

## How-To Guide

# Filing a Title VI Complaint with the U.S. Department of Education

Asian American  
Legal Defense and  
Education Fund



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### Purpose of this Guide

This guide is for K-12 parents and students to understand Title VI of the Civil Rights Act of 1964, a law that bans discrimination based on **race, color, and national origin** in schools. Title IV complaints can help pressure a school to do something about discriminatory actions that the school has allowed to persist or discrimination that the school caused directly. Complaints are investigated and adjudicated by the **U.S. Department of Education's Office for Civil Rights** (known as **OCR**, for short).

The guide explains...

- The basics of Title VI
- How to file a complaint with the OCR
- What happens after you file a complaint
- How to use Title VI as a community organizing tool
- Real-life examples of Title VI wins

# Introduction: What is Title VI?

Title VI is a federal law that protects students' right to learn free from discrimination—including harassment—based on **race, color, or national origin** (the country the student or their parents are from). This includes discrimination based on:

- **Racial biases or stereotypes**

*Example:* A school violates Title VI when it disciplines students differently based on biased views about a racial group. For example, it might punish Black students more harshly for violations of school rules based on false assumptions that they are more dangerous or aggressive.

- **Shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity**

*Example:* A school violates Title VI if it allows harassment against Muslim, Arab, Sikh, South Asian, Hindu, Jewish, or Palestinian students that involves ethnic slurs or stereotypes about how they look, dress, or speak (like their skin color, accent, clothes, or language), if those things are linked to their ancestry or ethnicity. OCR has [published](#) specific [guidance](#) about such discrimination, including a recent letter that includes explicit [examples](#) that would justify opening an OCR investigation.

- **Immigration status**

*Example:* A school violates Title VI if it excludes students because their parents are not U.S. citizens or because they lack immigration documentation. Schools also may not deny language assistance services to students or parents who speak limited English.

Title VI protects students against discrimination based on actual **or perceived** race, color, or national origin. That means someone who discriminates based on what they **believe** is a student's ethnicity violates Title VI **even if that belief is wrong**.

## What schools does Title VI cover?

Title VI applies to public schools and private schools that receive money from the federal government, like funds for research, scholarships, or [school lunches](#). It covers K-12 schools as well as colleges and universities.

## Does Title VI ban retaliation?

Title VI bans schools from retaliating against someone who opposes race, color, or national origin discrimination. This means they cannot discipline you or treat you differently because you complained or did something else to oppose Title VI discrimination.

*Example:* A coach kicks a student off her sports team because she wrote a letter in the local paper saying that the school treats white athletes better than Black athletes.

## Part 1: What Types of Discrimination and Harassment are Covered by Title VI?

This section lists the criteria that OCR uses to decide whether your school violated Title VI. You can bring three main types of claims in a Title VI complaint: disparate treatment claims, harassment claims, and disparate impact claims. Keep these criteria in mind when you write the complaint and include evidence and facts that fit these criteria.

### *Disparate Treatment Claims*

A school violates Title VI when an **employee or agent** of the school (like an administrator, teacher, or coach) treats a student differently because of the student's race, color, or national origin. For example, a school violates Title VI if it rejects a prospective student, disciplines a student, or excludes them from a class, sport, or other school activity because of their race or ethnicity.

*Your school cannot discriminate against you based on your parent, sibling, friend, or romantic partner's race, color, or national origin either.*

To show disparate treatment, you usually need to show that the school employee acted with **discriminatory intent**. You can show this through:

- *Discriminatory classifications.* If a school policy applies to students of one race but not another, it discriminates based on race. A policy also discriminates if it focuses on traditions or characteristics associated with a certain race or ethnicity—like a ban on turbans but not other head coverings, or a ban on speaking Spanish but not other languages.
- *Comments* might reveal a discriminatory motive. If an administrator says they kept Asian American students from sitting for an exam because they would “ruin the curve,” or says they disciplined a Latino student because the student “looked like they were in a gang,” that is evidence that racial stereotypes motivated those decisions.
- *Different treatment.* If a school treated you worse than it treated students of a different race, color, or national origin in a similar situation, that can be strong evidence of discriminatory motive. Even if you violated a school rule, you can show a school acted with discriminatory intent if (a) it punished you more severely than it punished other students who did the same thing and (b) the school did not have a justification for the different treatment, or the school's excuse does not make sense. If a school punishes a Latina student for cursing but tolerates the same behavior from white students, that could be strong evidence of race discrimination.
- *Statistics* can sometimes [show](#) a pattern of discriminatory effects—which can help prove intent. If you have data showing that a school tends to punish Black students more—or more harshly—than white students for [dress code violations](#), that can help show that it disciplined you based on your race.

