

# STUDENT DISCRIMINATION COMPLAINT PROCEDURES

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A person may submit a complaint and attempt to resolve his/her complaint by using (1) the District's informal complaint resolution option; and/or (2) the District's formal complaint procedure, as further defined in this rule, whenever the person believes that:

1. The District has inadequately complied with section 118.13 of the state statutes and the statute's implementing regulations, or with the current federal laws and/or regulations under Titles IV and VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act (including Title II of the ADA, nondiscrimination on the basis of disability in state and local government services);
2. A student has in some other way been unlawfully discriminated against 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 other legally-protected status;
3. That there has been a violation (including violations by other students) of any of the Board's student nondiscrimination, anti-harassment/anti-bullying, or other equal educational opportunities policies; or
4. Another Board policy or rule directs or allows the use of these complaint procedures.

In special circumstances, such as certain complaints involving the District's application of the Individuals with Disabilities Education Act, the District may re-route the complaint to a more legally-appropriate venue or procedure.

The following individual serves as the District's Equal Educational Opportunities Compliance Officer ("Compliance Officer") in connection with these complaint procedures:

Pupil Services Director  
Seymour Community School District  
10 Circle Drive, Seymour, WI 54165  
920-833-2304 or 920-833-5159

The Business Manager or 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.

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, harassment, bullying, or retaliation under these procedures, the District shall consider (and the

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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 A COMPLAINT OR CONCERN

The District strongly encourages, but does not require, the informal resolution of complaints and concerns regarding the implementation and monitoring of the laws, regulations, and local policies that facilitate the provision of equal educational opportunities and that prohibit discrimination.

To pursue the informal resolution of a complaint or concern, a person may contact either the appropriate building principal or the District's Equal Opportunities Compliance Officer at the office location identified above. The person should expressly indicate that they would like to explore informal means of resolving a complaint or concern involving the District's equal educational opportunities policy or another District nondiscrimination policy.

Informal methods for attempting to resolve a complaint or concern may include the scheduling of meetings among relevant parties; meetings or communications mediated by an administrator or other individual selected by the District who was not directly involved in the issue; or, following a presentation and initial assessment of the issue(s), the offering of one or more options for changes to be made in the relevant circumstances. If, at any time, the person seeking an informal resolution becomes dissatisfied with the process or outcome, he/she may initiate a formal complaint according to the steps listed below.

In the event the building principal addresses or resolves an informal complaint that the principal determines involves an alleged violation of the state or federal student nondiscrimination law, the principal shall provide the Compliance Officer with a written version of the nature of the complaint and a summary of any responsive action taken on the informal complaint.

## FORMAL COMPLAINT PROCEDURES

Step 1: A written statement of the complaint shall be prepared by the complainant, signed and presented to the Compliance Officer, who shall acknowledge receipt of the complaint within 10 business/school days. The Compliance Officer or a designee shall further investigate 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. The District will attempt to provide the administrative determination of the complaint within 60 calendar days of the date that the complaint was filed.

Step 2: Any actual party in interest to the complaint who disagrees with the administration's decision in the matter may, within 10 calendar days of being notified of the administration's determination, file a written request for reconsideration with the office of the District Administrator. The request for reconsideration shall state any specific reason(s) why the complainant believes the administrative determination should be modified. The District Administrator will issue a written decision on reconsideration no later than 90 calendar days after the date that the complaint was originally filed, unless all relevant parties have agreed to an extension of the time. The decision

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of the District Administrator shall include information about the complainant's opportunity to appeal a negative determination to the School Board and/or to the State Superintendent of Public Instruction.

Step 3: Optional Appeal to the School Board. If any actual party in interest to the complaint (including any alleged victim/target or any alleged responsible party) disagrees with an adverse determination of the complaint that has been issued by the District Administrator upon reconsideration, the person may either (1) treat the District Administrator's decision as the District's final decision and consider an appeal under Step 4; or (2) submit an appeal to the Board prior to considering an appeal under Step 4.

Any appeal to the Board shall be filed in care of the School Board Clerk at the Office of the District Administrator within 10 calendar days of receipt of the District Administrator's decision, and the request shall state the reasons the decision is being appealed. The Board will provide a written response to the appeal, which may or may not involve a meeting with any of the relevant parties and/or any further investigation. 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: The complaining party may appeal any negative final decision of the District (the decision either at Step 2 or Step 3) to the State Superintendent of Public Instruction. Using the procedures identified in Chapter PI 1 of the Wisconsin Administrative Code, such appeals must be filed in writing within 30 calendar days of the District's final decision and sent to the Department of Public Instruction, Equal Educational Opportunity Office – Pupil Nondiscrimination, P.O. Box 7841, Madison, WI 53707.

In addition, a 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 final determination within 90 days of receipt of the written complaint.

## COMPLAINTS AND APPEALS TO THE U.S. DEPARTMENT OF EDUCATION'S OFFICE FOR CIVIL RIGHTS AND OTHER EXTERNAL AGENCIES OR THE COURTS

Where otherwise permitted by law, nothing within these locally-established complaint resolution procedures shall preclude individuals from filing, on a timely and procedurally appropriate basis, (1) a discrimination complaint or request for enforcement directly with the U.S. Department of Education's Office of Civil Rights (OCR) in Chicago, as authorized by various federal laws; or (2) a complaint or suit 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.

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## DEADLINE FOR FILING AN INITIAL COMPLAINT

There is no absolute deadline for the initial filing of a complaint under these procedures. The District always has an interest in being made aware of potential concerns with prohibited discrimination, harassment, bullying or retaliation. However, a person with a complaint or concern involving such a matter is encouraged to notify the District of the issue or to pursue the complaint as soon as reasonably possible after the occurrence of the relevant events. Any gap in pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of possible remedies and resolutions that are reasonably available. Notwithstanding the lack of a single, fixed deadline, the District, acting through the District Administrator or a designee, may determine that any complaint filed more than 300 days after the alleged act(s) occurred, or more than 300 days after the last occurrence of an ongoing condition, will not be processed through these procedures for lack of timeliness (although the District may follow-up on the issues presented through other means if appropriate). A decision to dismiss a complaint because it is untimely may be appealed to the Board under Step 3, and the Board may either affirm the dismissal of the complaint for lack of a timely filing or remand the complaint for further processing.

## SPECIAL PROCEDURE FOR COMPLAINTS INVOLVING THE DISTRICT ADMINISTRATOR

In the event that a complaint to be filed under these procedures concerns the actions of or decisions made directly by the District Administrator, the complainant may file the complaint in writing at the District's main administrative office, directed to the attention of the Board President, who shall work with District legal counsel in order to process the complaint.

## SPECIAL 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 established appeal procedures outlined in the District's Special Education Procedures.

## SPECIAL COMPLAINT PROCEDURE — FEDERAL PROGRAMS

Discrimination complaints under federal law relating to the administration of federal programs and to federal grantees (commonly called EDGAR complaints), if received by the District, shall be referred directly to the State Superintendent of Public Instruction.

**Adoption Date: 2015**