



# Cedarburg School District

**Todd Bugnacki, Superintendent**

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*Challenging Students to Achieve Their Goals and Dreams*

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December 3, 2021

Ms. Erica Turner, Executive Director of Bridge the Divide  
W66 N732 Madison Ave.  
Cedarburg, WI 53012

**Re: *Decision Regarding Complaint Relating to Curriculum***

Dear Ms. Turner:

On July 14, 2021, a complaint from Bridge the Divide was received by the District pursuant to Board Policy 2260 “Nondiscrimination and Access to Equal Educational Opportunity”.

The complaint alleged that the Cedarburg School District has not met its responsibility under its policies and under state law to provide a diverse curriculum, and is therefore “...discriminating against its diverse students...” Specifically, noted in the complaint is that Cedarburg School Board Policy 2260 states that it is “...intended to support and promote nondiscriminatory practices in all district and school activities...,” including “...selection of instructional and library media materials in a nondiscriminatory manner and that reflect the cultural diversity and pluralistic nature of American society.” Cedarburg School Board Policy 2210 is also referenced in the complaint as requiring the School Board to provide a diverse curriculum. Policy 2210 specifically requires that the curriculum: “provides for multicultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro- Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans.”

While the specific allegations are addressed in the findings noted below, the specific state statutes alleged to be violated are:

Wis Admin Code Sec. PI 9.03 Policies.

(1) Each board shall develop policies prohibiting discrimination against pupils. The policies shall include the following areas:

(e) An instructional and library media materials selection policy consistent with s. 121.02 (1) (h), Stats., and s. PI 8.01 (2) (h).

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*The mission of the Cedarburg School District is to provide an exemplary education that challenges students in a nurturing environment to develop into lifelong learners, to become responsible adults, and to achieve their goals and dreams.*

§118.01(2)(c)(7.and 8.), Wis Stats.

Educational goals and expectations.

(2) EDUCATIONAL GOALS...each school board shall provide an instructional program designed to give pupils:

7. An appreciation and understanding of different value systems and cultures.

8. At all grade levels, an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics.

§121.02, Wis. Stats.

School district standards.

(1) Except as provided in §118.40 (2r)(d), each school board shall:

(h) Provide adequate instructional materials, texts and library services which reflect the cultural diversity and pluralistic nature of American society.

(1)4. Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture, and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades.

Given the nature of the allegations relating to contents of curriculum and instructional materials, Director of Curriculum & Instruction Alan Groth, with assistance from Compliance Officer Conrad Farner, conducted an investigation into the allegations. Mr. Groth authored a report based on the information gathered. Mr. Farner assisted in the review and analysis specific to whether discrimination occurred. Mr. Groth and Mr. Farner reviewed relevant policies, statutes, administrative codes, reviewed curriculum, requested additional information and met with representatives from Bridge the Divide, reviewed curriculum summaries, textbooks, library material databases, and spoke with numerous administrators and teachers regarding compliance with the relevant laws and policies.

After thoroughly reviewing the report, I initially requested additional investigation from Mr. Groth. I have now determined that the investigation was comprehensive and that no further investigation is needed before issuing my final decision regarding the complaint. Based on the totality of the information gathered during the investigation and the preponderance of the evidence, I accept and adopt the findings of Mr. Groth, which include the following:

1. With respect to the allegation that the District has not met the requirements of Wis. Admin. Code Sec. PI 9.03(1)(e), to have policies prohibiting discrimination, including “instructional and library media selection policies consistent with s. 121.02 (1) (h), Stats., and s. PI 8.01 (2) (h),” the District has Policy 2521 “Selection of Instructional Materials & Equipment”, corresponding Administrative Guideline 2521A, Policy 2260 “Nondiscrimination & Access to Equal Educational Opportunity”, and corresponding Administrative Guidelines 2260 and 2260D in place, which meet the requirements of the law. Students have access to library materials in both print and digital form, digitally through each school’s library website. Digital access also includes tools such as Gale in Context, which includes ebooks, biographies, global issues, opposing viewpoints, US History, World History, etc. While the applicable laws do not provide clear thresholds for the number of materials related to various topics, subject matter, groups, etc., a review of library material data showed evidence that the selection of library materials has been consistent with policies and guidelines, showing each school library has a variety of books with content relative to a wide range of races, ethnicities,

nationalities, cultures, family structures, disabilities, etc. The review of the library materials suggests the District is meeting statutory requirements for selection of library materials.

