

# **Five-Year Self-Evaluation on the Status of Pupil Nondiscrimination & Educational Equity**

**Evaluation report due April 1, 2017**

## **Oostburg School District**

**Approved by the Oostburg School Board on  
*March 15<sup>th</sup>, 2017***

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The self-evaluation required by PI 9.06, Wis. Admin. Code, is more than simply a legal requirement. It is an invaluable tool that can be used to strengthen our commitment and efforts to foster equitable and successful schools for all students.

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## **Section I - General Overview of PI-9 Pupil Nondiscrimination**

### **Introduction to the Pupil Nondiscrimination Self Evaluation**

(Source - DPI website: <http://dpi.wi.gov/sped/pndselfeval.html>)

The pupil nondiscrimination program provides technical assistance to local school districts, parents and school district residents on matters relating to nondiscrimination and equality of educational opportunity under state law and related federal laws, and the pupil discrimination complaint and appeal process under state law and rules. (Section 118.13, Wis. Stats. and PI 9, Wis. Admin. Code). The pupil nondiscrimination program also assists the State Superintendent resolve appeals of local school district decisions on pupil discrimination complaints.

### **History of Wisconsin's Pupil Nondiscrimination Law**

Wisconsin has a strong and longstanding commitment to providing equitable education for all pupils. When the Wisconsin Constitution was adopted in 1848, it called for tuition free schools open to all pupils of all races and religious beliefs. In 1949, it became illegal for a school board to exclude any pupil from public school based on religion, nationality, color, or race or to maintain separate schools to achieve exclusion. This act, created in 1949, was Wisconsin's initial pupil nondiscrimination law.

In 1975, this law was revised in response to the implementation of several federal laws. These federal laws included the Federal Civil Rights Act of 1964 that prohibits discrimination on the basis of race, color, or national origin, Title IX of the Education Amendments of 1972 that prohibits discrimination on the basis of sex, and Section 504 of the Rehabilitation Act of 1973 that prohibits discrimination on the basis of disability.

Based on these federal statutes, Wisconsin's state law was revised in order to expand its coverage and to protect additional groups. Specifically, sex, physical condition, and developmental disability were added as protected categories, and discrimination was further prohibited in "obtaining the advantages, privileges and courses of study in public schools throughout the state." In 1983, a provision was added to require school districts to make program modifications and services available to pregnant and school-age mothers to enable them to continue their education.

The 1985 budget bill, Act 29, repealed this law, and created s. 118.13, Stats., in its current form. The new statute required the state superintendent to promulgate administrative rules, which became effective in 1987. These rules established procedures and enforcement mechanisms for compliance with Wisconsin's pupil nondiscrimination law. Wisconsin's nondiscrimination law has remained primarily unmodified since the promulgation of the rules. The only significant revisions occurred in 1991 with the addition of "religion" as a protected class and in 2006 with the amendment to exclude single-sex classes and schools from the general prohibition against discrimination.

## Wisconsin's Pupil Nondiscrimination Laws

Under s. 118.13, except as provided in s. 120.13 (37m), no pupil may be excluded from a public school, or from any school activities or programs, or be denied any benefits or treated in a different manner because of:

- sex
- race
- religion
- national origin (including a student whose primary language is not English)
- ancestry
- creed
- pregnancy
- parental status
- marital status
- sexual orientation
- physical disability
- mental disability
- emotional disability
- learning disability

Each school district is required to designate an employee of the school district to receive complaints regarding discrimination under Wisconsin's pupil nondiscrimination law

### **School District Self-Evaluation of the Status of Pupil Nondiscrimination and Equality of Educational Opportunities**

PI 9.06, Wis. Admin. Code, requires that every school district evaluate and prepare a written report on the status of nondiscrimination and equality of educational opportunity in the school district - the School District Self-Evaluation of the Status of Pupil Nondiscrimination and Equality of Educational Opportunities - at least once every five years on a schedule determined by the state superintendent. The Department of Public Instruction (DPI) uses data from the evaluation reports to comply with reporting requirements under § 118.13(3)(a)(3), Wis. Stats.

