

HOW TO FILE A COMPLAINT WITH THE FEDERAL DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS (OCR)



**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**

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

ACLU of Northern California
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WHO IS OCR?

The Office of Civil Rights (OCR) is a federal agency that investigates complaints of discrimination on the basis of race, color, national origin, sex, disability and age in public schools. OCR enforces anti-discrimination civil rights laws that apply to schools, school districts, and other public agencies that receive funding from the Department of Education. More information about OCR, and how to file a discrimination complaint with them, can be found at <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

OCR COMPLAINT PROCESS

Who can file a complaint?

You can file a complaint against your public school or school district if you believe that the school or district discriminated against you—or against someone else—on the basis of race, color, national origin, sex (including gender expression, gender identity, and sexual orientation), disability, or age.

Do I need to file a complaint with my school first?

No. You do NOT need to file a complaint with the school or school district in order to file a complaint with OCR. You may file a complaint directly with OCR if you so choose.

You can find more information about how to file a complaint with your school or school district through the “uniform complaint procedure” in this publication’s companion piece, “How to File a Complaint with Your School.”

When should the complaint be filed?

You must file a discrimination complaint with OCR within 180 calendar days (including Saturdays and Sundays) from the date of the incident that you are complaining about. In certain circumstances, you can file a complaint after 180 days, but it’s more complicated and you should contact OCR first.

If you choose to file a discrimination complaint with your school or school district (see “How to File a Complaint with Your School”), you can also decide later to file a discrimination complaint with OCR. If you decide to later file a discrimination complaint with OCR, you must file your OCR complaint within 60 days after the school or school district has notified you that they will take no further action (or that it has been “resolved”). If you appeal the school or school district’s decision about your discrimination complaint to the CA Department of Education, you must file your OCR discrimination complaint within 60 days after the CA Department of Education has notified you that the matter has been resolved or that they will take no further action.

HOW TO FILE A COMPLAINT

- FIND A COMPLAINT FORM:** You can use the OCR complaint form found at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>, or you can write a letter to OCR explaining your complaint without the form. Either way, at a minimum, be sure to include all of this information:
 - Your name, address, and (optionally) the phone number where you can be reached during business hours.
 - Information about the person or group of people who were discriminated against. For example, was it race discrimination or disability discrimination? Or both? If it was race discrimination, who was the group of people being discriminated against? You do not need to include the specific names of people who were discriminated against, although that information is helpful to OCR and might help them investigate the incident(s) faster.
 - The name and address of the school or school district.
 - What happened? Describe the incident(s) of discrimination in detail, so that the OCR investigators can understand what happened, when, and why it was discrimination on the basis of race, color, national origin, sex, disability, or age. The more information that you give in the report, the stronger the complaint is.
- GIVE THE COMPLAINT TO OCR:** Make a copy for yourself before sending it into OCR. You can fill out the online form and submit it to OCR's website at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>, or you can email the complaint to OCR at ocr.SanFrancisco@ed.gov, or you can mail or fax your complaint to OCR at:
Office for Civil Rights, San Francisco Office
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105
Fax: 415-486-5570
Telephone: 415-486-5570

The OCR office in San Francisco handles all of the complaints for people who attend public school in California.

POSSIBLE REASONS FOR FILING A COMPLAINT

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

Bullying & Harassment

- You should never be verbally and/or physically harassed by anyone at school based on your race, national origin, ethnicity, gender, gender identity, gender expression, sexual orientation, disability, or age.
- All students have the right to a safe school.

Discrimination

- You or your student group should not be treated differently or worse than other students or clubs.
- All students have the freedom of expression.

School Climate

- If you don't feel safe at your school because of your race, ethnicity, national origin, gender, gender identity, gender expression, sexual orientation, or disability, you may file a complaint.
- All students have the right to be protected.

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