It was also noted that by the end of the 2021-2022 school year, an Instructional Resources Selection Form will accompany Administrative Guideline 2521A “Selection of Instructional Materials and Equipment,” to provide specific guidance for administrators (principals) and their teachers, when selecting and curating supplemental resources to accompany courses and the Board approved primary resources. This process will also fulfill a strategic goal the Library Plan has foreshadowed as a priority for the 2021-22 school year. Additionally, the District’s Library Team has implemented a process to annually review each school’s library book collection, and to utilize this information to determine how best to prioritize book purchases, consistent with statutory requirements and District policies. Cedarburg High School’s library text collection in particular, will be enhanced with increased text diversity.

2. As to the allegation that the District does not have a library media plan, as required by Wis. Admin. Code PI 8.01(2)(h), which requires the District to “have on file a written, long-range plan for library services development which has been formulated by teachers, library and audiovisual personnel and administrators, and approved by the school district board,” a Library Plan has been developed and exists in draft form. It is in its final stage of review to replace the District’s prior Digital Learning Plan which had previously been required by the State Superintendent’s Digital Learning Advisory Council. The new District Library Plan is set for approval by the Board in December 2021, prior to the 2021-2022 second semester. The current draft under review includes references to the requirements of the statutes and relevant administrative codes. The contents of the draft plan are comprehensive and provide a broad overview of the services provided to students and staff, with recommendations in all areas focusing on providing equitable access to technology for all student learners and educators. References to District policies, which had reference to applicable laws, requiring nondiscriminatory practices, were included in a previous draft of the Library Plan. While this investigation process was underway, explicit reference to applicable laws and District policies were more clearly noted in the current draft of the Library Plan. At this time, the District has not approved the draft media plan; however, the plan will be approved in December 2021 to meet the requirement of Wis. Admin. Code PI 8.01(2)(h).

3. As to the allegation that the District does not meet Wis. Stat. § 121.02(1)(h) School District Standards, requiring the District to “provide adequate instructional materials, texts and library services which reflect the cultural diversity and pluralistic nature of American society,” the investigation reviewed District policy requirements, library collection data, and classroom text examples. The District has policies in place to ensure textbook adoption and library/instructional/reference material selection and instructional goals are consistent with statutory expectations to depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society. As previously mentioned, library collection data showed diverse materials in our school libraries. A review of approved textbooks across the high school Social Studies Department, particularly those for courses in grades 9 and 11, provide evidence statutory requirements are being addressed to some degree. Textbooks addressed issues related to Native Americans, African Americans and Hispanics, but did not specifically address Wisconsin Native tribes. The topics of cultural diversity and the pluralistic nature of American society are incorporated into the texts and Interactive Read Alouds (supplemental materials used at the elementary level). The Interactive Read Alouds and associated lessons were designed to support students’ understandings of human relations which includes Black, Native Americans, Hispanics and all People of Color. Textbooks at the upper elementary and middle school levels

included topics touching on various cultures in our country and throughout the world, though not as extensively as in the high school grade levels. Materials, resources, presentations, etc. reflecting our country's diversity and pluralistic nature are part of the District's resources. The extent of incorporation of topics of cultural diversity and the pluralistic nature of American society required is not defined in the law. Based on the documents and information reviewed, the District's resources meet the statutory expectation of Wis. Stat. § 121.02(1)(h).

There is currently a social studies program review underway, which includes grades 4K-8. Through this process, new, more current resources along with potential unit/content realignment and restructuring, will occur. Specific attention will be given to enhancing both professional resources for teachers, student primary resources and professional training, in the areas of American Indians (especially Wisconsin American Indian tribes), Black Americans and Hispanics.

4. As to the allegation that the District does not meet Wis. Stat. § 121.02(1)(L)(4) and Policy 2210, requiring the social studies curriculum provide instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in Wisconsin at least twice in the elementary grades and at least once in the high school grades, there is evidence to show that content specific to American Indian tribes does exist. However, curriculum summaries, learning targets and instructional materials did not reflect that all Wisconsin tribes are being addressed, particularly at the elementary level. While federally recognized American Indian tribes are discussed at the 4<sup>th</sup> and 5<sup>th</sup> grade levels, all Wisconsin tribes are not addressed. More Wisconsin tribes are addressed at the 9<sup>th</sup> grade level, but not all Wisconsin tribes. Therefore, the District is meeting elements of Wis. Stat. § 121.02(1)(L)(4) and Policy 2210. Learning targets and resources will be updated to support instruction on all Wisconsin tribes, their culture and tribal sovereignty.

