

CIVIL RIGHTS ACT OF 1964

SAVE YOUR SIX

TITLE VI PROTECTIONS AT SCHOOL

ADDRESSING RACIAL HARASSMENT
AND DISCRIMINATION DURING SCHOOL

ABORDAR EL ACOSO RACIAL Y
DISCRIMINACIÓN DURANTE LA ESCUELA

STUDENT & FAMILY TOOLKIT

Title VI of the Civil Rights Act of 1964

“ No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. ”

Título VI de la Ley de Derechos Civiles de 1964

“ Ninguna persona en los Estados Unidos, por motivos de raza, color, origen nacional o fe será excluida de la participación, será negada los beneficios de, o será objeto de discriminación bajo cualquier programa o actividad que recibe fondos del gobierno federal. ”

What to do if you are harassed* (bullied) at school

Qué hacer si usted es acosado*(intimidado) en la escuela

1

Write it down

Escríbelo

Keep notes, make an incident report

Always make a copy (or write it twice)

Tome notas, haga un informe de incidente

Siempre haga una copia (o escríbalo dos veces)

2

Tell someone at home

Dile a alguien en casa

Talk to a parent or trusted adult

Tell someone the first time it happens

Hable con un padre o adulto confiable

Diga a alguien la primera vez que pasa

3

Tell someone at school

Dile a alguien en la escuela

Notify the school administration

about the situation and request, specifically, that they “stop the harassment.”

Notifica la administración escolar

sobre la situación y solicitan, expresamente, que ellos “paran el acoso.”

PROTECTED

PROTEGIDO

Race

Raza

Color

Color

Religion

Religión

National Origin

Origen Nacional

*What is harassment?

It's when someone or some people keep saying or doing something to a student even if the student doesn't want them to and have tried to stop it. It's illegal under federal law. Students at any age level have the right not to be harassed.

*Que es el acoso?

Es cuando alguien o algunas personas siguen diciéndole o haciéndole algo a un estudiante, incluso si el estudiante no lo quiere y ha tratado de detenerlo. Es ilegal según la ley federal. Los estudiantes de cualquier edad tienen derecho a no ser acosados.

What to do if **you** experience racial harassment* or discrimination at school

STUDENTS

HARASSMENT IS NOT YOUR FAULT

You have a protected right to feel safe at school.

It is the right of all students to be free from discrimination from others—other kids or adults—at school.

Write it
down

1

Keep notes, make an incident report
Always make a copy (or write it twice)

Tell someone
at **home**

2

Talk to a parent or trusted adult
Tell someone the first time it happens

Tell someone
at **school**

3

Notify the school administration
about the situation and request, specifically,
that they “stop the harassment”

PROTECTED

Race

Color

Religion

National
Origin

FAMILIES

WHAT TO DO IF A CHILD REPORTS HARASSMENT TO YOU

1

TALK TO YOUR STUDENT

Make sure you have all the details of the incident(s) and document everything and keep anything tangible.

2

NOTIFY THE SCHOOL ADMINISTRATION

Your student's school is required to initiate an internal grievance procedure upon notice of harassment. You may use their procedure ***AND/OR*** file an OCR complaint to address an inadequate response to your student's complaints.

3

FILE AN OFFICE FOR CIVIL RIGHTS (OCR) COMPLAINT

Anyone who believes an act of discrimination on the basis of race, color, religion or national origin, against any person may file a complaint with OCR under Title VI. The person filing does not need to be the victim of the alleged discrimination. Complaint letters should explain: who was discriminated against, in what way, by whom, when it took place, who was harmed, and who to contact for more info.

*What is harassment? Title VI states that:

It's when someone or some people keep saying or doing something to a student even if the student doesn't want them to and have tried to stop it. It's illegal under federal law. Students at any age level have the right not to be harassed.

