

STUDENTS' CIVIL RIGHTS ENFORCEMENT INITIATIVE

Strengthening Disability Rights & Protections in Public Schools

Section 1. Legislative Findings & Purpose

(a) Findings.

The Legislature finds that:

- (1) The Constitution of [THIS STATE] requires the state to [RIGHT TO PUBLIC EDUCATION PROVISION] for all children, including students with disabilities;
- (2) Ensuring equal access to education programs, services, and activities is essential to [fulfilling this constitutional mandate], advancing the State's longstanding commitment to educational equity and nondiscrimination, promoting academic achievement among students with disabilities, and closing opportunity gaps;
- (3) Students with disabilities have historically relied on federal civil rights laws, including Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, to safeguard their access to education opportunities and protect themselves from discrimination;
- (4) Incorporating core protections of these federal laws into state statute strengthens [STATE'S] enforcement framework, ensures continuity of rights, regardless of changes in federal enforcement priorities, and promotes clarity and consistency for students, families, and local education providers;
- (5) It is in the interest of the State to codify disability-based nondiscrimination requirements applicable to educational institutions, to affirm the right of each student with a disability to a free appropriate public education, and to establish clear obligations for educational institutions concerning identification, evaluation, educational placement, aids, benefits, services, effective communication, physical accessibility, and protections against discrimination, including harassment and retaliation; and

- (6) Providing state-level education civil rights oversight for students with disabilities, enforcement mechanisms, and remedies, including a state agency dedicated to civil rights oversight and enforcement and a uniform complaint process administered by such agency, complements federal safeguards, promotes timely and local resolution of concerns, and ensures that all students have reliable and accessible avenues for addressing violations of their rights.

(b) Purpose.

The purpose of [THIS ACT] is to:

- (1) Uphold the State’s constitutional obligation to [STATE’S CONSTITUTIONAL EDUCATION MANDATE];
- (2) Affirm the State’s commitment to equal educational opportunity and nondiscrimination for students with disabilities;
- (3) Ensure that public schools provide qualified students with disabilities with the aids, benefits, services, and opportunities necessary to participate fully and meaningfully in educational programs;
- (4) Create clear, consistent statewide standards and procedures that align with and, in some cases, go beyond federal requirements while providing independent state protections; and
- (5) Ensure that all students with disabilities in the State are educated in an environment that respects their dignity, independence, and right to participate fully in the life of their schools and communities.

Section 2. Definitions

- (a) “Administrative unit” means a school district, a board of cooperative services, a multi-district administrative unit, a charter school network, or a charter school collaborative that is providing educational services to exceptional children and that is responsible for the local administration of [STATE EDUCATION LAW].
- (b) “Americans with Disabilities Act” or “ADA” means the federal Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.
- (c) “Appropriate public education” means the provision of public education and related aids and services that are designed to meet the individual educational needs of a qualified student with a disability as adequately as the needs of a student without a disability and are based on adherence to procedures that satisfy the requirements of [THIS ACT].
- (d) “Days” means calendar days unless otherwise specified as “business days.”

(e) “Disability” means—

- (1) A physical or mental impairment that substantially limits one or more of an individual’s major life activities;
- (2) A record of having a physical or mental impairment that substantially limits one or more of an individual’s major life activities; or
- (3) Being regarded as having a physical or mental impairment that substantially limits one or more of an individual’s major life activities.

(f) “Facilities” means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interests in such property.

(g) “Free education” means the provision of educational and related services without cost to a qualified student with a disability or to the student’s parent, except for the fees that are imposed on students without a disability or their parent. A free education may consist of the provision of free services through a program operated by a local education provider. A free education may also consist of the local education provider placing a student with a disability or referring such student for aids, benefits, or services not operated or provided by the local education provider, so long as the aids, benefits, or services are provided at no cost to the qualified student with a disability or the student’s parent. Funds available from any public or private agency may be used to meet the requirements of [THIS ACT]. Nothing in this Section shall be constructed to relieve an insurer or similar third party from an otherwise valid obligation to provide or pay for services to a qualified student with a disability.

(h) “Individualized education program” or “IEP” has the meaning set forth in the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., and 34 C.F.R. § 300.320.

(i) “Individuals with Disabilities Education Act” or “IDEA” means the federal “Individuals with Disabilities Education Act,” 20 U.S.C. § 1400 et seq.

