

# THE OFFICE OF ATTORNEY GENERAL MARTHA COAKLEY

## Guide to Civil Rights in Schools

The responsibility for keeping Massachusetts schools safe rests with staff, students, administrators, parents, law enforcement, and other community leaders. Every student has the right to learn in an environment that is free from violence, harassment, and discrimination, including that based on a person's race, color, religion, national origin, ethnicity, gender, gender identity, sexual orientation, or disability.

The Attorney General's Office website, [www.mass.gov/ago](http://www.mass.gov/ago), contains more information about school safety and about civil rights. The AGO encourages students and school staff to learn more so that they can play a role in keeping schools free from discrimination and create a climate in schools that celebrates differences and applauds diversity.



COMMONWEALTH OF MASSACHUSETTS

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## HATE CRIMES

Students have the right to attend school without being the victim of physical violence, threats of harm, intimidation, or damage to their personal property. A hate crime has occurred when a student is targeted for physical assault, threat of bodily harm, or intimidation, at least in part because of his or her race, color, religion, ethnicity, national origin, gender, gender identity, sexual orientation, or because he or she has a disability.

Certain types of language or conduct may indicate that a hate crime has occurred. Some indicators that a crime was hate-motivated include:

- Use of racial, ethnic, religious, sexual, or anti-gay slurs;
- Use of symbols of hate, such as a swastika or a burning cross;
- Similar behavior by the wrongdoer towards other students from the same racial, ethnic, or religious group or against students of the same sexual orientation, gender identity or gender; and
- The victim was participating in an activity supporting a particular racial, religious, ethnic/national origin, disability, gender, gender identity, or sexual orientation.

The Massachusetts Civil Rights Act, M.G.L. c. 12, § 11, permits a victim and the Attorney General to seek a civil rights injunction on behalf of any victim of bias-motivated violence, threats, or intimidation.

## BULLYING

Bullying is a repeated pattern of behavior directed at a victim that results in any of the following:

- Physical or emotional harm or reasonable fear of harm;
- Damage to personal property;
- A hostile environment at school for the victim; or
- Disruption of the education process or orderly operation of a school.

Bullying can take many forms, including verbal statements, writings, e-mails, text messages, on-line postings, and physical acts or gestures. It can be carried out by one or more students. Sometimes bullying is targeted at a particular student because of his or her race, color, religion, national origin, ethnicity gender, gender identity, sexual orientation, or disability – but it does not have to be.

Under the state anti-bullying law, M.G.L. c. 71, § 370, all schools are required to implement procedures for investigating and responding to reports of bullying. In certain circumstances, schools may be required to notify the parents of the students involved, or local police. The law also requires training for teachers, staff, and students about bullying prevention.

## DISCRIMINATION

Every student is entitled to equal educational opportunities. A student may not be subjected to discipline or more severe punishment for wrongdoing nor denied the same rights as other students because of his or her race, color, religion, national origin, ethnicity, gender, gender identity, sexual orientation, or disability, including in:

- Course registration;
- Guidance counseling and course instruction; and
- Extracurricular activities and athletic programs.

Students may not be denied registration in public schools on the basis of their own citizenship or immigration status, or that of their parents or guardians.

Under state and federal law, students with disabilities are protected from discrimination and are eligible for reasonable accommodations or modifications in the school environment so that they may enjoy equal access to educational opportunities.

## HARASSMENT

Harassment in school occurs when a student's or an adult's behavior or inappropriate language creates a hostile, offensive, or intimidating school environment. A single incident, depending on its severity, may constitute illegal harassment. A hostile, offensive, or intimidating school environment may be created by the following:

- Degrading, demeaning, insulting, or abusive verbal statements, or writings of a sexual or racial nature, or related to a student's race, color, religion, national origin, ethnicity, gender, gender identity, sexual orientation, or disability;
- Graffiti, slogans, or other visual displays which contain racial, ethnic, or religious slurs or insults based on the student's gender, gender identity, sexual orientation, or disability;
- Treatment of a student in a more or less favorable way because the student submitted to or rejected sexual advances or requests for a social relationship; and
- Unwelcome sexual advances, including same-gender harassment.

The laws regarding harassment and discrimination are complex. For more information, please consult applicable state and federal anti-discrimination laws, including, the Massachusetts Student Anti-Discrimination Act (M.G.L. c. 76, § 5), Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments Act of 1972.

## FOR VICTIMS

If a student's personal safety is in danger, or he or she has been physically attacked or threatened with physical harm, local police should be notified immediately. In all circumstances where a student is the target of harassment, discrimination, bullying, or any incident involving intimidation, threat of violence or physical attack, school officials should be notified. Some suggestions for students and parents:

- Talk about the situation with a parent, guardian, teacher, guidance counselor, school nurse, or another trusted adult.
- Make an appointment with the school principal to explain the situation.
- Understand that state and federal laws prevent school administrators from discussing disciplinary actions taken against another student. Focus instead on what steps the school will take to keep the target safe and protect him or her from any future bullying, harassment or discrimination.
- Complaints may also be filed with the school superintendent and the school committee.

## REPORTING

Schools must take appropriate action to protect students from physical harm and to stop bullying, discrimination, and hate-motivated harassment or intimidation and prevent it from happening again. The following agencies may provide additional support:

### **Massachusetts Department of Elementary and Secondary Education (DESE)**

[www.doe.mass.edu/pqa/prs](http://www.doe.mass.edu/pqa/prs) (781) 338-3000

The state DESE's Problem Resolution System allows you to file a complaint if you believe a student has been harassed, bullied or discriminated against and the school has failed to respond appropriately.

### **Massachusetts Office of the Attorney General Civil Rights Division**

[www.mass.gov/ago](http://www.mass.gov/ago) (617) 727-2200

The Attorney General's Civil Rights Division reviews complaints of harassment, intimidation and discrimination in schools and determines appropriate legal action.

### **Massachusetts Commission Against Discrimination (MCAD)**

[www.mass.gov/mcad](http://www.mass.gov/mcad) (617) 994-6000

The MCAD investigates complaints of discrimination in any public school program or course of study. Filing must occur within 300 days of the alleged incident.

### **Massachusetts Department of Children and Families (DCF)**

[www.mass.gov/eohhs/gov/departments/DCF](http://www.mass.gov/eohhs/gov/departments/DCF)

1-800-KIDS-508 Child Abuse/Neglect Reporting Line

1-800-792-5200 Child at Risk Hotline

DCF investigates reports involving a student under 18 years old who suffers physical or emotional injury from abuse or severe neglect.

### **U.S. Department of Education Office for Civil Rights**

[www.ed.gov/ocr](http://www.ed.gov/ocr) (617) 289-0111

The Office for Civil Rights receives and investigates complaints of discrimination and harassment. Complaints must be filed within six months of the alleged incident.

### **U.S. Department of Justice Community Relations Service**

[www.usdoj.gov/crs](http://www.usdoj.gov/crs) (617) 424-5715

CRS is a federal conciliation service that assists school districts to manage and prevent racial and ethnic conflicts and disruptions.

Attorney General Martha Coakley's

# Guide to Civil Rights in Schools

The laws and regulations addressing civil rights and discrimination are an important part of ensuring students' access to a safe, healthy and productive education. This guide provides information about the laws that protect students from bias-motivated crimes, harassment, discrimination, and bullying.



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