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***SENT VIA EMAIL: [paul.sherman@dpi.wi.gov](mailto: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 Regarding Ti'nya Singletary by Chippewa Falls Area Unified School District**

Dear Mr. Sherman,

I represent Ti'nya Singletary and her parents, Kassie and Alvin Singletary (“Complainants”). Ti'nya is Black and was until recently an eighth-grade student at Chippewa Falls Middle School, part of the Chippewa Falls Area Unified School District (CFAUSD).<sup>1</sup> On July 22, 2021, Complainants filed a pupil nondiscrimination complaint<sup>2</sup> (the “Singletary Complaint”) against CFAUSD under Wis. Stat. § 118.13 and Wis. Admin. Code § PI 9.04. The Singletary Complaint alleged that CFAUSD has discriminated against Ti'nya on the basis of race by tolerating a racially hostile school environment, by disciplining her more harshly than it has disciplined similarly situated white peers, and by failing to meet its statutory responsibility to provide appropriately diverse instructional materials.

As explained in more detail in the complaint and the attached records, Ti'nya has been called names at school including “monkey hands,” “burnt candy cane,” “burnt hot pocket,” and “big black bitch.” She has reported these incidents to faculty, but the name-calling continued. Ti'nya has also had incidents where other students physically assaulted her, such as hitting her with a backpack or punching her in the neck. When Ti'nya defended herself by pulling the other students off her, she was disciplined more harshly than the students who instigated the physical confrontation. After an incident in March, 2021, where a fellow student asked “Is that your real hair,” then pulled Ti'nya's hair and punched her, the school created a student care plan for Ti'nya. Rather than indicating steps the district would take to stop other students from harassing Ti'nya, the care plan focused on how Ti'nya responds when she is upset. For example, the care plan lists as “areas of concern” for Ti'nya that she “doesn't always ask for help when she needs it and holds things in,” “needs to work on self control,” and “is aware of and sensitive to comments about race.”

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<sup>1</sup> Ti'nya withdrew from CFAUSD on October 15, 2021, because of retaliation she experienced after participating in the investigation of her family's pupil discrimination complaint. That retaliation is the subject of a separate pupil discrimination complaint currently pending before CFAUSD.

<sup>2</sup> Attached, “Exhibit A.”

As you know, in June 2021, a group of current and former CFAUSD students known as the “Cultivative Coalition” also filed a discrimination complaint against CFAUSD (the “Cultivative Coalition Complaint”)<sup>3</sup>, which is the subject of an appeal currently pending before the Department of Public Instruction (DPI) as 21-PDA-04. The Cultivative Coalition Complaint is closely related to the Singletary Complaint, as it also alleged that CFAUSD had discriminated and was continuing to discriminate against students on the basis of race and other protected classes by failing to correct a known hostile environment. The Singletary Complaint incorporated by reference the legal discussion in the Cultivative Coalition Complaint. The Singletary complainants and the Cultivative Coalition offered to combine the two complaints into a single investigative process,<sup>4</sup> but CFAUSD did not act on this suggestion. Complainants also requested that portions of the record from CFAUSD’s investigation of the Cultivative Coalition Complaint be considered during the investigation of the Singletary Complaint.<sup>5</sup>

On October 20, 2021, CFAUSD sent a letter<sup>6</sup> notifying Complainants of its final decision regarding their Complaint. The decision was conclusory and included no application of legal standards to evidence. It acknowledged that Ti’nya had experienced a racially hostile environment at school—contradicting its finding in the Cultivative Coalition investigation that there was “no evidence” of a racially hostile environment in its schools<sup>7</sup>—but claimed without justification that CFAUSD’s response to the environment had been reasonable. The decision also claimed without evidence that there were legitimate, non-discriminatory reasons for the harsh and unequal discipline Ti’nya experienced at school. Finally, the decision claimed without explanation that there was “no evidence” that CFAUSD had failed to meet state standards regarding diversity of instructional materials, but provided no affirmative evidence that CFAUSD was in compliance with those standards.

Pursuant to Wis. Stat. § 118.13 and Wis. Admin. Code § PI 9.08(1)(a), Complainants now appeal CFAUSD’s decision. Grounds for this appeal are as follows:

1. CFAUSD’s finding that it responded reasonably to the hostile environment Ti’nya experienced is not supported by the evidence. Instead, evidence shows that the district failed to stop the harassment, punished her for responding to harassment, and made her responsible for avoiding or tolerating harassment.<sup>8</sup>
2. CFAUSD did not adequately investigate whether Ti’nya was disciplined more harshly than similarly situated white students.

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<sup>3</sup> Attached, “Exhibit B.”

<sup>4</sup> See Aug. 6 Email to Atty. Jenna Rousseau (attached, “Exhibit C”).

<sup>5</sup> See Excerpt from Interview of Ti’nya Singletary (attached, “Exhibit D”).

<sup>6</sup> Attached, “Exhibit E.”

<sup>7</sup> See Determination of Cultivative Coalition Complaint (attached, “Exhibit F”).

<sup>8</sup> The documentary evidence that Complainants provided to the CFAUSD investigator has been compiled into a single PDF file which is attached as “Exhibit G.” Other evidence includes six audio recordings of conversations between Complainants and CFAUSD staff, which will be provided to DPI in separate emails.

3. CFAUSD misapplied the legal standard for disparate treatment in determining there was “no evidence” that Ti’nya was disciplined more harshly than similarly situated white students.
4. It is CFAUSD’s burden to prove that it had a legitimate, non-discriminatory reason for its differential disciplinary treatment of Ti’nya, and it has provided no such evidence.
5. CFAUSD did not adequately investigate whether it had met its statutory responsibility to provide instructional materials reflective of American cultural diversity.
6. CFAUSD misapplied the legal standard in concluding there was no evidence that it had not met its statutory responsibility to provide instructional materials reflective of American cultural diversity.
7. Given the lack of reasoning—i.e., discussion of legal standards or of evidence—in the decision letter provided to Complainants, Complainants reserve the right to raise additional issues for appeal once the District’s investigative record has been produced.

Complainants request that DPI order CFAUSD to produce its investigative record. In the interest of efficiency, given the extensive legal and factual overlap between the Singletary Complaint and the Cultivative Coalition Complaint, Complainants request that this appeal be consolidated with the Cultivative Coalition appeal and that a single briefing schedule be set for the consolidated action.

Respectfully submitted,

*/s/ Elisabeth Lambert*

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cc: Kassie and Alvin Singletary  
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Superintendent Jeffrey Holmes

Attachments