

ACLU of Wisconsin: Commends court decision requiring Dept. of Public Instruction and Cedarburg School District to include complainant in settlement negotiations

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CEDARBURG — The ACLU of Wisconsin applauded a judge's ruling last week that the Wisconsin Department of Public Instruction and Cedarburg School District were wrong to attempt to settle a racial harassment case without the input of the family impacted by the harassment.

This case arises from a [determination by DPI](#) that the school district had done an inadequate and unreasonable job of investigating a Cedarburg parent's complaint that her son, a biracial student, had been subjected to persistent racist slurs, jokes, and comments at Cedarburg High School and that some students had allegedly expressed a desire to see Black Lives Matter protesters run over by cars.

Earlier this spring, an Ozaukee County Circuit Court judge [largely upheld DPI's decision](#), affirming its assessment that Cedarburg had neglected to take even the most basic measures to find out whether a racially hostile environment existed within its schools.

However, the court's ruling left open an important procedural question of whether the district was required to submit a formal corrective action plan outlining the steps and the timeline it would follow to investigate the harassment allegations. The court indicated that all parties, including the complainant, would have the opportunity to present arguments and have the court decide whether a corrective

action plan was required.

Instead, the district and DPI attempted to work out a settlement agreement that would keep the district's investigation plans secret. Without including the complainant, they drafted a resolution agreement for the court to enter that would have deprived the complainant both of her right to know the district's plan and of her opportunity to show the court why she had a right to know the plan.

The court's most recent ruling makes clear that it was improper for DPI and the district to exclude the complainant in this way. The court reopened the case and ordered the parties to submit briefings on the corrective action plan issue.

"This ruling is a victory for students and families, and it is a win for transparent government," said Elisabeth Lambert, Equal Justice Works Fellow with the ACLU of Wisconsin and attorney on the case. "Students impacted by discrimination have a right to participate fully in the legal proceedings that arise from their experiences. The other parties were wrong to sideline my client in this way."

"Throughout this litigation, the district has shown a persistent unwillingness to be transparent about its actions and practices," Lambert added. "And yet open, transparent leadership is an essential part of addressing school culture issues. We're excited for the opportunity to show why the district must commit its investigation plan to writing in a corrective action plan."

This press release is available online: <https://www.aclu-wi.org/en/-press-releases/aclu-wisconsin-commends-court-decision-requiring-dpi-and-cedarburg-school-district>