

STUDENTS' CIVIL RIGHTS ENFORCEMENT INITIATIVE

Data Collection, Reporting, and Evaluation

(a) Definitions. For purposes of this Section—

- (1) “Cross-tabulated data” means data reported in a table with two or more dimensions that groups specific characteristics into rows and columns in such a way that allows for the examination of relationships between categorical variables, including, but not limited to, race cross-tabulated with sex and race cross-tabulated with disability status.
- (2) “Disaggregated data” means data categorized and reported, at minimum, by race, sex (including sexual orientation and gender identity), and disability, in accordance with federal, state, and local protections against the disclosure of personally identifiable information.

(b) [STATE CIVIL RIGHTS AGENCY] shall make an annual report to the [GOVERNOR, SEA, & OTHER RELEVANT STATE OFFICES AND ACTORS] summarizing the compliance and enforcement activities of [STATE CIVIL RIGHTS AGENCY] and identifying significant civil rights or compliance problems as to which such [STATE CIVIL RIGHTS AGENCY] has required corrective action. The report shall also include information as to whether adequate progress on the significant civil rights or compliance problems has or has not been made. This report shall be made accessible to the public within 30 days of its release to the [GOVERNOR, SEA, & OTHER RELEVANT STATE OFFICES AND ACTORS].

(c) [STATE CIVIL RIGHTS AGENCY] Data collection. [STATE CIVIL RIGHTS AGENCY] shall collect or coordinate the collection of data necessary to ensure compliance with the provisions in subsection (b) of this Section [as well as its obligations pursuant to the Students' Civil Rights Act].

- (1) [STATE CIVIL RIGHTS AGENCY] shall collect, disaggregate, cross-tabulate, and publish data about complaints alleging discrimination filed with [STATE CIVIL RIGHTS AGENCY] each year.

- (2) This subsection (c) of this Section does not authorize or require [STATE CIVIL RIGHTS AGENCY] to provide information that is confidential pursuant to federal, state, or local laws or under any privilege that may be lawfully asserted by a complainant, respondent, witness, or [STATE CIVIL RIGHTS AGENCY].
- (3) Publication of disaggregated and cross-tabulated data shall not be required under subsection (c)(1) of this Section to the extent that such publication would reveal personally identifiable information about an individual complainant or otherwise violate federal, state, or local privacy laws.
- (d) Educational Institution Data Collection. In consultation with [STATE CIVIL RIGHTS AGENCY], the [SEA AND OTHER RELEVANT STATE EDUCATION AGENCIES] shall build data collection systems to allow the collection of data on allegations of the conduct described in subsection (d)(1) of this Section that are reported to each educational institution and their status.
- (1) Beginning on [DATE] of the year after the data collection systems are implemented and for each reporting school year beginning on [DATE] and ending on [DATE] thereafter, each educational institution shall disclose to the [SEA OR OTHER RELEVANT STATE EDUCATION AGENCIES] and [STATE CIVIL RIGHTS AGENCY] all of the following information:
- (A) The total number of reported allegations of discrimination [as defined in Section 4 of the Students' Civil Rights Act] committed against students, received by each educational institution during the reporting school year, defined as [DATE] to [DATE], at minimum in each of the following categories:
- (i) Discrimination on the basis of race, color, or national origin;
 - (ii) Discrimination on the basis of sex;
 - (iii) Discrimination on the basis of disability; and
 - (iv) Discrimination on the basis of religion.
- (B) The status of allegations, as of the last day of the reporting period, in each category under subsection (d)(1)(A) of this Section. Allegations shall be distinguished between allegations not resulting in complaints and allegations resulting in complaints. Allegations resulting in complaints shall be reported as unfounded, founded, or investigation pending by the educational institution.
- (2) An educational institution may not include in any disclosures required under this Section any information by which an individual may be personally identified,

including the names of the parties involved in the allegations or formal complaints.