(j) “Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the local education provider responsible for the education of the student in question.

(k) “Local education provider” means a school district, a charter school authorized by [RELEVANT STATE AUTHORITY], a state-operated program, or a board of cooperative services created and operating pursuant to [RELEVANT STATE AUTHORITY] that operates one or more public schools; except that, for matters involving the provision of a free education to a qualified student with a disability, “local education provider” has the same meaning as “administrative unit” as defined in subsection (a) of this Section, for the purposes of [THIS ACT].

(l) “Parent” means—

- (1) A biological or adoptive parent of a child;
 - (2) A foster parent;
 - (3) A guardian generally authorized to act as a child’s parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state;
 - (4) An individual acting in the place of a biological or adoptive parent, including but not limited to a grandparent, stepparent, or other relative, and with whom the child lives, or an individual who is legally responsible for the child’s welfare; or
 - (5) An educational surrogate parent assigned by the responsible administrative unit consistent with rules promulgated by [RELEVANT STATE OFFICE] in accordance with [RELEVANT STATE LAW].
- (m) “Program or activity” means all of the operations of an educational institution or local education provider.
- (n) “Public expense” means that the local education provider either pays for the full cost of an independent educational evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with Section 7 of this [THIS ACT].
- (o) “Qualified student with a disability” means a student who has a disability and who is entitled to a free public education [PURSUANT TO RELEVANT STATE LAW].
- (p) “Section 504” means Section 504 of the federal “Rehabilitation Act of 1973,” 29 U.S.C. § 794 et seq.
- (q) “Section 504 plan” means a plan made pursuant to Section 504 that provides accommodations, services, and other support for a qualified student with a disability.
- (r) “Student with a disability” means any student eligible to receive special education and/or related services under the Federal Individuals with Disabilities Education Act, Section 504 of the Federal Rehabilitation Act of 1973, and/or Title II of the Americans with Disabilities Act.

Section 3. Discrimination Prohibited

- (a) No qualified student with a disability shall, on the basis of disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program, service, or activity by a local education provider. The [SEA AND OTHER

RELEVANT STATE EDUCATION OFFICES] may adopt regulations as may be necessary to carry out the provisions of [THIS ACT].

- (b) A local education provider, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability:
 - (1) Deny a qualified student with a disability the opportunity to participate in or benefit from the aid, benefit or service;
 - (2) Afford a qualified student with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded to others;
 - (3) Provide a qualified student with a disability with an aid, benefit or service that is not as effective as that provided to others;
 - (4) Provide different or separate aids, benefits, or services to a qualified student with a disability or to any class of qualified students with a disability unless such action is necessary to provide qualified students with a disability with aids, benefits or services that are as effective as those provided to others;
 - (5) Aid or perpetuate discrimination against a qualified student with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the local education provider's program or activity; or
 - (6) Otherwise limit a qualified student with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit or service.
- (c) A local education provider shall not, directly or through contractual or other arrangements, use criteria or methods of administration that:
 - (1) Have the effect of subjecting qualified students with a disability to discrimination on the basis of their disability;
 - (2) Have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the local education provider's program or activity with respect to a qualified student with a disability; or
 - (3) Perpetuate the discrimination of another local education provider if both local education providers are subject to common administrative control or are agencies of the state.
- (d) For purposes of [THIS ACT], an aid, benefit, or service, to be equally effective, is not required to produce the identical result or level of achievement for qualified students with a disability and students without a disability, but must afford a qualified student with a

disability equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the student's needs.

- (e) Despite the existence of separate or different aids, benefits, or services provided in accordance with [THIS ACT], a local education provider may not deny a qualified student with a disability the opportunity to participate in such aids, benefits, or services that are not separate or different.
- (f) In determining the site or location of a facility, a local education provider shall not select a site that:
 - (1) Has the effect of excluding qualified students with a disability from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity; or
 - (2) Has the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to a qualified student with a disability.
- (g) The exclusion of students who do not have a disability from aids, benefits or services limited by the federal Americans with Disabilities Act, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, as amended from time to time, or state law to qualified students with a disability or the exclusion of a specific class of qualified students with a disability from aids, benefits, or services limited by said Americans with Disabilities Act, Individuals with Disabilities Education Act, or state law to a different class of qualified students with a disability is not prohibited by this Section.
- (h) A local education provider shall conduct evaluations and reevaluations of a student in the student's heritage or primary language. A local education provider shall communicate with a parent with limited English proficiency in a manner that provides the parent with equal access to information that it provides to other parents, including information about programs, services, and activities.
- (i) A local education provider shall submit an annual assurance, on a form specified by the [RELEVANT STATE EDUCATION OFFICER], that the programs or activities of the local education provider will be operated in compliance with [THIS ACT].

