

Wisconsin's Pupil Nondiscrimination Law



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No person may be denied:

- admission to any public school
- participation in
- the benefits of
- or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of:

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- Sex
- Race
- Religion
- National Origin
- Ancestry
- Creed
- Pregnancy
- Marital or Parental Status
- Sexual Orientation
- Physical Disability
- Mental Disability
- Emotional Disability
- Learning Disability

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“Discrimination” is defined as: any action, policy or practice which is detrimental to a person or group of persons and:

- Differentiates or distinguishes among persons, or
- Limits/denies opportunities, privileges, roles, rewards
- Or perpetuates the effects of past discrimination

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Different Treatment:

- Detrimental treatment based on a student's protected class status
- Facially neutral policies adopted with "invidious" intent

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Disparate Impact:

- Adverse Impact from facially neutral policy
- Necessary to meet an important educational goal
- Comparably effective alternative

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“Discrimination” also includes:

- Bias
- Stereotyping
- Pupil Harassment

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“Pupil Harassment”:

- Behavior toward pupils which substantially interferes with a pupil's school performance or creates an intimidating, hostile, or offensive school environment.

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School Districts Must:

- Have written a written policy prohibiting discrimination
- Provide public notice of the policy
- Designate a person to investigate complaints

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Complaint Process:

- Must provide a written acknowledgement within 45 days
- Final Resolution within 90 days
- Must inform complainant of right to appeal to State Superintendent

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Substantiated Complaint:

- Stop discriminating or take steps reasonably calculated to stop harassment.

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Appeal

- To DPI within 30 days of district's final determination

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Federal Complaint Option

- Race, color, sex, age, disability, or national origin
- U.S. Department of Education Office for Civil Rights
- 312-730-1560

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DPI Monitoring:

- Five year self-evaluation (last 2017)
- Annual Report

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