

**STUDENT NONDISCRIMINATION**  
(EQUAL EDUCATIONAL OPPORTUNITIES)

Policy 411

The right of the student to be admitted to school and to participate fully in curricular, co-curricular, student services, recreational or other programs or activities shall not be unlawfully abridged or impaired because of a student's 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. Accordingly, the School Board prohibits all forms of unlawful discrimination against students, regardless of the legally-protected status or classification that serves as the basis for any prohibited discriminatory conduct, policy, or practice. When based upon a legally-protected status or classification, examples of unlawful and discriminatory acts can include:

1. The denial of admission to any public school;
2. The denial of participation in, equal access to, or the benefits of any curricular, extracurricular, student services, recreational, or other program/activity, including the District's career and technical education opportunities;
3. The discriminatory and inequitable provision of resources among comparable curricular or extracurricular programs;
4. Any action, policy, or practice, including segregation, bias, stereotyping, or student harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on a legally-protected classification or characteristic.

Children of homeless individuals and unaccompanied youth (youth not in the 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 those 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 all appropriate and legally-required accommodations, 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 program. 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 such accommodations shall be made in writing and shall be submitted to and acted upon by the building principal.

Accommodations may include, but are not necessarily limited to, being excused from participation in an activity, alternative assignments, release time from school to participate in religious activities, and opportunities to make up work missed due to religious observances. Any such accommodations granted under this policy shall be provided to students without prejudicial effect.

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, school-age parents, bilingual bicultural, 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.

Complaints alleging a violation of any aspect of this policy may be filed and shall be processed in accordance with the District's student discrimination complaint procedures, as adopted in connection with this policy.

By following 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.

Designation of Compliance Officer. The administrator holding the following position is designated as the District's equal educational opportunities compliance officer ("Compliance Officer"):

*Alan McCutcheon*  
*Director of Pupil Services and Special Education*  
*1903 Bartlett Avenue*  
*Altoona, WI 54720*  
*715-839-6030, ext. 311*  
*amccutcheon@altoona.k12.wi.us*

The Compliance Officer is authorized to receive complaints brought under this policy and its related complaint procedures. The Compliance Officer also serves as the District's Title IX Coordinator (sex discrimination and sexual harassment issues and complaints), federal 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. The District Administrator shall perform the duties of the Compliance Officer if the Compliance Officer is temporarily unavailable or if a complaint involves any alleged improper conduct by the Compliance Officer.

Confidentiality of Reports and Complaints. Although absolute confidentiality cannot be assured, the District will maintain the confidentiality of discrimination reports and complaints to the extent required by any applicable law, and the District will otherwise make efforts to maintain confidentiality where non-disclosure does not interfere with the District's ability to appropriately process and respond to the report or complaint. Nonetheless, investigating a matter often involves disclosing (directly or indirectly) the identity of persons involved in the particular events/issues. Individuals who have specific concerns about confidentiality should arrange to discuss those concerns with the District as early as possible in the process.

Retaliation Prohibited. No employee, officer, agent or representative the District shall unlawfully retaliate against, harass, intimidate or otherwise impose any improper consequence against any person who (1) pursues any complaint under this policy and its related complaint procedure; or (2) otherwise participates in the resolution of any report, complaint, or investigation involving an alleged violation of this policy. Further, any act of retaliation, harassment, or intimidation performed by a student against any such persons who are involved in the complaint process would itself constitute a violation of school rules and District policy, and subject the student to appropriate disciplinary action.

Abuse of Process Prohibited. Failure to act in good faith while participating in the resolution of any report, complaint, or investigation under this policy or its related complaint procedure constitutes an abuse of process and subjects an employee or student to potential discipline. Abuse of process includes the pursuit of a complaint that the complaining party knows to be false or wholly frivolous, the intentional provision of false or misleading information during the processing of a complaint or other investigation, and other actions that constitute a violation of any District policy or rules.

#### NONDISCRIMINATION STATEMENTS AND DISSEMINATION OF POLICY AND DISCRIMINATION COMPLAINT PROCEDURES

In addition to including express nondiscrimination statements in other Board policies where required by law:

1. A legal 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.

2. A student nondiscrimination statement shall be included in student and staff handbooks, course selection handbooks, and other similar published materials distributed to the public describing school activities and opportunities.
3. The student discrimination complaint procedures shall be disseminated to students, parents and guardians, employees and others to inform them about the proper process for submitting a complaint. The information shall be published in student, parent and staff handbooks, and the procedures or a reference to the procedures may be published or posted in other appropriate locations (e.g., the District website, guidance offices).

### MAINTENANCE OF COMPLAINT RECORDS; REPORTS AND EVALUATIONS

The District's equal educational opportunities compliance officer shall be responsible for ensuring that the District maintains adequate records of complaints filed under the District's student discrimination complaint procedures and for directing the timely preparation of the annual or other reports and evaluations regarding nondiscrimination initiatives and compliance that the District is required to conduct and/or provide to the Department of Public Instruction. In addition, the District is required to formally evaluate the status of nondiscrimination and equality of educational opportunity in the District at least once every five years.

#### 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 origin 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]

Adopted: 07/07/86  
Amended: 05/19/14  
08/17/20