*Part 1, Disparate Treatment Claims (cont.)*

- *Departures from normal procedures.* If the school failed to follow normal practices or procedures, that can also help show discriminatory intent.

*Note: You do not need all of these types of evidence to make a claim, but the more examples you have, the stronger your complaint.*

### ***Harassment or “Hostile Environment” Claims***

**Harassment** based on race, color, or national origin is a form of discrimination covered by Title VI. A school violates Title VI when it subjects a student to such harassment that creates a **hostile environment** – an environment in which a student is not able to fully participate in activities and learning opportunities – at school.

All Title VI harassment claims have three elements:

1. **The harassment was based on race, color, or national origin.** Bullying and abuse in school is wrong. But it only violates Title VI if it is based on race, color, or national origin. The harasser does not need to use racial slurs, though: bullying is race-based if the harasser used racial stereotypes or only targeted students of one race.
2. **The harassment was “severe” or “pervasive”** enough to limit the student’s ability to participate in or benefit from school programs.

**Severe.** A one-off comment is usually not enough to create a hostile environment. Still, a single incident could violate Title VI if it was especially severe—like a physical assault or an extreme racial slur, especially if it was directed at a student by **school employees**.

**Pervasive.** Frequent or repeated harassment can also create a hostile environment, even if no single incident was severe.

#### ***Examples:***

A Muslim student who came to the United States from Pakistan struggles in school because her classmates regularly make fun of her ethnic name, her hijab, and her accent and call her a “terrorist.”

A Jewish student finds swastikas drawn on the bathroom walls, and his classmates often make Holocaust jokes to him and perform Nazi salutes when he walks by, which makes him feel unsafe in school.

*Be sure to include in your complaint how the harassment affected your ability to participate in school or extracurricular activities: note if it affected your grades, if you skipped class or school activities to avoid it, or if the harassment just made it harder for you to focus.*

*Part 1, Harassment or “Hostile Environment” Claims (cont.)*

- 3. The hostile environment was the school’s fault.** Finally, the school must be responsible for the hostile environment in one of two ways:

**Employee-on-student harassment.** When a teacher or other school employee harasses a student, the school is usually responsible.

**Student-on-student harassment.** A school is responsible for student-on-student harassment if it **knew or should have known** about it and **did not do enough to address it**. Once a school learns of harassment—that is, if a school employee sees it or receives a report about it—the school must take reasonable steps to: (1) end the harassment, (2) eliminate its negative effects, and (3) prevent it from happening again.

OCR has issued [guidance](#) on Title VI harassment that provides [more information](#).

### *Disparate Impact Claims*

A school can violate Title VI even if it did not discriminate intentionally. OCR may find a school violated Title VI if its policy or practice had:

- 1. A Negative Impact.** The policy hurt or had a negative impact on students of one race, color, or national origin more than others.
- 2. No Legitimate Goal.** The school cannot show the policy or practice was necessary to serve an educational goal.
- 3. A Better Alternative.** If the school could meet its educational goal through another policy that discriminates less, the school cannot use the more discriminatory policy.

The [Department of Justice](#) and OCR have issued guidance on disparate impact claims under Title VI. You can find OCR’s guidance in its letters on [Resource Comparability](#) and [Discrimination in Special Education](#).

### **How does the OCR process differ from a lawsuit?**

In a lawsuit, the student generally has more control: they (or their lawyer) conduct their own investigation through a process called “discovery,” where both sides question witnesses and collect evidence from each other. And at the end, a judge or jury decides the result. In an OCR investigation, OCR is responsible for investigating the case and generally controls the result.

Students can achieve different results from a lawsuit vs. the OCR process. Generally, students may be more likely to get money through a lawsuit. But OCR may be more likely to ensure the school makes changes to its policies.

You should consult an attorney to help determine how those standards might apply to your case and which option is best for you.

## Part 2: How Do I File an OCR Complaint?

**Who can file:** Anyone can file a Title VI complaint. That includes an organization, friend, or parent of the victim. And you can file a complaint on your own; you do not need a lawyer. But if you are filing for someone else, you must have their written consent (or the consent of their parent or guardian if they are under 18).

