

Book	School Board Policies
Section	PRG Series 400: Students
Title	Policy
Code	411
Status	Draft
Last Revised	January 4, 2022

EQUAL EDUCATIONAL OPPORTUNITIES

The District is committed and dedicated to the task of providing the best education possible for every student in the District.

The District does not unlawfully discriminate in any of its programs, services, or activities on the basis of sex, sexual orientation, race, color, national origin, ancestry, religion, creed, age, pregnancy, marital or parental status, any physical, mental, emotional, or learning disability, or any other legally-protected status or classification. This commitment to nondiscrimination includes the right of students to be admitted to school and to participate fully, without unlawful discrimination, in curricular and co-curricular programs and activities, career and technical education, student services, recreational programs, and other District programs and activities.

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.

Children of homeless individuals and unaccompanied homeless youth (youth not in the physical custody of a parent or 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 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, and regardless of whether the student qualifies for the District's 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.

As further identified in the District's student nondiscrimination complaint procedures and nondiscrimination notices, the following position(s) have primary responsibility for the interpretation and application of this policy and the processing of any student nondiscrimination complaints that may be filed under the procedures relating to this policy: *District Administrator*. All complaints shall be brought and processed in good faith, and no person may engage in any abuse of the complaint procedures.

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.

Notice of this policy and its accompanying complaint procedures shall be published at the beginning of each school year as a Class 1 legal notice and posted in each school building in the District. In addition, a student nondiscrimination statement shall be included in student and staff handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities.

Legal

Age Discrimination Act of 1975

McKinney-Vento Homeless Assistance Act

Individuals with Disabilities Education Act

Title II of the Americans with Disabilities Act

Section 504 of the Rehabilitation Act

Title VI, Civil Rights Act of 1964

Title IX, Education Amendments of 1972

Wisconsin Administrative Code PI 41

Wisconsin Administrative Code PI 9

Wisconsin Statutes Section 118.134

Wisconsin Statutes Section 118.13

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STUDENT DISCRIMINATION COMPLAINT PROCEDURES ADMINISTRATIVE 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 Erin Hansford, 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:

Erin Hansford, Educational Opportunities Compliance Officer
Frederic School District
1437 Clam Falls Drive, Frederic WI 54837
(715) 327-4223, hansforde@frederic.k12.wi.us

The District Administrator 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, 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 school 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 the 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.

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NONDISCRIMINATION GUIDELINES RELATED TO STUDENTS WHO ARE TRANSGENDER AND STUDENTS NONCONFORMING TO GENDER ROLE STEREOTYPES ADMINISTRATIVE RULE

The following guidelines relate to students who are transgender and students who do not conform to gender role stereotypes, and they serve two important purposes. First, significant portions of the guidelines facilitate compliance with the District's legal obligations. Under many circumstances, an individual's transgender or gender-nonconforming status serves as a basis for legal rights and protections. Second, even where specific actions may not be required by applicable law, these guidelines are intended to further the District's local goals concerning the creation and maintenance of positive and supportive environments that appropriately provide for the education, safety, and welfare of all students.

While the guidelines established in this rule provide important direction to District employees, students, school families, and other persons, the guidelines do not anticipate every situation that might occur with respect to students who are transgender or gender nonconforming. When an issue or concern arises that is not adequately addressed by these guidelines, the needs and concerns of each student should be assessed on an individualized basis.

1. Definitions

The definitions below are not intended to label students but rather to assist in understanding these guidelines and the expectations of staff in complying with District policies and legal requirements. Students might or might not use these terms to describe themselves.

- a. **"Transgender"** describes people whose gender identity is different than their biological sex assigned at birth.
- b. **"Gender identity"** is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity.
- c. **"Gender nonconforming"** describes people whose gender expression differs from stereotypical or prevailing social expectations, such as "feminine" boys or "masculine" girls, or those who are perceived as androgynous.
- d. **"Gender expression"** refers to the way a person expresses gender, such as clothing, hairstyles, activities or mannerisms.

2. Discrimination, Harassment and Bullying

The District prohibits all forms of unlawful discrimination against any transgender student or any student who does not conform to gender role stereotypes. Further, existing District policies that prohibit the harassment and bullying of students apply in full force to any such actions that are based on a student's actual or perceived transgender status or gender nonconformity. This includes ensuring that any incident or complaint of discrimination, harassment, or bullying is given prompt attention, including taking appropriate corrective and/or disciplinary action. Complaints alleging discrimination, harassment or bullying based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, harassment, and bullying complaints.

3. Student Privacy, Names and Pronouns, and Official School Records

Certain records and personally-identifiable information related to the student's gender status or biological sex may be protected not only as an education record, but also as a confidential medical or patient health care record. The District further recognizes that a student may have a strong individual interest in maintaining the privacy of his/her transgender status or his/her gender nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality, school personnel with knowledge of any student's transgender status or gender nonconforming presentation are expected to treat that information as being particularly sensitive, even internally among school staff and school officials. District employees are expected to refer any questions they may have about student privacy and possible disclosures of a student's transgender or gender nonconforming status to the building principal. The District strongly encourages transgender and gender-nonconforming students and their families to maintain ongoing communication with the school employees who are working directly with the student in order to

address, among other issues, relevant privacy concerns and privacy preferences.

