

SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

STUDENTS

STUDENT DISCRIMINATION COMPLAINT PROCEDURES

411-RULE

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:

*Mr. Matthew Sherwood, Director of Student Services,
School District of Pittsville,
5459 Elementary Avenue, Suite 2, Pittsville, Wisconsin 54466,
715-884-2517 Ext 255. sherwmat@pittsville.k12.wi.us*

The Director of Student 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 90 calendar days of 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 District Administrator 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 District Administrator. After conducting any further inquiry into the matter that he/she deems appropriate, the District Administrator shall formulate a conclusion and respond in writing to the appeal. The response will normally be issued within 10 business days. If the District Administrator 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 District Administrator, he/she may either (1) treat the District Administrator'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 District Administrator 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.

First Reading: *June 12, 2023*
Second Reading/Approval: *July 10, 2023*