**When to file:** You must file the complaint within 180 days of the discrimination.

- *Waiver.* OCR can excuse you from this 180-day limit for “good cause,” including: (i) you found out about the discrimination 60 or fewer days ago, and you had good reason not to know about it earlier; (ii) you had an incapacitating illness that prevented you from filing the complaint until no later than 60 days ago; or (iii) you had a pending complaint with the school, a state or local agency, or (in some situations) a court that closed less than 60 days ago. If you wish to file a late complaint, you should explain the reason for the delay.
- *Continuing Violation.* If at least one act of the discrimination occurred in the last 180 days, then OCR may investigate other, earlier acts that are part of the same pattern. If you want OCR to investigate events that happened more than 180 days ago, explain how the events are related (for example, because they involved the same discriminatory policy, same harassers, or similar actions).
- *Effect of School/State/Local Complaint.* You do not need to file a complaint with the school, the state, or a local agency before you file an OCR complaint. But if you do file a local complaint, you must file a Title VI complaint with OCR within 60 days of the final decision on the other complaint.
- *Effect of a lawsuit.* If you file a lawsuit based on the same facts that are in your complaint, OCR will not investigate your OCR complaint during the lawsuit. You may file an OCR complaint within 60 days after the lawsuit ends. But OCR will only investigate if the court did not decide whether the school violated Title VI and you did not settle the case.

**Prepare to file:** Make sure you have everything you need to file.

- *Gather and document facts.* Find out as much as you can about the facts of the case so that you can describe them in as much detail as possible. You will want to include your specific experiences of discrimination and harassment and how the school has responded. As mentioned earlier, it can also help to include broader statistics. You might find statistics on your school’s website or, for a public school, through a public records request.
- *Talk to your community.* Find out if you and your classmates are facing the same issues. Discrimination may take different forms across different communities, but it hurts everyone. Although students may not experience discrimination in the same way, they can still come together to file an effective complaint or multiple complaints that achieve broader change.

*Part 2, Prepare to file (cont.)*

- *Decide on an individual or group complaint.* Consider whether to file (a) an individual complaint based on only your own experience or (b) a group complaint that collects experiences that stem from the same issue. Complaints about multiple incidents can take longer to resolve. But multiple experiences also provide more evidence to strengthen a complaint, emphasize how serious the problem is, and spur broader investigations and resolutions.
- *Consider your school's response.* Sometimes, your school may solve the problem without the need for an OCR complaint. But often the school's response falls short. Even when a school is already making an effort to address issues, there may be value in filing a Title VI complaint – especially if you think your school is not doing enough to prevent future harassment.

Especially for a harassment claim, be sure to tell OCR **which school employees knew or should have known** about the harassment, when and how you informed them, and **the flaws in the school's response**.

**How to file:** There are multiple ways to file your complaint.

- **Online.** This [website](#) contains a pre-screening assessment that allows you to determine whether you have a valid complaint. Even if the tool believes you do not meet all the requirements, it will let you file the complaint anyway.
- **Mail or Email.** You can fill out the [complaint form](#) and send it by mail or email to your local OCR office. Use this [link](#) to find the right office, email, and mailing address.

*If you are filing a complaint by letter or email, be sure to include:*

- Your name, address, phone number, and email address.
- The name of the victim(s) of the discrimination (names are not required if filing on behalf of a group of people) and their contact information.
- The name of the school that discriminated.
- The type of discrimination (race, color, or national origin).
- A description of the discrimination, who committed it, when it happened, and whether school employees knew or should have known.
- Why you believe the school knew or should have known about it.
- Whether a complaint about this same discrimination has been made to any other agency, which agency, and when that complaint was filed.
- Whether you have a lawyer representing you.
- Your signature and the signature of the victim or their parent/guardian.

*Note: The complaint letter or email does not have to be long – it just has to include the above details. A complaint can be as descriptive as you want, so long as the basics are covered. But it is helpful if you include as many details as possible that speak to the types of discrimination and harassment discussed in Part I, such as specific comments, communications and emails, dates and details of communications with the school regarding the discriminatory conduct, actions taken by the school and why they fell short, examples of how others were treated differently.*

## Early Mediation

The online tool asks if you are open to “Early Mediation.” In Early Mediation, OCR helps you and the school reach an agreement without an investigation. This option can be faster than an investigation, but there are potential downsides: OCR will not investigate the school to learn about the discrimination, and OCR will not ensure that the school follows through on any agreement you reach through the mediation. If you are open to Early Mediation, you must submit a signed consent form and explain what outcome you are seeking.

## Languages

OCR offers its [resources](#) – such as “How to File a Complaint” documents, complaint forms, consent forms, and fact sheets – in Amharic, Arabic, Bengali, Burmese, Cambodian, Chinese, Dari, Farsi, French, Haitian Creole, Hakha Chin, Hebrew, Hindi, Hmong, Japanese, Karen, Khmer, Korean, Laotian, Pashto, Punjabi, Russian, Serbo-Croatian, Somali, Spanish, Swahili, Tagalog, Thai, Vietnamese, Urdu, and Yiddish.