“No person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”



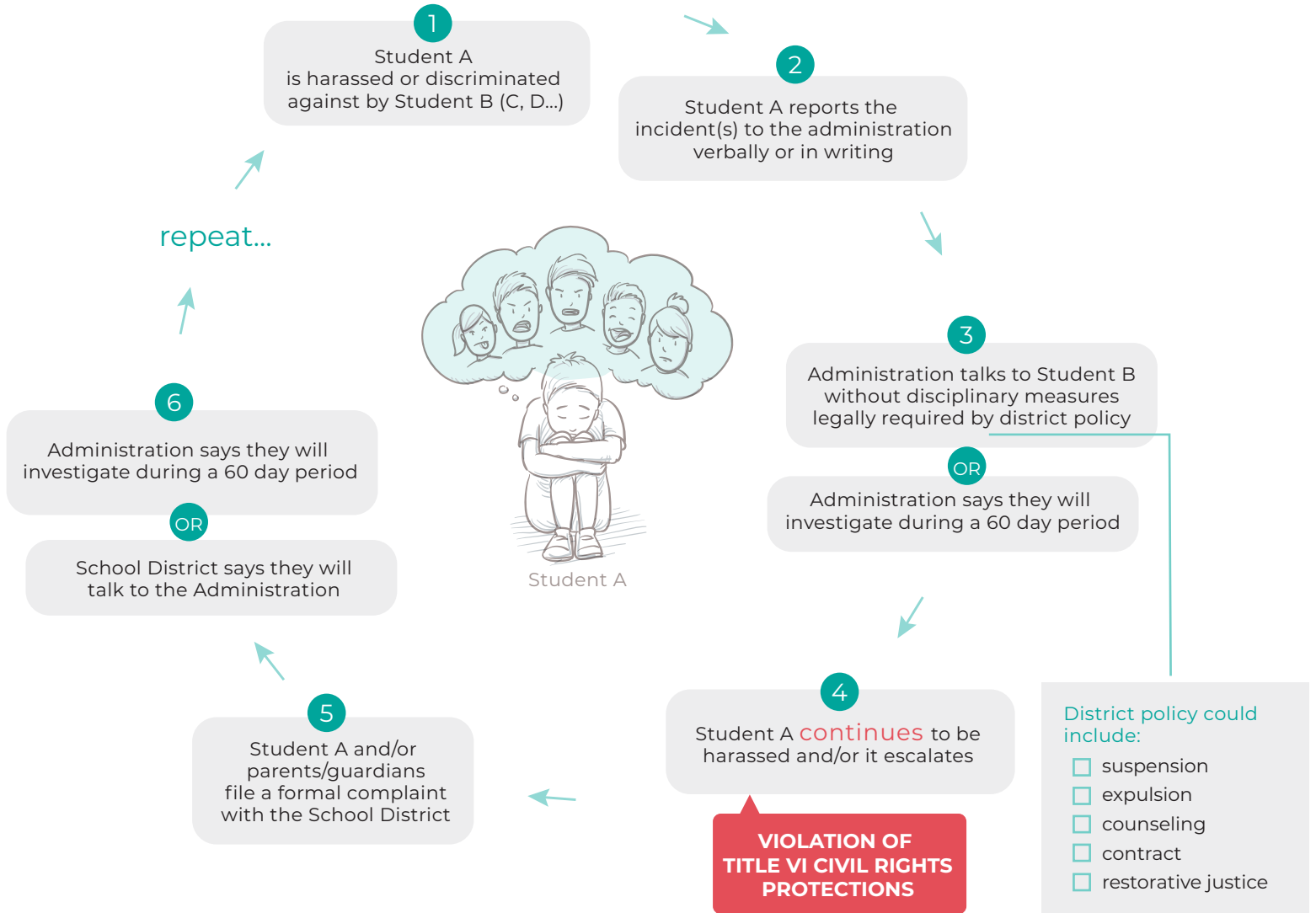
For more information
visit our website or email us

SaveYourVI.org

info@SaveYourVI.org

Cycle of Title VI Civil Rights Violations in School

Title VI requires an educational institution to respond to racial or national origin **harassment*** that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities (i.e., creates a hostile environment).



*What is harassment?

It's when someone or some people keep saying or doing something to a student even if the student doesn't want them to and have tried to stop it. It's illegal under federal law. Students at any age level have the right not to be harassed.

Title VI states that:

"No person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Gender is protected under Title IX and is also under the jurisdiction of the Office for Civil Rights.

For more information:
SaveYourVI.org
info@SaveYourVI.org

The Office for Civil Rights or OCR



What is the OCR and how does it protect students?

The Office for Civil Rights (OCR) enforces five federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in programs or activities that receive federal financial assistance from the Department of Education (ED).

These civil rights laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, and virtually any agency that receives federal financial assistance from ED.



