Wisconsin’s Pupil Nondiscrimination Law

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:
Wisconsin’s Pupil Nondiscrimination Law

- Sex
- Race
- Religion
- National Origin
- Ancestry
- Creed
- Pregnancy
- Marital or Parental Status
- Sexual Orientation
- Physical Disability
- Mental Disability
- Emotional Disability
- Learning Disability
Wisconsin’s Pupil Nondiscrimination Law

“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
• Facialy 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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