

Wisconsin Pupil Nondiscrimination Updates

State Superintendent's Conference on Special Education and Pupil Services Leadership Issues

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Paul Sherman, School Administration Consultant, Special Education Team

Annual Report as Required by PI 9.07(2)

School Year 2021-22 Results:

Protected Class/Basis of Complaint	2021-2022 School Year
Ancestry	20
Disability	318
Pregnancy, Marital or Marital Status	10
National Origin	51
Race	1029
Religion/Creed	36
Sex	1083
Sexual Orientation	649
TOTAL	3196

2022-23 Annual Pupil Nondiscrimination Report is Due December 22, 2023.

- Complaints received July 1, 2022, through June 30, 2023
- More information: <https://dpi.wi.gov/sped/pupil-nondiscrimination/pi9-07>

Self-Evaluation as Required by PI 9.06

Self-Evaluation Assurance (PI-1198) due December 31, 2023.

- Notice provided in March 31, 2023 Administrators' bi-weekly mailing.
- All school districts must complete this year.
- More information: <https://dpi.wi.gov/sped/pupil-nondiscrimination/self-evaluation>

To meet the five-year evaluation and reporting requirements, districts must evaluate the status of nondiscrimination and equality of educational opportunity in the following eight areas:

- School board policies and administrative procedures.
- Enrollment trends in classes and programs.

- Methods, practices, curriculum and materials used in instruction, counseling, and pupil assessment and testing.
- Trends and patterns of disciplinary actions, including suspensions, expulsions, and handling of pupil harassment.
- Participation trends and patterns and school district support of athletic, extracurricular and recreational activities.
- Trends and patterns in awarding scholarships and other forms of recognition and achievement provided or administered by the district.
- School district efforts to achieve equality of educational opportunity and nondiscrimination.
- School district technology, including electronic communications by school district staff.

During the self-evaluation, the district must provide an opportunity for participation by pupils, teachers, administrators, parents/guardians and residents of the school district. In addition, the district must prepare a written report of the evaluation which shall be available for examination by residents of the school district.

Wisconsin Pupil Discrimination Appeals Findings

Four pupil discrimination appeals have been filed with the department since October 2022.

22-PDA-01

Parent requested a religious exemption to the district's mask policy. DPI affirmed district's denial of the requested exemption. No evidence that animosity towards religion was the basis for the policy, and district's refusal to grant an exception to the mask requirement was based on protection of health and safety of persons in district facilities. DPI's decision affirmed on circuit court review.

22-PDA-03

Parent asserted the district had applied the "close contact" provisions of its COVID-19 in a racially discriminatory manner. DPI affirmed district's finding of no discrimination.

22-PDA-05

Parent filed complaint with district alleging bullying of a student by a classmate. District finds no discrimination. DPI affirmed district's determination; the investigation was appropriate, the use of an independent investigator was not prejudicial, and the evidence supported the district's conclusion that the student was not bullied or harassed based on disability.

22-PDA-07

The district determined a student was bullied but not on the basis of physical disability. DPI found district staff failed to comply with requirements to report harassment to compliance

officer, compliance officer did not follow policy with respect to investigation, evidence did not support district's conclusion that harassment was not based on disability. Corrective action ordered.

22-PDA-08

District determined evidence did not support a finding of sexual harassment under the severe, pervasive, and persistent standard. DPI affirmed the district's investigation process and conclusions.

22-PDA-09

Parent alleges student to student harassment on the basis of creed, identity, mental health, and sexuality. District investigation concludes that inappropriate conduct had occurred but the conduct in question was not based on the student's membership in a protected class. DPI affirmed; threatening or harassing comments not widespread, student not a member of a protected class.

22-PDA-10

District concluded student was not disciplined more harshly than students without disabilities. DPI affirmed; district followed policy in conducting the investigation, and evidence shows similarly situated students received equivalent disciplinary consequences.

OCR Resolutions

OCR Case No. 05-22-1029

Student misgendered by school staff and classmates. OCR concluded that district did not respond appropriately to the reported harassment and that staff lacked adequate training on district nondiscrimination policies and procedures.