When referring to students at school and in connection with school activities, school personnel will normally use the student's legal name and the pronouns that correspond to the student's biological sex assigned at birth. To the extent applicable to all students, a student may request to use and be referred to by an alternate name or nickname in school settings. Where there is any disagreement between a student and his/her parent or guardian, the final decision regarding the name and gender pronouns that school employees will use to address the student in school settings will be made by the parent or guardian, if the student is a minor; and by the student, if the student is an adult. A court-ordered name change or medical treatment or medical procedure is not required to request that school personnel use a particular name and/or particular gender pronouns in school settings. Upon being informed that a student should be referred to by a particular name and/or particular pronouns, school personnel are expected to abide by that decision.

The District's approach of respecting a decision for a student to regularly use a particular name and/or particular pronouns in school settings is not a commitment to change all existing school records in order to reflect those preferences. Further, there may be situations where the District is required to use or report the legal name or biological sex of the student as that data is reflected in the District's official records. The extent to which official records of the District are modified will depend on a case-by-case evaluation of the information that the District receives and the type(s) of school records affected by the information that is received. For example, when a student changes his/her legal name and that change is sufficiently substantiated, the District will issue a high school transcript under the student's new legal name.

4. Restroom and Locker Room Accessibility

In most cases, a student who is transgender will be permitted to access the men's/women's segregated restrooms that correspond to the gender identity that the student consistently asserts at school and in other social environments. Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided with access to a single-access restroom where such a facility is reasonably available, but no student shall be required to use such a restroom because of the student's transgender or gender non-conforming status.

If a transgender student makes any request regarding the use of locker rooms or any similar type of changing area, the request shall be assessed on a case-by-case basis with the goals of: (a) facilitating the transgender student's access to the District's physical education curriculum and other relevant programs; (b) ensuring adequate student privacy and safety; and (c) minimizing stigmatization of the transgender student. The physical layout of the facility and the degree of undress required when changing for the applicable activity are examples of factors that will be considered in making the arrangements. There is no absolute rule that, in all cases, will require a transgender student to access and use only the locker rooms and other changing areas that correspond to the biological sex that the student was assigned at birth.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided (to the extent reasonably available) with a reasonable alternative changing area (for example, a nearby restroom stall with a door, an area separated by a curtain, a physical education teacher's office in the locker room, or a nearby single-access restroom) or provided with an alternative changing schedule. Any alternative arrangement should be provided in a way that gives adequate consideration to relevant privacy concerns.

These guidelines related to restrooms and changing areas generally assume that a student has a special concern or is in some way uncomfortable with consistently using the facilities that correspond to the biological sex that the student was assigned at birth. However, all students have the option of consistently accessing the facilities that correspond to the biological sex that the student was assigned at birth. Accordingly, the District's willingness to address individualized concerns and requests that relate to restroom and changing area access does not mean that any student is required to establish an individualized arrangement or plan with the school.

5. Participation in Physical Education Classes and Sports Activities

A student who is transgender shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the gender identity that the student regularly asserts at school and in other social environments, unless the building principal, after assessing the relevant circumstances, determines that physical safety issues preclude such an approach with respect to any such activity that is operated on a sex-segregated basis.

Students who are transgender shall not be unlawfully excluded from participation in any such activities. Questions about any student's participation in any particular sex-segregated interscholastic athletic activity will be addressed on a case-by-case basis with the involvement of the building principal. In making such determinations, the District shall take into account legitimate issues related to competitive fairness and physical safety, as well as the current legal requirements and current policies of the Wisconsin Interscholastic Athletics Association (WIAA), as they exist at the time of the specific determination.

6. Dress Codes

Within the constraints of the District's dress code policy and dress codes adopted by the school, students may dress in accordance with their gender identity. School personnel shall not enforce a dress code more strictly against transgender and gender nonconforming students than other students.

Book	School Board Policies
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PUBLIC NOTIFICATION OF STUDENT NONDISCRIMINATION POLICY

The Frederic School District 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, any mental, emotional or learning disability, or any other legally-protected status or classification.

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 (age), and the civil rights provisions associated with the Elementary and Secondary Education Act and the District's participation in federal meal programs.

The District's commitment to nondiscrimination and to responding appropriately to any report, allegation, or confirmed incident of unlawful discrimination against any student is further addressed in the School Board's policies, including but not limited to Board Policy 113, Board Policy 411, and Board Policy 411.1. As further required by the Board's policies and applicable law:

- 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.
- Pursuant to the current provisions of Title IX of the Education Amendments of 1972 and under the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations ("the federal Title IX regulations"), the District does not unlawfully discriminate on the basis of sex in any education program or activity that the District operates. The District's Title IX notice identifies each of the District's designated Title IX Coordinators and includes additional information on how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment under Title IX, and the manner in which the District will respond to such reports or complaints.
- District shall provide children of homeless individuals and unaccompanied homeless youth, as identified under federal law, with equal access to the same free, appropriate public education, including the provision of comparable services, as the District provides to other children and youth who reside in or otherwise attend school in the District.
- 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 by contacting any school's guidance office.

