



## Division of Human Rights

ANDREW M. CUOMO  
Governor

HELEN DIANE FOSTER  
Commissioner

### INFORMATION REGARDING EDUCATIONAL SERVICES JURISDICTION AND PUBLIC EDUCATIONAL INSTITUTIONS

The New York State Division of Human Rights lacks jurisdiction over complaints alleging education discrimination against public educational institutions, pursuant to the ruling of the New York Court of Appeals in *North Syracuse Central Sch. Dist. v. N.Y. State Div. of Human Rights*, 19 N.Y.3d 481 (2012). *North Syracuse* is binding precedent upon the Division's determination of its jurisdiction, and requires the dismissal of all cases alleging discrimination in the provision of educational services by public educational institutions.

You may have rights under federal law, and you may be able to file a complaint with the Office for Civil Rights ("OCR") of the U.S. Department of Education. Please see the information provided at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>. This webpage contains OCR's Case Processing Manual. As explained in the Manual, certain time limits apply to such complaints. See Sections 106 and 107 of the Manual. If you wish to file with OCR you **must** do so within 180 days of the date of the most recent instance of the discrimination. If you wish to file a complaint with OCR, or need further information, please contact the New York Office:

Office for Civil Rights  
U.S. Department of Education  
32 Old Slip, 26th Floor  
New York, NY 10005-2500

Telephone: 646-428-3900  
FAX: 646-428-3843; TDD: 877-521-2172  
E-mail: OCR.NewYork@ed.gov

#### For complaints against public schools providing K-12 instruction:

As noted by the Court of Appeals in *North Syracuse*, New York Education Law § 310 provides that a grievance may be filed with the Commissioner of Education. Such filing is referred to as an "appeal." The process is explained at <http://www.counsel.nysed.gov/appeals>. The appeal must be filed within 30 days of the date of the alleged discrimination. Therefore this process is only available to you if the conduct complained of occurred within the last thirty days, is ongoing, or has been repeated recently.

#### For complaints against public post-secondary institutions:

New York Education Law § 313 provides that a complaint of discrimination by a post-secondary educational institution may be filed with the State Commissioner of Education. Such complaint must be filed within one year of the date of the alleged discrimination. Therefore this process is only available to you if the conduct complained of occurred within the last year, is ongoing, or has been repeated recently. For further information on filing a complaint pursuant to § 313 please call New York State Department of Education, Office of Higher Education, at (518) 474-1551.