

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



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

- 1. 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.
- 2. 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.
- 3. 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 www.aclu-sc.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.

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