Section 4. Civil Rights Enforcement & Grievance Process

- (a) A local education provider shall comply with and is subject to the provisions of [THIS ACT] and the Students' Civil Rights Act and shall not engage in discrimination, as defined in Section 4 of the Students' Civil Rights Act, against students with disabilities.
 - (1) Local education providers that are alleged to have discriminated against students with disabilities in violation of Section 4 of the Students' Civil Rights Act may be subject to complaint and enforcement procedures, pursuant to Section 6 of the Students' Civil Rights Act, or a private civil action, pursuant to Section 7 of the Students' Civil Rights Act.
 - (2) Local education providers shall take appropriate actions to ensure students with disabilities and their parents are aware of the nondiscrimination provision, in compliance with Section 4 of the Students' Civil Rights Act.
 - (3) If the [STATE CIVIL RIGHTS AGENCY] finds that a local education provider has discriminated against a student on the basis of disability in violation of [THIS ACT] [and Section 4 of the Students' Civil Rights Act], such local education provider shall take such remedial action as the [STATE CIVIL RIGHTS AGENCY] deems necessary to overcome the effects of the discrimination[, pursuant to Sections 5 and 6 of the Students' Civil Rights Act].
- (b) The [STATE CIVIL RIGHTS AGENCY], in conjunction with [SEA OR OTHER RELEVANT STATE EDUCATION AGENCIES], shall provide training and technical assistance to local education providers about the requirements of [THIS ACT].
- (c) A local education provider may take steps, in addition to any action that is required by this Section [and the Students' Civil Rights Act], to overcome the effects of conditions that resulted in limited participation in such local education provider's program or activity by a qualified student with a disability.
- (d) A local education provider shall—
 - (1) Adopt a grievance process that incorporates appropriate due process standards and provides for the prompt and equitable resolution of complaints alleging any action prohibited by [THIS ACT] [and the Students' Civil Rights Act], which may be satisfied by adopting a grievance process that, at minimum, fulfills the requirements of 34 C.F.R. § 104.7. The local education provider is not required to

apply its grievance procedure to allegations related to the identification, evaluation, placement, or provision of free education pursuant to an IEP.

- (2) Designate at least one responsible employee to oversee compliance with [THIS ACT] and serve as a point of contact for students, parents, the [SEA AND OTHER RELEVANT STATE EDUCATION AGENCIES], and third parties subject to the following:
 - (A) The responsible employee shall receive training about how to comply with the requirements of [THIS ACT], including creating inclusive and respectful environments for students with disabilities, disability rights, and the disability rights grievance process within 60 days of being designated;
 - (B) In addition to overseeing compliance with [THIS ACT] and serving as a point of contact for students, parents, and third parties who have questions or concerns about the requirements of [THIS ACT], the responsible employee may also serve as the responsible employee required by 34 C.F.R. § 104.7(a); and
 - (C) A local education provider shall provide the responsible employee with the necessary time, resources, and authority to fulfill the obligations set forth in [THIS ACT];
- (3) Provide initial and continuing notification to students and parents that the local education provider must not discriminate on the basis of disability. The notification shall include the name, title, phone number, and email address of the responsible employee designated pursuant to subsection (d)(2) of this Section. A local education provider shall provide the initial notification required by this subsection (d)(3) on or before [DATE]. Methods of initial and continuing notification include the public posting of hard-copy notices in schools and in the central office building of a school; inclusion in student and employee handbooks; inclusion in newsletters, mass emails, and information sent home to parents; placement of notices in the local education provider's publications and online materials, including the local education provider's website and social media; or distribution of memoranda or other written communications. This notice requirement may be met in conjunction with any notice required under 34 C.F.R. § 104.8 or 28 C.F.R. § 35.106.
- (4) Train relevant staff annually about the essential requirements of [THIS ACT] [and the Students' Civil Rights Act]. For purposes of this Section, "relevant staff" includes the employee designated pursuant to subsection (d)(2) of this Section, at least one administrator or designee from each educational building on the local education provider's premises, and at least one other staff regularly involved with developing, implementing, and coordinating plans in accordance with [THIS ACT]. If a local education provider has a building-specific coordinator responsible for compliance with Section 504, Title II of the Americans with

Disabilities Act, and [THIS ACT], that individual may attend the training instead of a building administrator.

