

STUDENT NONDISCRIMINATION (EQUAL EDUCATIONAL OPPORTUNITIES)

The District is committed and dedicated to the task of providing the best education possible for every student in the District. With this goal in mind and consistent with legal requirements, the District shall not unlawfully discriminate on the basis of sex (including gender identity, gender expression and nonconformity to gender role stereotypes), sexual orientation, race, color, national origin (including English proficiency, surname, or language-minority status), ancestry, religion, creed, age, pregnancy, marital or parental status, homelessness status, any physical, mental, emotional or learning disability, or any other legally-protected status or classification in its curricular, career and technical education, co-curricular, student services, recreational, or other programs or activities, or in admission or access to programs or activities offered by the District. This includes, but is not limited to:

- admission to any school, class, program or activity;
- standards and rules of behavior, including student harassment;
- disciplinary actions, including suspensions and expulsions;
- acceptance and administration of gifts, bequests, scholarships and other aids, benefits and services to students from private agencies, organizations, or persons;
- instructional and library media materials selection and reconsideration;
- methods, practices, and materials used for testing, evaluating and counseling students;
- facilities;
- opportunity for participation in athletic programs or activities; and
- school-sponsored food service programs.

This policy shall not be interpreted to prohibit the District from (1) providing special programs or services based on student need, including gifted and talented, special education, English Learner, school-age parent, at risk and other special programs; or (2) placing a student in a school, program, class or activity based on objective standards of individual need or performance.

The District shall provide appropriate educational services and/or programs for students who have been identified as having a qualifying disability, regardless of the nature or severity of the disability. Students may be considered disabled under this policy even if they do not qualify for special education programs. Facilities modifications necessary to provide for appropriate access and participation for persons with disabilities shall be made to the extent required by law.

The District shall also 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 District Administrator or his/her designee to examine existing policies, procedures, and practices and to propose revisions to Board policies and make modifications to other policies, procedures, and practices where needed to ensure that the District does not discriminate pursuant to state and federal law.

Complaints regarding the interpretation or application of this policy shall be referred and processed in accordance with the District's student discrimination complaint procedures. Provided that there is administrative oversight of the particular resolution, the District encourages voluntary attempts to reach resolutions of complaints that are satisfactory to the parties in interest without strict conformity to the formal complaint procedures. All complaints shall be brought and processed in good faith, and no person may engage in any abuse of the complaint procedures.

Notice of this policy and its accompanying complaint procedures shall be published at the beginning of each school year in the District's official newspaper, posted in each school building in the District, and posted on the District's website. In addition, a student nondiscrimination statement shall be included in student and staff handbooks, course selection handbooks and other published material distributed to the public describing school activities and opportunities.

ADOPTED: November 26, 1979 (under Policy JB)

REVISED: November 28, 1983 (under Policy JBA)
October 28, 1985 (under Policy JB)
July 27, 1987 (under Policy JB)
December 16, 1996 (under Policy JB)
September 24, 2001 (under Policy JB)
October 27, 2003 (under Policy JB)
May 22, 2013
February 24, 2014
January 11, 2021

Legal References:

Wisconsin Statutes

[Section 118.13](#) [student nondiscrimination; policy/procedures required]
[Section 118.134](#) [race-based nicknames, logos, mascots]

Wisconsin Administrative Code

[PI 9](#) [student nondiscrimination; policy/procedure/notice required]
[PI 41](#) [accommodating student religious beliefs; policy required]

Federal Laws

[Title IX, Education Amendments of 1972](#) [sex discrimination]
[Title VI, Civil Rights Act of 1964](#) [race, color and national original discrimination]
[Section 504 of the Rehabilitation Act](#) [disability discrimination; free and appropriate public education (FAPE) and reasonable accommodations]
[Title II of the Americans with Disabilities Act](#) [disability discrimination; reasonable accommodations]
[Individuals with Disabilities Education Act](#) [programs and services for students with disabilities]
[McKinney-Vento Homeless Assistance Act](#) [equal access for homeless students; required policies to remove barriers]
[Age Discrimination Act of 1975](#) [age discrimination in programs or activities receiving federal financial assistance]
Elementary and Secondary Education Act [\[§6312\(e\)\(3\)\(D\)\]](#) – nondiscrimination in admission to federally-assisted education programs on the basis of surname or language-minority status]

CROSS REF.: JB-R, Student Discrimination Complaint Procedures
JB-E (1), Public Notification of Student Nondiscrimination Policy
JB-E (2), Discrimination Complaint Form
JBB, Equal Educational Opportunities Coordinator
JEC, School Admissions

REVIEW DATE: January 11, 2021

STUDENT DISCRIMINATION COMPLAINT PROCEDURES

If any person believes that there has been a violation of a District nondiscrimination policy, that the District has failed to meet any of its obligations under a state or federal nondiscrimination law, or that any unlawful discrimination has occurred (including harassment or prohibited retaliation) for which the District is responsible, he/she may bring forward a complaint under these procedures. (Note: See the exception, further identified below, that applies to certain complaints that relate to the District's special education program and procedures. In addition, the District has established a separate complaint procedure for District employees and applicants to use in connection with any alleged discrimination, including unlawful harassment or retaliation, in the District's employment practices.) It is the District's expectation that all such complaints will be brought forward and processed in good faith.