5. As to the allegation that the District does not meet Wis. Stat. § 118.01(2)(c)7 "Educational Goals", to offer an instructional program designed to give pupils an appreciation and understanding of different value systems and cultures, a review of the evidence shows the District's instructional program helps students gain an appreciation and understanding of different cultures and their value systems throughout the 4K-12 collective educational experience. Students at all levels gain an appreciation and understanding of different value systems and cultures through a variety of experiences, in addition to curriculum topics at each grade level related to various cultures. Both at the elementary and middle school levels, students receive instruction about culture through studying about people and places throughout time and history. Starting with one's self and family, the curriculum expands outwardly to study people and places from throughout the world. For example, students hear first-hand accounts of home-life, cultures and family traditions from peers in early elementary grades. Specific social studies lessons in elementary grades discuss social customs, practices, traditions, and group identities. Teachers also indicated that efforts are taking place at each grade level to meet this expectation. There are guidance lessons providing some instruction on appreciating one another; homeroom lessons at the middle school during which teachers provide instruction on appreciating and understanding different cultures and value systems; and Interactive Read Alouds are also used to teach about different cultures at the elementary level. The high school Social Studies curriculum does help students gain an appreciation and understanding of different value systems and cultures as well. At the high school level, Global Studies and AP Human Geography are examples of specific classes that target this statutory expectation, as well as in the 11<sup>th</sup> grade US History class and its AP equivalent. Elective courses addressing various cultures are also available.

Explicit instruction around the culture and values of American Indians (including Wisconsin tribes in particular), Black Americans and Hispanics, will be explored more closely through the lens of learning targets. The targets showcase the explicit outcomes students should know and be able to do, and this study would allow for 4K-12 alignment. This task is already in process with the 4K-8 Social Studies program review now underway.

Overall, the District does foster an appreciation and understanding of different value systems and cultures as shown through the course samples and the instruction being provided, and is in compliance with Wis. Stat. § 118.02(2)(c)7, though as noted efforts are underway to fortify this area.

6. As to the allegation that the District is not meeting Wis. Stat. § 118.01(2)(c)8, to provide an educational program to give pupils at all grade levels an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics; some grades had references to topics providing understanding of human relations for some of the groups in their curriculum summaries, which are publicly available. For example, Kindergarten has specific units related to human relations, with regard to Hispanics and Black Americans. While grades 1-5 social studies curricula do not specifically include statements on promoting an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics, teachers indicated they do touch on such topics. They do so through things such as Read Aloud books and “Second Step” lessons as part of the Social/Emotional Curriculum which discuss human relations generally. At the middle school level, Communication Arts lessons in 6<sup>th</sup> and 8<sup>th</sup> grades also address human relations, with a focus on Black Americans and touching on Hispanics as well. The 8<sup>th</sup> grade Communication Arts students have access to numerous books covering each group identified by the statute. 7<sup>th</sup> grade social studies curriculum covers Indigenous People and Black Americans from early US history through the Civil War, and time is spent on Hispanic culture though to a lesser degree. The high school social studies department reported that the 9<sup>th</sup> and 11<sup>th</sup> grade courses are where students specifically acquire an understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics. A review of the publicly available curriculums supports that an understanding of human relations permeates the high school courses, though the degree to which the topic relates to American Indians, Black Americans and Hispanics is not easily identifiable in the summaries. Overall, there is evidence to show that the District is providing content to support this understanding in select grade-levels for some of the groups. The depth in which these human relations are instructed upon at each grade level is difficult to identify and should be clarified to ensure students have demonstrated a full understanding of human relationship development, particularly as it pertains to American Indians, Black Americans and Hispanics. Attention should be given to ensure that all three groups are instructed upon at all levels (some examples: American Indians in Grades 4 and 5; Black Americans in Grade 8).

7. As to the allegation that the District is not meeting School Board Policy 2210, item P, that the curriculum & instructional program/courses/units do not provide for multicultural education by including, at each level, courses or units which help students understand the culture and contributions of various ethnic groups comprising American society, including, but not limited to Euro-Americans, African-Americans, Asian-Americans, Hispanic-Americans, and Native-Americans; there is evidence that multicultural education is intertwined within the fabric of 5K-12 social studies content. There are materials and lessons that address aspects of the statute. However, there is ambiguity, and a lack of specificity and continuity, that begins with the curriculum summaries and continues through the classroom instruction which makes it difficult to

definitively conclude that all students at each level are gaining an understanding of the contributions and cultures of various ethnic groups that comprise American society.

