

- **General Student Nondiscrimination** – [PI 9.05](#) of the Wisconsin Administrative Code requires school districts to provide an annual public notice of board policies on student nondiscrimination, the name and address of the employee designated to handle discrimination complaints, and the complaint procedures. This must be a Class 1 legal notice under Chapter 985 of the state statutes, which may be published in the newspaper or alternatively noticed under [section 985.02\(2\)](#) of the statutes.

Also under PI 9, student nondiscrimination statements must also be included in student and staff handbooks, course selection handbooks and other published materials distributed to the public describing school activities and opportunities. The complaint procedure must also be included in student and staff handbooks.

Federal nondiscrimination laws, such as Section 504 (regarding disability; see [29 U.S.C. §794 et seq.](#) and [34 C.F.R. §104.8](#)), the federal Age Discrimination Act (see [42 U.S.C. §6102 et seq.](#) and [34 C.F.R. §110.25](#)), and Title IX, also require districts to notify students, parents/guardians, employees and others of nondiscrimination prohibitions, nondiscrimination coordinators, and complaint procedures. The Title IX requirements, described below in the next item, are the most extensive of these federal requirements. Because these federal nondiscrimination requirements directly affect and apply to students (among other stakeholders), many school districts also address these federal laws in the district's state-mandated student nondiscrimination notices (i.e., as part of the district's efforts to comply with the related federal notice mandates). A [regulation](#) under the federal Age Discrimination Act, for example, requires recipients of federal funds to provide a notice to "beneficiaries, in a continuing manner." A [regulation](#) under Section 504 includes a similar "continuing" notice requirement. (For additional general background, see this [archived 2011 U.S. Department of Education resource](#) which is now outdated with respect to Title IX.)

*[PRG subscribers can find a sample Title IX notice (113 Sample Exhibit 1) and a sample student nondiscrimination notice (411 Sample Exhibit 1) in the PRG. 411 Sample Exhibit 1 includes information on the student nondiscrimination in relation to career and technical education and student religious accommodations information below.]*

- **Title IX Notice of Nondiscrimination**

**\*AMENDMENTS TO APPLICABLE FEDERAL REGULATIONS TAKE EFFECT AUG. 1, 2024\* –**

Under [34 C.F.R. §106.8\(c\)](#), effective August 1, 2024, school districts must provide a notice of nondiscrimination to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the school district.

*Contents of the Title IX Notice.* The Title IX notice of nondiscrimination must include the following elements:

1. A statement that the school district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and this part, including in admission and employment;
2. A statement that inquiries about the application of Title IX and the Title IX regulations to the school district may be referred to the district's Title IX Coordinator, the Office for Civil Rights, or both;
3. The name or title, office address, email address, and telephone number of the school district's Title IX Coordinator;
4. How to locate the school district's Title IX nondiscrimination policy and the school district's Title IX grievance procedures; and

5. How to report information about conduct that may constitute sex discrimination under Title IX; and how to make a complaint of sex discrimination as provided under the Title IX regulations.

*Dissemination of the Title IX Notice.* Each school district must include all elements of the district's Title IX notice of nondiscrimination:

1. On its website.
2. In each handbook and catalog that it makes available to persons entitled to notice or which are otherwise used in connection with the recruitment of students or employees.
3. In each announcement, bulletin, and application form that it makes available to persons entitled to notice or which are otherwise used in connection with the recruitment of students or employees.

The federal Title IX regulations do not expressly require school districts to provide direct, annual re-notification to individuals who have already received notice. However, as a practical matter, Title IX notice information will be included in (for example) annual student and staff handbooks and will sometimes be incorporated notices that also address nondiscrimination under other laws (such as the PI 9 notice identified above).

*Short Form of the Notice.* If necessary, due to the format or size of any publication in which the Title IX notice will appear, the school district may instead include in those publications a statement that the school district prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the Title IX Coordinator, and that also provides the location of the full notice on the district's website.

*Resource from the U.S. Department of Education.* In conjunction with the release of the 2024 Title IX regulations that take effect on August 1, 2024, the U.S. Department of Education provided a resource that includes a [sample notice of nondiscrimination](#) and nondiscrimination policy statement.

#### **Title IX Notice Requirements Prior to August 1, 2024:**

School districts are required to do all of the following under federal Title IX regulations that can be found in [34 C.F.R. Part 106](#):

- Notify students, parents or legal guardians of elementary and secondary school students, applicants for admission, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the following:
  - the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.
  - that the school district does not unlawfully discriminate on the basis of sex in the district's education programs and activities, and that the district is required by Title IX and Part 106 of Title 34 of the Code of Federal Regulations not to discriminate in such a manner. Such notification must state that the requirement not to discriminate extends to admission and employment, and that inquiries about the application of Title IX and Part 106 to such school district may be referred to the district's Title IX Coordinator, to the Assistant Secretary of the U.S. Department of Education, or both.
  - the school district's Title IX grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.
- Prominently display the Title IX Coordinator contact information and the district's policy of nondiscrimination on the basis of sex (as described immediately above) on the school district's website, if any, and in each handbook or catalog that it makes available to the persons entitled to notification of such information. Note: Information about the Title IX grievance procedures and grievance process (i.e., the third sub-bullet in the immediately preceding list) is not covered by this web site/handbook requirement, although there is nothing wrong with repeating the grievance-related information in those sources.

***[PRG subscribers can find a sample Title IX notice (113 Sample Exhibit 1) in the PRG, along with sample Title IX-related policies and procedures.]***