

A PEATC

Do You Know....



Factsheet for Virginia's Parents—Office of Civil Rights Complaints

What is the Office of Civil Rights (OCR)?

The Office of Civil Rights (OCR) is in the **U.S. Department of Education**. Under **Section 504** of the Rehabilitation Act, OCR protects individuals and groups from discrimination. Its works to “ensure equal access to education and promote educational excellence through vigorous enforcement of civil rights.”

To be protected under Section 504, a student must (1) have a **physical or mental disability** that substantially limits one or more major life activities; or (2) have a **record** of such a disability; or (3) be **regarded** as having such a disability. 504 requires that school districts provide a **free appropriate public education (FAPE)** to qualified students in their zone. The definition of a “qualified” student is different for K-12 students vs. college students.

Who Can File an OCR Complaint?

- **Anyone** who believes that an educational institution (like a public school) that receives federal funds, has **discriminated** against someone **on the basis of race, color, national origin, sex, disability, or age** can file a complaint.
- If you feel as though your child has been **discriminated against** based on their disability, an OCR complaint is an option. This is different than filing a complaint under the Individuals with Disabilities Education Act (IDEA), which is filed at the state level and alleges an IDEA violation.

Key Points about the Process

- You must file an OCR complaint **within 180 calendar days** of the discrimination “event”. In certain limited circumstances, OCR will waive this deadline.
- OCR will let you know the complaint has been received and will contact you by letter, email, or telephone to let you know if **they plan to proceed further**.
- OCR is a **neutral party**; it does not take sides. It has several options for resolving complaints, including **facilitated resolutions or investigation**.

How to File an OCR Complaint

OCR prefers complaints be **emailed to OCR@ed.gov** or **faxed** to 202-453-6012. If this is not an option, complaints can be mailed to:

U.S. Department of Education
Office for Civil Rights
Dept. of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

You can check on the **status of your complaint** using the email address above or by calling 800-421-3481

RESOURCES:

[Fillable OCR PDF Complaint Form](#)
[OCR-Protecting Students With Disabilities](#)
[OCR Q&A About Complaint Process](#)
[Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#)
[Section 504, Rehabilitation Act of 1973 | U.S. Department of Labor \(dol.gov\)](#)

Contact Us:

800-869-6782 / 703-923-0010
www.peatc.org
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- OCR **will not take on a case that is being processed by another agency or within a school or college’s formal complaint process** if they think the resolution process will be like OCRs. After the other process is finished, you have **60 days** to file an OCR Complaint. OCR will decide if they will defer to the original resolution or proceed with your complaint. If you have filed a claim in court, OCR will not pursue your complaint.
- OCR **does not mediate** but may offer to **facilitate mediation** by bringing the parties together and explaining key legal facts and possible solutions. OCR **does not** monitor any agreement reached by the parties.
- You can **appeal an OCR decision within 60 calendar days** of the date on the OCR Determination Letter unless OCR allows extending that deadline. There are specific requirements for filing an appeal.

What Types of Issues Does OCR look at?

- OCR will look at **procedures** by which school systems identify and evaluate students with disabilities and the procedural safeguards provided to parents and students.
- OCR will look at **incidents where students with disabilities are treated differently** from similar students without disabilities.

Examples of discrimination may include **not allowing students with disabilities** to go on fieldtrips; knowing that a student is being **bullied** because of their disability but not addressing the situation; **having a shorter class day** for students with disabilities; **excluding students** with disabilities from the general education classroom; **disciplining** a student with a disability **more harshly** than students without disabilities who engaged in the same conduct.

- OCR does **not review placement or other educational decisions** if the school district is following the **procedural requirements** of Section 504 related to identification, child find, evaluation, and due process.
- OCR will **not evaluate the content of a 504 plan or an Individualized Education Program**; those disagreements would be resolved through due process under IDEA or 504.

WHAT TO INCLUDE IN A COMPLAINT

- The name of the person/group about which you are complaining
- When the violation occurred and how often
- Signature and date
- Your contact information (phone, email, address)
- If you file online, you still need to provide an original signature by mail by mailing a “consent form”. There is a link at the bottom of the online complaint form.

TIPS

- Keep detailed records of emails, phone calls, meetings so that you can support your allegations.
- Be factual in your complaint. Lay out the facts clearly and as briefly as possible.
- You cannot save on the OCR online system; you can print the complaint, fill it out and then submit on the portal.

PEATC’s mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools, and communities to improve opportunities for excellence in education and success in school and community life. For more information about us, please contact:

800-869-6782 / 703-923-0010

www.peatc.org



The contents of this factsheet were developed under a grant from the US Department of Education, #H328M140013-18. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government Project Officer. PEATC is not a legal services agency and cannot provide legal advice or legal representation. Any information contained in this factsheet is not intended as legal advice and should not be used as a substitution for legal advice.

