

## PORT EDWARDS PUBLIC SCHOOLS

### Board of Education Policy

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#### EQUAL EDUCATIONAL OPPORTUNITIES

##### Statement

The School District of Port Edwards is committed to equal opportunity for all students in the district.

It is the policy of the Port Edwards School District, pursuant to s. 118.13, Wis. Stats., and PI9, that no person, on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional, or learning disability, may be denied admission to any school in this district, be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program.

This policy also prohibits discrimination under related federal statutes, including Title VI of the Civil Rights Act of 1964 (race, color and national origin), Title IX of the Education Amendments of 1972 (sex), section 504 of the Rehabilitation Act of 1973 (handicap), and the Americans with Disabilities Act of 1990 (disability). Students who have been identified as having a handicap or disability, under section 504 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.

Children of homeless individuals and unaccompanied homeless youth (youth not in the physical custody of a parent/guardian) residing in the District shall have equal access to the same free, appropriate public education, including comparable services, as provided to other children and youth who reside in the District. Homeless children and youth shall not be required to attend a separate school or program for homeless children and shall not be stigmatized by school personnel.

The district shall provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for accommodations shall be made in writing and approved by the building principal. Accommodations may include, but not necessarily be limited to, exclusion from participation in an activity, alternative assignments, released time from school to participate in religious activities and opportunities to make up work missed due to religious observances. Any accommodations granted under this policy shall be provided to students without prejudicial effect.

It shall be the responsibility of the superintendent to examine existing policies and develop new policies where needed to ensure that the Port Edwards School District does not discriminate pursuant to federal and state law. The superintendent shall ensure that an employee is designated annually to receive complaints filed under this policy. That employee shall assure adoption of a complaint procedure to resolve such complaints, assure that an evaluation of the district's compliance with s. 118.13, Wis. Stats. is completed every five years under PI 9, Wis. Admin. Code, and submit Form PI-1197 of the Department of Public Instruction annually.

It is the intent of the Port Edwards School District to comply with both the letter and spirit of the law in making certain discrimination does not exist in its policies, regulations and operations. Discrimination complaints shall be processed in accordance with established procedures.

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LEGAL REF.: Sections 111.31-111.395 Wisconsin Statutes  
115.28(8)  
115.28(31)  
115.80  
118.13  
118.14  
118.195  
118.20  
140.05(16)  
PI 9, Wisconsin Administrative Code  
PI 41, Wisconsin Administrative Code  
Title VI, Civil Rights Acts of 1964  
Civil Rights Act of 1991  
Title IX, Education Amendments of 1972  
Sec. 504, Rehabilitation Act of 1973  
Americans with Disabilities Act of 1990  
Individuals with Disabilities Education Act Amendments of 1997  
McKinney-Vento Homeless Assistance Act

CROSS REF.: 411 – Rule, Student Discrimination Complaint Procedures  
411 – Exhibit, Discrimination Complaint Form

Adopted: 10/27/87  
Reviewed: 09/27/88  
Revised: 08/13/92, 04/19/93, 07/19/93, 03/10/03, 09/13/04

## STUDENT DISCRIMINATION

### Complaint Procedures

The district encourages informal resolution of complaints under this policy. If any person believes that the Port Edwards School District or any part of the school organization has failed to follow the law and rules of s.118.13, Wis. Stats., or in some way discriminates against students, in violation of this policy, he/she may bring or send a complaint to the administration office at the following address: 801 Second Street, Port Edwards, WI 54469.

### INFORMAL PROCEDURE

The person who believes he/she has a valid basis for a complaint shall discuss the concern with the building principal, who shall in turn investigate the complaint and reply to the complainant in writing. If this reply is not acceptable to the complainant, he/she may initiate formal procedures according to the steps listed.

### FORMAL PROCEDURES

- Step 1 A written statement of the complaint shall be prepared by the complainant and signed. This complaint shall be presented to the district superintendent within five (5) business days of receipt of the written reply to the informal complaint. The superintendent shall further investigate the matters of the complaint and reply in writing to the complainant.
- Step 2 If the complainant remains unsatisfied, he/she may appeal through a signed, written statement to the school board within five (5) days of his/her receipt of the district superintendent's response. In an attempt to resolve the complaint, the school board shall meet with the concerned parties and their representatives. A written copy of the board's disposition of the appeal shall be sent to each concerned party.
- Step 3 If a complainant wishes to appeal a negative determination by the board, he/she has the right to appeal the decision to the state superintendent within 30 days of the board's decision. In addition, the complainant may appeal directly to the state superintendent if the board has not provided written acknowledgment within 45 days of receipt of the complaint or made a determination within 90 days of receipt of the written complaint. Appeals should be addressed to: State Superintendent, Wisconsin Department of Public Instruction, 125 South Webster Street, P.O. Box 7841, Madison, WI 53707.

## Title IX/Section 504 Discrimination Complaint Procedures

If any person believes that Port Edwards School District or any part of the school organization has inadequately applied the principle and/or regulations of Title IX (sex) and Section 504 (handicap) or in some way discriminates on the basis of race, religion, sex or sexual orientation, national origin, handicap, pregnancy, marital or parental status, ancestry, color, creed, physical, mental, emotional or learning disability, or any other reason prohibited by state or federal law, he/she may bring forward a complaint to the Administration Office at the following address: 801 2nd Street, Port Edwards, WI 54469.