- (e) The obligation to comply with this section or [THIS ACT] is not obviated or alleviated by the existence of any other state or local law or other requirement that, on the basis of disability, imposes prohibitions or limits upon the eligibility of a qualified student with a disability to receive services.

Section 5. Aids and Services for Parents

- (a) A local education provider shall provide aids and services to a parent with a disability, including a communication-related disability, who is seeking appropriate access to programs, services, or activities for parents in relation to that parent's child. Communication-related disability accommodations shall be consistent with the standards stated in Section 6 of [THIS ACT].

Section 6. Effective Communication

- (a) A local education provider shall ensure that communication with a qualified student with a disability is as effective as communication with a student without a disability.
- (b) A local education provider shall furnish appropriate auxiliary aids and services where necessary to afford a qualified student with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of the local education provider.
- (c) The type of auxiliary aid or service necessary to ensure effective communication with a qualified student with a disability may vary in accordance with the:
 - (1) Method of communication used by the qualified student with a disability;
 - (2) Nature, length, and complexity of the involved communication; and
 - (3) Context in which the communication is taking place.
- (d) In determining what types of auxiliary aids and services are necessary to ensure effective communication with a qualified student with a disability, a local education provider shall give primary consideration to the request of or on behalf of a qualified student with a disability. To be effective, an auxiliary aid or service must be provided in a format that is accessible to a qualified student with a disability, in a timely manner, and in such a way as to protect the privacy and independence of the qualified student with a disability.

- (e) A local education provider shall not require a qualified student with a disability to provide an interpreter.
 - (1) A local education provider shall not rely on an adult accompanying a qualified student with a disability to interpret or facilitate communication, except—
 - (A) In an emergency involving an imminent threat to the safety or welfare of an individual or the public and no interpreter is available; or
 - (B) When the qualified student with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.
- (b) A local education provider shall provide interpretation and translation services for communication with a parent with limited English proficiency[, [consistent with the Protections for English Learners & Limited English Proficient Families section of the Students' Civil Rights Act](#)].

Section 7. Free appropriate public education – equal educational opportunity and access

- (a) The provisions of [THIS ACT] apply to preschool, elementary, secondary, and adult education programs or activities provided or offered by a local education provider.
- (b) A local education provider shall provide a free appropriate public education to each qualified student with a disability who is in the local education provider's jurisdiction, regardless of the nature or severity of the student's disability.
 - (1) An appropriate education is the provision of necessary supports and services that are designed to meet the needs of students with disabilities as adequately as the needs of students without disabilities are met.
 - (2) Implementation of an IEP developed in accordance with the IDEA is one way of meeting the individual educational needs of a student with a disability as adequately as the needs of a student without a disability are met.
- (c) A local education provider shall ensure that a qualified student with a disability within that local education provider's jurisdiction receives an appropriate education even if the student is placed or referred to a program, aid, benefit, or service other than one operated by the local education provider.
- (d) A free education may consist of either the provision of free services or payment to a third party if the local education provider places a qualified student with a disability in a program other than one operated by the local education provider.

- (e) If a local education provider places a qualified student with a disability or refers such student for aids, benefits, or services at a facility not operated or provided by the local education provider as a means of providing a free appropriate public education, the referring local education provider shall ensure that the qualified student with a disability has adequate transportation to and from the facility where the aids, benefits, or services are provided, at no cost to the qualified student with a disability or the student's parent.
- (f) If it is necessary for a qualified student with a disability to be placed in a public or private residential facility to provide the student with a free appropriate public education, as determined by a Section 504 team or IEP team, the placement, including nonmedical care and room and board, shall be provided at no cost to the student or their parents.
- (g) If a local education provider has made available a free appropriate public education to a qualified student with a disability pursuant to this section and the student's parents choose to place the student in a private school, the local education provider is not required to pay for the student's education in the private school.
- (h) Disagreements between a parent and a local education provider regarding whether a free appropriate public education has been made available or otherwise regarding the question of financial responsibility are subject to the grievance process, pursuant to subsection (d) of Section 4.