### **Future of evaluations and evaluation reports:**

Since the 1986 implementation of PI 9, Wis. Admin. Code, state and federal law have required the development of our current results-based accountability system collected by individual student identification (the Wisconsin School Performance Report (SPR) was created in 1991 with the passage of § 118.35, Wis. Stats.; the federal No Child Left Behind Act of 2001 added data requirements that led to the development of the Individual Student Enrollment System, implemented SY 2004-2005). In addition, DPI and the U.S. Department of Education require districts to submit school- and district-level data on a variety of measures.

All but three of the required data elements under PI 9.06, Wis. Admin. Code, are collected via reports required since the passage of PI 9, Wis. Admin. Code. Because districts can and do meet most of the data requirements through other submitted reports, DPI has significantly revised the instructions and reporting requirements regarding the self-evaluation.

Districts will continue to submit annually the Compliance Report - Pupil Nondiscrimination and Educational Equity Report (form PI 1197-B), which identifies the designated employee of the school district to receive complaints regarding discrimination under § 118.13, Wis. Stats., and PI 9, Wis. Admin. Code, and the number of complaints received during the year, a description of each complaint and its status (PI 9.07(2), Wis. Admin. Code).

**CYCLE I** Between 1989 and 1994, Wisconsin school districts evaluated the status of pupil nondiscrimination and equality of educational opportunity within their own districts and then reported on their evaluation to the Department of Public Instruction. This process is referred to as Cycle I. The focus of Cycle I was primarily on whether compliance had been achieved with the procedural requirements established under s.118.13, Stats., Wisconsin’s pupil nondiscrimination law. School districts were asked, for example, whether the requisite nondiscrimination policies and procedures had been developed and implemented.

**CYCLE II** In 2000-2001, districts were required to conduct a second self-evaluation, which was referred to as Cycle II. The Cycle II evaluation required more than an assessment of whether compliance has been achieved with the procedural requirements of the law. In Cycle II, school districts were asked to assess the effectiveness of their efforts in achieving pupil nondiscrimination and equality of educational opportunity. In other words, school districts were asked to report “how they are doing” in achieving these goals.

**Beginning in 2006, and every five years thereafter, DPI will require districts to conduct a self-evaluation regarding three data elements:**

- methods, practices, curriculum, and materials used in ... counseling...." (PI 9.06(1)(c), Wis. Admin. Code),
- "[t]rends and patterns in awarding scholarships and other forms of recognition and achievement provided or administered by the school district" (PI 9.06(1)(f), Wis. Admin. Code), and
- "[p]articipation trends and patterns and school district support of athletic, extracurricular and recreational activities" (PI 9.06(1)(e), Wis. Admin. Code).

**CYCLE III** During the 2006-2007 school year, districts were required to complete Cycle III of the self-evaluation. Reporting requirements under Cycle III are much different than under Cycle I or II because of a detailed data analysis conducted by the department. After a review of all data collection requirements, the department identified only three required data elements of the self-evaluation that are not currently collected and evaluated:

- "...methods, practices, curriculum, and materials used in counseling..." (PI .05(1)(C), Wis. Admin. Code; and
- “[t]rends and patterns in awarding scholarships and other forms of recognition and achievement provided or administered by the school district” (PI 9.06(1)(f), Wis. Admin. Code); and
- “[p]articipation trends and patterns and school district support of athletic, extracurricular and recreational activities” (PI 9.06(1)(e), Wis. Admin. Code).

## **Race-Based Nicknames, Logos, Mascots, and Team Names**

2009 Wisconsin Act 250 allows a school district resident to object to the use of a race-based nickname, logo, mascot, or team name by the school board of that school district by filing a complaint with the state superintendent

The law requires each school district to submit an [annual compliance report](#) to the Department of Public Instruction and periodically conduct a [self-evaluation](#) of the status of pupil nondiscrimination and equality of educational opportunity.

