



Book	Policy Manual
Section	400 Series: Students
Title	Rule: Student Discrimination Complaint Procedures
Code	411 Equal Educational Opportunities
Status	Active
Adopted	January 15, 2020

If any person believes that the Almond-Bancroft School District has inadequately complied with section 118.13 of the state statutes and the statute's implementing regulations or any of the federal nondiscrimination laws (including but not limited to Title VI, Title IX, Section 504, and the Americans with Disabilities Act), or if any person believes that a student has in some other way been unlawfully discriminated against on the basis of sex, sexual orientation, race, color, national origin, ancestry, religion, creed, age, pregnancy, parental or marital status, any physical, learning, mental or emotional disability, or any other legally-protected status or classification, then the person may attempt to resolve his/her complaint or concern by using either, or both of (1) the District's informal dispute resolution options; or (2) the District's formal complaint procedure, as further defined in this rule.

These complaint procedures, excluding the option of an appeal to the Department of Public Instruction (DPI) unless separately provided for by DPI, may also be used to address other types of student-related complaints to the extent authorized by any Board policy or rule.

Any person presenting a report or complaint under these procedures who has concerns about safety or retaliation should discuss those concerns with the designated compliance officer as early as possible in the process — preferably at or even prior to the time that the detailed report or complaint is made.

In conjunction with the District's receipt of notice of any report or complaint of alleged discrimination or retaliation under these procedures, the District shall consider (and the complainant may affirmatively request consideration of) any interim measures that should be taken before the final outcome of an investigation (e.g., safety planning or other steps needed to protect the complainant and ensure equal access to the District's education programs and activities).

A. OPTIONS AND PROCEDURES FOR INFORMAL RESOLUTION

The District strongly encourages, but does not require, the informal resolution of complaints and concerns regarding the implementation and monitoring of the laws, regulations, and local policies that facilitate the provision of equal educational opportunities and that prohibit discrimination. To pursue informal means of resolving a complaint, a person may contact either the appropriate building principal or *the* Special Education Director at the following office location:

James Highfield, 6-12 Principal
Almond-Bancroft School District
1336 Elm St.
Almond, WI 54909
715-366-2941 x414
jhighfield@abschools.k12.wi.us

Lyndsey Larkin, 4K-5 Principal/Special Education Director
Almond-Bancroft School District

1336 Elm St.
Almond, WI 54909
715-366-2941 x123
llarkin@abschools.k12.wi.us

In contacting the District to initiate an informal process, it will be very helpful if the individual contacting the District expressly states (1) that they would like to explore informal means of resolving a complaint or concern prior to initiating a formal complaint; and (2) that their complaint or concern involves a potential violation of particular laws or District policies.

Informal methods for attempting to resolve a complaint or concern may include the scheduling of meetings among relevant parties; meetings or communications mediated by an administrator or other individual selected by the District who was not directly involved in the issue; or, following a presentation and initial assessment of the issue(s), the offering of one or more options for changes to be made in the relevant circumstances.

B. FORMAL DISCRIMINATION COMPLAINT PROCEDURES

1. Any aggrieved person who is dissatisfied with the outcome of his/her prior attempts to resolve a complaint or concern arising under the state or federal laws identified in this rule, or under the Board's equal educational opportunities and student nondiscrimination policy, may file a formal, written complaint. Such complaints shall be filed directly with the office of the Guidance Counselor who serves as the District's designated coordinator for Title IX, Section 504, the Americans with Disabilities Act, and the Age Discrimination Act, and as the District's designated nondiscrimination and equal opportunities compliance officer for all student and other non-employment-related matters. The Compliance Officer's contact information is as follows:

Lyndsey Larkin, 4K-5 Principal/Special Education Director
Almond-Bancroft School District
1336 Elm St.
Almond, WI 54909
715-366-2941 x123
llarkin@abschools.k12.wi.us

