

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 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.