8. With regard to the allegation of discrimination, while this investigation and report are the result of what was characterized as a nondiscrimination complaint, the application of that policy to this situation is unusual. The potentially applicable wording in Policy 2260 would involve paragraph "E. selection of instructional and library media materials in a nondiscriminatory manner that reflect the cultural diversity and pluralistic nature of American society". The results of this investigation show that nondiscrimination policies are in place and instructional and library materials across the District do reflect the cultural diversity and pluralistic nature of American society. There are areas where the District needs to make additional efforts to meet the spirit of the statutes and policies in question. The fact that there is compliance and partial compliance, in some cases, makes it difficult to conclude that any students are being discriminated against or that materials are being selected in a discriminatory manner. I cannot conclude by a preponderance of the evidence that discrimination has occurred. By following the recommendations outlined below, some of which are already in progress, the District will be able to ensure all elements of statutes and policy in question are addressed.

Based on the above findings of fact, I conclude, as did Mr. Groth, that the District did not violate any applicable state or federal law or Board policy prohibiting discrimination. However, areas of compliance and areas where additional efforts to ensure the District is meeting specific statutory or policy requirements for curriculum are noted above.

Finally, I adopt the recommendations of Mr. Groth and have expanded upon those as follows:

1. Continue implementation of an Instructional Resources Selection Form by the end of the 2021-2022 school year, to provide specific guidance for administrators (principals) and their teachers, when selecting and curating supplemental resources to accompany courses and the Board approved primary resources. Continue implementation of a process to annually review each school's library book collection, and to utilize this information to determine how best to prioritize book purchases, consistent with statutory requirements and District policies.
2. Approve the draft Library Plan to meet Wis. Admin. Code PI 8.01(2)(h). In addition, ensure the District's Library Plan contains explicit reference to relevant statutory and administrative code provisions, as well as associated District policies, and is reviewed biannually with the Curriculum Committee of the Board.
3. Continue the current social studies program review, which includes grades 4K-8, in order to identify and implement new, more current resources along with potential unit/content realignment and restructuring. Specific attention will be given to enhancing both professional resources for teachers, student primary resources and professional training, in the areas of American Indians (especially WI American Indian tribes), Black Americans and Hispanics.
4. As part of the current social studies program review, explicitly design instruction with learning targets and resources for elementary, middle, and high school students upon the history, culture and tribal sovereignty of the federally recognized American Indian tribes and specifically supporting instruction on all Wisconsin American Indian tribes and their culture.

5. As the District social studies team completes a program review of 4K-8 and within required high school social studies content, additional detailed instructional attention will be given to understanding human relations, particularly with regard to American Indians, Black Americans and Hispanics. Further, deeper consideration will be given on how to systematize instruction in the areas pertaining to understanding and appreciation for all cultures.

6. A thorough curriculum review will take place to develop a scope-and-sequence which intentionally scaffolds instruction, as evidenced by learning targets at each grade level, for a sequential understanding of human relations in all cultures, including the times in which we live now, with particular regard for American Indians, Black Americans and Hispanics. The depth, in which these human relations are instructed upon at each grade level, will be clarified to ensure students have demonstrated a full understanding of human relationship development, particularly with regard to American Indians, Black Americans and Hispanics. Attention will be given to ensure that all three groups are instructed upon at all levels.

7. A concerted effort during the District's current social studies program review, is being made to develop and adopt clear curricula and learning targets that explicitly address multicultural education and the study of various ethnic groups and their contributions to American society at the elementary and middle levels, and to align with the high school.

Thank you for bringing your concerns forward and allowing the District to investigate those concerns. This process was instructive and beneficial for all within our school community.

As provided by state law and Board policy, if you feel that this decision does not adequately address your complaint, you may appeal the decision to the State Superintendent of Public Instruction by submitting a written request to the Wisconsin Department of Public Instruction or by contacting the DPI Pupil Nondiscrimination Program at (608) 267-9157.

With appreciation,



Todd Bugnacki  
Superintendent of the Cedarburg School District

cc: Members of the Board of Education (via email)  
Mr. Conrad Farner, Director of Human Resources  
Mr. Alan Groth, Director of Curriculum and Instruction  
Claire E. Hartley, Attorney for the Cedarburg School District (via email)