Complaints under these procedures shall normally be submitted in writing directly to the District's Equal Educational Opportunities Compliance Officer ("Compliance Officer"), who also serves as the District's designated coordinator for all student and other non-employment matters under the following federal laws: Title IX, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act.

The following individual currently serves as the Compliance Officer:

**DIRECTOR OF SPECIAL EDUCATION AND PUPIL SERVICES
SCHOOL DISTRICT OF JEFFERSON
206 S. TAFT AVENUE, JEFFERSON, WI 53549
920-675-1000**

The Director of Business Services shall perform the duties of the Compliance Officer (including receiving complaints) if the Compliance Officer is temporarily unavailable or if a complaint involves any alleged improper conduct by the Compliance Officer.

Any person presenting a report or complaint under these procedures who has concerns about safety, confidentiality, or retaliation should discuss those concerns with the Compliance Officer as early as possible in the process — preferably at or even prior to the time that the detailed report or complaint is made.

In conjunction with the District's receipt of notice of any report or complaint of alleged discrimination or retaliation under these procedures, the District shall consider (and the complainant may affirmatively request consideration of) any interim measures that should be taken before the final outcome of an investigation (e.g., safety planning or other steps needed to protect the complainant and ensure equal access to the District's education programs and activities).

INFORMAL RESOLUTION OF COMPLAINTS AND CONCERNS

The District encourages the voluntary, informal resolution of student discrimination complaints or related concerns. For example, if an issue or concern is brought to the attention of a building principal and the building principal offers a resolution that is satisfactory to both the District and to the person who presents the issue(s), it is not necessary to initiate or complete a more formal investigation or to issue a formal determination of the complaint under the steps outlined below. However, if a complainant is not satisfied with a proposed resolution or believes the issue is too significant to pursue and resolve informally, the complainant may initiate (or continue to pursue) the formal procedures according to the steps listed below.

FORMAL COMPLAINT PROCEDURES

- Step 1: A written statement of the complaint shall be prepared by the complainant, signed, and submitted to the Compliance Officer or his/her administrative-level designee. The District has a form available for this purpose. The Compliance Officer shall investigate or coordinate an appropriate investigation of the issue(s) and, in a manner consistent with applicable student records laws, issue a written determination to the complainant and any other appropriate parties indicating the extent to which the complaint was or was not substantiated and including such other information as may be appropriate under the circumstances. This initial, written administrative determination shall normally be made within 45 days of the filing of the statement of the complaint, although some matters may require additional time. If a complaint presents particularly complex or serious allegations, the Compliance Officer may immediately involve the Superintendent in deciding how to proceed to an initial administrative determination of the complaint.
- Step 2: If any actual party in interest to the complaint (including any alleged victim/target or any alleged responsible party) wishes to appeal an initial administrative determination of a formal complaint, he/she may submit a signed statement of appeal to the Superintendent. After conducting any further inquiry into the matter that he/she deems appropriate, the Superintendent shall formulate a conclusion and respond in writing to the appeal. The response will normally be issued within 10 school/business days. If the Superintendent was involved in making the initial determination, the request for appeal shall be treated as a request for consideration.
- Step 3: If any actual party in interest to the complaint disagrees with the determination of the complaint made by the Superintendent, he/she may either (1) treat the Superintendent's decision at the previous step as the final District determination of the complaint and proceed to Step 4 (if applicable), or (2) submit at the Office of the Superintendent within 10 business days a further appeal through a signed, written statement to the School Board that describes in reasonable detail the factual and/or legal basis for the person's disagreement with the previous determination. Within 30 days, the Board shall address the appeal at a meeting. Upon its review of the appeal and the record of the complaint, the Board may affirm, reverse, or modify the previous determination or remand the matter for additional information. The Board may or may not meet with any of the parties in interest prior to reaching a decision. Notice of the Board's disposition of the appeal shall be sent by the Board Clerk, or his/her designee, to appropriate parties within 10 days of reaching a disposition. Such notice shall inform the complainant of his/her right to appeal the District's determination of the matter to the State Superintendent of Public Instruction to the extent permitted by law.
- Step 4: If, at this point, the complaint has not been satisfactorily resolved, further appeal may be made within 30 days to the Department of Public Instruction, Equal Educational Opportunity Office, P.O. Box 7841, Madison, WI 53707. An appeal to the DPI should be in writing and signed. The following information should be included: the reason for the appeal, the facts that make the complainant believe discrimination occurred; and the relief or outcome the complainant is requesting. If the person appealing is a minor, a parent or guardian must sign the appeal. In addition, the complainant may appeal directly to the DPI if the District has not provided written acknowledgement within 45 days of receipt of the complaint or has not made a determination within 90 days of receipt of the written complaint.

