

# more info

## additional suggestions when filing a complaint under Wisconsin's Pupil Nondiscrimination Law

- Make sure that the law applies to the situation you are concerned about. Some school action is "just not fair", but it may not be prohibited by the state law because it does not constitute discrimination based on one of the listed protected classes. The action must also be detrimental to the student.
- Make sure that the person filing the complaint is a parent or guardian filing on the behalf of the student, a student who has been negatively affected, or a resident of the school district.
- If the complaint procedure lists steps that should be taken, and one of those steps involves the person you feel is the cause of the problem, request that another person respond to your complaint.
- In your complaint, identify the protected class or classes of the student (sex, race, religion, creed, age, national origin, ancestry, pregnancy, marital or parental status, sexual orientation, or disability).
- Explain why you believe it is discrimination. Provide as much specific documentation and information as possible. The person filing the complaint has the burden of proving a violation of Wisconsin's pupil nondiscrimination law.
- Explain what you would like to have happen as a result of your complaint.
- Sign the letter.
- Make and keep a copy of the letter and any attachments.
- Give your name, address and telephone number(s) where you can be reached.
- If you have questions or problems completing the complaint procedure, ask for assistance from the district. Ask who in the school handles pupil discrimination complaints and contact that person. A community based organization or an advocacy group may also be able to assist.

# contact

### For more information:

Wisconsin Department of Public Instruction  
<http://dpi.wi.gov/sped/pupil-nondiscrimination>

or

Pupil Nondiscrimination Program  
608-267-9157 or 800-441-4563

### The address and telephone number for the Office for Civil Rights for this region are:

Office for Civil Rights, Chicago Office  
U.S. Department of Education  
John C. Kluczynski Federal Building  
230 South Dearborn Street, 37th Floor  
Chicago, IL 60604  
(312) 730 -1560  
(312) 730 -1576 FAX  
(800) 877 - 8339 TDD  
e-mail: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)



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The Wisconsin Department of Public Instruction does not discriminate on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital status or parental status, sexual orientation, or disability.



## Wisconsin's Pupil Nondiscrimination Law

Wisconsin Department of Public Instruction  
Jill K. Underly, PhD, State Superintendent

# what the law is

Wisconsin's pupil nondiscrimination law, s. 118.13 stats., except as provided in s. 120.13(37m), Wis. Stats., provides that no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's:

- sex
- race
- religion
- creed
- age
- national origin
- ancestry
- pregnancy
- marital status
- parental status
- sexual orientation
- disability

All of these are referred to as protected classes.

**Discrimination** is defined as any action, policy or practice which is detrimental to a person or group of persons, or which limits or denies them opportunities, privileges, roles or rewards based, in whole or in part, on a protected class status; this includes bias, stereotyping, and harassment. (PI 9.02 (5) Wis. Admin. Code)

**Bias** means an inclination for or against an individual or group based on a protected class which inhibits impartial or objective judgment affecting pupils. (PI 9.02(1), Wis. Admin. Code)

**Stereotyping** refers to attributing behavior, abilities, interests, values, and roles to a person based on membership in a particular class. (PI 9.02 (14), Wis. Admin. Code)

**Pupil harassment** is behavior towards pupils based on a protected class that substantially interferes with a pupil's school performance or creates an intimidating, hostile, or offensive school environment. (PI 9.02 (9) Wis. Admin. Code)

## THE LAW REQUIRES SCHOOL BOARDS TO

- develop policies prohibiting discrimination
- adopt a written procedure that addresses receiving and resolving complaints of pupil discrimination
- designate an employee to receive complaints
- annually provide public notice of pupil non-discrimination policies
- include a pupil non-discrimination statement in all handbooks and other published materials
- include the complete complaint procedure in student/staff handbooks. The name, address, and telephone number of the person designated to receive discrimination complaints must be included.

# where & how to file a complaint of discrimination

## STATE LAW

- Wisconsin's Pupil Nondiscrimination law requires that a complaint first be filed with the school district.
- The district's complaint procedure should be published in the student handbook. If not, contact the school or district office and ask for a copy of their pupil discrimination complaint procedure.
- Follow the directions, steps, and time lines in the school district's written complaint procedure. There may be several steps to follow. The procedure may also impose a time limit in moving to the next step. Follow the steps and time limits. If you have questions about the procedure, you should ask who in the school district handles pupil discrimination complaints. Contact that person and ask that person to explain the complaint process to you.
- Your complaint should be in writing. (See also Additional Suggestions Section.)
- The district must let you know within 45 days that it has received your complaint. The final decision on your complaint must be made within 90 days of the date you filed the complaint, unless there is an agreed upon extension. The district's procedure may specify shorter time periods.
- If you have gone through all the steps of the school district's complaint procedure and you receive an unfavorable decision, you may file an appeal with the State Superintendent, Department of Public Instruction.
- Any appeal must be filed within 30 days of the date of the school district's final decision on your complaint.
- To file an appeal write to:  
Department of Public Instruction  
Pupil Nondiscrimination Program  
P.O. Box 7841  
Madison, WI 53707-7841
- An appeal to the State Superintendent, Department of Public Instruction should be in writing and signed. The following information should be included:
  - the reason for the appeal;
  - the facts that make you believe discrimination occurred; and
  - the relief or outcome you are requesting.

Include a copy of the school district's final decision on your complaint. If the person appealing is a minor, a parent or guardian must also sign the appeal.

- If the school district does not have a pupil discrimination procedure, you may file your complaint directly with the Department of Public Instruction. The complaint should be in writing, signed, and should contain the same information as an appeal.
- You may also file a complaint with the Department of Public Instruction if the school district does not make a decision on your complaint within 90 days. In most cases, the department will return the complaint to the school district to make a final decision.
- In an appeal, if the department determines the school district has acted in violation of Wisconsin's pupil nondiscrimination law, the state superintendent can issue an order requiring the school district to comply with the law, and to develop and submit a corrective action plan to prevent further discrimination. The state superintendent does not have the authority to award monetary relief or impose discipline on teachers or school staff.

## FEDERAL LAW

- If you believe the discrimination is because of race, color, sex, age, disability or national origin, you may also file a complaint with the Office for Civil Rights of the United States Department of Education.
- A complaint must be filed with the Office for Civil Rights within 180 calendar days of the date the alleged discrimination occurred. You are not required to file a complaint with the school district before filing a complaint with the Office for Civil Rights.