## **District Responsibilities Under s.118.13, Wis. Stats.**

### ***Questions and Answers<sup>1</sup>***

#### ***1. What are the required policies under Wisconsin's Pupil Nondiscrimination law?***

Every school district must adopt and adhere to a written pupil nondiscrimination policy that prohibits discrimination against pupils on the basis of any of the following: sex, race, religion, national origin (including limited-English proficiency), ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. The policy must apply to all areas of school operations, including school sponsored programs and activities.

Section PI 9.03, Wis. Admin. Code illustrates the scope and breadth of the required district policies by identifying many of the areas subject to the nondiscrimination policy. They include admission to classes or programs, rules of conduct and discipline, selection of instructional and library media materials, and facilities, among others. However, the pupil nondiscrimination statute applies to all aspects of district operations and programs. Therefore, the listing in PI 9.03 should be regarded as illustrative and not exhaustive. What the law requires is that the pupil nondiscrimination policy or policies that the district adopts apply to all areas.

#### ***2. What are the procedural requirements under Wisconsin's Pupil Nondiscrimination Law?***

The district must designate an employee to receive complaints of pupil discrimination and adopt a written procedure that addresses receiving, investigating and resolving complaints of pupil discrimination. The procedure must provide for written acknowledgement of the complaint within 45 days and a written final resolution/decision of the complaint in 90 days. The written decision must inform the complainant of the right to appeal a negative determination to the state superintendent and the procedures for making an appeal. The written decision must also inform the complainant that the appeal must be made within 30 days of the district's final decision.

#### ***3. What are the notice requirements under Wisconsin's Pupil Nondiscrimination Law?***

The district must annually publish a class 1 legal notice of its pupil nondiscrimination policies and the name and address of the employee designated to receive complaints of pupil discrimination. A class 1 legal notice requires at least one publication in a newspaper likely to give notice in the area or to the person affected. Secs. 985.02, 985.07, Stats.

In addition, a pupil nondiscrimination statement must be included in pupil and staff handbooks, course selection handbooks, and other published material describing school activities and opportunities. The district's complete pupil discrimination complaint procedure, including the designated employee's name, address and phone number, must be included in pupil and staff handbooks.

#### ***4. What are the guidelines for scholarships, awards, gifts and grants?***

School districts may not award or assist in the awarding of scholarships in a way that discriminates on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability. Sec. 118.13, Stats.; *See also*,

Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, Title VI of Civil Rights Act Of 1965, which prohibits discrimination on the basis of race, color, and national origin; and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability.

School districts may administer sex-restrictive scholarships or financial aid established through wills, trusts, bequests and other legal instruments if the overall effect is not discriminatory. 34 CFR § 106.37. To determine if the overall effect is nondiscriminatory, a school district must first select students on the basis of nondiscriminatory criteria. The school district may then award all scholarships and aid, including sex-restricted scholarships. However, in doing so, none of the selected students can be denied aid or scholarships because some of the awards were originally designated for persons of the other sex. 34 CFR § 106.37 (b)(2). A district may also choose to not administer or assist in administering sex-restrict scholarships.

Athletic scholarships must be available for both males and females in proportion to the number of males and females participating in the interscholastic athletic programs. 34 CFR § 106.37

Scholarships or financial aid may be awarded to disadvantaged students even if they disproportionately benefit minority students, as long as they are not awarded on the basis of race or national origin. Colleges may award scholarships based on race and/or national origin if they are awarded under Federal Statutes that authorize the use of race or national origin. Colleges can award scholarships based on race or national origin if it is necessary to remedy the effects of its past discrimination or if the scholarship is narrowly tailored to create a diverse student population at that particular college or university. However, the scholarship programs cannot unduly restrict those students who are not eligible from access to financial aid. The United States Department of Education, Policy Guidance, Fed. Register Vol. 59, No. 36 (Wednesday, February 23, 1994)

