

WISCONSIN STATUTE PROHIBITS DISCRIMINATION IN OUR SCHOOLS

S.118.13, Wis. Stats., was passed by the Legislature in July 1985. Administrative rules went into effect on November 1, 1987. The statute and its administrative rules prohibit discrimination against K-12 pupils in the public schools on the basis of:

- sex
- race
- religion
- national origin (dominant language other than English)
- ancestry
- creed
- pregnancy
- marital or parental status
- sexual orientation
- physical, mental, emotional, or learning disability.

The discrimination prohibition applies to:

- curricular programs
- extracurricular programs
- pupil services
- recreational programs sponsored by the school board, on or off school property
- or other program or activity.

Discrimination is defined as "any action, policy, or practice (including bias, stereotyping, and pupil harassment) which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, roles, or rewards, based in whole or in part on "the protected categories listed above," . . . or which perpetuates the effect of past discrimination."

Bias means an inclination for or against a person or group of persons, based in whole or in part on the protected categories above, which inhibits impartial or objective judgment affecting pupils.

Stereotyping means "attributing behaviors, abilities, interests, values, and roles to a person" based on the protected categories.

Harassment means behavior toward pupils based on the protected categories, "which substantially interferes with a pupil's school performance or creates an intimidating, hostile, or offensive school environment."

In a 1989 addition to the statute, the Legislature attached a fine of not more than \$1000 that may be levied against "any public school official, employee, or teacher who intentionally engages in conduct, which discriminates against a pupil or "causes a person to be denied rights, benefits, or privileges" in violation of this statute and its rule.

Local school boards are to:

- develop policies prohibiting discrimination (see below *)
- designate an employee of the school district to receive complaints

In this district, that person is:

Name:

Phone:

Address:

- establish a procedure for receiving and resolving complaints
- provide public notice of school policies on pupil nondiscrimination
- include a general pupil nondiscrimination statement in pupil and staff handbooks, course selection handbooks, and other published materials distributed to the public describing school activities and opportunities
- evaluate status of nondiscrimination and equality of educational opportunity in the school district at least once every five years, sending the five-year report to the Department of Public Instruction
Evaluation includes: school board policies and 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; school district efforts to achieve educational opportunity and nondiscrimination.
- submit a one-page compliance report to DPI annually on August 1.

* Policies

- A district must adopt and disseminate a general policy prohibiting discrimination under this statute.
- A district must add a statement of nondiscrimination to existing policies concerning:
 - admission to school, class, program, or activity
 - rules of behavior
 - disciplinary actions
 - gifts, bequests, scholarships, and other aids, benefits, or services to pupils from private agencies, organizations, or persons
 - instructional and library and media evaluation and selection policies
 - methods, practices, and materials used for testing, evaluating, and counseling pupils
 - facilities (which does not prohibit separate locker rooms, showers, and toilets for males and females, but the separate facilities must be comparable)
 - opportunity for participation in athletic programs or activities
 - school-sponsored food service.