When should I file an OCR complaint?

Anyone who believes that an educational institution that receives federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age can file a complaint. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group. A complaint must be filed within 180 calendar days of the date of the alleged discrimination! Exceptions are rare.



Do I have to use the school's grievance process?

NO. A complainant is not required by law to use the institutional grievance process before filing a complaint with OCR. If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the completion of the institutional grievance process.

How do I submit a complaint?



ONLINE at <https://ocrcas.ed.gov>



EMAIL a letter to ocr@ed.gov



MAIL a letter to your regional OCR branch

For more detailed info

about what to include in your complaint, please call the U.S. Department of Education at 1-800-421-3481

OR

visit online at <http://ww2.ed.gov/about/offices/list/ocr/docs/howto.html>

Steps to Follow with Your School



Step 1: Listen to the student's account of what has or is happening to them.

Take notes and try to create a chronology of the incident(s) of racial harassment* or discrimination.* Write as detailed a chronology of the the incident(s) as you can. Chronological order means that you start from the earliest event and end with the most recent. Always keep a copy of the chronology for yourself. It's best to create an electronic document and folder so that you can easily email documents that you create regarding the student's racial harassment or discrimination.

Step 2: Make sure that the student is safe and healthy.

If your student is afraid, seems very sad or depressed, or expresses that they are in any way at risk for further harm, you may consider a sick day for them. You may also want to talk to their doctor about what's been happening and your concerns about them. It's good to have a medical record of how the racial harassment or discrimination has affected the student. The student's doctor may refer you to a therapist to help them cope with the emotional and psychological effects of going to school in a hostile environment.

Step 3: Acquaint yourself with the school's policies regarding racial harassment and discrimination, including policies on hate speech and behavior.

They are often found on the school district's or college's website under "Policies." How soon are you required to give the school notice* of the incident(s) if you haven't already? What process do they use when investigating claims of racial harassment and discrimination? How long do they have to complete their investigation? What are the consequences if they find your claims to be true? Also look at your student handbook or your school's home page and note whether or not they have an easily accessible "Notice of Non-Discrimination" that references the Civil Rights Act of 1964.

Step 4: Now that you know what you should expect from your school, contact the school and request a meeting. You'll want to speak with an administrator like a vice principal, a principal or a designated coordinator who handles complaints to discuss the harassment incident(s) or discriminatory behavior.

District employees should:

- Know who to direct you to if they can't help you themselves
- Be willing and able to direct you to any district board policies
- Want to hear and resolve your complaint
- Prioritize the student's ability to access their Free and Appropriate Public Education (FAPE)
- Provide translation services if English is not your first language

Step 5: Meet with an administrator who will hear your complaint.

They will likely have questions and want to hear directly from the student. If the student feels like they can do this safely, they should. The administrator may be guided by policy to attempt to get a statement from the complainant (the student or yourself). Whether or not the student attends this meeting, you can submit a copy of your detailed chronology to the administrator. During your meeting, we suggest you have a witness or advocate present for moral and emotional support, and to take notes. Learning that the student has experienced racial harassment in a place where they are supposed to feel safe, protected, and welcome can make you feel angry and defensive as well as sad and powerless. (See "Why You Need an Advocate" in the Parent's Toolkit of www.saveyourvi.org.) If they don't say they'll do an investigation or don't seem as if they're following their own policies, skip to Step 9.

Step 6: Write a follow-up email to the administrator you met with detailing what was discussed and how you understand that they will proceed. Attach another copy of your chronology as well as any other documented evidence of the harassment or discrimination. For example, if there are screenshots of online communications with harassing language or images, attach them. It's important that you document that you gave them evidence that they should consider in their investigation. Email leaves a great electronic paper trail.

Step 7: Address how the school can support the student during their investigation.

Make sure the school's interventions don't unfairly place responsibility on the student to avoid further harassment, discrimination, or retaliation. For example, having the student avoid contact with their harasser by having the student eat lunch in the office rather than with the rest of the student body places an unfair burden on the student, rather than the school, to ensure student safety.

Step 8: Let the school/district follow their policy.

This is where the process can become unclear or confusing. Each public school district has their own board policies and procedures. They are enacted and governed by the school board, the superintendent, and everyone who works for that district. The schools within that district are required to follow these policies and enforce their prescribed remedies. Some districts are better than others about staying informed on their own policies and procedures.

Step 9: Assess the school's results and choose how you want to proceed.

If you feel that the the school has properly addressed your complaint AND the school has taken appropriate action to address the student's harasser or other racial discrimination AND your child feels safe at school, you can allow the school/district to remedy the discriminatory behavior, continue providing the supports your child needs to ensure a safe and welcoming environment for them, and continue to access their FAPE without any further interruptions.

In this case you should:

- Continue to communicate with your child to make sure they feel supported at school.
- Continue to communicate with the school/district to make sure they know you intend to continue working with them to make sure your child stays safe.
- Document any continued racial harassment or discrimination.
- Document any failure to support the student.
- Document any communication with the school/district.

If you are not satisfied with the school/district investigation into your complaint you may:

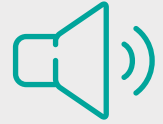
- Tell district administration that you'd like to file a "Formal Complaint" in writing to your school district. The specific name of the district's complaint process may also vary from district-to-district. Usually (and legally), district complaint policies should be available at your local county offices of education, district offices, or charter school offices, and if you show up to request them the district employees should be able to easily locate them and show them to you. They should not be hesitant to produce the district complaint policies and they should not try and make you answer questions, such as inquiring why you want to see the policies, before you are able to see them. Some districts may or may not charge for copies of policies. The rules on this vary from state to state, so be prepared to pay if it will get you the information that you need. The fact is that it's a bad sign if the district doesn't have their policies and procedures easily accessible online and in PDF form, because it implies that the district doesn't read, review, and update their own policies to make sure they're up to date and in compliance with the latest state and federal regulations.
- File a complaint with your state's Department of Education.
- Skip the "Formal Complaint" process and go straight to the OCR Complaint process (See "How to File a Complaint with the OCR" in the Parent's Toolkit of www.saveyourvi.org.)
- Change your child's school/district.

If your school district doesn't review and revise their policies and procedures that address racial harassment and discrimination that reflect state education code and federal regulations, the principal, the office staff, the teachers, etc., are likely unaware of them or how they work. That's why Title VI awareness and compliance in schools is so important.

Title VI isn't a wish list, it's federal law. Title VI is the last safety net for students who suffer from racial harassment and discrimination at school. All schools that receive federal funds, public and nonpublic, are required to stay in compliance with Titles VI or risk losing federal funding. Even if schools fail to comply with their own anti-discrimination policies (which can vary a great deal from district to district and from state to state, therefore making noncompliance less recognizable) they must, at the very least, adhere to the federal standard of Title VI set by the Civil Rights Act of 1964.

To connect and learn more about how to advocate for a racial harassment and discrimination-free education, visit www.saveyourvi.org.

Why You Need an Advocate



Racial discrimination can take many forms at school. Sometimes it can be obvious, like racial harassment and bullying, and sometimes it's subtle, like certain groups of students not receiving supports at school to help them learn where other groups of students are adequately served (This is particularly prevalent with students of color who also require IEP and 504 modifications). Wherever it is found and whatever form it takes, if appropriate action is not taken by the school to address racial discrimination, that school or district is in violation of Title VI. Hopefully, the student's school wants to resolve any issues of racial discrimination, and will work with designated personnel to ensure the school resolves these issues in compliance with

Title VI. In order to do that, they must first hear your complaint and gather pertinent information. During that discussion, as outlined Step 5 of "Addressing Racial Discrimination," we suggest taking along an advocate for this meeting.

Here's why:

Meeting with school/district administration about your child can be an emotionally charged experience and it's good to have the moral support. Advocating for yourself or your student when they have faced racial discrimination is emotionally taxing, especially if you've already been struggling with the school to get your concerns addressed. You may find it all coming to a head when you're seated across from school authority figures who are asking you to repeat what has now become a long and complicated chronology of events. It's nice to have someone with you holding the tissues in case you become frustrated or upset; and also to observe the administrator's response to your concerns.

It is important to bring someone with you to a meeting with school/district administration who is knowledgeable about school policies and options for support. Sometimes a school or district will offer only the options they want the parent/caregiver/student to choose, either out of expediency, economy, or simply being unaware that other options exist (which is a district training issue). If the student qualifies for other services that the district can provide in order to ensure the student receives their Free and Appropriate Public Education, those services should be discussed as options. A timeline for getting the student back on track with school so that they will not suffer any further obstacles to their education should be agreed upon at this meeting, or it should at least be discussed and finalized soon after.

