

CR 92-77

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF PUBLIC INSTRUCTION)

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to the accommodation of a pupil's sincerely held religious beliefs was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

**RECEIVED**

OCT 9 1992  
*2:35 pm*  
Revisor of Statutes  
Bureau

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 8<sup>th</sup> day of October, 1992.

*Herbert J. Grover, EdM*

Herbert J. Grover  
State Superintendent  
State Department of Public Instruction

*12-1-92*

**ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
CREATING RULES**

The state superintendent of public instruction hereby creates ch. PI 41, relating to the accommodation of a pupil's sincerely held religious beliefs.

---

**ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

Statutory authority: ss. 115.28(31) and 227.11(2)(a), Stats.

Statute interpreted: s. 115.28(31), Stats.

1991 Wisconsin Act 227 requires the UW Board of Regents; Vocational, Technical and Adult Education Board; and the Department of Public Instruction to promulgate rules providing for the reasonable accommodation of a student's sincerely held religious beliefs with regard to all examinations and other academic requirements.

The rule requires each school board to develop policies with certain requirements and allows each board to incorporate these policies into its pupil nondiscrimination policies under ch PI 9.

The rule also requires each school board to develop a procedure for receiving and resolving complaints under this chapter. Again the complaint procedure may be incorporated into the school board's existing complaint procedure for pupil nondiscrimination. If a school board does not want to use the complaint procedure under ch. PI 9, it must follow the requirements specified in the rule.

---

**SECTION 1.** Ch. PI 41 is created to read:

CHAPTER PI 41

ACCOMMODATION OF RELIGIOUS BELIEFS

PI 41.01 AUTHORITY. This chapter is adopted under ss. 115.28(31) and 227.11(2)(a), Stats.

PI 41.02 PURPOSE. This chapter establishes procedures for compliance with s. 115.28(31), Stats., which provides for the reasonable accommodation of

a pupil's sincerely held religious beliefs with regard to all examinations and other academic requirements.

PI 41.03 DEFINITIONS. In this chapter:

- (1) "Board" means school board as defined in s. 115.001(7), Stats.
- (2) "State superintendent" means the state superintendent of public instruction for the state of Wisconsin.

PI 41.04 POLICIES. (1) Each board shall develop policies providing for the reasonable accommodation of a pupil's sincerely held religious beliefs with regard to all examinations and other academic requirements. The policies may be incorporated into the policies under s. PI 9.03 and shall provide for all of the following:

(a) Annual written notification to all pupils, the parent or guardian of minor pupils, and instructors of the rules and complaint process.

(b) A means by which a pupil or parent or guardian of a minor pupil can conveniently and confidentially notify the building principal or his or her designee of potential conflicts.

(c) A means by which a pupil is permitted to make up an examination or academic requirements at another time or by an alternative means without any prejudicial effect.

(d) A procedure for receiving and resolving complaints within each school district which may be incorporated into the complaint procedure specified under s. PI 9.04 or which contains the provisions specified in s. PI 41.05.

(2) The policies shall be adopted by the board following a public hearing or an opportunity for public commentary at a board meeting.

PI 41.05 COMPLAINT PROCEDURE. (1) A board which does not incorporate a complaint procedure under s. PI 9.04, shall provide for all of the following:

(a) Designation of an employe of the school district to receive complaints alleging violations of s. 115.28(31), Stats.


(b) A procedure for receiving and resolving complaints under s. 115.28(31), Stats., and this chapter, including a provision for written acknowledgement within 45 days of receipt of a written complaint and a determination of the complaint within 90 days of receipt of the written complaint unless the parties agree to an extension of time.

(c) Notice to a complainant of the right to appeal a negative determination by the school board to the state superintendent and of the procedures for making the complaint or appeal under ch. PI 9.

(2) The complainant may file a complaint with, or appeal directly to, the state superintendent if the board has not complied with the provisions of sub. (1)(b).

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this 8<sup>th</sup> day of October, 1992



Herbert J. Grover  
State Superintendent

**RECEIVED**  
OCT 9 1992  
Revisor of Statutes  
Bureau