

STUDENTS' CIVIL RIGHTS ENFORCEMENT INITIATIVE

Guidance and Requirements for Training

- (a) In consultation with community-based, trauma-informed partners, [STATE CIVIL RIGHTS AGENCY] shall create policies, procedures, and guidance on discrimination [as defined under Section 4 of the Students' Civil Rights Act], that include, but are not limited to—
- (1) Guidance to be used in educational institutions' training programs to identify, address, and prevent discrimination and to make employees aware of the effects of discrimination on students;
 - (2) Guidance relating to the development of nondiscriminatory instructional and counseling methods and requiring that at least one employee at every educational institution be thoroughly trained to address alleged discrimination;
 - (3) Guidance relating to the development of proportionate, progressive, and age- and developmentally appropriate responses to discrimination by students that include education, intervention, and discipline consistent with the educational institution's code of conduct; and
 - (4) Guidance on how to properly address complaints of discrimination on the basis of intersectional protected classes[, as enumerated in Section 3(i) of the Students' Civil Rights Act].
- (b) [STATE CIVIL RIGHTS AGENCY] shall work with the [SEA AND OTHER RELEVANT STATE ENTITIES] to jointly create policies, procedures, and guidance on discrimination as described in subsection (a) of this Section for elementary and secondary educational institutions.
- (c) [STATE CIVIL RIGHTS AGENCY] shall work with the [ENTITIES WITHIN THE STATE THAT OVERSEE POST-SECONDARY EDUCATION] to jointly create policies, procedures, and guidance on discrimination as described in subsection (a) of this Section for post-secondary educational institutions.

(d) [STATE CIVIL RIGHTS AGENCY] shall work with the [SEA AND OTHER RELEVANT STATE ENTITIES] to jointly produce a model training program aimed at the prevention of discrimination, including harassment, based on a protected class[, as defined in Section 3(i) of the Students' Civil Rights Act,] in elementary and secondary educational institutions. The model program shall be made available to elementary and secondary educational institutions and to the public online at no cost. This model program shall regard participants as potential bystanders, rather than potential offenders, and include, at a minimum, the following:

- (1) An explanation of discrimination, including harassment and retaliation;
- (2) Examples of conduct that constitutes discrimination, including harassment and retaliation[, as defined in Sections 3 and 4 of the Students' Civil Rights Act];
- (3) An explanation, with examples, of how patterns of conduct can, taken together over time, rise to the level of discrimination;
- (4) An explanation of the difference between discrimination based on disparate treatment and discrimination based on disparate impact;
- (5) An explanation of the difference between harassment[, as defined under Section 3(f) of the Students' Civil Rights Act], and bullying;
- (6) A summary of relevant federal and State statutory protections and remedies available in response to discrimination, including harassment and retaliation, including, but not limited to, a summary of [the Students' Civil Rights Act's] protections from discrimination in, at least, the following contexts:
 - (A) Students toward other students; and
 - (B) Teachers and other employees of an elementary or secondary school toward students.
- (7) Directions on how to contact the [STATE CIVIL RIGHTS AGENCY] if an elementary or secondary educational institution fails to take corrective action to stop the discrimination;
- (8) A summary of responsibilities of elementary and secondary educational institutions in the prevention, investigation, and corrective measures of discrimination, including, but not limited to, explanation of responsibilities in, at least, the following contexts:
 - (A) Students toward other students; and
 - (B) Teachers and other employees of an elementary or secondary school toward students.

- (9) An explanation of the liability for discrimination, including harassment and retaliation, under [THIS ACT].
- (e) Every elementary and secondary educational institution in this State shall use the model training program developed by the [SEA AND OTHER RELEVANT STATE ENTITIES], establish its own training program that equals or exceeds the minimum standards set forth in subsection (d) of this Section, or use an existing discrimination prevention training program that equals or exceeds the minimum standards set forth in subsection (d) of this Section. The training program shall be provided as a component of all new employee training programs for elementary and secondary education employees, including contractors, and to existing employees, including contractors, at least once every 2 years. For the purposes of satisfying the requirements under this Section, the model program may be used to supplement any existing program an elementary or secondary educational institution is utilizing or develops.
- (f) Upon notification of a violation of subsection (e), the [SEA OR OTHER RELEVANT STATE/LOCAL ENTITY] may launch a preliminary investigation. If the [SEA OR OTHER RELEVANT STATE/LOCAL ENTITY] finds a violation of this Section, the [SEA OR OTHER RELEVANT STATE/LOCAL ENTITY] may issue a notice to show cause, giving the elementary and secondary educational institution 60 days to correct the violation. If the elementary or secondary educational institution does not correct the violation within 60 days, the [SEA OR OTHER RELEVANT STATE ENTITY] may file a complaint with [STATE CIVIL RIGHTS AGENCY].
- (g) [SEA AND OTHER RELEVANT STATE ENTITIES] shall issue regulations requiring training on discrimination for all employees applying on or after [DATE] for a certificate or license, including but not limited to a certificate or license valid for service as a classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor, or superintendent of schools.

While reviewing this template, check out the **Part 2: Training, State Attorneys General, & Data Collection** toolkit document to learn more about additional considerations and strategies for drafting.