

SCHOOL DISTRICT OF JOHNSON CREEK BOARD OF EDUCATION POLICY	POLICY: 511.1
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**Non-Discrimination Policy**

The School District of Johnson Creek is committed to equal education opportunity for all students in the district.

It is the policy of the School District of Johnson Creek pursuant to Wis. Stats. 118.13, and PI 9, that no person on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional and learning disability, may be denied admission to any school in this district or be denied participation in, or the benefits of, or be discriminated against in any curricular, extra-curricular, pupil services, recreational, or other program.

This policy also prohibits discrimination under related federal statutes, including Title VI of the Civil Rights Act of 1964 concerning race and national origin, Title IX and 34 C.F.R.ch.106 concerning sex, Section 504 of the Rehabilitation Act of 1973 concerning handicap and ADA. Children of homeless individuals and unaccompanied homeless youth (youth not in the physical custody of a parent/guardian), residing in the district shall also be covered by this policy and shall have the same access to programs and services as provided to other children and youth who reside in the district.

It shall be the responsibility of the district administrator to examine existing policies and to develop new policies where needed to ensure that the School District of Johnson Creek does not discriminate pursuant to federal and state laws. The Board of Education shall ensure that an employee is designated annually to receive complaints filed under Wis. Stats. 118.13, PI 9, Wisconsin Admin. Code, Title IX of the Education Amendments, and Section 504 of the Rehabilitation Act of 1973. That employee shall assure adoption of a complaint procedure to resolve complaints alleging violation of these laws, assure that an evaluation of the district’s compliance with Wis. Stats. 118.13, is completed every five (5) years under PI 9, Wis. Admin. Code and submit form PI-1197 to the Department of Public Instruction annually.

The District shall 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.

S. 118.13, Wis. Stats., Complaint Procedure

Students who have been identified as having a handicap or disability, under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, shall be provided with reasonable

accommodations in educational services or programs. Students may be considered handicapped or disabled under this policy even if they are not covered under the district's special education policies and procedures.

Facilities modifications necessary to provide a student with equal opportunities shall be made as required by law and permitted by budgetary limitations.

If any person believes that the Johnson Creek School District or any part of the school organization has failed to follow the law and rules of S. 118.13, Wis. Stats., or in some way discriminates against pupils on the basis of sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability, he/she may bring or send a complaint to the district administrator at the following address: 455 Aztalan Street, P. O. Box 39, Johnson Creek, Wisconsin 53038.

Step 1. A written statement of the complaint shall be prepared by the complainant and signed. This complaint shall be presented to an administrator who is designated to receive complaints. That Admin shall send written acknowledgment of receipt of the complaint within forty-five days.

Step 2. A written determination of the complaint shall be made by the Board of Education within ninety (90) days of receipt of the complaint unless the parties agree to an extension of time; appeals under 20 USC S. 1415 and Ch. 115, Wis. Stats., relating to the identification, evaluation, educational placement, or the provision of a free appropriate education of a child with an exceptional education need shall be resolved through the procedures authorized by Ch. 115, subch. V, Wis. Stats. Complaints under 20 USC S. 1231e-3 and 34CFR ss. 76.680-67, 782, commonly referred to as EDGAR complaints, that the state or a subgranter is violating a federal statute or regulation that applies to a program shall be referred directly to the State Superintendent of Public Instruction.

Step 3. If a complainant wishes to appeal a negative determination by the Board of Education, he/she has the right to appeal the decision to the State Superintendent of Public Instruction within thirty (30) days of the Board's decision. In addition, the complainant may appeal directly to the State Superintendent, if the Board of Education has not provided written acknowledgment within forty-five (45) days of receipt of the complaint or made a determination within ninety (90) days of receipt of the written complaint. Appeals should be addressed to:

State Superintendent  
Department of Public Instruction  
125 S. Webster St., P. O. Box 7841  
Madison, WI 53707-7841

Step 4. Discrimination complaints may also be filed with the federal government at:

Office for Civil Rights

U.S. Department of Education  
300 S. Wacker Dr., 8<sup>th</sup> Floor  
Chicago, IL 60606

### Title IX/Section 504 Complaint Procedure

If any person believes that the Johnson Creek School District or any part of the school organization has inadequately applied the principles and/or regulations of Title IX (sex) and Section 504 (handicap) or in some way discriminates on the basis of sex, race, color, national origin, age, or handicap, he/she may submit a complaint to the district office at the following address: 455 Aztalan Street, P. O. Box 39, Johnson Creek, WI 53038

### Informal Complaint Procedure

The person who believes he/she has a valid basis for a complaint shall discuss the concern with the local Title IX, Section 504 Coordinator, who shall in turn investigate the complaint and reply to the complainant in writing within two (2) days. If this reply is not acceptable to the complainant, he/she may initiate formal procedures according to the steps listed below.

### Formal Complaint Procedure

Step 1. A written statement of the complaint shall be prepared by the complainant and signed. This complaint shall be presented to the local Title IX or Section 504 Coordinator within five (5) business days of receipt of the written reply to the informal complaint. The coordinator shall further investigate the circumstances of the complaint and reply in writing to the complainant within five (5) business days.

Step 2. If the complainant wishes to appeal the decision of the local Title IX or Section 504 Coordinator, he/she may submit a signed statement of appeal to the district administrator within five (5) business days after receipt of the local coordinator's response to the complaint. The district administrator shall meet with all parties involved, formulate a conclusion, and respond in writing to the complaint within ten (10) business days.

Step 3. If the complainant remains unsatisfied, he/she may appeal through a signed, written statement to the Board of Education within five (5) business days of his/her receipt of the district administrator's response in Step 2. In an attempt to resolve the complaint, the Board of Education shall meet with the concerned parties and their representatives within fifteen (15) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent by the clerk of the Board of Education to each concerned party within ten (10) business days of this meeting.

Step 4. If, at this point, the complaint has not been satisfactorily resolved, further appeal may be made to:

Office for Civil Rights  
U.S. Department of Education  
300 S. Wacker Dr., 8<sup>th</sup> Floor  
Chicago, IL 60606

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 as a Class 1 Notice and also in the Family Information Publication. 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.

### **Complaint Referral**

Unless otherwise changed or modified by formal action by the Board of Education, the following persons have been designated to receive complaint referrals under the provisions of Board Policy 511 as mandated by Title IX (1972), Section 504 (1973), and S. 118.13 Wis. Stats.:

A. Referrals concerning alleged acts of Section 504 discrimination shall be to:

Pupil Services Director  
School District of Johnson Creek  
455 Aztalan Street, PO Box 39  
Johnson Creek, WI 53038  
Telephone: (920) 541-4800

B. Referrals concerning alleged acts of Title IX discrimination at the building level shall be to:

Title IX Coordinator  
Johnson Creek School District  
455 Aztalan Street, PO Box 39  
Johnson Creek, WI 53038  
(920) 541-4800

C. Appeals of Title IX or Section 504 decisions may be referred to:

District Administrator  
Johnson Creek School District  
455 Aztalan Street, PO Box 39  
Johnson Creek, WI 53038  
Telephone: (920) 541-4800

Adopted: 3/11/98  
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Revised: 12/21/20