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September 28, 2020

SENT VIA EMAIL: paul.sherman@dpi.wi.gov

Paul Sherman
Department of Public Instruction
Pupil Nondiscrimination Program
P.O. Box 7841
Madison, WI 53707-7841

Re: Appeal of Pupil Nondiscrimination Determination by Kiel Area School District

Dear Mr. Sherman,

██████████ is the mother of ██████, a Black high school student who ██████ attended school in the Kiel Area School District (KASD). On Friday, September 19, 2020, ██████ faxed to DPI a *pro se* appeal of KASD's resolution of a racial discrimination complaint that ██████ had filed earlier in the summer. A copy of ██████ *pro se* appeal is attached. I am now assuming representation of ██████ and ██████ for purposes of this appeal.

Under Wis. Admin. Code PI 9.04(2), a school district must provide the complainant a written determination of a pupil discrimination complaint within 90 days of receipt of the complaint. Further, under Wis. Admin. Code PI 9.04(3), the district must also notify the complainant of the right to appeal a negative determination. KASD has provided two documents to ██████ which might plausibly be construed as the written determination of the complaint, though both were only provided because ██████ explicitly requested them, and neither includes a notice of the right to appeal. These are (1) a brief letter from KASD Superintendent Dr. Brad Ebert, dated August 25, 2020 and indicating that the district had determined that unlawful harassment had occurred but providing no information about the district's response; and (2) a second letter from Dr. Ebert dated September 18, 2020 and describing steps that he intended to take to improve school culture. Both documents are attached.

Grounds for this appeal include, but are not limited to, the following: (1) that the district failed to follow the procedural requirements of both PI 9.04 and its own school board policies in investigating and resolving ██████ complaint; (2) that in the course of the investigation the district further discriminated against ██████ by trivializing the harassment he had experienced, asking him to excuse and/or share responsibility for the harassment, and suggesting he not participate in school events where his harassers would be present; (3) that the district did not provide sufficient information about its handling of the harassment complaint to reasonably assure ██████ that the harassment would stop and that he would not face retaliation; and (4) that the nonbinding steps outlined in Dr. Ebert's letter are inadequate to prevent the likely recurrence of both student racial harassment and improper district response.

██████████ and ██████ request that DPI set a briefing schedule for this appeal.

Respectfully submitted,

/s/ Elisabeth Lambert

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Attachments