<sup>1</sup> The answers given are not intended to serve as legal advice and cannot substitute for legal advice or guidance in specific cases. *Above Q & A Last updated on 2/22/2008 1:35:57 PM*

### **Suggested notice for handbooks, etc...**

## **Pupil Nondiscrimination Guidelines for Filing a Complaint under Wisconsin's Pupil Nondiscrimination Law**

State law prohibits discrimination against a pupil because of the pupil's:

- sex
- race
- religion
- national origin (including a student whose primary language is not English)
- ancestry
- creed
- pregnancy
- marital or parental status
- sexual orientation, and, or
- physical, mental, emotional or learning disability

A pupil may not be excluded from a public school (pre-kindergarten through grade 12), or from any school activities or programs, or be denied any of the benefits of school activities or programs, or be treated in a different manner for any of these reasons.

Each public school district is required by law to have written policies that prohibit discrimination against pupils for any of the reasons listed above. Each district must also have some way for pupils, their parents or guardians, or residents of the school district to file complaints of discrimination. The school board must approve a procedure for filing complaints of discrimination. The complaint procedure must be in writing. And each school district must name an employee of the school district who will be responsible for receiving complaints of discrimination against pupils. Schools must include information about these policies and procedures in any handbooks they have for teachers, students and parents.

If you believe the school district has discriminated against your child, you may file a complaint with the school district. You may contact the school or district office and ask for copies of the pupil nondiscrimination policies and complaint procedure. To file a complaint, follow the directions in the school district's written complaint procedure. If you have questions about the procedure, you should ask who in the school district handles pupil discrimination complaints. Contact that person and ask that person to explain the complaint process to you.

In some cases, the complaint procedure will involve several steps. If you are not satisfied with the outcome of your complaint at the end of any step, you should go ahead to the next step, always following the instructions in the district's written complaint procedure. You should always file your complaint in writing. The school district must acknowledge your complaint within 45 days, in writing, and the final decision on your complaint must be made within 90 days.

If you have gone through all the steps of the school district's complaint procedure and you are not satisfied with the outcome, you may file an appeal with the Department of Public Instruction. Any appeal must be filed within 30 days of the date of the school district's final action on your complaint. The Department of Public Instruction may not consider your appeal unless you have gone through all the steps of the school district's complaint procedure and a final decision has been issued by the school district.

An appeal to the Department of Public Instruction should be in writing and signed, and should include the following information: the reason for the appeal; the facts that make you believe discrimination occurred; and the relief or outcome you are requesting if you are successful in your appeal. It is a good idea to include a copy of the school district's final decision or letter to you.

If the school district does not have a pupil discrimination complaint procedure, you may file a complaint directly with the Department of Public Instruction. The complaint should be in writing, signed, and should contain the same information that is required in an appeal: the reason for the complaint; the facts of the complaint; and the relief you are requesting. You may also file a complaint with the Department of Public Instruction if the school district does not make a decision on your complaint within 90 days. In most cases, if the school district has not made a final decision on your complaint within 90 days, the department will return the complaint to the school district to make a final decision. In an appeal, if the department determines the school district has acted in violation of the Wisconsin pupil nondiscrimination law, the superintendent can issue an order requiring the school district to comply with the law, and require that the school district develop and submit a corrective action plan to prevent further discrimination. The superintendent does not have the authority to award monetary relief, or impose or order discipline on teachers or school district staff.

For more information about Wisconsin's pupil nondiscrimination law, you may call the Department of Public Instruction, Pupil Nondiscrimination Program. The telephone number is, (608) 267-9157.

