



118.13: Wisconsin's Pupil Nondiscrimination Law

What is 118.13? State statute 118.13 is Wisconsin's pupil nondiscrimination law, which states that no individual may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the individual's:

- | | | |
|------------|-------------------|------------------------|
| ✓ Sex | ✓ Creed | ✓ Physical Disability |
| ✓ Race | ✓ Pregnancy | ✓ Mental Disability |
| ✓ Religion | ✓ Parental Status | ✓ Emotional Disability |
| ✓ Ancestry | ✓ Marital Status | ✓ Sexual Orientation |

The terms above refer to protected classes in the state of Wisconsin.

The law says that an individual may not "be discriminated against." What does that mean?

According to PI9, the DPI code that interprets this law, discrimination means any action, policy or practice of the school or school board affecting a person or group of persons including...

- ✓ Bias – inclination for or against, that inhibits impartial or objective judgment affecting pupils OR...
- ✓ Stereotyping – attributing behaviors, abilities, interests, values or roles OR...
- ✓ Pupil harassment – behavior toward pupils which substantially interferes with a pupil's school performance or creates an intimidating, hostile, or offensive school environment...

...which is detrimental to a person or group of persons AND which...

- ✓ differentiates and distinguishes among persons OR...
- ✓ limits or denies a person or group of persons opportunities, privileges, roles or rewards OR WHICH...
- ✓ perpetuates the effects of past discrimination AND...

...which is based in whole or in part on a protected class status.

While the statewide law does not specifically provide protections for transgender and gender non-conforming students, many school districts have adapted their local policies to include language that provides protections on the basis of gender identity and gender expression. If you would like to learn more about how to approach your own school district and request this change, give us a call at (608)661-4141.