- (3) If an educational institution fails to disclose the information required in subsection (d) of this Section by [DATE] of the reporting school year, the [SEA AND OTHER RELEVANT STATE EDUCATION AGENCIES] shall provide a written request for disclosure to the educational institution, thereby providing the period of time in which the required information must be disclosed. If an educational institution fails to disclose the information within 14 days after receipt of that written request, the [SEA AND OTHER RELEVANT STATE EDUCATION AGENCIES] may petition the [STATE CIVIL RIGHTS AGENCY] to subpoena the requested information [pursuant to Section 5, subsection (e)(3) of the Students' Civil Rights Act].
 - (4) The [SEA AND OTHER RELEVANT STATE EDUCATION AGENCIES] shall publish an annual report aggregating the information reported by educational institutions under subsection (d) of this Section. Data included in the report shall not be publicly attributed to any individual educational institution. The report shall include the number of incidents reported between [DATE] and [DATE] of the preceding reporting school year, the number of reports that led to formal complaints, and how those complaints were resolved, based on each of the categories identified under subsection (d)(1)(A) of this Section. The annual report shall be filed with the [STATE CIVIL RIGHTS AGENCY] and the [STATE LEGISLATURE] and made available to the public by [DATE] of the year following the reporting school year.
 - (5) The [SEA AND OTHER RELEVANT STATE EDUCATION AGENCIES] and [STATE CIVIL RIGHTS AGENCY] may adopt any regulations deemed necessary for implementation of this Section.
- (e) Evaluation by [STATE CIVIL RIGHTS AGENCY]. [STATE CIVIL RIGHTS AGENCY] [JOINTLY WITH SEA/OTHER RELEVANT STATE EDUCATION AGENCIES] shall plan, coordinate, and direct or conduct periodic reviews of educational institutions within the state to determine compliance with [THIS SECTION OR THE STUDENTS' CIVIL RIGHTS ACT].
- (1) [STATE CIVIL RIGHTS AGENCY] may conduct annual on-site civil rights compliance reviews at select educational institutions to ensure equal educational opportunities [or may refer such compliance reviews to the State Attorney General's Office].*
 - (2) [STATE CIVIL RIGHTS AGENCY] shall have responsibility for providing technical assistance for compliance with [THIS SECTION OR THE STUDENTS' CIVIL RIGHTS ACT]. Technical assistance materials and services shall be provided to assist in the development, modification, and monitoring of the implementation plans.

- (f) Evaluation by [Local Educational Agencies]. Each [LEA] shall evaluate the status of nondiscrimination and equality of educational opportunity in the school district at least once every 3 years on a schedule established by [SEA OR OTHER RELEVANT STATE EDUCATION AGENCIES]. The evaluation shall include review of the following:
- (1) School board policies and administrative procedures;
 - (2) Enrollment trends in classes and programs;
 - (3) Methods, practices, curriculum and materials used in instruction, counseling, and pupil assessment and testing;
 - (4) Trends and patterns of disciplinary actions, including suspensions, expulsions, and handling of pupil harassment;
 - (5) Participation trends and patterns and school district support of athletic, extracurricular and recreational activities;
 - (6) Trends and patterns in awarding scholarships and other forms of recognition and achievement provided or administered by the school district;
 - (7) School district efforts to achieve equality of educational opportunity and nondiscrimination; and
 - (8) School district technology, including electronic communications by school district staff.
- (g) Each [LEA] shall provide an opportunity for participation in the evaluation by currently enrolled students, educators, administrators, and parents or guardians of currently enrolled students.
- (h) The [LEA] shall prepare a written report of the evaluation which shall be made accessible to the public and submitted to the [SEA/OTHER RELEVANT STATE EDUCATION AGENCY and STATE CIVIL RIGHTS AGENCY] [within its implementation plan, as specified under subsection (k) of Section 4 in the Students' Civil Rights Act].
- (i) All data submitted under this Section shall be disaggregated and cross-tabulated on the basis of all protected classes and, in compliance with the federal Family Educational Rights and Privacy Act and [ANY STATE PROTECTIONS], so as to preclude the disclosure of any personally identifiable information.

Throughout the model, you may see this symbol: *

This symbol indicates that the language provided is purely an option for you to use based on your state's needs or that there may be additional strategies to consider while drafting.

When you see the '*' symbol while reviewing this template, check out the **Part 2: Training, State Attorneys General, & Data Collection** toolkit document to learn more.