

## 411R EQUAL EDUCATIONAL OPPORTUNITIES FOR STUDENTS: PROCEDURES

Any complaint regarding the interpretation or application of the District's Equal Educational Opportunities policy shall be processed in accordance with the following procedures:

1. Any student, parent or resident of the District complaining of discrimination on the basis of sex, race, color, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, handicap or physical, mental, emotional or learning disability in school programs or activities shall report the concern to the Director of Special Education & Human Resources. The Director of Special Education & Human Resources will make every attempt to work with the individual(s) informally to find a satisfactory solution to the concern.
2. If the student, parent, or resident is not satisfied with the informal resolution, he/she may report the complaint in writing to the Superintendent at the address cited below. To the fullest extent possible, the Superintendent and the District will keep complaints and the terms of their resolution confidential.
  - a. Discrimination complaints relating to the identification, evaluation, educational placement or the provision of free appropriate public education of a student with a disability (*special education, 504 or other type of disability*) shall be processed in accordance with established appeal procedures outlined in the District's Special Education Policy and Procedures Manual. A copy of the applicable procedures from the manual shall be provided to the grievant upon request.
  - b. If discrimination complaints relating to programs specifically governed by federal law or regulation (e.g., EDGAR complaints) cannot be solved locally, they shall be referred directly to the State Superintendent of Public Instruction.
  - c. Student harassment complaints shall be processed in accordance with the District's procedures for handling student harassment complaints (411.1-Rule).
3. The Superintendent, upon receipt of the written complaint, shall immediately undertake an investigation of the suspected infraction. He/she will review with the building principal, and/or other appropriate persons, the facts comprising the alleged discrimination. Within 30 days after receiving the complaint, the Superintendent 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 grievant. The decision of the Superintendent shall include a notice to the grievant of his/her right to appeal the determination to the School Board.
4. If the grievant is dissatisfied with the decision of the Superintendent, he/she may appeal the decision in writing to the School Board within 10 days of the Superintendent's decision. The School Board shall hear the appeal at one of its next regular meetings or at special meeting called for the purpose of hearing the appeal. With advice from legal counsel if needed, the School Board will determine whether a closed or open session to hear the complaint is warranted. In either case, the School Board will make every effort to hear the appeal within 30 days of receipt of the complaint.
5. The School Board shall make its decision in writing within 30 days after the hearing. Copies of the written decision shall be mailed or delivered to all parties involved. The decision of the Board shall include a notice to the grievant of his/her right to appeal the determination to the State Superintendent of Public Instruction.
6. If the grievant is dissatisfied with the School Board's decision, he/she may within 30 days appeal the decision, in writing, to the State Superintendent of Public Instruction.

Copies of these complaint procedures shall be included in staff and student handbooks.

### Maintenance of Complaint Records

The maintenance of complaint records is recommended for the purpose of documenting compliance. To the fullest extent possible by law, these records will remain confidential. Records should be kept for each complaint filed and, at a minimum, should include:

1. The name and address of the grievant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the grievant.
4. The name and address 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 determination of the facts, statement of the final resolution, and the nature and date(s) of any corrective or remedial action taken.

### Contact Information

Any questions or concerns related to students with disabilities should go to the Superintendent of Schools whose office is located in the District Office as noted below:

Whitnall School District  
Superintendent of Schools  
5000 South 116<sup>th</sup> Street  
Greenfield, WI 53228  
(414) 525-8411

### CROSS REF.:

Special Education Policy and Procedure Manual  
School and Employee Handbooks

### REVISED:

January 2005; February 2005, February 2008, August, 2010