*Note: Complaint forms and “How to File a Complaint” are only available in some of the above languages.*

# Part 3: What Happens After I File an OCR Complaint?

## OCR’s Role: Evaluate and Investigate

- OCR will evaluate the complaint to decide whether to open an investigation. OCR may not investigate if it finds the complaint does not add up to a violation of Title VI, is too late, or if the same allegations have been filed in court or with a state agency.
- If OCR opens an investigation, it will send a “Letter of Notification” to you and the school. This may take several months. The letter will describe the claims that OCR plans to investigate and any claims OCR has dismissed.
- OCR will then request data from the institution and may conduct onsite visits, interview employees and students, and lead focus groups.

## Your Role: Advocate

The OCR process for reviewing, investigating, and closing complaints can take a long time—potentially many years. External pressure through media, protest, and other actions may help push your school to change on its own, well before OCR completes the investigation.

### *Use external pressure and media*

Publicizing your experiences can help build broader support and control the narrative. Media campaigns may involve local news, school newspapers, social media, and community outreach to put pressure on OCR, your school, and the school district to take your complaint seriously. Consider reaching out to local organizations for support and training on how to work with news outlets and refine your message to the public.

### *Share your story*

Visibility is helpful, but safety is a priority. Be careful about what information is shared, especially when young people are involved, and especially when a story involves other students or parents who have not publicized their experience.

### *Protest and take action*

**Protest is a powerful tool, from silent acts of protest to large displays of solidarity.** Students can hand out flyers and petitions or wear symbolic clothing expressing support for a specific change they want to see. But keep in mind that you can be disciplined if **your actions are too “disruptive” – if they interfere with classwork or other school functions – or if you violate the rights of other students.** Read your school’s policies closely before you organize a protest or action. Following the student handbook helps protect you from disciplinary action. If you follow the school’s requirements, the school should not discipline you for taking actions that criticize it.

#### *Example:*

In Forsyth County, Georgia, community members organized a coalition of students, parents, and teachers to challenge a controversial book ban. The coalition also held a protest in front of school with signs showing their support for its Title VI complaint against the district alleging the ban was discriminatory. Across the country, students have also formed “banned books book clubs” in response to book bans. Creating these spaces and organizing with fellow students is a powerful act of protest and resistance for students. Alongside a complaint, these actions can pressure the school to change.

### *Identify targets and allies*

When planning protests or actions, remember the school climate and relationships between students and school officials. For example, if the district superintendent is sympathetic to the cause and demonstrates effort to change the school environment, it might not be strategic to target the superintendent in flyers or news articles. The superintendent may be willing to work with students and parents to change school policy or address issues so that students do not have to wait years for the OCR to complete the investigation.

## Part 4: What are the Possible Outcomes of a Title VI Complaint?

After investigating the school, OCR decides whether or not the school violated Title VI. OCR will send a letter to you and the school explaining the decision.

**An investigation can end in several ways:**

- **No violation.** If OCR does not find a violation, you can appeal the decision. In the appeal, you have to explain which facts were missing or incorrect in the letter and/or why OCR applied the law incorrectly. You have 60 days from the date on the letter to file the appeal.
- **Violation and voluntary agreement.** If OCR identifies a violation or concerns, it usually enters a Resolution Agreement with the school. OCR will publish a resolution letter detailing the results of the investigation, the violations or concerns OCR identified, and the steps the school will take to fix the problem. Schools have also agreed to provide relief to the individual student who experienced discrimination, including reimbursement for counseling, tuition, or other expenses. When OCR enters a Resolution Agreement with the school, OCR will monitor whether the school follows through on the agreement.
- **Violation and no agreement.** If OCR finds the school violated Title VI and the school does not agree to correct the issue by entering a resolution agreement, OCR may take steps to suspend or end federal funding to the school. It may also refer the case to the United States Department of Justice, which may file a lawsuit against the school on behalf of the Department of Education.

### Examples of Title VI Agreements

After all the time and effort of filing a complaint with OCR, what will come of the process? Here are just a few examples of changes brought about by a successful complaint:

#### *Changes to how schools handle discrimination and harassment*

Using Title VI, students and parents have challenged how schools handle discrimination. Title VI complaints have led to:

- Changes to policies and procedures about discrimination and harassment.
- Training for school staff on how to properly investigate and respond to harassment.
- Cultural sensitivity and implicit bias trainings.
- Spaces for students to speak directly to district officials and voice their concerns.
- Better record-keeping procedures for harassment complaints.
- Educational programs for students to understand disciplinary consequences for harassment and bullying.

