

School Bullying and Harassment Based on Actual or Perceived Race, Ethnicity, National Origin, or Immigration Status

FAQs for Students, Educators, and Social Service Providers

Every student – regardless of race, ethnicity, national origin, or immigration status – has the right to a free public education from kindergarten through the twelfth grade, including the right to be free from bullying or harassment that interferes with the right to an education. However, in the weeks following the presidential election, there have been hundreds of reported instances of harassment in schools, many of which have been based on a student’s actual or perceived immigration status. Below are answers to common questions on the rights of persons who experience bullying or harassment, and what can be done to address the problem. After reading through these FAQs, if you would like to reach out to MALDEF about an incident that is not being addressed at your school, please email us at schoolbullying@maldef.org.

What should I do if a classmate bullies or harasses me because he or she believes I am undocumented, or members of my family are undocumented? You have the right to an education free from bullying or harassment, regardless of you or your family’s national origin or immigration status. You should report the incident to your teacher, a school administrator, or the school principal, using the tips described below.

I want to report an incident of bullying or harassment, what should I do? Try to document what happened when you report an incident of bullying or harassment to your teacher, school administrator, or school principal. When possible, document the incident with photos, video, audio, or classmates’ written statements – so long as it would not put you in further danger. When you report the incident, you can do so in person, and if possible make note that you did. You or your family should keep copies of any letters, emails, or written communication you send to the school and that the school sends you. Keep track of any phone calls or in-person meetings with your school, and take notes if you can, of the date, time, and location of the meeting and what was said.

What should I do if a classmate bullies or harasses me because I am Latino? Regardless of your race or ethnicity, you have the right to an education free from bullying or harassment. The steps described above can help you through documenting and reporting the incident to your teacher, a school administrator, or the school principal.

What do I do if I am bullied or harassed by an adult at my school? The law protects you from being harassed based on your race, ethnicity, national origin, or immigration status, even when the bullying or harassment comes from a school employee or other adult. We recommend you follow the steps above to document and report the incident. If the bullying or harassment issue is not resolved at your school site, you can bring it to your district office. If the superintendent or other district administrators do not respond satisfactorily, you may choose to voice your concerns at the next meeting of your school board, if you are comfortable doing so. You should also reach out to MALDEF.

I work in a school with Latino and/or immigrant students. What do I do if I see a student being bullied or harassed because they are Latino or an immigrant? Sometimes students may be reluctant to report incidents of bullying or harassment. Regardless of whether the student reports an incident, it is against the law for a student to be bullied or harassed based on their actual or perceived race, ethnicity, national origin, or immigration status if that harassment affects the student's right to an education. As an educator, school administrator, or other school staff, if you see a student being targeted based on their race, immigration status, or national origin, it is critical that you take appropriate steps to stop and prevent further bullying, and report the incident to the appropriate staff person. Be sure to follow up to ensure all proper steps have been taken to fix and prevent the problem. The law protects you from being retaliated against for reporting. If you do suffer retaliation, we recommend contacting your local NEA association and MALDEF.

I reported the incident to a school employee. My school has neither responded nor taken sufficient action to stop the harassment or bullying, has punished me for speaking out, or I am afraid that my school or classmates will target me for reporting the incident. What do I do now? The school is obligated to protect your right to an education. If the school fails to act appropriately, MALDEF is here to help. If you feel that you have experienced bullying or harassment in your school, either from a student, teacher, or school administrator, and you have tried to pursue a formal complaint or are afraid to report it, please contact us at schoolbullying@maldef.org. Be sure to provide your contact information and as much detail as you can about what occurred. If you documented the incident, please include that in your email. Your communication will be confidential.