

SCHOOL DISTRICT OF WAUPACA

SERIES 400 STUDENTS

CODE: 411-R2

STUDENT DISCRIMINATION COMPLAINT PROCEDURES

If any person believes that the School District of Waupaca, or any part of the school organization, has inadequately applied the principles and/or regulations of Title VI, Title IX, Section 504 or the Americans with Disabilities Act or in some way discriminates on the basis of sex, race, color, religion, national origin, ancestry, creed, pregnancy, parental or marital status, sexual orientation, physical, learning, mental or emotional disability or handicap, he/she may bring forward a complaint to the Title IX, Section 504 or Equal Opportunity Coordinator at his/her office in the School District 515 School Street, Waupaca, WI 54981 or contact him/her by phone: 715.258.4121. If the complaint involves alleged improper behavior by the designated person to whom the complaint is to be filed, the complaint should be filed with the next highest authority listed in the procedure.

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 (Title IX, Section 504 or Equal Opportunity Coordinator) 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 THE COMPLAINT

The District encourages the informal resolution of student discrimination complaints or concerns. The person who believes s/he has a valid basis for complaint shall discuss the concern with the building principal, who shall in turn investigate the complaint and reply to the complainant in writing within 5 business days. If this reply is not acceptable to the complainant, he/she may initiate formal procedures according to the steps listed.

FORMAL COMPLAINT PROCEDURES

- Step 1: A written statement of the complaint shall be prepared by the complainant, signed and presented to the local Title IX, Section 504 or Equal Opportunity Coordinator. The coordinator shall further investigate the matters of the complaint 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 written determination shall be made within 10 business days.
- Step 2: If any actual party in interest to the complaint (including any alleged victim/target or any alleged responsible party) wishes to appeal the decision of the local Title IX, Section 504 or Equal Opportunity Coordinator, s/he may submit a signed statement of appeal to the District Administrator. The District Administrator shall meet with all parties involved, formulate a conclusion, and respond in writing to the complaint within 10 business days.
- 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 appeal through a signed, written statement to the School Board. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives at the next regular Board meeting or within 15 business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent by the Board Clerk to each concerned party within 5 business days of this meeting. The decision of the Board shall include a notice to the complainant of his/her right to appeal the determination to the State Superintendent of Public Instruction.
- Step 4: If, at this point, the complaint has not been satisfactorily settled, 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.

A complaint or appeal may also be made on some of the above bases (Title IX, Title VI, Section 504, Americans with Disabilities Act) 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 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 the provision of free appropriate public education of a student with a disability shall be processed in accordance with the established procedures outlined in the District's Special Policies and Procedures Handbook.

COMPLAINT PROCEDURE - FEDERAL PROGRAMS

Discrimination complaints relating to programs specifically governed by federal law or regulation shall be referred directly to the State Superintendent of Public Instruction.

MAINTENANCE OF COMPLAINT RECORDS

Records shall be kept of all formal and informal complaints for the purpose of documenting compliance and past practices. 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 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 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.

ADOPTED: 080817

REVISED:

REVIEWED:

LEGAL REFERENCE:

CONTRACT REFERENCE:

CROSS REFERENCE:

The School District of Waupaca is an Equal Opportunity Employer. The School District of Waupaca does not discriminate 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.