**Examples:**

**Discrimination based on race, color, or national origin across multiple school districts.** Coordinating with others to file one powerful complaint can lead to change in multiple schools. In one example, Somali students filed a complaint against multiple schools in [Owatonna](#) and [St. Cloud](#), Minnesota, alleging that students faced discrimination, harassment, and unequal discipline and had unequal access to Advanced Placement and Honors courses. The Department of Education investigated schools across both districts and resolved the complaint with voluntary agreements.

**Discrimination against multiple different ethnic groups.** People from different groups can also work together and coordinate to file one or multiple complaints against the school, even if the school has already made some effort to address issues. In an investigation into [Fremont School District in California](#), OCR found that students who were Sikh, South Asian, and Middle Eastern were harassed based on their ancestry and/or ethnic characteristics. Remember: students from different races or countries of origin can be part of the same investigation. The harassment these students faced was similar enough and pervasive enough to be resolved in one investigation that involved a big coalition.

**Inadequate efforts to prevent and respond to harassment.** Even if your school district has taken some steps to address the problem, that does not mean you cannot push for more. In the Fremont case, although the district took certain proactive steps to address the problem, it did not do enough to prevent and respond to recurring harassment. OCR required the school district to do more to prevent and respond to harassment, including trainings for students and staff and programs to evaluate and monitor the district's harassment prevention efforts.

**Changes to policies that disproportionately affect students of color**

Students and parents have used Title VI to challenge actions like book bans and school closures that have disproportionately negative effects on students of color. Title VI complaints have led to:

- OCR requiring a school district to address a hostile environment that arose when the district banned books with LGBTQ+ or non-white characters and authors.
- More transparency, requiring the district to explain its process for removing books.
- Climate surveys to assess the effects of book bans on students.

**Examples:**

**Book bans.** [Forsyth County Public Schools](#) removed books with LGBTQI+ and non-white characters from its libraries, which created a hostile environment: students expressed that the ban signaled that the district was not committed to diversity, silenced minority voices, and exposed students to harassment. To resolve the case, OCR required the school district to issue a statement explaining the book removal process and to offer supportive measures to affected students. The district also agreed to do a climate survey at each middle and high school to assess whether more steps should be taken.

**School closures.** Newark Public Schools closed 13 public schools and replaced them with public charter schools, forcing thousands of students, 90 percent of whom were Black, to relocate or transfer schools. OCR required the school district to identify and remedy any educational harm to the transferred students, determine whether transportation affected participation in extracurricular activities, and investigate and provide services to disabled students not receiving appropriate services in their new schools.

### ***Changes to help immigrant families and address language needs***

Using Title VI, students and parents have challenged district policies on collecting sensitive immigration information and providing important paperwork in accessible languages for immigrant families. Title VI has led to changes such as:

- Better procedures to identify and meet parents' language needs so they can stay involved in their child's education.
- District-wide requirements to ensure translators are trained and qualified.
- Translations of all documents related to a child's educational needs.
- Trainings for administrators, teachers, and other staff to support language learners.
- Policies to keep immigration information confidential to protect non-citizen families.

### ***Examples:***

**Supporting English-language learners.** Students can use Title VI to make education more accessible for language learners. In one case, around 7,000 students in [Boston Public Schools](#) were tested for English language proficiency in listening and speaking, but not in reading and writing. Over 1,000 others were incorrectly deemed to have "opted out" of language services. After a Title VI investigation, the school district agreed to provide the necessary language learning programs to students who had been wrongly left out.

**Language accessibility for parents.** Parents from different language backgrounds can file a complaint together to improve access for everyone. The school district for [Orleans Parish, Louisiana](#) did not translate school documents into parents' native languages and did not offer qualified interpreters at school events. Spanish and Vietnamese-speaking parents, with the support of VAYLA New Orleans and AALDEF, came together to file an OCR complaint against the school district. The complaint alleged national origin-based discrimination. The investigation resolved with a voluntary agreement requiring the Orleans Parish School Board to develop language assistance plans for all parents with low English proficiency.

## **Conclusion**

Students have the right to learn free from discrimination, harassment, and bias based on their race, color, and national origin. They have the right to equal access to educational programs, and the right to report discrimination without fear of retaliation. Filing a Title VI complaint can hold a school responsible for violating these rights. The process can also be an opportunity to organize with other people in your community and work together toward a better environment for everyone.