

Independence School District

Policy 411

EQUAL EDUCATION OPPORTUNITIES and NONDISCRIMINATION

The School District of Independence is committed and dedicated to the task of providing the best education possible for every child in the District for as long as the student can benefit from attendance, and the student's conduct is compatible with the welfare of the entire student body.

The right of a student to be admitted to school and to participate fully in curricular, extra-curricular, student services, recreational or other programs or activities shall not be abridged or denied or impaired because of a student's sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or mental, physical, emotional or learning disability.

The following resolution was adopted by Board of Education on May 3, 2017:

Whereas, the Independence School District and Board of Education believe in and stand for the values of diversity, pride, integrity, and teamwork;

Whereas, the Independence School District recognizes the rights of individuals to live their lives with dignity, and condemns discrimination and targeting of anyone because of their faith, race, national, origin, immigration status, disability, sexual orientation and/or gender identity;

Whereas, the Independence School District will continue to work on improving educational outcomes for all students and closing opportunity gaps in our district;

Whereas, the United States Supreme Court held in *Plyer v. Doe* (1982) that no public school district has a basis to deny children access to education based on their immigration status, citing the harm it would inflict on the child and society itself, and the equal protection rights of the Fourteenth Amendment;

Therefore, be it resolved, that the Independence School District and Board of Education declares the District to be a Welcoming School District for its students, meaning that the District is a place for students to learn, to thrive, and to seek appropriate information related to any immigration law enforcement activities that interfere with their learning experience, as permitted and required by law.

The following nondiscrimination policy shall be printed in the student handbooks, teacher handbooks, and published annually in August in the Newsletter of the District and/or the official newspaper of the District.

The Independence School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs, activities, or employment and provides equal access to the Boy Scouts and other designated youth groups.

Inquiries concerning the application of Title IX of the Educational Amendments of 1972 may be referred to the District Administrator, School District of Independence, 23786 Indee Blvd., Independence, WI 54747. Any complaint alleging noncompliance with Title IX must be in writing and include a statement of facts comprising the alleged noncompliance, and to signed and dated.

Children of homeless individuals and unaccompanied homeless youth (youth not in the physical custody of a parent/guardian) residing in the District shall have equal access to the same free, appropriate public education, including comparable services, as provided to other children and youth residing 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.

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

Concerns regarding alleged violations of policies affecting equal opportunity shall be referred to the following:

Title VI.....District Administrator
Title IX.....District Administrator
Section 504.....Special Education Director or District Administrator

Complaint Procedure

If any person believes that the School District of Independence or any part of the school organization has inadequately applied the principles and/or regulations of Title VI, Title IX, and Section 504 or in some other way discriminates on the basis of sex, race, color, national origin, creed, pregnancy, marital or parental status, sexual orientation, or disability, he/she may file a complaint with the District Administrator or the authority listed above.

Any complaint regarding the interpretation or application of the District's student nondiscrimination policy shall be processed in accordance with the following grievance procedures unless the complaint concerns an alleged violation of Title IX. In this case, procedures listed under Title IX shall apply.

- 1) Any student, parent, or resident of the District complaining of discrimination 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 in school programs or activities shall report the complain in writing to the proper authority or to the District Administrator.
- 2) Upon receiving such written complaint, an investigation of the suspected infraction shall immediately be undertaken. The District Administrator will review, with the Building Principal, the Special Education Director, or other appropriate persons, the facts comprising the alleged discrimination. Within ten days after receiving the complaint, the District Administrator shall decide the merits of the case, determine the action to be taken, if any, and report in writing the findings and the resolution of the case to the grievant.

If the grievant is dissatisfied with the decision of the District Administrator, he/she may appeal the decision in writing to the Board of Education. The Board will hear the appeal at its next regular meeting or at a special meeting called for the purpose of hearing the appeal. The Board will make its decision in writing within ten days after the hearing. Copies of the written decision will be mailed or delivered to the grievant and to the District Administrator.

- 3) If the grievant remains dissatisfied with the decision by the Board of Education under this policy, he/she may appeal the decision in writing to the State Superintendent of Public Instruction, PO Box 7841, Madison, WI 53707.

Maintenance of Grievance Records

The coordinators (Title IV, Title IX, and Section 504) shall keep records of all formal and informal complaints for the purpose of documenting compliance and past procedures. The records shall include information on all levels of the complaint and any appeals. The records shall include:

- 1) the name of the grievant or complainant and his/her title or status;
- 2) the date the grievance was filed;
- 3) the specific allegation made and any corrective action requested by grievant;
- 4) the name(s) of the respondents;
- 5) the level of processing followed, and the resolution, date, and decision-making authority at each level;
- 6) a summary of facts and evidence presented by each party and date(s) of any corrective or remedial action taken.

Legal reference: Section 118.13 Wisconsin Statutes, PI 9 and PI 41, Wisconsin Administrative Code, Title IX, Education Amendment of 1972; Titles IV and VI, Civil Rights Act 1964; Section 504 of Rehabilitation Act of 1973; Americans with disabilities Act of 1990 Individuals with Disabilities Education Act; Civil Rights Act 1991; McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431)
Cross-reference: 411 Rule, Complaint Procedures 180, Nondiscrimination 511

Reviewed annual beginning October 25, 1993 through Sept 7, 2011

Revised: December 2013 and July 2, 2014

Approved: August 6, 2014

Revised: July 5, 2017