

## 411 EQUAL EDUCATIONAL OPPORTUNITY

The Williams Bay School District (District) is committed and dedicated to the task of providing the best education possible and a safe and supportive environment 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.

No person shall be denied admission to school in the District or be denied participation in, denied the benefits of or unlawfully discriminated against in any curricular, co-curricular, student services, recreational or other programs or activities on the basis of sex, race, religion, national origin, ancestry, creed, color, pregnancy, marital or parental status, sexual orientation, transgender status (including gender expression, gender identity and gender nonconformity), or physical, mental, emotional, or learning disability, handicap or homeless status.

Policy 411.1 relates to reports concerning harassment against students, except Title IX sexual harassment, and such reports and complaints will be processed under that policy. Policy \_\_\_\_ relates to reports and formal complaints concerning Title IX sexual harassment against students, and reports and formal complaints will be processed under those policies.

Nondiscrimination includes the following specific areas:

- Admission to any school, class, program, or activity;
- Standards and rules of behavior, including pupil harassment;
- Disciplinary actions, including suspensions and expulsions;
- Acceptance and administration of gifts, bequests, scholarships, and other aids, benefits, or services to pupils from private agencies, organizations, or persons;
- An instructional and library media materials selection policy consistent with state law;
- Methods, practices, and materials used for testing, evaluation, and counseling of pupils;
- Facilities;
- Opportunity for participation in athletic programs or activities; and
- School sponsored food service programs under federal law.

Any questions concerning the application of this policy, including application of Title IX, should be directed to the Title IX Coordinator / Compliance Officer, to the Assistant Secretary of the Department of Education, or both.

The individual below, or his or her designee, is designated and authorized to serve as the District's Title IX Coordinator / Compliance Officer:

Kassie McOmer  
Director of Special Education & School Psychologist  
Williams Bay School District  
500 W. Geneva Street Williams Bay, WI 53191  
262-245-1575  
KMcomber@williamsbayschools.org

Students who have been identified as having a disability, under section 504 or the Americans with Disabilities Act (ADA), shall be provided with reasonable accommodations in educational services or programs. Students may be considered as students with disabilities under this policy, even if they are not covered under the District's special education policies and procedures.

The needs of students who are transgender (students whose gender identity is different than their biological sex assigned at birth or who do not conform to gender role stereotypes), will be assessed on an individualized, case-by-case basis in consultation with the student and the student's parents, in the case of a minor. The provisions in this policy applicable to students who are transgender are not meant to be comprehensive or to address every issue or concern that might occur, and the District reserves the right to address these necessary, consistent with District policy.

Generally, a student who identifies himself/herself to be transgender will be permitted to access the segregated restrooms that correspond to the gender identity that the student consistently asserts at school and elsewhere. Any student who does not wish to use the segregated restrooms may be given access to unisex restrooms if such a facility is reasonably available. No student shall be required to use a unisex restroom solely because of the student's transgender or gender nonconforming status.

If a student who is transgender makes any request regarding the use of segregated restrooms, the use of segregated locker rooms, or any similar type of changing area, the request shall be assessed on a case-by-case basis, taking into account all relevant interests of the student, the school district, and other students affected by the request. The district will consider, in addition to all other relevant factors, such things as the ability of the student who is transgender to access the District's physical education curriculum and co-curricular programs, the need to respect the privacy and safety of all students. The physical layout of the facilities, the availability of single access showers and changing areas, and the degree of undress required when changing for the applicable activity.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided (to the extent reasonably available) with a reasonable alternative changing area (for example, a nearby restroom stall with a door, an area separated by a curtain, a physical education teacher's office in the locker room, or a nearby unisex restroom) or provided with an alternative changing schedule. Any alternative arrangement should be provided in a way that gives adequate consideration to relevant privacy concerns.

The guidelines in this policy related to restrooms and changing areas generally assume that a student has a special concern or is in some way uncomfortable with consistently using the facilities that correspond to the biological sex that the student was assigned at birth. However, all students have the option of consistently accessing the facilities that correspond to the biological sex that the student was assigned at birth.

A student who is transgender shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the gender identity that the student consistently asserts at school and in other social environments.

A student who is transgender shall be permitted to participate in interscholastic athletics in a manner consistent with the requirements and policies of the Wisconsin Interscholastic Athletics Association (WIAA).