The contact information for the District's primary nondiscrimination coordinator for student matters is as follows:

Erin Hansford, 6-12 Principal
1437 Clam Falls Drive
(715) 327-4223
hansforde@frederic.k12.wi.us

The nondiscrimination coordinator identified above is authorized to receive any student discrimination complaint, including any complaint arising under Chapter PI 9 (student nondiscrimination under state law) or Chapter PI 41 (accommodation of students' religious beliefs) of the Wisconsin Administrative Code.

Board Policy 113 further provides that an individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations, or a parent or guardian who has a legal right to act on behalf of such an individual, may file a formal complaint of sexual harassment. Any such formal complaint of Title IX sexual harassment shall be submitted in writing or as an electronic submission to a District Title IX Coordinator in person, by U.S. mail, or by electronic mail.

Formal complaints alleging Title IX sexual harassment will be processed using the District's designated Title IX grievance process for such complaints. Unless applicable laws require the use of other processes (e.g., for certain special education matters), any other reports or complaints of prohibited student discrimination or prohibited retaliation will normally be processed under the complaint procedures that the District has established under Board Policy 411. For a complete copy of such complaint procedures, refer to 411-Rule 1 on the District's website.

Questions concerning this notice, the District's nondiscrimination policies, the application of student nondiscrimination laws to the District, or the District's complaint procedures may be directed to the nondiscrimination coordinator identified in this notice.

By following all required procedures and timelines of the applicable non-District entity, complaints of unlawful student discrimination may also be filed externally with an appropriate state or federal court or agency. Such courts and agencies independently determine the extent to which any given complaint falls within their scope of authority.

DISCRIMINATION COMPLAINT FORM (for student and other non-employment matters)

(Any person with knowledge or concerns related to possible/alleged unlawful discrimination occurring in school district services, programs, or operations may submit a complaint using this form. A separate form exists for employment discrimination complaints.)

1. Print the name of the person who is submitting this form:

2. Today's Date:

3. For **non-students**: I can be contacted by phone and/or email at: _____

4. The person submitting this form is a:

- Student in grade _____
- Parent/Guardian of _____
- School District Employee
- Other: _____

5. The person submitting this form is (check all that apply):

- A victim/target of discrimination or harassment
- Someone who saw what happened to someone else
- Someone who has heard what happened to someone else
- Other: _____

6. **WHO** is being adversely affected by this issue? (Please provide the names(s) of any specific individuals, or, if a particular group of people are being affected, please describe the class/group.)

7. **WHO** or **WHAT** is causing the possible discrimination? (Check all that apply and identify individuals to the extent possible.)

- Student(s): _____
- School employee(s): _____
- Someone else: _____
- A district policy or procedure: _____

8. Describe **WHAT** happened (or what is currently happening), **WHERE** it occurred (e.g., which school), and **WHEN** it occurred:

9. Does this complaint allege a violation of a law or a school district policy that is based upon, or that has occurred because of, any individual's legally-protected status (e.g., race, color, national origin, ancestry, sex, sexual orientation, religion, creed, age, pregnancy, marital or parental status, or any physical, mental, emotional or learning disability)?

- No.** It doesn't seem connected to any particular status or category.
- Yes.** Please list **each** protected status/category that you feel is relevant to the issues identified in this complaint:

10. Please **SIGN** and **DATE** this form (for complaints submitted by multiple people, please attach an additional signature page or add a signature in the space provided for additional details).

Your signature is your assurance that the information provided in this complaint form is provided in good faith and that it is accurate to the best of your knowledge.

Signature

Date

Use the space below (or additional sheets) to provide any additional detail that you wish to provide:

Please submit this form **DIRECTLY** to the District's Equal Educational Opportunities Compliance Officer at **[insert contact info]** or, if you are more comfortable doing so, to any school principal.

The lines below are for School District OFFICE USE ONLY

1. Identify the **name and title** of the person who received this form on behalf of the School District, and identify the **date of receipt**:

Name	Title	Date of Receipt by the District
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2. Identify the method of receipt:

- | | |
|--|--|
| <input type="checkbox"/> Hand delivery | <input type="checkbox"/> Inter-office mail |
| <input type="checkbox"/> U.S. mail | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Email | |

3. By number, identify the items on this form (if any) which were blank or clearly incomplete at the time the form was initially filed with the District:

4. Identify the **supervisor(s) or administrator(s)** who have been notified of the District's receipt of this report as of the date of receipt:

5. Identify the **supervisor or administrator** who is assigned primary responsibility for ensuring this report is processed appropriately:

6. Other information the District wishes to document related to the receipt of this complaint: