



State Headquarters:
207 E. Buffalo Street, Suite 325
Milwaukee, WI 53202-5774
414-272-4032 / Fax 414-272-0182
www.ACLU-WI.org

January 25, 2021

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 Cedarburg School District

Dear Mr. Sherman,

I represent [REDACTED] who is the mother of [REDACTED] and [REDACTED], both [REDACTED] students of the Cedarburg School District (the “District”). In October 2020, Ms. [REDACTED] filed a complaint of racial discrimination under Wis. Stat. § 118.13 and Wis. Admin. Code § PI 9.04 with the District on behalf [REDACTED]. The District retained an attorney who investigated the complaint and rendered a report to the District. Based on the investigation, the District decided that it had not violated [REDACTED] and [REDACTED]’s rights. It notified Ms. [REDACTED] of that decision by letter dated January 11, 2021. A copy of the District’s letter is attached.

Consistent with Wis. Stat. § 118.13 and Wis. Admin. Code § PI 9.08(1)(a), Ms. [REDACTED] now appeals the District’s decision. Specifically, she challenges the District’s conclusion that it did not have a duty to investigate or respond to her allegation that students in the district created a racially hostile environment by wearing masks and other apparel with messages hurtful and threatening to BIPOC students because the First Amendment protects such messages. The District’s conclusion improperly assumes that suppressing student speech is the only mechanism by which the District might address the racially hostile environment described in Ms. [REDACTED] complaint.

Ms. [REDACTED] requests that DPI order production of the investigative record, and that it set a briefing schedule on the issue described above.

Respectfully submitted,

/s/ Elisabeth Lambert

Attorney Elisabeth Lambert (she/her/hers)
Equal Justice Works Fellow | ACLU of Wisconsin
207 E. Buffalo St., Suite 325
Milwaukee, WI 53202-5774
elambert@aclu-wi.org
(414) 272-4032, ext 231

cc: [REDACTED]

Attachments