

NOTICE TO CALIFORNIA PARENTS FIGHTING CRITICAL RACE THEORY

TIME LIMITS TO BRING LEGAL CLAIMS*

Children should never face bullying, discrimination, or harassment because of their race. This is especially true when they are in school. There is an explicit understanding that when parents entrust the state with the education of their children, teachers and other school administrators will not engage in race essentialism, segregation, retaliation, or other forms of abuse. When schools breach this sacred trust by victimizing young, impressionable children due to their race the damage it causes is immeasurable. Which is why pursuing legal action is often the last thing on a parent's mind – understandably, their primary concern is their child's recovery. However, every parent should also be aware that the law places time limits on when you can file a legal claim to address the wrongdoing. If you do not act, you may forever lose the right to bring a case on behalf of your child.

Federal Law

Discrimination claims on behalf of students under federal law are often brought under 42 U.S.C. § 1983 or Title VI of the Civil Rights Act. When the discrimination occurs in California schools, lawsuits can often be brought up to **two years** after the discrimination occurs. For students under the age of 18, the clock only starts running when the student turns 18.

State Law

Some of the state laws under which parents in California may be able to bring claims include Education Code § 220, Government Code § 11135, and tort remedies for emotional distress. Although there are varying statutes of limitations under state law for filing a lawsuit against a state-funded school, there is a **requirement** that you first have to submit a written claim to the government before commencing a lawsuit. The deadline to file this claim is **not later than six months** from the date the discrimination occurred. The deadline may be extended for some claims, depending on the circumstances, but **do not rely on it!**

There are many confusing steps to this process. For example, the local government entity that you must submit the claim to varies with location and type of claim. Also, depending on your specific claims, the government entity has different time periods to accept or deny your claim. This will affect the time you have to file a lawsuit. Consulting with an attorney is your best bet to navigate this bureaucratic maze.

*This document is for informational purposes only. Nothing contained herein should be construed as creating an attorney-client relationship.