### INFORMAL PROCEDURE

The person who believes he/she has a valid basis for a complaint shall discuss the concern with the local Title IX or Section 504 coordinator, who shall in turn investigate the complaint and reply to the complainant in writing. If this reply is not acceptable to the complainant, he/she may initiate formal procedures according to the steps listed.

### FORMAL PROCEDURES

- Step 1 A written statement of the complaint shall be prepared by the complainant and signed. This complaint shall be presented to the building principal within five (5) business days of receipt of the

written reply to the informal complaint. The principal shall further investigate the matters of the complaint and reply in writing to the complainant.

Step 2 If the complainant wishes to appeal the decision of the building principal, he/she may submit a signed statement of appeal to the district superintendent within five (5) business days after receipt of the principal's response to the complaint. The district superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complaint.

Step 3 If the complainant remains unsatisfied, he/she may appeal through a signed, written statement to the school board within five (5) business days of his/her receipt of the district superintendent's response. In an attempt to resolve the complaint, the school board shall meet with the concerned parties and their representatives. A written copy of the board's disposition of the appeal shall be sent to each concerned party.

Step 4 If the complaint has not been satisfactorily settled, appeal may be made to the Office for Civil Rights, U.S. Department of Education, 111 N. Canal Street, Room 1053, Chicago, Illinois 60606 (312-886-8434). Complaints to the Office for Civil Rights may be made in lieu of local procedures.

## ADMINISTRATIVE RULES

### A. Filing of Complaint

1. The complainant shall sign a written complaint and file it with the appropriate party as designated in this policy.
2. A complaint shall be deemed filed on the date received if delivered, or on the date postmarked if addressed by mail.
3. The authority that receives the complaint shall establish a complaint file. The file shall contain all documents pertinent to the complaint. The file should include but is not limited to: (1) the complaint, (2) documents compiled as part of the investigation and (3) a statement of resolution.

In cases where the complainant is not satisfied with the district's position and requests a reconsideration of said decision, the district will provide the complainant with a copy of the investigative report. In instances where the investigative report contains personnel or confidential subject matter, the district may refuse to make available the investigative report but will provide a synopsis of the report excluding personnel or confidential materials.

### B. Confidentiality and Recrimination

1. It is the policy of the District to keep the identity of the complainant confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if he/she wants his/her identity disclosed. If the complainant does not want his/her identity disclosed, then the identity of the complainant shall be kept confidential. Should the complainant wish to keep his/her identity confidential, and should it become impossible to process or investigate the complaint as a result of the complainant not disclosing his/her identity, then the complaint may be dismissed.
2. No district employee shall attempt to restrain, interfere with, coerce, discriminate or take reprisal action against the complainant(s) and/or their witnesses during or after the presentation, processing and resolution of a complaint.

### C. Informal Complaint Resolution

1. For the informal resolution of a complaint, the building principal shall act as a facilitator if the complainant wishes to resolve the matter short of a full investigation. The district shall request the person who is alleged to be discriminating to seek a solution of the matter on an informal basis, and to respond to the complainant within two (2) working days.
2. If the alleged discriminating employee chooses not to respond to the request for an informal complaint resolution, then a formal investigation will be conducted unless otherwise agreed to by the complainant.
3. If the complainant is satisfied with the response to the request for an informal complaint resolution and an informal resolution of the complaint is arrived at, the terms of such resolution shall be

reduced to writing and made a part of the complaint file. If the complainant is not satisfied with the response, then the district superintendent shall proceed with the investigation.

D. Investigation

1. The district shall provide prompt, complete, independent and impartial investigation of the complaint. In most cases the investigation will be conducted by the district superintendent. In some cases the investigation may be conducted by an investigative team or outside consultant. The investigative team may consist of the district superintendent, principal, PEEA representative, Uniserve director, and the legal counsel. In all cases the investigation shall be conducted in conjunction with the legal counsel and/or the labor contract manager consultation.
2. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred and any policies and practices related to the situation. The investigation may include the review of various documents and information acquired during the investigation, which may include but is not limited to, the response of the alleged discriminating employee, written or oral statements from witnesses, copies of or extracts from records, policy statements, on site visits or regulations of the district.

**DISCRIMINATION COMPLAINT FORM**

*RETURN COMPLETED FORM TO DISTRICT OFFICE*

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_  
(Street)

\_\_\_\_\_ (City) (Zip Code)

Telephone \_\_\_\_\_  
(Home) (Work)

Status of person filing complaint:     Student     Employee  
   Parent     Other \_\_\_\_\_

Filing complaint alleging discrimination on the basis of:  
\_\_\_\_\_  
\_\_\_\_\_

Who was responsible for the discrimination?  
\_\_\_\_\_  
\_\_\_\_\_

Describe the discrimination:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

First incident \_\_\_\_\_  
\_\_\_\_\_

Approximate date, time and place \_\_\_\_\_  
\_\_\_\_\_

What was your reaction? \_\_\_\_\_

\_\_\_\_\_

Subsequent incidents \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approximate dates, times and places \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What was your reaction? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

List any witnesses to the discrimination: \_\_\_\_\_

\_\_\_\_\_

*I understand that these incidents will be investigated, and this form will be kept confidential to the extent possible.*

Complainant Signature \_\_\_\_\_

Date \_\_\_\_\_

Signature of person receiving complaint \_\_\_\_\_

Date received \_\_\_\_\_

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FOR ADMINISTRATION USE

Dates of investigation of complaint: \_\_\_\_\_

\_\_\_\_\_

Date of final report: \_\_\_\_\_

Date of follow-up conference with complainant \_\_\_\_\_

Results: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_