

STUDENT NONDISCRIMINATION

The Appleton Area School District does not discriminate against students on the basis of sex, race, color, religion, age, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression or physical, cognitive, emotional or learning disability in its education programs or activities.

Cross References: Nondiscrimination on the Basis of Disability 112.1
Programs for Students 342.1 with Disabilities
Student Nondiscrimination Complaint Procedure, 411.2-Rule

Legal References: Wisconsin State Statute 118.13
Wisconsin State Statutes 115 Subchapter V
Wisconsin Administrative Code PI 9
Titles II, VI and VIII, Civil Rights Act of 1964
Title IX, Education Amendments of 1972
Section 504, Rehabilitation, Act of 1973
Americans with Disabilities, Act of 1990
Individuals with Disabilities Education Act
Civil Rights Act of 1991

Adoption Date: January 26, 1993

Amended Dates: June 23, 2014 and April 22, 2019

**STUDENT NONDISCRIMINATION
COMPLAINT PROCEDURE**

Procedures

If any person believes that the Appleton Area School District or any part of the school organization has failed to follow the law and rules of Wisconsin State Statute 118.13 and Wisconsin Administrative Code PI 9, or in some way discriminates against pupils on the basis listed above or under Section 504, Title II, VI, or IX, he/she may bring or send a complaint to the following address:

*Michael Hernandez, Assistant Superintendent of School Services
Appleton Area School District
131 E. Washington Street, Suite 1A
P.O. Box 2019
Appleton, WI 54911
(920-852-5300 ext. 60116)*

The Assistant Superintendent of School Services serves as Coordinator for Section 504, Title II, VI, and IX Complaints.

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 shall send written acknowledgment of receipt of the complaint within 45 days. 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. A good faith effort will be made to complete the initial, written administrative determination within 45 days of the filing of the statement of the complaint, dependent upon the complexity of the complaint. If a complaint presents particularly complex or serious allegations, or witnesses are not immediately available, the Compliance Officer may will confer with the Superintendent in deciding how to proceed to an initial administrative determination of the complaint.

The District will provide a determination within 90 days unless the parties mutually agree to extend the timeline by written consent, pursuant to PI 9.

411.2-Rule (cont.)

- 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 days. If the Superintendent was involved in making the initial determination, the request for appeal shall be treated as a request for reconsideration.
- 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 business 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 (DPI), Equal Educational Opportunity Office, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841. 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), Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544. Email: OCR.Chicago@ed.gov 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.

411.2-Rule (cont.)

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.

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, applicable state or federal law.

Adoption Date: January 26, 1993

Amended Dates: June 23, 2014; April 22, 2019; July 25, 2022