

SCHOOL DISTRICT OF SHOREWOOD

411-Guideline EQUAL EDUCATIONAL OPPORTUNITIES COMPLAINT PROCEDURES

The School District of Shorewood does not discriminate against students on the basis of sex, race, religion, national origin (including limited English proficiency), color, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability in its educational programs or activities. The District also prohibits harassment of students on any of these bases.

The District encourages informal resolution of student discrimination complaints, including harassment complaints, at the building level. However, if any person believes that the District, including but not limited to any employee of the District and/or any other person authorized to act on behalf of the District, has failed to follow state or federal anti-discrimination laws or regulations, or has otherwise unlawfully discriminated against a student on any of the bases listed above, he/she may submit a written complaint to the following address: Director of Instructional Services, Shorewood School District, 1701 East Capitol Drive, Shorewood, WI 53211, (414) 963-6903.

Formal Complaint Procedure

1. A written statement of the complaint shall be prepared and signed by the complainant, parent/guardian or his/her authorized representative. This complaint shall be submitted to the Director of Instruction, who shall send to the complainant a written acknowledgment of receipt of the complaint within 45 days.

The Director of Instruction shall investigate the complaint and shall issue a written determination regarding the merits of the complaint within 90 days.

a. Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a child with a disability shall be processed in accordance with established appeal procedures outlined in the District's special education handbook.

b. Discrimination complaints relating to programs specifically governed by federal law or regulation (e.g., Education Department General Administrative Regulations – "EDGAR" complaints) shall be referred directly to the state superintendent of public instruction.

2. The Director of Instruction, upon receiving such a written complaint, shall immediately undertake an investigation of the alleged violation. The Director of Instruction shall interview all persons as he/she deems necessary and appropriate for purposes of making a determination as to the merits of the complaint. The Director of Instruction 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.

3. If the complainant wishes to appeal the decision of the Director of Instruction, he/she may submit a signed statement of appeal to the Superintendent. The Superintendent shall review the discrimination complaint and the merits of the complaint, make a decision regarding the complaint, and report his/her decision in writing to the complainant and to the Director of Instruction. The decision of the Superintendent shall include a notice to the complainant of his/her right to appeal the determination to the State Superintendent of

Public Instruction.

4. If a complainant wishes to appeal the decision of the Superintendent, he/she has the right to appeal the decision to the state superintendent within 30 days of the Superintendent's decision. In addition, the complainant may appeal directly to the state superintendent if the District has not provided written acknowledgment within 45 days of receipt of the complaint or made a determination within 90 days of receipt of the written complaint. Appeals should be addressed to: State Superintendent, Wisconsin Department of Public Instruction, 125 South Webster Street, P.O. Box 7841, Madison, Wisconsin 53707-7841.

Discrimination complaints regarding federal nondiscrimination law violations (sex, race, color, national origin or disability/handicap) may be made

directly or on appeal with the U.S. Office for Civil Rights - Region V in Chicago.

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 and any other personal information necessary. 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.

APPROVED: July 27, 1987

REVISED: May 24, 1994 June 14, 2011

Name

Address

Telephone

Status of

Date

SCHOOL DISTRICT OF SHOREWOOD

411 Guideline (2)

NONDISCRIMINATION GUIDELINES RELATED TO STUDENTS WHO ARE TRANSGENDER AND STUDENTS NONCONFORMING TO GENDER ROLE STEREOTYPES

The following guidelines relate to students who are transgender and students who do not conform to gender role stereotypes. This guideline serves two important purposes. First, significant portions of the guidelines facilitate compliance with the District's legal obligations. Under many circumstances, an individual's transgender or gender nonconforming status serves as a basis for legal rights and protections. Second, even where specific actions may not be required by applicable law, these guidelines are intended to further the District's local goals concerning the creation and maintenance of positive and supportive environments that appropriately provide for the education, safety, and welfare of all students.

While the guidelines established in this rule provide important direction to District employees, students, school families, and other persons, the guidelines do not anticipate every situation that might occur with respect to students who are transgender or gender nonconforming. When an issue or concern arises that is not adequately addressed by these guidelines, the needs and concerns of each student will be assessed on an individualized basis with consultation with parents/guardians where appropriate.

1. Definitions

The definitions below are not intended to label students but rather to assist in understanding these guidelines and the expectations of staff in complying with District policies and legal requirements. Students might or might not use these terms to describe themselves.

