

HOW TO FILE A CIVIL RIGHTS COMPLAINT

Filing a civil rights complaint is one way parents who refuse to have their children participate in high stakes standardized testing can defend the children against the following actions taken by school site or district administrators and officials:

- Administrator failure to adhere to parent's decision to refuse student participation in testing
- Forced grade retention when proficiency has been demonstrated via other methods
- Course credit denial when proficiency has been demonstrated via other methods
- Forced remediation such as summer school or remediation classes in lieu of elective classes when there is clear evidence the child does not need remediation
- Unwarranted and punitive penalties such as detentions, inability to participate in extra-curricular activities and team sports, inability to participate in field trips, inability to continue in magnet or academy programs, or inability to be placed in advanced or gifted academic programs

Most school districts have an office where civil rights complaints can be filed called the [Office of Civil Rights Compliance \(CRC\)](#) or something similar. For the sake of expedience, it is best to file first with the local agency; however, this does not preclude the parent from filing [with state and federal offices](#) as well. Use a similar procedure for filing with a state or federal agency.

To find where to file, use the following steps.

1. Use appropriate wording to type into a search engine to find out if a specific county/district has a local office. Sample wording: "office of civil rights compliance Miami-Dade County" or "Miami-Dade county office to file a civil rights complaint." Similar wording should provide links for a specific school district, state or federal agency.

(Below are links for Miami-Dade County Public Schools provided as an example of the step-by-step instructions necessary to file a civil rights complaint. Each county, district, state or federal agency has similar guidelines. Contact the Opt Out Leader in your state for specific links and guidelines.)

[Civil Rights Compliance – Miami-Dade County Public Schools](#)

In **Miami–Dade** County Public Schools, our diverse student population and ...
The **Office of Civil Rights** Compliance (CRC) strives to ensure that all ... is to deter and investigate **complaints** of harassment and **discrimination** based on ...

4.3 Discrimination/Harassment Complaint Procedures

THE SCHOOL BOARD OF **MIAMI-DADE** COUNTY, FLORIDA, ADHERES TO A POLICY.... **file** such a **complaint** directly with the School Board=s CRDC **office**.

MIAMI-DADE COUNTY PUBLIC SCHOOLS Office of Civil...

Miami-Dade County Public Schools: It is recognized that **discrimination** or harassment **complaints** by students/ parents may ... may **file** such a **complaint** directly with the School Board=s CRDC **office**.

5517.02 – DISCRIMINATION/HARASSMENT COMPLAINT...

www.neola.com/miamidade-fl/search/policies/po5517.02.htm

2. Select the link or links that provide information on protected categories, step by step instructions on how to file the complaint, the actual form to file, and information on where to submit the form and attached documents.

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Miami-Dade County School Board covers the following categories:

Gender	Religion
Race	Sexual orientation
Color	Political beliefs
Age	Pregnancy
Disability	Sexual harassment
Social and family background	Family and Medical Leave Act (FMLA)
Linguistic preferences	Genetic Information
Ethnic or national origin	Nondiscrimination Act (GINA),
Marital status	Retaliation

Parents should be able to find a similar list of “protected categories” listed on websites for a specific district, county, state, or for federal filing. Each situation is unique, but the categories most specific to standardized test refusal are **age, disability, political beliefs, ethnic or natural origin, race, medical, and retaliation**.

3. Follow the step by step instructions for filing the complaint. Typically, complaints are filed at the school site first; however, in the case where an administrator is identified as the violator, it is best to file at the Civil Rights Compliance Office (CRC) or similar office in a specific district.

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MDCPS: http://crc.dadeschools.net/pdfs13/student_complaint_form.pdf Each county, school district, state or federal agency should have a similar form.

In most cases, there is a form to fill out with specific prompts. Below is an example of a prompt with examples of responses. Note: While the prompt is taken from an actual form, the responses are fictitious examples.

Sample Language on Complaint Form

“As to each person who allegedly discriminated, retaliated and/or harassed you, please describe in detail, what occurred and specifically describe the exact event or action which you believe was discriminatory, retaliatory and/or harassing.”

*Public schools are required to accept and provide education to all children in their particular school district regardless of race, ability, gender, religion, medical condition, or political beliefs; which means providing accommodation as necessary to ensure equitable opportunity regardless of differences. It has been proven that that my child’s participation in HST is detrimental to his or her well-being based on the fact that she suffers undue crippling anxiety and panic attacks when forced to take high stakes test. She does not have an adverse reaction when taking classroom assessments issued by her classroom teachers. When citing this as the reason I am refusing to allow my child to test, **District Superintendent James Jackson, Principal Lori Dean, and Counselor Helen Barnes** subsequently, via verbal face-to-face communication , on September 12, 2015 and via written communication received on September 22, 2015; denied my child the opportunity to continue to participate in a magnet program in which she was thriving. She has hence been denied “equitable and fair public education opportunities” **due to a medical condition.***

High stakes testing as documented by numerous of studies over decades, “has had the effect of segregating” children according to social class and racial differences. In effect, the perpetuation of these tests violates children’s rights to equitable and fair public education opportunities. Public schools are required to

*accept and provide education to all children in their particular school district regardless of race, ability, gender or religion, medical condition, or political beliefs; which means providing accommodation as necessary to ensure equitable opportunity regardless of differences. According to our political beliefs, the tests are a violation of my child's civil liberties. When citing this as the reason I am refusing to allow my **African-American child** to test, my child was subsequently denied by **Principal Joanne Haynes and Counselor Glen Fairbanks**, the right to continue to participate in a extra-curricular activities in which she was thriving. She has hence been denied "equitable and fair public education opportunities" due to our political and ethical beliefs that high stakes testing **is unethical and racist** as supported by credible researched studies.*

*Public schools are required to accept and provide education to all children in their particular school district regardless of race, ability, gender or religion, which means providing accommodation as necessary to ensure equitable opportunity regardless of differences. My **special needs child** has an IQ of 25. I believe that forced participation in HST in which he has no ability to comprehend and never will, is making a mockery of his limitations and well-being. On March 24, 2014, **District Administrator George Hamilton, Principal Anika Jones, and Counselor Bob Feinstein** denied my right to refuse to have my child tested and forced Nila Giles, his classroom teacher, to conduct the assessment against my refusal of participation.*

Things to remember:

- Clearly identify your reason(s) for test refusal (political, disability, medical, religious, age, etc.).
- Clearly identify what violation has occurred (forced remediation, inability to participate in an extracurricular activity, etc.).
- Identify by full name and position all those that participated in the violation.
- Keep narratives short and fact focused.
- Attach all pertinent paper work (letters home, emails, letters to school, forms, etc.).
- Show up for all scheduled meetings for mediation that are meant to forego a hearing.
- Show up for all scheduled hearings.
- Forms and accompanying documents can be either hand delivered, emailed or mailed via U.S. Postal to addresses indicated on the websites. It is advisable to send a copy via certified mail.

For further assistance or clarification, contact your United Opt Out Local Leader or an administrator at unitedoptoutnational@gmail.com