Depending on the alleged basis of the discrimination (e.g., sex, disability, race, age, etc.), a complaint or appeal may also be made to the U.S. Department of Education's Office for Civil Rights (OCR) in Chicago, as authorized by various federal laws, or a complaint or suit may be filed with another external governmental agency or court. Such agencies and courts independently determine the extent to which any given complaint or appeal falls within their realm of authority. Such actions may be taken in lieu of or in addition to filing a complaint under the District's local procedures.

COMPLAINT PROCEDURE - SPECIAL EDUCATION

Discrimination complaints relating to the identification, evaluation, educational placement, or free appropriate public education of a student with a disability in connection with state and federal special education laws shall be submitted and processed in accordance with the applicable laws and regulations and the District's established special education policies and procedures.

MAINTENANCE OF COMPLAINT RECORDS

Records shall be kept under District records retention procedures of all formal and informal written complaints submitted under these procedures. The records shall include information on all levels of the complaint and any appeals. To the extent applicable to a particular complaint, the retained records should normally 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 complainant.
4. The name(s) of any individually-identified respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. The written evidence that was presented by a party or that was made a part of the record of the complaint.
7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action taken.

Except as otherwise required by law for any specific records, such complaint-related records shall be maintained for at least seven (7) years or the period of time, if any, that is otherwise specifically identified in any official District records retention schedule.

1/11/21

PUBLIC NOTIFICATION OF STUDENT NONDISCRIMINATION POLICY

The School District of Jefferson prohibits all forms of unlawful discrimination against students and other persons in all aspects of the District's programs and operations. Accordingly, consistent with section 118.13 of the state statutes, no person shall unlawfully be discriminated against in any curricular, extracurricular, pupil service, recreational, or other program or activity because of the person's sex, sexual orientation, race, national origin, ancestry, religion, creed, pregnancy, marital or parental status, or physical, mental, emotional or learning disability. The District likewise requires and enforces nondiscrimination in a manner consistent with the rights and obligations established under all applicable federal civil rights laws, including the current provisions of Titles IV and VI of the Civil Rights Act of 1964 (race, color, religion, sex, or national origin), Title IX of the Education Amendments of 1972 (sex), Section 504 of the Rehabilitation Act (disability), the Americans with Disabilities Act (including Title II of the ADA, which prohibits discrimination on the basis of disability in state and local government services), the Age Discrimination Act of 1975 (age), and the civil rights provisions associated with the Elementary and Secondary Education Act and the District's participation in federal meal programs.

All District career and technical education opportunities are offered to students on a nondiscriminatory basis. Additional information regarding such program offerings and the applicable admission/participation criteria can be obtained on the District's website or by contacting any school's guidance office.

Children of homeless individuals and unaccompanied homeless youth (youth not in the physical custody of a parent or guardian) as identified under federal law 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 provides legally-required accommodations and appropriate educational services or programs for students who have a qualifying disability, regardless of the nature or severity of the disability. The District also provides for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for religious accommodations shall be made in writing and approved by the building principal.

When acceptable to the complaining party, the District encourages informal resolution of discrimination complaints and related concerns. However, a formal complaint resolution procedure is available to address allegations of unlawful discrimination and/or any alleged violation of the District's equal educational opportunities policies.

Any questions concerning this notice, the District's nondiscrimination and equal educational opportunities policies, policy compliance, or the District's complaint procedures may be directed to the District's equal educational opportunities compliance officer:

**DIRECTOR OF SPECIAL EDUCATION AND PUPIL SERVICES
SCHOOL DISTRICT OF JEFFERSON
206 SOUTH TAFT AVENUE, JEFFERSON, WI 53549
920-675-1000**

Discrimination-related complaints may be filed with the Compliance Officer. The Compliance Officer also serves as the District's Title IX Coordinator (sex discrimination and sexual harassment issues and complaints), Age Discrimination Act Coordinator (age-based discrimination issues), and Section 504 and Americans with Disabilities Act Coordinator (disability rights and disability-based discrimination issues) for all student and all non-employment related matters.

By following all required procedures and timelines, complaints of unlawful student discrimination may also be filed externally with the Wisconsin Department of Public Instruction, the Chicago office of the U.S. Department of Education's Office for Civil Rights, or, in appropriate circumstances, with any state or federal court or other agency of competent jurisdiction.

1/11/21

DISCRIMINATION COMPLAINT FORM

Name: _____ DATE: _____

Address: _____

Telephone: _____ (Home Number) _____ (School or Work Location Number)

Status of person filing complaint: _____ Student _____ Employee
_____ Parent/Guardian _____ Other _____

Filing complaint alleging discrimination on the basis of: _____

Statement of complaint (include type of discrimination charged and the specific incident[s] in which it occurred):

Signature of complainant: _____

Date complaint filed: _____

Signature of person receiving complaint: _____

Date Received: _____

1/11/21