

HOW TO FILE A COMPLAINT WITH YOUR SCHOOL RELATED TO BULLYING, HARASSMENT, OR DISCRIMINATION

MY SCHOOL MY RIGHTS KNOW YOUR RIGHTS

YOU HAVE THE RIGHT TO BE SAFE AT SCHOOL
YOU HAVE THE RIGHT TO BE FREE FROM BULLYING AND HARASSMENT
YOU HAVE THE RIGHT TO HOLD YOUR SCHOOL ACCOUNTABLE
UNIFORM COMPLAINT PROCESS CA Code of Regulations (Title 5, section 4600 et seq.)

You can file a complaint with your school or district related to the following types of harassment (actual or perceived):

- | | | |
|-------------------|------------------------------|--|
| ✓ Age | ✓ Gender Expression | ✓ Sex |
| ✓ Ancestry | ✓ Mental/physical disability | ✓ Sexual harassment |
| ✓ Color | ✓ National origin | ✓ Sexual orientation |
| ✓ Ethnicity | ✓ Race | ✓ Association with any categories listed |
| ✓ Gender | ✓ Religion | |
| ✓ Gender Identity | | |

If you file a complaint with the school, the principal is required by law to investigate and fix the problem. Your school, including teachers and administrators, is required by law to protect you and must take the necessary steps to stop any form of bullying.

If the bullying continues or you feel that the school did not properly look into your complaint, you can file a complaint with the superintendent of the school district. The district has 60 days from when they notified you that they received your complaint to investigate and respond about what they plan to do.

You do NOT need to file a complaint with the school before filing a complaint with the superintendent of the school district. You may file a complaint directly with the superintendent of the school district if you choose.

If you are not satisfied with the school district's investigation or results, you can appeal to the CA Department of Education. If you decide to appeal, you must do so within 15 days of receiving the school district's written response.

Members of the public can also file complaints related to other issues, such as illegal school fees and what are known as *Williams* complaints, which relate to whether school facilities are clean and safe, students have access to instructional materials, and whether teachers are appropriately credentialed. Those additional issues are not addressed in this brochure, but you can find out more information about *Williams* complaints at <https://www.aclusocal.org/cases/williams-v-california/williams-complaint-process/>.

HOW TO FILE A COMPLAINT

- FIND A COMPLAINT FORM:** You can use the Uniform Complaint Procedure form created by the CA Department of Education (available at www.aclusocal.org/SRP) or use the one that is supplied by your principal or school. If you are filing a complaint about harassment, do not fill out a *Williams* Complaint Form.
- FILL OUT THE FORM:** Make sure to be as detailed as possible. The more information that you give in the report, the stronger the complaint is. Give details about what happened, when, where, who was involved or was a witness, and which school or district staff you told about the incident(s). If you have any documents or other evidence that back up the complaint, you should attach them to the form. The form can be filled out by any student, a parent, or interested third party or organization, for a student.
- TURN IN THE COMPLAINT FORM:** Make a copy for yourself before turning it to the appropriate person at your school. You should turn it in directly to your principal or to the superintendent of the school district.

COMPLAINT TIMELINE

Day 1: File a complaint with your school district within 6 months of the incident.

60 working days: Within 60 days from the date of the receipt of complaint, you should receive a written response from the school district explaining what they found, their conclusions and the legal basis for it, what steps they plan to take, and your right to appeal.

If you are not satisfied with the response to your complaint within 15 days of receiving the decision, file an appeal to the CA Department of Education. You can find out more information about filing an appeal at <http://www.cde.ca.gov/re/cp/uc/>.

POSSIBLE REASONS FOR FILING A COMPLAINT

Note: These are examples, not the only possible reasons.

Bullying & Harassment

- If you are being bullied, you may file a complaint. Under no circumstances should you tolerate being bullied.
- You should never be verbally and/or physically harassed by anyone at school based on your race, ethnicity, gender, gender identity, gender expression, or sexual orientation.
- All students have the right to a safe school.

Discrimination

- If you feel you or your student group is being treated differently than other students or clubs, you may file a complaint.
- All students have the freedom of expression.

School Climate

- If you don't feel safe at your school because of your race, ethnicity, gender, gender identity, gender expression, or sexual orientation, you may file a complaint.
- Even if there isn't a bully or bullies that you can point out specifically, if you don't feel safe at school, you should talk to your principal to find a solution.
- All students have the right to be protected.

CALIFORNIA EDUCATION CODE SECTION 234.1

Education Code Section 234.1 lays out the requirements to ensure that school districts are working to reduce discrimination, harassment, violence, intimidation and bullying, thereby increasing school safety for all students. Under this law, every school district must:

- Adopt a policy that prohibits discrimination, harassment, intimidation, and bullying based on your actual or perceived
 - Race or ethnicity
 - Nationality
 - Gender
 - Gender identity
 - Gender expression
 - Sexual orientation
 - Religion
 - Disability
 - Association with someone else with one or more of these perceived characteristics.

The school district policy applies to all acts related to a school activity or school attendance.

- Adopt a complaint process for receiving or investigating complaints of discrimination, harassment, intimidation, and bullying based on the characteristics listed above. The complaint process must include:
 - A requirement that, if school staff witness an act of discrimination, harassment, intimidation

or bullying, they must take immediate steps to intervene when it is safe to do so.

- A timeline to investigate and resolve complaints of discrimination, harassment, intimidation or bullying.
- An appeal process.
- All forms associated with the complaint procedure must be translated into your native language if at least 15% of the students in the district speak your native language as their primary language.
- Publicize its anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about how to file a complaint.
- Post its anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies in all schools and offices, including in student government rooms.
- Keep documentation of the complaints it receives and the resolution of that complaint until the CA Department of Education has reviewed the school district through its Categorical Program Monitoring process.
- Make sure that you are protected from retaliation for complaining, and that your identity as the person who complained is kept confidential, as appropriate.
- Identify a staff person in the school district who is responsible for ensuring that the school district complies with this law.

For more information, please visit

<https://www.aclusocal.org/seths-law-ab9-handout/>

FAQs

Q: Who can file a complaint?

A: Any student who experiences discrimination or harassment may file a complaint with the school or school district. Someone else, like another student, parent, or interested third party or organization, may also file a complaint.

Q: Is there a specific form to file a complaint?

A: Yes, you should use the one your school district has (check their website or ask at the district office) or the sample Uniform Complaint Form available at aclusocal.org/SRP.

Q: Is there a difference between the Uniform Complaint Form and the Williams Complaint Form?

A: Yes, the *Williams* Form is specifically for the right to a clean and safe school, to have a book to use in class and at home, and to have a qualified teacher. The Uniform Complaint Procedure Form is for reporting incidents of harassment or discrimination, including bullying.

Q: Should I make and keep a copy of my complaint?

A: Yes, you should always make and keep a copy of all of your complaints.

ACLU of Southern California
1313 W. 8th Street
Los Angeles, CA 90017
www.aclusocal.org

ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
www.aclunc.org

ACLU of San Diego & Imperial
Counties
2750 5th Avenue, Suite #300
San Diego, CA 92101
www.aclusandiego.org



How to Help Someone File a Complaint with Their School Related to Bullying, Harassment, or Discrimination

Loelta HelStart with the **Uniform Complaint Procedure** form (*not* the Williams Complaint Form).

On **Page 1**, check any and all boxes under “discrimination” that you feel apply: color, ethnic group identification, gender, race or ethnicity, etc.

On **Page 2**, **focus on telling the story**. You can follow the format provided - but it may be more natural to talk through and write the complaint as if it were a story. Ask the complainant (the person who has come to you with a concern) to explain what happened in as much detail as possible.

Follow up to get details on the **specific events or actions** they feel were discrimination or harassment, the **people** involved, any **witnesses**, and **when** (dates and times) **and where** the discrimination or harassment took place. Do the best you can to help the person remember exact words, clear descriptions of actions, the date of the event (s) using a calendar and other events as reference points.

Instead of:

“Staff at school have said many racist things to my son and treat him differently than other kids. Other kids bully him in front of teachers, and the teacher doesn’t do anything. When he stands up for himself, he gets in trouble but the other kids don’t.”