If your complaint is about discrimination because of race, sex, age, disability or national origin, you may also file a complaint with the Office for Civil Rights of the United States Department of Education. A complaint must be filed with the Office for Civil Rights within 180 days (about six months) of the date the discrimination occurred. You do not have to file a complaint with the school district before filing a complaint with the Office for Civil Rights, and you may file complaints with both the school district and the Office for Civil Rights if you wish to do so. [OCR Contact Information](#)

If your complaint is about the special educational needs of a child, there is a different complaint and appeal process. For information about the [IDEA complaint](#) process, contact the Special Education Team at (608) 266-1068.

## Wisconsin State Statute 118.13 and Administrative Rule PI 9.06

Wisconsin State Statute 118.13	Administrative Rule PI 9.06
<p><b>118.13 Pupil discrimination prohibited.</b>            (1) No person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's:</p> <ul style="list-style-type: none"> <li>-Sex</li> <li>-Ancestry</li> <li>-Sexual orientation</li> <li>-Race</li> <li>-Religion</li> <li>-National Origin</li> <li>-Creed</li> <li>-Pregnancy, marital or parental status</li> <li>-Physical, mental, emotional or learning disability</li> </ul>	<p><b>PI 9.06 Evaluation.</b> (1) In order to provide the information necessary for the state superintendent to report on the compliance with s. 118.13, Stats., as required under s. 118.13 (3) (a)3., Stats., each board shall evaluate the status of nondiscrimination and equality of educational opportunity in the school district at least once every 5 years on a schedule established by the state superintendent. The evaluation shall include the following:</p> <ul style="list-style-type: none"> <li>a) School board policies and administrative procedures.</li> <li>b) Enrollment trends in classes and programs.</li> <li>c) Methods, practices, curriculum and materials used in instruction, counseling, and pupil assessment and testing.</li> <li>d) Trends and patterns of disciplinary actions, including suspensions expulsions and handling of pupil harassment.</li> <li>e) Participation trends and patterns and school district support of athletic, extracurricular and recreational activities.</li> <li>f) Trends and patters in awarding scholarships and other forms of recognition and achievement provided or administered by the school district.</li> <li>g) School district efforts to achieve quality of education opportunity and nondiscrimination.</li> </ul> <p>(2) The board shall provide an opportunity for participation in the evaluation by pupils, teachers, administrators, parents and residents of the school district.</p> <p>(3) The board shall prepare a written report of the evaluation which shall be available for examination by residents of the school district.</p>

## **Section II - Contributors to the Pupil Nondiscrimination Self-Evaluation Status Report PI-9.06(2)**

The following individuals were responsible for the development and writing of the Pupil Nondiscrimination Self Evaluation Status Report:

<b>Name</b>	<b>Position</b>
Scott Greupink	High School Principal / Parent
Bryce DeRoos	Director of Student Services
Molly Hengst	Parent /Athletic Director
Kami VanEss	Parent
Josh Cole	High School Guidance Counselor
Jim Swart	School Board President / Parent
Kevin Bruggink	District Administrator / Parent
Terry Hendrikse	Parent / HS Staff Member
Kris DeBruine	Director of Human Resources/ Finance

### **Opportunities to Participate in the Development of the Pupil Nondiscrimination Self-Evaluation Status Report PI-9.06(2)**

Opportunity for participation in the writing and/or development of this report was offered to pupils, teachers, administrators, parents and residents of the school district in the following manner:

- Open meeting portion of a scheduled school board meeting
- Individual meetings
- Staff meeting for school personnel
- Discussion item at an administrative meeting

### **Opportunities to Participate in the Evaluation of the Pupil Nondiscrimination Self-Evaluation Status Report 9.06(2)**

Opportunity to participate in the final review of this report was offered to pupils, teachers, administrators, parents and residents of the school district in the following manner:

- Open meeting portion of a scheduled school board meeting
- Individual meetings
- Staff meeting for school personnel
- Discussion item at an administrative meeting
- Administrative bulletins article/announcement

## **Section III - Methods, Practices, Curriculum and Materials used in Counseling PI-9.06 (1)(c)**

This section asks the district to examine the method, practices, curriculum and materials used in counseling to determine whether all students are being included in the learning process. The district should evaluate whether there are forms of bias or stereotyping present in ability grouping and tracking and counseling strategies.