2. Upon receiving such a complaint, the Compliance Officer shall initially issue an acknowledgment of receipt, determine whether the issues presented are properly amenable to resolution through the student discrimination complaint procedures, and, if so, undertake or arrange for an investigation of the issues raised by the complaint.
 - a. Receipt of the complaint shall be acknowledged on or before 21 days of the District's receipt of the complaint.
 - b. If the Compliance Officer determines after obtaining the approval of the District Administrator, that the complaint does not present an issue that can be addressed through this complaint procedure, then the District may re-direct the complaint to another internal procedure, to the extent applicable. Within fifteen (15) days of receiving notice of a decision that the complaint is not amenable to resolution through these procedures, the complainant may request that the District Administrator reconsider that determination; and, upon receiving any adverse response to the request for reconsideration, the complainant may appeal the determination to the Department of Public Instruction within thirty (30) days, as further identified below.
 - c. Any investigation shall be conducted by a person who the District determines is not identified within the complaint as a party who is allegedly responsible for, or who was directly involved in, the underlying issue or incident.
 - d. In all cases, the investigator shall speak or correspond personally with the complainant in order to provide an opportunity for the complainant to provide such information and other evidence as the complainant wishes to present.
3. Following the investigation, the Compliance Officer shall determine the administrative resolution of the complaint, determine the action to be taken in connection with the resolution, if any, and, in a manner consistent with applicable student records laws, issue a written determination to the complainant and any other appropriate parties indicating the extent to which the complaint was or was not substantiated and including such other information as may be appropriate under the

circumstances.

4. Generally, the administrative resolution will be reported to the complainant and other appropriate parties within sixty (60) calendar days of the District's receipt of the complaint. More complex issues may take up to ninety (90) calendar days to resolve. If such additional time is needed, the administrator who is managing the complaint process is encouraged to keep the actual parties of interest to the complaint (including any alleged victim/target or any alleged responsible party) apprised of the status of the complaint. The District and the parties involved may mutually agree to a further extension of the 90-day time period.
5. If any actual party in interest to the complaint is dissatisfied with the administrative resolution of the complaint, he/she may file a request within ten (10) days of receipt of the administrative resolution asking the District Administrator to review the file and reconsider the resolution.
 - a. If the party in interest to the complaint requests reconsideration, he/she shall identify the basis for the request with reasonably specificity. The District Administrator shall issue a decision on reconsideration within thirty (30) days of the District Administrator's receipt of the request, and that decision is then subject to appeal, by the complainant, to the DPI as the District's final action on the complaint. Appeals to DPI may be mailed to the Department of Public Instruction, Equal Educational Opportunity Office, P.O. Box 7841, Madison, WI 53707.
 - b. Any appeal to DPI must be filed within thirty (30) days of the date of the school District's final action on the complaint.

Deadlines identified in the above complaint processing procedures, excluding the deadlines applicable to appeals to DPI, may be extended by mutual agreement between the District and the parties involved.

C. DEADLINE FOR THE INITIAL FILING OF A COMPLAINT

There is no absolute deadline for the initial filing of a complaint under these procedures. The District always has an interest in being made aware of potential concerns with student discrimination and other student issues permitted to be raised through these complaint procedures. However, a person with a complaint or concern involving a student matter is encouraged to notify the District of the issue or to file a formal complaint as soon as reasonably possible after the occurrence of the relevant events. Any gap in filing or otherwise pursuing a complaint or concern can affect the extent to which it is practical to investigate the matter, and a delay may also limit the range of possible remedies and resolutions that are reasonably available. Notwithstanding the lack of a single, fixed deadline, the District Administrator shall have authority to determine that any complaint that is filed more than 300 days after the occurrence of the incident in question, or after the last occurrence of an ongoing/recurring incident of alleged discrimination, will not be processed through these procedures for lack of timeliness (although the District Administrator may follow-up on the issues presented through other means if appropriate). A decision that the complaint is untimely (or any other dismissal of a complaint prior to issuing the resolution identified in Section B-3 above—such as dismissal for egregious abuse of process) is subject to the reconsideration and appeal steps identified in Section B-2(b) above.

Complainants should also be aware that courts and external agencies may have specific filing or notice deadlines that are tied to the date of the alleged violation, rather than the date that a party initiates or completes any District-established complaint process.

D. SPECIAL PROCEDURE FOR COMPLAINTS INVOLVING THE DESIGNATED FILING OFFICER

In the event that a complaint to be filed under these procedures concerns the actions of or decisions made directly by the filing officer designated in Section B-1 of the above-listed procedures, the complainant may instead file the complaint in writing at the District's main administrative office, directed to the attention of the District Administrator, who shall adjust the roles performed in the process so that the filing officer is neither managing, investigating, nor determining the District's administrative response to the complaint.

