the complainant at a mutually agreeable time to discuss the appeal. The Superintendent or designee shall, by certified mail, give a written answer to the complainant's appeal within 20 working days.

Step 3: If the complainant is not satisfied with the answer of the Superintendent or designee, an appeal may be filed with the School Board by submitting a written appeal to the Superintendent within 10 calendar days after receipt of the Superintendent or designee'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 consideration 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 denies the appeal, the complainant will be notified of their right to appeal the decision to the State Superintendent.

Step 4: If a complainant wishes to appeal the Board's denial of an appeal, there is the right to appeal the decision to the State Superintendent within 30 calendar 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.

NON-RETALIATION

The District prohibits retaliation against individuals who report or participate in an investigation of discrimination. Individuals engaging in prohibited retaliatory behavior are subject to disciplinary action.

If it is determined that retaliatory conduct occurred, the school district administration may take disciplinary action, including but not limited to: counseling, detention, suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate. Student support staff will provide support services for all students involved in the incident as deemed necessary and appropriate.

MAINTENANCE OF COMPLAINT RECORDS

Records shall be kept of all student discrimination complaints for the purpose of documenting compliance. 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 their 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.

LEGAL REF.: Wisconsin Statutes Section 118.13 [Student discrimination prohibited]
Wisconsin Administrative Code PI 9 [Student nondiscrimination policies/discrimination complaint procedures required]
Wisconsin Administrative Code 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]

CROSS REF.: Policy 3280, Student Fees
Policy 5111, Anti-Bullying/Harassment/Hate
Policy 5341, Released Time for Religious Instruction
Policy 5440, Married Students and School-Age Parents
Policy 6230, Ceremonies and Observations
Policy 6330, Privacy Rights in District Programs
Policy 6421, Services for Students with Disabilities
Policy 6810, Teaching about Controversial Issues
Section 504 Educational Program Plan
Special Education Program and Procedure Manual

ADMINISTRATIVE REGULATIONS: None

AFFIRMED: September 24, 1991

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