School district policy and procedure purposefully lacks transparency. Or at least that's what we've found, considering that so few districts make them easy to access via their websites, handbooks, and posted office information. School district policies, including policies that address discrimination in school, are written and approved by your school district's school board. These policies lay out their grievance procedure in the event that a complaint is received. The district is also responsible for training all of their employees on Title VI (and other) regulations. Don't know what those regulations are? You or your student may attend a school where the



administration and faculty don't know either, but if your school receives federal funds they are legally required to know and to comply with these regulations. They are also required to make sure that you know these protections exist, and what to do if they violate these regulations. An advocate will be able to attend a meeting with you and an administrator already having briefed themselves on the district's policies on racial harassment and discrimination. This allows you to concentrate on your student's immediate and long term needs rather than making sure the administrator is in line with district and federal policy. Later, and in private, you and your advocate can discuss whether the district looks to be following its own policies.

Having an advocate with you when meeting with school administration can keep you/your student from being re-victimized. Sometimes when addressing the parent/caregiver/student's concerns, the administrator will make suggestions for "solutions" that they may or may not violate the student's Title VI protections.

Having someone with you who is well versed on Title VI regulations is very important if you're meeting with the school regarding racial harassment and discrimination. For example, having an aide follow the victimized student around to make sure no one bothers them at school places an undue burden on the student by making them feel like even more of an outsider and/or making them feel like they're being punished for speaking out. Another example is if the district decides to have the victimized student eat lunch away from the rest of the student body because the cafeteria is where the student has been receiving most of the racial harassment. Again, this messages to the student speaking out about your mistreatment only cause negative attention and further isolation from your peer group. These are not solutions and that is not a good message to send marginalized students. They do nothing more than re-victimize the student while ignoring the problem and taking the responsibility off the person perpetrating the racial harassment or discrimination.

You have more control than you think. Often, administrators will tell a parent/caregiver/student what they are "allowed" to do within their position. What the administrator may leave out is what YOU'RE allowed to do. An administrator may lay out a plan of what can be done to rectify the situation for the student. They may ask to be allowed time to do their own investigation into the faculty and staff in question. In doing this, an administrator may omit some of the options for the parent/caregiver/student, such as possibly disciplinary actions for the perpetrator outlined by district policy. In these meetings, an advocate can note all of this. If the school/district has already failed to appropriately respond to complaints about discrimination, you may initiate your district's formal complaint process (if your complaint is recent enough as determined by reasonable district policy). You can skip the formal complaint process altogether and complain straight to the U.S. Department of Education Office for Civil Rights (OCR), which is a federal complaint process (within 180 days). You can even go through the formal complaint process, and then file an OCR complaint afterwards. You have choices! If you are discouraged by how the school/district has handled your complaint you can go through the OCR which may enforce the justice and accountability you seek for yourself or your student if the complaint is received in a timely manner.

You're not in this alone. We know it feels like you're fighting an uphill battle with very few weapons at your disposal. Schools and districts may act like your complaint is the first they've ever heard of its kind. It's not. Your student is suffering, but the school wants the student back in school, as attendance is a high priority for district funding. We get it. You're not alone. We are a community of parents, caregivers, and students of color who understand the intersecting marginalization that we experience in the school system.

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Resources



Title VI

<http://saveyourvi.org/>



Title IX

<https://www.knowyourix.org/>



Sonoma County Student Study

<http://sonomacounty.ca.gov/Human-Rights/Survey-Results-on-Discrimination-and-Bullying-in-Schools/>



Trump Effect

<https://www.splcenter.org/fighting-hate/intelligence-report/2017/trump-effect>



Disabilities & Avoid Discriminatory Use of Discipline

https://www.ed.gov/news/press-releases/new-guidance-helps-schools-support-students-disabilities-and-avoid-discriminatory-use-discipline?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=



Save Your Six Advocacy Intake Form

<https://docs.google.com/forms/d/1fZRpcgnv6yfDzFqx9MdM8KsqRlqnEmwBEnkC5CyR158/edit>



Notice of Nondiscrimination

<https://www2.ed.gov/about/offices/list/ocr/docs/nondisc.pdf>