Include details: *“On [date] at [time], student [name] called my son [as close to exact words as possible]. When he reported it to [staff/teacher/administrator name and position], they told him he was making it up and did nothing.”*

Another example: *“Three classmates were bullying my son, calling him names [include their words] and shoving him in the yard at recess on [date] at [time]. [Staff] witnessed the events but didn’t do anything. When my son pushed one of them back, [staff name] intervened and sent my son to in-school suspension. The other three kids did not receive any punishment despite their name-calling and starting the fight. I didn’t learn about this until my son came home from school. I called the school and spoke with [name] the next morning [date and time], and they didn’t have any documentation of the incident or suspension.”*

Also ask: what was the outcome of the incident, which school/District staff were involved, and what exactly did they say or do?

If the complaint is about a **series of incidents**, do your best to estimate the date and location of each incident and the school/District responses. Create a timeline with details the best you can.

Finally, ask the individual if they have had any communication or interaction with school or District staff, or the people involved, since the incident. If so, when? Who said what? If anything was put in writing, include copies. If the answer is “no,” ask what prevented them from acting – their answer might uncover other important details.

Turning in the form: Be sure the person has **two copies** of the complaint form and any evidence or supporting documents. If possible, they should hand the complaint directly to the principal or superintendent. Have the person get school staff to sign and date their copy as received, or, get a written receipt.

Submit a copy of the complaint to the **Office for Civil Rights:** Brian Lambert, Brian.Lambert@ed.gov
and the **Humboldt County Office of Education:** Heidi Moore, hmoore@HCOE.org

My School, My Rights: Bullying and Harassment <https://www.myschoolmyrights.com/harassment-and-bullying/>
My School, My Rights: How to File a Complaint: <https://www.myschoolmyrights.com/complaint-school/>

**Uniform Complaint Procedure
Discrimination/Harassment Complaint Reporting Form**

I. Contact Information

Last Name: _____ First Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Home Phone: _____ Work or Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of: _____

Parent/Guardian Pupil Witness to the Incident Other

III. School Information

School Name: Loleta Union Elementary School
Grade: _____ Principal: _____

IV. Basis of Complaint

District violation of state or federal law or regulations governing:

- | | |
|--|--|
| <input type="checkbox"/> Adult Education | <input type="checkbox"/> Migrant Education |
| <input type="checkbox"/> Career/Technical Education | <input type="checkbox"/> Child Nutrition |
| <input type="checkbox"/> Special Education | <input type="checkbox"/> After School Education / Safety |
| <input type="checkbox"/> Local Control Accountability Plan | <input type="checkbox"/> School Safety Plans |
| <input type="checkbox"/> Consolidated Categorical Aid | <input type="checkbox"/> English Learner Programs |
| <input type="checkbox"/> Child Care & Development | <input type="checkbox"/> Foster or Homeless Youth |
| <input type="checkbox"/> Pupil Fees for Educational Activities | <input type="checkbox"/> Bilingual Education |

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual or perceived characteristics of the following:

- | | |
|--|---|
| <input type="checkbox"/> Age | <input type="checkbox"/> Nationality |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Color | <input type="checkbox"/> Race or Ethnicity |
| <input type="checkbox"/> Physical or Mental Disability | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Ethnic Group Identification | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Gender Expression | <input type="checkbox"/> Sexual Harassment (Title IX) |
| <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Association with any of these actual or
perceived characteristics |
| <input type="checkbox"/> Genetic Information | |
| <input type="checkbox"/> Marital or Parental Status | |

Allegations of noncompliance of the following:

- Bullying that is not based on the above listed protected classes
 Retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to the uniform complaint procedures

V. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of incident(s) you experienced that led to this complaint, in as much detail as possible, including all dates and times when the incident(s) occurred or when the allege acts first came to your attention and location(s) where the incident(s) occurred:

List the **individuals** involved in the incident(s) complaint of:

List any **witnesses** to the incident(s):

What steps, if any, have you taken to resolve this issue before filing a complaint?

Signature of person filing complaint

Date

Please submit this complaint to:

Loleta Union Elementary School District
700 Loleta Drive
Loleta, California 95551-0547

Received by:

Date Filed:

Title:

Please provide a duplicate copy to the complainant.