**
WHAT TO DO IF YOUR CHILD IS FACING HARASSMENT OR DISCRIMINATION AT SCHOOL**

Under federal law, public schools are required to protect students from harassment and discrimination on the basis of race, color, national origin, religion, gender, gender identity, sexual orientation, and disability. If your child is being harassed, discriminated against, or intimidated at a public school because of your child’s race, color, national origin, religion, gender, gender identity, sexual orientation, or disability, there are five steps you can take:

1. Immediately document, in writing, the harassment and discrimination. Gather as much information as you can from your child, including when and where each incident occurred, who participated in the incident and who witnessed it, and the details of what happened. Document how each incident affected your child in the short term (e.g., crying, illness, scared to go to school), and how the harassment has affected your child over the long term (e.g., difficulty sleeping, poor academic performance, acting out, regressive behaviors).

2. Check your school district’s policies on harassment and discrimination, and follow all procedures therein for reporting problems.

3. In addition to following the procedures set forth in your district’s policies on harassment and discrimination, notify your child’s teacher or principal, in writing, immediately, every time an incident of harassment occurs. Include all of the information in Step 1 above.

4. If your child’s school does not take action to stop the harassment, consider sending the below model letter to the school district’s superintendent.

5. Consider contacting a local or national legal advocacy group, such as your local ACLU affiliate, to discuss your rights and receive advice regarding your options.

**[MODEL LETTER]**

[insert date of letter]

**Re: Request for investigative action and response to harassment and intimidation of student based on protected characteristics**

Dear Superintendent/Principal [insert name]:

I’m writing because my child, [insert child’s name], has been harassed, discriminated against, and intimidated at school on the basis of their race, color, national origin, religion, gender, gender identity, sexual orientation, or disability.

 [Insert child’s name] is currently in the [insert level] grade at [insert name] School. My child has suffered repeated harassment and intimidation by [fill in] because of their [fill in]. Below are details regarding the harassment:

**Incident # 1**

Date/Time: [Fill in as many details as possible (e.g., during lunch, recess, class, athletic practice)]

Where: [Fill in as many details as possible (e.g., hallway, playground, cafeteria)]

Who: [Fill in who harassed your child and any witnesses who saw it]

What: [Fill in details describing what happened]

How: [Fill in details describing how the incident affected your child (e.g., crying, feeling sick, scared to go to school, unable to study/complete work)]

**Incident # 2**

Date/Time: [Fill in as many details as possible (e.g., during lunch, recess, class, athletic practice)]

Where: [Fill in as many details as possible (e.g., hallway, playground, cafeteria)]

Who: [Fill in who harassed your child and any witnesses who saw it]

What: [Fill in details describing what happened]

How: [Fill in details describing how the incident affected your child (e.g., crying, feeling sick, scared to go to school, unable to study/complete work)]

**[Add additional incidents as necessary]**

I believe the incidents described above are impeding my child’s access to an appropriate public education, free from harassment and discrimination. Under federal law, public schools are required to protect students from harassment and discrimination on the basis of race, color, national origin, religion, gender, gender identity, sexual orientation, and disability.[[1]](#footnote-1) This harassment and discrimination may also raise concerns under state and local laws, which often provide additional protections against harassment, discrimination, and intimidation on the basis of protected characteristics. These legal protections include an obligation to adequately investigate and resolve allegations of harassment and discrimination. It is my understanding that a failure to protect students from unlawful harassment may, in fact, result in school officials being held liable for the violations of a student’s rights.

I request that the school immediately investigate the incidents described above and take steps to protect my child from further harassment, discrimination, and intimidation. In addition, I request that the school notify me in writing of the results of its investigation and the steps taken to protect my child from future harm.

Although I hope this matter can be resolved through this letter, by submitting this request, I do not intend to waive my right to file a complaint with the Department of Justice, the Department of Education, or any other administrative, executive, or judicial agency or court, in accordance with the rules of those entities.

Please let me know if you have any questions regarding this matter. I can be reached via phone at [fill in] or via email at [fill in]. I would also be happy to meet with you to discuss it further.

 Sincerely,

 [Fill in name]

1. In addition to constitutional protections, these laws include Titles IV and VI of the federal Civil Rights Act, Title IX of the federal Education Amendments Act of 1972, the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973. [↑](#footnote-ref-1)