The District shall provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for accommodations shall be made in writing and approved by the building principal. Accommodations may include, but not necessarily be limited to, exclusion from participation in an activity, alternative assignments, released time from school to participate in religious activities and opportunities to make up work missed due to religious observances. Any accommodations granted under this policy shall be provided to students without prejudicial effect.

Employees of this district are required to comply with the provisions of all state and federal laws prohibiting discrimination, including Title VI of the Civil Rights Act and Title IX of the 1972 Educational Amendments.

Complaints regarding the interpretation or application of this policy shall be referred to the Title IX Coordinator / Compliance Officer and processed in accordance with established procedures.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by email, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator / Compliance Officer. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address list for the Title IX Coordinator / Compliance Officer.

The District will prominently **display** its nondiscrimination policy and contact information for the Title IX Coordinator / Compliance Officer **on the District's website and in each handbook or catalog** that it makes available to applicants for admission (if applicable) and employment; student, parents, or legal guardians of elementary and secondary school students; employees; and unions or professional organizations holding collective bargaining or professional agreements.

The District will provide **notice** of the nondiscrimination policy and the contact information for the Title IX Coordinator to applicants for admission (if applicable) and employment; student, parents, or legal guardians of elementary and secondary school students; employees; and unions or professional organizations holding collective bargaining or professional agreements."

The District will provide **notice** of its **grievance procedure** for Title IX complaints and its **grievance process** for formal complaints for sexual harassment under Title IX to applicants for admission (if applicable) and employment; student, parents, or legal guardians of elementary and secondary school students; employees; and unions or professional organizations holding collective bargaining or professional agreements.

## **Student Discrimination Complaint Procedure**

Any complaint regarding the interpretation or application of the District's equal educational opportunities policies shall be processed in accordance with the following grievance procedure.

1. The District encourages informal resolution of complaints under this procedure by any Student or parent in the District. Informal resolution should be carried out by discussing the complaint with the staff member and/or administrator involved.
2. In the event that the complaint is not satisfied at an informal level, or the Title IX Coordinator / Compliance Officer determines that the informal procedure is not appropriate for a complaint a student or parent the district may file a formal complaint by reporting the complaint in writing to the Title IX Coordinator / Compliance Officer.
  - A. Complaints/appeals relating to the identification, evaluation, educational placement or the provision of a free appropriate public education of a student with a disability must be resolved through procedures established in the District's special education handbook.
  - B. Complaints that the District is violating a federal statute or regulation that applies to a program must be referred directly to the State Superintendent of Public Instruction.
3. The Title IX Coordinator / Compliance Officer, upon receiving such a written complaint, shall immediately undertake an investigation of the complaint. The Title IX Coordinator / Compliance Officer will review with the respective principal, or other appropriate persons, the facts involved in the complaint. Within twenty (20) working 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 complainant.
4. If the complainant is dissatisfied with the decision of the District Administrator, he/she may appeal the decision in writing to the School Board. The Board shall hear the appeal at its next regular meeting, or a special meeting may be called for the purpose of hearing the appeal. The hearing shall take place no more than 30 days from the Board's receipt of the written complaint. The Board shall make its decision in writing within fifteen (15) days after the hearing. Copies of the written decision shall be mailed or delivered to the complainant and the District Administrator.
5. The District shall notify the complainant that he/she may appeal a negative decision in writing to the State Superintendent of Public Instruction and of the procedures for appeal.

The District will provide written acknowledgement of a written complaint within 45 days of receipt of a written complaint.

The District will provide a written determination of the complaint within 90 days of the receipt of the written complaint unless the parties agree to an extension of time.

Any written determination must notify a complainant of the right to appeal a negative determination to the state superintendent and of the procedures for making the appeal.

### **Maintenance of Complaint Records**

Records of all complaints shall be kept for the purpose of documenting compliance and past practices. The records shall include information on all levels of the complaint and any appeals. The records should include:

1. The name of the complainant and his/her status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complainant.
4. The name(s) of the respondents.
5. The levels 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 involved.
7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action taken.

LEGAL REFERENCE: Wisconsin Statutes, 118.13 (Pupil Discrimination Prohibited)  
Wisconsin Administrative Code PI 9, PI 41  
Title IX, Education Amendments of 1972  
Title VI, Civil Rights Act of 1964  
Section 504, Rehabilitation Act of 1973  
Americans with Disabilities Act of 1990  
Individuals with Disabilities Education Act  
Civil Rights Act of 1991  
McKinney – Vento Homeless Education Assistance Act

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