This section generally asks the district to determine the extent to which it provides a supportive school environment for all students to ensure that all students, regardless of background and prior achievement, have an opportunity to succeed. In doing so, the district should consider all of the protected groups listed under sec. 118.13, of the Wisconsin Statutes.

*Through evaluation in this area, The Oostburg School District works to ensure:*

1. That equity and excellence for all students are demonstrated through counseling practices in the district.
2. That current methods, practices, and materials positively influence student achievement.
3. That every student is provided with an optimal learning environment that leads to proficient and advanced performance.

### **General**

1. The district's policies and practices reinforce multiple perspectives in and through counseling. The following board adopted policies either directly or indirectly address our approach:
  - 2210 – Curriculum Development
  - 2260 – Nondiscrimination and Access to Equal Educational Opportunity
  - 2411 – Guidance and Counseling
  - 5410 – Promotion, Placement and Retention
  - 7540.03 – Student Education Technology Acceptable Use and Safety

In addition to our formal policies, the inherent practice is for the counselors to meet regularly with each other or the Director of Student Services to go over student concerns/issues in order to get multiple perspectives and approaches in dealing with student struggles. Each of our counselors have completed their counseling programs within the past 1-3 years which has ensured the most up-to-date training regarding non-discrimination as well as understanding students from a multicultural perspective. In addition, our counselors continue their education through additional trainings and workshops as appropriate. Documentation regarding counselor training for licensure is available for review.

Counselors also provide culturally and linguistically accessible support services to students and families whenever we encounter situations in which cultural differences or language barriers are present. We seek out additional support through one of several

different staff employed by the district that are either bi-lingual or can provide ELL support. This approach ensures that our counseling staff is working collaboratively with classroom teachers and support staff in achieving our mission of high levels of learning for all students.

Our counselors assist in academic planning by systematically helping each student understand their strengths, weaknesses, and future goals. Counselors partner with students through experiences like student led conferences to ensure a clear picture of what students are aiming for so we can close the gap in having students know the next steps in being college and career ready.

School Board policies 2220 – Adoption of Courses of Study, and 2510 – Adoption of Textbooks, specifically address the need to ensure that materials are representative of many religious, ethnic, and cultural groups and their contributions to our American heritage. In addition these policies directly state that resources shall not discriminate on the basis of sex (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws.

## **Recommendations**

Our committee recommends a continuing and thorough process to review policy and practices to ensure compliance with both federal and state law. This recommendation will be achieved through a partnership with NEOLA as a contracted policy support vendor. In addition, we recommend ongoing prioritization of professional development for district counseling staff as part of their employment. Included in this recommendation is financial support of attendance at the state counselor’s convention annually.

## **Section IV - Trends and Patterns of School District Support of Athletic, Extracurricular, and Recreational Activities PI-9.06 (1)(e)**

In this section, the district is asked to review participation trends in athletic, extracurricular and recreational activities. In doing so, the district should consider whether all of the protected groups participate and are encouraged to participate in these activities. The district should also identify any factors that might be causing or influencing these trends.

In identifying factors, the district may want to consider whether the activities provided are relevant to, and are supportive of, all students. In other words, are activities provided that meet the interests and needs of every student? Other questions may include whether the time and location of activities are accessible to all students, whether student groups and/or activities are welcoming to diverse students, and whether information about the activities is effectively conveyed to all students and parents or guardians. The district might also consider whether students are provided with activities and opportunities to learn about and promote diversity, fairness and justice.

For information on the nondiscrimination guidelines in interscholastic athletics, please see [The Pupil Nondiscrimination Guidelines for Athletics](#), A Joint Publication of the Department of Public Instruction and the Wisconsin Interscholastic Athletic Association.