E. SPECIAL PROCEDURE FOR COMPLAINTS INVOLVING THE DISTRICT ADMINISTRATOR

In the event that a complaint to be filed under these procedures concerns the actions of or decisions made directly by the District Administrator, the complainant may file the complaint in writing at the District's main administrative office, directed to the attention of the Board President, who shall work with District legal counsel in order to process the complaint. If the Board President and District legal counsel determine that the District Administrator may not be sufficiently impartial, or that it is in the best interests of the

District to avoid the appearance of any such partiality, then the Board President, with notice to the other members of the Board, shall designate District legal counsel or another non-employee investigator as the complaint manager for purposes of processing and investigating the complaint up to the point of reaching and issuing a resolution on the complaint. After completion of the investigation in such a case, the Board shall meet and assess the findings and outcome of the investigation, make and issue the resolution of the complaint, and perform the role of the District Administrator in steps 3 through 5 in Section B above.

F. SPECIAL PROCEDURES FOR COMPLAINTS WHERE A PROPOSED ADMINISTRATIVE RESOLUTION REQUIRES A CHANGE IN BOARD POLICY OR INVOLVES THE PAYMENT OF DISTRICT FUNDS

In the event that the District determines at any stage of processing the complaint that the most appropriate resolution of a complaint requires either a change in Board policy or any payment of District funds to a complainant or other aggrieved person, the District Administrator shall present the complaint, the investigative findings, and the proposed resolution to the Board. The Board shall then determine and issue the resolution that is required in Section B-3 and 4 of the procedures listed above. To the extent the Board issues the resolution required in Section B-3 and 4, the Board shall respond to any request for reconsideration of that resolution that may be submitted under Section B-5.

G. VOLUNTARY WITHDRAWAL OF A COMPLAINT

Where the complainant voluntarily withdraws a complaint due to a satisfactory resolution of the issues, mootness, or any other reason, the District is not required to continue to process the complaint. However, in certain circumstances, the District may choose to continue to follow-up on issues or concerns identified in the withdrawn complaint through other means or processes.

H. FILING COMPLAINTS WITH THE OFFICE FOR CIVIL RIGHTS OF THE U.S. DEPARTMENT OF EDUCATION AND OTHER EXTERNAL AGENCIES OR THE COURTS

Nothing within these locally-established complaint resolution procedures shall preclude individuals from filing a discrimination complaint or request for enforcement directly with the U.S. Department of Education's Office of Civil Rights ("OCR"), as authorized by federal law. Such complaints may be made to:

Chicago Office
Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
FAX: 312-730-1576 TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

A complaint or suit may also be filed with another external governmental agency or court. Such agencies and courts independently determine the extent to which any given complaint falls within their realm of authority. Such actions may be taken in lieu of or in addition to filing a complaint under the District's local procedures.

I. CONFIDENTIALITY

Complainants who have specific concerns about confidentiality in connection with a complaint should arrange to discuss those concerns at the time they file their complaint.

The District cannot assure complainants or other aggrieved parties or alleged victims that a complaint can be processed without disclosing the identity of persons involved in the events/issues to the extent reasonably necessary to investigate and process the complaint. For example, in most cases, it is not possible to fully process and investigate a complaint without revealing the identity of the person(s) who has filed the complaint to individuals being questioned about the issues/events identified in the complaint.

All complainants are given further notice by this section that, in some situations, the allegations of a complaint will compel an investigation or other follow-up activity by the District in a manner that necessitates the direct or indirect disclosure of the identity of a complainant against his/her wishes, even when the complainant seeks to "withdraw" the complaint.

At the same time, it would be wholly inappropriate for District employees who may be involved in the complaint resolution process to violate the confidentiality of protected information, such as student records, at any point in the complaint resolution process, or to engage in any gratuitous or unnecessary

discussion of the complaint with third parties. District policy also prohibits District employees, other agents of the District, and students who are involved in the complaint resolution process from engaging in acts of harassment or retaliation against any aggrieved party, complainant, or other person involved in the complaint resolution process. Any violations of the District's conduct expectations related to the complaint resolution process subject the violator to appropriate disciplinary action.

The District will also carefully assess its legal obligations under the public records law before the District would disclose any sensitive and personally-identifiable complaint-related information in response to a request for records.

An example of a complaint that may be able to be processed without regard to the identity of the complainant is a complaint that raises a question as to the legality of a District-wide or school-wide policy or practice of general applicability that affects many students, and that can be adequately assessed without reference to any particular student, family, or incident.

J. **SEPARATE COMPLAINT PROCEDURE – SPECIAL EDUCATION**

Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability shall be processed in accordance with established appeal procedures outlined in the District's Special Education Handbook, or as outlined in the District's Section 504 Handbook, as may be applicable.

Cross Reference

WASB PRG 411 Sample Rule 3