

Addressing identity-based bullying or harassment in public schools

Talk to your child

When your child first tells you they are being bullied based on their identity, it can be an emotionally triggering discovery. As you navigate your conversation, collect the following information to help you best advocate for your child's well-being.

- Was this the first time something like this happened or has it happened before?
 - If it has happened before, how many times and for how long has this been occurring?
 - If it has happened before, was it the same student(s) or teacher(s)?
- Did a teacher or school employee see or hear the incident? What did they do or say?
- Did other students hear or see the incident?
 - If yes, what are their names?
 - Was a teacher or other school official notified about what happened? What did they do or say?

Review the school/district code of conduct

Familiarize yourself with the school or district code of conduct to understand how such incidents are supposed to be addressed.

- Review whether incidents of bullying based on identity (race, sex/gender, disability, etc.) are supposed to be addressed differently from other incidents of bullying.
- Review the timeline in which incidents are supposed to be addressed.
- Review the behavior interventions that should be used to address offending students.
- Hold the district accountable to what is said in the handbook (if you agree with how the handbook describes what the school is supposed to do).
- If the code of conduct doesn't address identity-based bullying, you should consider pointing this out to the school.
- Codes of conduct should be publicly available, usually on the school's or district's website.

Report the incident

It is always best to have documentation of your communication with school or district officials. If you choose to first report the incident in person or via a phone call, be sure to also follow up with an email.

- Include the following in your initial written report to school officials:
 - Your child's name
 - A detailed description of the incident(s)
 - What happened and/or what harm(s) your child experienced
 - The name(s) of other children involved or who may have seen or heard the harm(s)
 - When and where the incident(s) took place
 - Whether your child reported the incident(s) to school officials (and their names, if possible) and what the response was
 - If multiple incidents, what was the time span over which the incidents took place (include the dates of each incident, if possible)
 - Whether and how the harms have impacted your child's ability to participate in or attend class or participate in extracurricular activities (e.g., clubs, sports)
- Ask if there is a system in place for you to submit a formal incident report, beyond talking to or emailing the school/district. If there is, ask that a formal report be filed and request a copy of the report.
- If your initial communication was not in person and you would like an in-person meeting, request a meeting or follow-up communication with your school's principal, dean, or other administrator assigned to these issues.



View an online version of this guide with links (use your phone's camera app to scan this QR code)

Keep a record

Keep a copy of all communications between you and the school or district related to the incident.

- If you have an in-person meeting or phone call, be sure to make a note of what was discussed and the next steps you were provided.
- You may also want to write the school or district officials an email right after the meeting or call, recapping what was said and agreed to. This can create a written record and allow the school or district an opportunity to clarify if something was unclear or inaccurate.
- If you want to record the meeting, be sure to look up recording laws in your state. Some states have laws that require all parties to a conversation be made aware that the conversation is being recorded.
- If no next steps are offered in a meeting, ask for next steps (this will help you hold the school/district accountable).
- Follow up with school or district officials to confirm the next steps were taken. Share whether the steps have resolved the issue.
 - Continue to follow up until the school or district has taken the outlined next steps
 - Keep note of who from the district communicated with you, what they said, and the date.
 - Keep track of whether the resolution is effective. If not, ask for a different resolution/strategy.

Other things to keep in mind

If you believe your child was bullied or harmed because of their identity (race, sex, disability, etc.), name it in conversations with the school or district.

- Federal laws, such as Title IX and Title VI, require federally funded schools to provide students with an education that is free from discrimination and harassment. Naming your child's identity at the beginning of communication can help in the event you need to escalate your efforts beyond the district at a later time.
- If your child's school disciplined or punished your child for reporting sexual or racial harassment or assault at school, this is called retaliation and is a violation of Title IX (sexual) or Title VI (racial).
- For more information on Title VI you can visit: [saveyourvi.org](https://www.saveyourvi.org)
- For more information on Title IX you can visit: [knowyourix.org](https://www.knowyourix.org)
- Solutions and responses to protect students from harassment should minimize disruption to the student who is being harassed. If the district offers to move your child to a new class or adjust their schedule, consider asking that your child not suffer further harm by being asked to make accommodations due to the harmful behavior of others.
- Depending on the context, this may count as retaliation against your child, which is prohibited by Title VI and Title IX.
- Alternatively, if you want your child to be moved to a new class to avoid interactions with a particular teacher or student, you can make this request and, in some cases, the school may be required to implement it.

What to do if your child's school fails to address identity-based bullying or harassment

Reach out to local attorneys or advocates. If your child's school does not resolve the problem or if they make things worse, you may want to seek legal help.

- In most states, there are advocates and attorneys who are familiar with state and federal laws and policies to prevent discrimination in schools. It can be helpful to connect with these groups as you navigate supporting and protecting your child. These organizations can support you by connecting you with legal guidance or just providing additional resources or insights for how to best navigate your local context. An attorney can help you determine whether you have any civil rights or other legal claims against your school and what your deadlines are.
- You may learn that other parents or community members in the district have also connected with local advocates, and they may consider taking shared action.

Consider filing a complaint with the US Department of Education Office for Civil Rights.

- If you do not feel the school/district has taken sufficient measures to address your concerns or to protect your child from further harm, consider filing a complaint with the U.S. Department of Education's Office for Civil Rights (OCR).
 - Keep this in mind: Currently, OCR only investigates complaints that are filed within 180 days of the date of the discrimination (this would be the date of the incident or the latest incident, if there were multiple).
- You can access the OCR "Complaint Assessment System" at ocrcas.ed.gov.
 - It may be helpful to talk to a lawyer or advocate when preparing the complaint, but this is not required.