

## NONDISCRIMINATION GRIEVANCE PROCEDURE

For purposes of compliance with these acts, the Director of Student Services is designated as Compliance Officer for 118.13, Wis. Stats., Title IX of the Education Amendments of 1972 (sex), Title VI of the Civil Rights Act of 1964 (race and national origin), Title II of the Americans With Disabilities Act, and Section 504 (handicapping conditions).

Director of Student Services  
School District of New Berlin  
4333 S. Sunnyslope Road  
New Berlin, WI 53151  
Telephone: 262-789-6200

The role of compliance officer is to receive and investigate complaints initiated by any person eligible to file such complaint in respect to questions of compliance with the above-mentioned statutes and laws.

This Grievance Procedure shall be utilized in all situations of alleged discrimination, with the following exceptions:

- Discrimination complaints related to the identification, evaluation, educational placement, or the provision of a free appropriate public education of a child with an exceptional educational need shall be resolved as outlined in the Department of Public Instruction Model Special Education Policy and Procedure Document (Board Policy #6190).
- Discrimination complaints relating to programs specifically governed by federal law or regulation, commonly referred to as EDGAR complaints, shall be referred directly to the State Superintendent.

In compliance with the above-mentioned statutes and laws, a Grievance Procedure for the handling of bonafide written complaints is hereby approved by the School Board as follows:

- I.
  - A. Anyone believing that he/she has been discriminated against contrary to the provisions of s. 118.13, Wis. Stats., Title IX, Title VI, Title II of the ADA, and/or Section 504, should discuss his/her concern with the Compliance Officer. If the concern is not informally resolved at this level, the complainant must file a written complaint with the Compliance Officer. The written complaint must outline the specific circumstances and violations along with the remedy desired. The complainant will receive written acknowledgement of his or her written complaint no later than 45 days after the Compliance Officer receives the complaint.
  - B. Such complaint or grievance should be delivered to the appropriate unit administrator, whose responsibility will be to investigate and confer with the complainant, seeking to resolve any misunderstanding or misinterpretations which might be the basis of such complaint. The unit administrator will be expected to respond, in writing, to such complaint within ten (10) working days following the final conference with the complainant.
  - C. (For complaints involving Section 504 issues only.) If the complaint is not satisfactorily resolved through steps A and B, the complainant must forward their written complaint or grievance to the Superintendent within ten days of the receipt of the answer from the unit administrator. The Superintendent will appoint a hearing officer within 5 working days of receipt of the written complaint.

The hearing officer will conduct a hearing regarding the grievance within 15 working days of appointment. The hearing officer shall give the parent, student, or employee full and fair opportunity to present evidence relevant to the issues raised under the grievance. The parent,

student, or employee may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present his/her written decision to the Superintendent and complainant within 10 working days of the hearing.

- D. Should the complaint or grievance not be resolved at the unit level or through a 504 hearing, it must be forwarded, in writing, to the Superintendent of Schools within ten (10) days of the receipt of the answer from the unit administrator or the 504 hearing officer. The Superintendent of Schools or his/her designee will conduct appropriate investigations and conferences attempting to resolve the issues at this level, and will have ten (10) days to respond in writing following the last investigative conference.
- E. If such answer is not satisfactory to the complainant or grievant, such complaint should be forwarded within fifteen days of the receipt of the answer from the Superintendent of Schools to the School Board, which shall have thirty days from the time of receipt of such forwarding in which to conduct investigations and conferences and to file a final answer with the complainant. In any case, the School Board shall make its final decision regarding the complaint within 90 days of the date the written complaint was received by the Compliance Officer.

II. SPECIAL NOTICE TO: ALL RESIDENTS, EMPLOYEES AND STUDENTS OF THE SCHOOL DISTRICT OF NEW BERLIN, CITY OF NEW BERLIN:

It is the policy of the School District of New Berlin that no person may 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 available curricula, extracurricular, pupil service, recreational, or other program or activity because of the person's sex, race, color, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, emotional, or learning disability or handicap as required by s. 118.13, Wis. Stats. 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 and national origin), Title II of the Americans with Disabilities Act and Section 504 (handicap) of the Rehabilitation Act of 1973.

The District encourages informal resolution of complaints under this policy. A formal complaint resolution form is available, however, to address allegations of violations of the policy in the School District of New Berlin. Any questions concerning s. 118.13, Wis. Stats., Title VI of the Civil Rights Act of 1964 (race and national origin), Title IX of the Education Amendments of 1972, (sex), Title II of the Americans with Disabilities Act, or Section 504 of the Rehabilitation Act of 1973, (handicapping conditions), should be directed to the:

Director of Student Services  
School District of New Berlin  
4333 S. Sunnyslope Road  
New Berlin, WI 53151  
Telephone: 262-789-6200

Adopted: March, 1996  
Revised: 6/27/11  
8/10/15