***Through evaluation in this area, The Oostburg School District works to:***

1. Foster and promote the goals of equity and inclusiveness in athletic, extracurricular, and recreational programs and any school-sponsored or approved activity.
2. Determine whether current practices might deter some students from participating in these activities.
3. Identify and develop ways to increase participation of underrepresented groups.
4. Identify and formulate ways for students to develop and act on knowledge and skills for fairness, equity, inclusiveness, human relations and diversity.

## **General**

The Oostburg School District works to ensure that all students have an opportunity to participate in athletic, extracurricular, and recreational programs along with any school sponsored activity. During the past five (5) years our district has added several opportunities designed to broaden the variety of experiences available to students. Specifically, Archery, Forensics, Remote Operated Vehicle (ROV), and Key Club are now offered to all students. Participation in archery is an excellent example of the diversity of our teams with 31 total middle school participants of which 15 are female and 16 are male. Our high school archery team includes 16 participants, 12 of which are female. We have observed higher male participation in ROV specifically.

## **Recommendations**

Our committee recommends a continued focus on increasing participation across all demographics. Consideration of user fee structures to eliminate any financial deterrent to involvement is being considered. ROV is primarily a STEM- focused program and our efforts to increase involvement of female student ranges beyond STEM and into general curriculum areas, particularly in technology education. A continued focus on aligning new program offerings to district goals will be a priority.

## **Section V - Trends and Patterns in Awarding Scholarships and Other Forms of Recognition PI-9.06(1)(f)**

This section asks the district to evaluate the trends and patterns in awarding scholarships and other forms of recognition and achievement. In evaluating this area our committee examined whether groups of students were significantly underrepresented as recipients of awards or other forms of recognition. In addition, the amount of scholarship awards was reviewed to ensure some groups were not awarded greater amounts of money than other groups.

Numerical data was reviewed on the basis of race, sex, national origin and disability. Data from at least the past three years was reviewed in order to accurately depict any trends or patterns.

In this section, our committee examined potential contributing factors that could result in inequities. These factors could include, for example, the criteria used for recipient selection and/or nomination. We considered whether criteria were objective and measurable, whether criteria was free of bias or stereotyping, and whether procedures were used to ensure that criteria were applied in a nondiscriminatory manner. Another contributing factor considered how scholarship and award information was disseminated.

See [Questions and Answers #4](#) for information on some of the legal requirements in the awarding of scholarships.

*Guidelines for scholarships, awards, gifts and grants are found below and outlined in district policy:*

School districts may not award or assist in the awarding of scholarships in a way that discriminates on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability. Sec. 118.13, Stats.; *See also*, Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, Title VI of Civil Rights Act Of 1965, which prohibits discrimination on the basis of race, color, and national origin; and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability.

School districts may administer sex-restrictive scholarships or financial aid established through wills, trusts, bequests and other legal instruments if the overall effect is not discriminatory. 34 CFR § 106.37. To determine if the overall effect is nondiscriminatory, a school district must first select students on the basis of nondiscriminatory criteria. The school district may then award all scholarships and aid, including sex-restricted scholarships. However, in doing so, none of the selected students can be denied aid or scholarships because some of the awards were originally designated for persons of the other sex. 34 CFR § 106.37 (b)(2). A district may also choose to not administer or assist in administering sex-restrict scholarships.