- a. **"Transgender"** describes people whose gender identity is different than their biological sex assigned at birth.
- b. **"Gender identity"** is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity.
- c. **"Gender nonconforming"** describes people whose gender expression differs from stereotypical or prevailing social expectations, such as "feminine" boys or "masculine" girls, or those who are perceived as androgynous.
- d. **"Gender expression"** refers to the way a person expresses gender, such as clothing, hairstyles, activities or mannerisms.

2. Discrimination, Harassment and Bullying

The District prohibits all forms of discrimination against any transgender student or any student who does not conform to gender role stereotypes. Further, existing District policies that prohibit the harassment and bullying of students apply to any such actions that are based on a student's actual or perceived transgender status or gender nonconformity. This includes ensuring that any incident or complaint of discrimination, harassment, or bullying is given prompt attention, including taking appropriate corrective and/or disciplinary action. Complaints alleging discrimination, harassment or bullying based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, harassment, and bullying complaints.

3. Student Privacy, Names and Pronouns, and Official School Records

Certain records and personally-identifiable information related to the student's gender status or biological sex may be protected not only as an education record, but also as a confidential medical or patient health care record. The District further recognizes that a student may have a strong individual interest in maintaining the privacy of his/her transgender status or his/her gender nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality, school personnel with knowledge of any student's transgender status or gender nonconforming presentation are expected to treat that information as being particularly sensitive, even internally among school staff and school officials. District employees are expected to refer any questions they may have about student privacy and possible disclosures of a student's transgender or gender nonconforming status to the Executive Director of Curriculum, Instruction and Pupil Services or designee. The District strongly encourages transgender and gender nonconforming students and their families to maintain ongoing communication with the school employees who are working directly with the student in order to address, among other issues, relevant privacy concerns and privacy preferences.

When referring to students at school and in connection with school activities, school personnel will normally use the student's legal name and the pronouns that correspond to the student's biological sex assigned at birth. However, an adult student or the parent/guardian of a minor student may determine the name and gender pronouns that school employees will use to address the student at school and in connection with school-related activities. A court-ordered name change or medical treatment or medical procedure is not required to initiate such a request. Upon being informed that a student intends to regularly use a particular name and/or prefers to be addressed using particular pronouns that correspond to the student's gender identity, school personnel are expected to respect that decision.

The District's approach of respecting a student's decision to regularly use a name and the pronouns that correspond to the student's gender identity is not a commitment to change all existing school records in order to reflect those preferences. Further, there may be situations where the District is required to use or report the legal name or biological sex of the student as that data is reflected in the District's official records. The extent to which official records of the District are modified will depend on a case-by-case evaluation of the information that the District receives and the type(s) of school records affected by the information that is received. For example, when a student changes his/her legal name and that change is sufficiently substantiated, the District will issue a high school transcript under the student's new legal name.

4. **Restroom and Locker Room Accessibility**

In most cases, a student who is transgender will be permitted to access the men's/women's segregated restrooms that correspond to the gender identity that the student consistently asserts at school and in other social environments. Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided with access to a single-access restroom where such a facility is reasonably available, but no student shall be required to use such a restroom because of the student's transgender or gender nonconforming status.

If a transgender student makes any request regarding the use of locker rooms or any similar type of changing area, the request shall be assessed on a case-by-case basis with the goals of: (a) facilitating the transgender student's access to the District's physical education curriculum and other relevant programs; (b) ensuring adequate student privacy and safety; and (c) minimizing stigmatization of the transgender student. The physical layout of the facility and the degree of undress required when changing for the applicable activity are examples of factors that will be considered in making the arrangements. There is no absolute rule that, in all cases, will require a transgender student to access and use only the locker rooms and other changing areas that correspond to the biological sex that the student was assigned at birth.

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 single-access 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.

These guidelines 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. Accordingly, the District's willingness to address individualized concerns and requests that relate to restroom and changing area access does not mean that any student is required to establish an individualized arrangement or plan with the school.

5. **Participation in Physical Education Classes and Sports Activities**

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 regularly asserts at school and in other social environments.

Students who are 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).

6. **Dress Codes**

Within the constraints of the District's dress code policy and dress codes adopted by the school, students may dress in accordance with their gender identity. School personnel shall not enforce a dress code more strictly against transgender and gender nonconforming students than other students.

