

## STUDENT NONDISCRIMINATION AND EQUAL EDUCATIONAL OPPORTUNITIES

It is the policy of the Rice Lake Area School District, pursuant to s.118.13 of Wisconsin Statutes, and PI9, that no person on the basis of sex, race, religion, age, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, physical, mental, emotional or learning disability, may be denied admission to any school in this District or be denied participation in, denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational, or other program.

In addition, it is the policy of the Rice Lake Area School District that no person on the basis of gender identity or gender expression, be denied admission to any school in this District or be denied participation in, denied the benefits of, or be discriminated against in any curricular, extracurricular, pupil services, recreational, or other program.

Accordingly, the Board of Education prohibits all forms of unlawful discrimination against students, regardless of the legally-protected status or classification that serves as the basis for any prohibited discriminatory conduct, policy, or practice. When based upon a legally-protected status or classification, examples of unlawful and discriminatory acts can include:

1. The denial of admission to any public school;
2. The denial of participation in, equal access to, or the benefits of any curricular, extracurricular, student services, recreational, or other program/activity, including the District's career and technical education opportunities;
3. The discriminatory and inequitable provision of resources among comparable curricular or extracurricular programs; or
4. Any action, policy, or practice, including segregation, bias, stereotyping, or student harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles or rewards based, in whole or in part, on a legally-protected classification or characteristic.

As further required by the Board of Education's policies and/or applicable law:

- The District shall provide all appropriate and legally-required accommodations, educational services, and/or programs for students who have been identified as having a qualifying disability, regardless of the nature or severity of the disability and regardless of whether the student qualifies for the District's special education program. Facilities modifications necessary to provide for appropriate access and participation for persons with disabilities shall be made to the extent required by law.
- The District shall provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. If any such need is not adequately resolved by the application of regular classroom procedures, a student or the student's parent/guardian may submit a written (including via email) request for such an accommodation to the principal of the student's school. Access to and disclosure of such requests is limited as provided under the District's student records policies. The school principal or his/her designee shall approve or deny each such request. Potential accommodations may include, but are

not necessarily limited to, being excused from participation in an activity, alternative assignments, release time from school to participate in religious activities, and opportunities to make up work missed due to religious observances. Any accommodation granted under this paragraph shall be provided to the student without prejudicial effect.

- Children of homeless individuals and unaccompanied youth (youth not in the custody of a parent or guardian) as identified under federal law shall have equal access to the same free, appropriate public education, including comparable services, as those provided to other children and youth who reside in the District. Homeless children and youth shall not be required to attend a separate school or program for homeless children.

This policy shall not be interpreted to prohibit the District from (1) providing special programs or services based on student need, such as gifted and talented programming, special education, school-age parents, bilingual-bicultural programs or services, at risk or alternative programs, and other special programs or services; or (2) placing a student in a school, program, class, or activity based on objective standards of individual need or performance.

Complaints alleging a violation of any aspect of this policy may be filed and shall be processed in accordance with the District's student discrimination complaint procedures, as adopted in connection with Board Policy 113, 114 and this policy. The Director of Pupil Services is authorized to receive any student discrimination complaint, including any complaint arising under Chapter PI 9 (student nondiscrimination under state law) or Chapter PI 41 (accommodation of students' religious beliefs) of the Wisconsin Administrative Code.

Any person who is determined to be responsible for any form of unlawful discrimination, any act of prohibited retaliation, or other violation of a District nondiscrimination policy, including this policy, is subject to appropriate disciplinary action and/or other appropriate consequences that are within the District's lawful authority.

Policy Provisions Incorporated by Reference. The following provisions of Board Policy 113 and 114 which addresses the District's commitment to nondiscrimination across all aspects of the District's programs, activities, and operations, are applicable to this student-focused policy and are incorporated by reference:

- The designation of nondiscrimination coordinators, including the District's Title IX Coordinator(s). Board Policy 113 and 114 provides the direct contact information for the District's nondiscrimination coordinators.
- Procedures under which any person may submit a report, concern, or allegation of prohibited student discrimination or prohibited retaliation to the District.
- Notice that the prohibitions against sex discrimination established by Title IX of the federal Education Amendments of 1972 ("Title IX") and by the regulations set forth in Chapter 106 of Title 34 of the Code of Federal Regulations ("the federal Title IX regulations") apply to the District and extend to protect District students and employees.
- Procedures and conditions under which an individual who is alleged to be the victim of conduct that could constitute sexual harassment under the federal Title IX regulations (i.e., a Title IX "complainant") may file a "formal complaint" of "sexual harassment," as those terms are defined in federal regulations for purposes of Title IX.

- The prohibition that no official, employee, or agent of the District or any other person (including a student) may intimidate, threaten, coerce, or unlawfully discriminate against any individual (1) for the purpose of interfering with any right or privilege secured by any nondiscrimination statute or related regulation, or (2) because the individual has made a report or complaint, or testified, assisted, participated, or exercised a legal right to refuse to participate in any manner in an investigation or proceeding conducted under any District nondiscrimination policy.
- The limitations on the extent to which the District can provide or assure confidentiality, but also the commitment to observe any specific confidentiality requirements established by state or federal law.
- The prohibition against bad faith conduct and abuse of process in connection with any report or complaint of possible discrimination or retaliation.
- The responsibility of the administration to issue/post all required notices related to this policy and to the state and federal laws that prohibit student discrimination.
- The responsibility of the administration to maintain adequate records relating to reports and complaints of discrimination or retaliation.

External Complaints and Proceedings. By following the procedures and timelines established by the applicable non-District entity, complaints of unlawful student discrimination may also be filed externally with the Wisconsin Department of Public Instruction, the Chicago office of the U.S. Department of Education's Office for Civil Rights, or, in appropriate circumstances, with any state or federal court or other agency of competent jurisdiction. Each such external entity independently determines whether a given complaint falls within the entity's scope of authority.

Notices and Published Nondiscrimination Statements. The District Administrator and the District's designated nondiscrimination coordinators shall ensure that notice of this policy and its accompanying complaint procedures is published at the beginning of each school year as a Class 1 legal notice. In addition:

1. A student nondiscrimination statement shall be included in the District's student and employee handbooks, course selection handbooks, and other published materials distributed to the public describing school activities and opportunities;
2. The District's student nondiscrimination complaint procedure shall be included in the District's student and employee handbooks; and
3. The District shall also provide students and parents/guardians of students with notices required under the federal Title IX regulations relating to prohibited sex discrimination.

Evaluation and Reports. The District Administrator and the District's designated nondiscrimination coordinators shall ensure that the District annually prepares a summary compliance report regarding student nondiscrimination and that the District completes an evaluation of the status of nondiscrimination and equality of educational opportunity in the District at least once every five years, as further specified under the regulations of the Department of Public Instruction.

Legal Ref: 118.13 WSS; PI9, PI41 WAC; Federal Laws: 20 U.S.C. §1681 et seq.; 20 U.S.C. §6312(e)(3)(D); 29 U.S.C. §794 et seq.; 42 U.S.C. §6101 et seq.; 42 U.S.C. §2000d et seq.; 42 U.S.C. §11431 et seq.; 42 U.S.C. §12131 et seq.

Cross Ref: 411 Rule Student Discrimination Complaint Procedures; 411 Exhibits (1) Notice of Student Non-discrimination Policy; (2) Discrimination Complaint Form; (3) Notice to Complainant of Right to Appeal; 411.2 Accommodation of Student's Religious Beliefs; 813 Rule Discrimination Complaint Procedures; 830 Use of School Facilities

Adopted: 09/28/87

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