Athletic scholarships must be available for both males and females in proportion to the number of males and females participating in the interscholastic athletic programs. 34 CFR § 106.37

Scholarships or financial aid may be awarded to disadvantaged students even if they disproportionately benefit minority students, as long as they are not awarded on the basis of race or national origin. Colleges may award scholarships based on race and/or national origin if they are awarded under Federal Statutes that authorize the use of race or national origin. Colleges can award scholarships based on race or national origin if it is necessary to remedy the effects of its past discrimination or if the scholarship is narrowly tailored to create a diverse student population at that particular college or university. However, the scholarship programs cannot unduly restrict those students who are not eligible from access to financial aid. The United States Department of Education, Policy Guidance, Fed. Register Vol. 59, No. 36 (Wednesday, February 23, 1994)

***Through evaluation in this area, The Oostburg School District works to:***

- Ensure that all scholarships and other forms of recognition are awarded in a way that does not discriminate in violation of s.118.13.
- Identify and develop ways to effectively publicize scholarship and award opportunities so that all students and parents/guardians are informed.
- Develop recommendations to ensure that the amount and number of scholarships and other types of awards are equitably distributed.

## **Awards that are directly administered**

Our committee reviewed data and information on award recipients and applicants for the past three years in order to identify any significant trends and patterns that may be in conflict with

policy or statute. Review of data showed that the number and amount of scholarships and other awards generally reflect the overall composition of the student population. Our high school guidance counselor specifically tracks and analyzes applications for and awarding of scholarships and other forms of recognition with a lens that includes consideration of equity by protected class status. Almost all scholarships are provided by groups or organizations outside of our school systems. Criteria are used in selecting recipients are reviewed and our district is not aware of any scholarship criteria which discriminate against any protected class. Many of the externally awarded scholarships include recommendations from school staff. Our committee is comfortable that systems in place for those recommendations are free from bias. The primary approach includes sharing all application materials with a district selection committee. That committee includes staff, community, and board members on a rotating basis to ensure there is no conflict of interest from members who may be related to applicants.

## Notice

Staff, students, and parents/guardians are made aware of the district's nondiscrimination policies and practices in the awarding of scholarships and other forms of recognition primarily through our guidance department and our school website.

## Recommendations

Our recommendations for increasing distribution of scholarships and other awards to underrepresented groups focus primarily on increasing district website accessibility. Since the primary resource for promoting scholarships and awards is our district website we want to ensure appropriate and equitable access. Our IT department is currently analyzing areas for improvement in our site to ensure compliance with The Office of Civil Rights recommendations for website accessibility.

**Fig 1 - Scholarship and Award Data:**

2014-2015				
	# of Students	4-Year Renewable	2-Year Renewable	Total
<b>Gender</b>				
Male	15	7	2	\$382,700.00
Female	23	12	3	\$477,700.00
<b>Total</b>	<b>38</b>	<b>19</b>	<b>5</b>	<b>\$860,400.00</b>
<b>Hispanic or Latino</b>				
Hispanic or Latino				
Not Hispanic or Latino	38			
<b>Race</b>				
White	37			
Hispanic				

Black	1			
Asian or Pacific Islander				
American Indian or Alaskan Native				
<b>2015-2016</b>				
	<b># of Students</b>	<b>4-Year Renewable</b>	<b>2-Year Renewable</b>	<b>Total</b>
<b>Gender</b>				
Male	21	16	1	\$522,200.00
Female	16	12	2	\$556,890.00
<b>Total</b>	<b>37</b>	<b>28</b>	<b>3</b>	<b>\$1,079,090.00</b>
<b>Hispanic or Latino</b>				
Hispanic or Latino	1			
Not Hispanic or Latino	36			
<b>Race</b>				
White	37			
Hispanic				
Black				
Asian or Pacific Islander				
American Indian or Alaskan Native				

**Fig 2 – Participation Data**

<b>Athletic Participation</b>			
	<b>2015-16</b>	<b>2014-15</b>	<b>2013-14</b>
Cross Country Boys	10	11	12
Cross Country Girls	9	10	10
Football	41	31	56
Soccer Boys	20	21	25
Volleyball Girls	38	13	39
Basketball Boys	24	25	31
Basketball Girls	26	19	23
Wrestling	19	26	29
Baseball	19	19	17

Golf Boys	17	23	25
Soccer Girls	20	22	22
Softball	24	13	13
Track Boys	34	28	38
Track Girls	13	16	19