CROSS REF.: 341.31, Human Growth and Development Instruction
 347 Guideline, Guidelines and Confidentiality of Student Records
 411.1, Student Harassment
 443.1, Student Dress
 443.71, Bullying
 WIAA Transgender Athlete Policy

REVIEWED: February 25, 2014

SCHOOL DISTRICT OF SHOREWOOD

411-Exhibit(1) DISCRIMINATION/HARASSMENT COMPLAINT FORM

(City)

(Zip)

(Street)

(Primary) person filing complaint: Student Employee

Parent or Guardian Other:

Filing complaint alleging discrimination/harassment on the basis of:

Statement of complaint (include type of discrimination or harassment charged and the specific incident(s) in which it occurred). Use additional pages if necessary.

Signature of complainant:

Date complainant filed this form with the Director of Instructional Services:

Signature and Date of person receiving the complaint:

REVIEWED: June 14, 2011

(School or Work Location)

SCHOOL DISTRICT OF SHOREWOOD

NOTIFICATION OF RIGHT TO APPEAL STUDENT DISCRIMINATION COMPLAINT

I have received written determination by the District Superintendent of my complaint alleging violation of section 118.13 of the Wisconsin Statutes (the student nondiscrimination law). I understand that I have the right to appeal a negative determination to the state superintendent of public instruction within 30 days of receipt of the District's Superintendent decision and that to make such an appeal I would contact the following:

Complaint Officer/Pupil Nondiscrimination Wisconsin Department of Public Instruction
125 South Webster Street P.O. Box 7841 Madison, WI 53707-7841

Signature of complainant

Date

Distribution: 1st copy – Director of Instruction 2nd copy - Complainant

APPROVED: July 27, 1987

REVISED: May 24, 1994 June 14, 2011

411-Exhibit(2)

SCHOOL DISTRICT OF SHOREWOOD

STUDENT NONDISCRIMINATION STATEMENT FOR HANDBOOKS AND OTHER DISTRICT PUBLISHED MATERIALS

The following statement shall be included in staff and student handbooks, course selection handbooks, and other published materials distributed to the public describing school activities and opportunities:

The School District of Shorewood does not discriminate against students on the basis of sex, race, religion, national origin (including limited English proficiency), ancestry, creed, color, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability in its educational programs or activities.

APPROVED: July 26, 1987

REVISED: May 24, 1994 May 21, 2001

June 14, 2011

411-Exhibit(3)

SCHOOL DISTRICT OF SHOREWOOD

PUBLIC NOTICE OF EQUAL EDUCATIONAL OPPORTUNITIES POLICY

The following notice shall be published annually in the regional newspaper (one insertion) that covers the District, posted on the District's website, and posted in various locations throughout the District

It is the policy of the School District of Shorewood that no person be denied admission to any public school in this District or be denied participation in, be denied the benefits of, or be discriminated against in any curricular, extracurricular, student service, recreational, or other program or activity because of the person's sex, race, religion, national origin (including limited English proficiency), ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability as required by section 118.13 of the Wisconsin Statutes. This policy also prohibits discrimination as defined by Title IX of the Education Amendments of 1972 (sex), Title VI of the Civil Rights Act of 1964 (race, color, national origin), Section 504 of the Rehabilitation Act of 1973 (handicap), and the Americans with Disabilities Act of 1990 (disability).

All District career and technical education opportunities will be offered to students on a nondiscriminatory basis (without regard to race, color, national origin, sex, disability, etc). Information regarding such program offerings and admission criteria is included in the Curriculum Handbook, which is posted on the District's website, www.shorewoodschools.org and

available upon request from the Student Support Services.

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

411-Exhibit(4)

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 and shall not be stigmatized by school personnel.

The District shall provide appropriate educational services and/or programs for students who have been identified as having a disability, regardless of the nature or severity of the disability, and shall make school facilities accessible to all such students. Reasonable accommodations shall be made for students with disabilities in accordance with legal requirements. The District shall also provide for the reasonable accommodation of a student's sincerely held religious beliefs with regard to examinations and other academic requirements. Requests for religious accommodations shall be made in writing and approved by the building principal.

The District encourages informal resolution of discrimination complaints, including harassment complaints, under this policy. A formal complaint procedure is available to address allegations of violations of the District's policy.

Any questions concerning this policy, or policy compliance, should be directed to:

Director of Instruction School District of Shorewood 1701 E. Capitol Drive Shorewood, WI 53211 (414) 963-6903

APPROVED: July 27, 1987

REVISED: May 24, 1994 May 21, 2001

June 14, 2011 December 7, 2011