Section 8. Least restrictive environment - academic settings - nonacademic settings - comparable facilities

- (a) A local education provider shall provide a free appropriate public education to each qualified student with a disability in its jurisdiction with students without disabilities to the maximum extent appropriate based on the needs of the qualified student with a disability. A local education provider shall place a qualified student with a disability in the regular educational environment operated by the local education provider unless it is demonstrated by the local education provider that the education of the qualified student with a disability in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a local education provider places a qualified student with a disability in a setting other than the regular educational environment pursuant to this subsection, it shall take into account the proximity of the alternate setting to the home of such qualified student with a disability.
- (b) In providing or arranging for the provision of nonacademic services and activities, including meals, specials, recess periods, and extracurricular activities, a local education provider shall ensure that a qualified student with a disability participates in such services and activities with students without disabilities to the maximum extent appropriate based on the needs of the qualified student with a disability.

- (c) If a local education provider, in compliance with subsection (a) of this Section, operates a facility that is identifiable as being for qualified students with a disability, such local education provider shall ensure that the facility and the services and activities provided in the facility are comparable to the other facilities, services, and activities of such local education provider.

Section 9. Nonacademic and extracurricular services and activities - counseling services - physical education - athletics.

- (a) A local education provider shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford a qualified student with a disability an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals, and employment of students, including both employment by such local education provider and assistance in making available outside employment.
- (b) A local education provider that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide such services without discrimination on the basis of disability. A local education provider shall ensure that a qualified student with a disability is not counseled toward more restrictive career objectives than are students without disabilities with similar interests and abilities.
- (c) In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, a local education provider may not discriminate on the basis of disability. A local education provider that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to a qualified student with a disability an equal opportunity for participation.
- (d) A local education provider may offer to qualified students with a disability physical education and athletic activities that are separate or different from those offered to students who do not have a disability only if separation or differentiation is consistent with the requirements of this Section and only if no qualified student with a disability is denied the opportunity to compete for athletic teams or to participate in athletics courses that are not separate or different from those teams or courses offered to students without disability. Competitive or selective programs may require a selection process if the program criteria are not discriminatory.

Section 10. Evaluation - consent - procedure – reevaluation

- (a) At least annually, a local education provider shall take appropriate steps to:
 - (1) Identify and locate every qualified student with a disability residing in the local education provider’s jurisdiction who is not receiving a public education; and
 - (2) Notify every student with a disability and their parents of the local education provider’s duty to identify and locate the student in accordance with this Section.
- (b) A local education provider shall conduct an evaluation in accordance with the requirements of subsections (c) and (d) of this Section of any student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.
- (c) Prior to evaluating a student under this Section, a local education provider shall notify the student’s parent of the proposed evaluation and obtain consent from the parent to evaluate the student.
- (d) A local education provider shall establish and comply with standards and procedures for the evaluation and placement of students who, because of disability, need or are believed to need special education or related services. Such standards and procedures must be consistent with the requirements of this section and shall ensure that:
 - (1) Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
 - (2) Tests and other evaluation materials include those criteria tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient; and
 - (3) Tests are selected and administered to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student’s aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student’s impaired sensory, manual, or speaking skills, except where such skills are the factors that the test purports to measure.
- (e) In interpreting evaluation data and in making placement decisions, a local education provider shall:

- (1) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior, and any private evaluations provided by the student's parent;
 - (2) Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
 - (3) Ensure that the eligibility determination and placement decision is made by a group of persons who are knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
 - (4) Ensure that the placement decision is made in conformity with the least restrictive provisions in Section 8 of [THIS ACT].
- (f) For students identified as eligible pursuant to [THIS ACT], local education providers shall conduct reevaluations at least every three years, which may include, but are not limited to, a reevaluation procedure consistent with the IDEA. Consent from a parent is not required for a reevaluation.
- (g) A local education provider may satisfy the evaluation requirements if—
- (1) The local education provider complies with the procedural requirements specified in Section 11 of [THIS ACT]; and
 - (2) A group of knowledgeable people, based on existing evaluation data, determine the student's eligibility and placement, including the services and accommodations the student needs, and the local education provider and parent agree.
- (h) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local education provider, consistent with 34 C.F.R. § 300.502.

Section 11. Procedural safeguards

- (a) A local education provider shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of students who, because of disability, need, or are believed to need special instruction or related services, a system of procedural safeguards that includes, at minimum—
- (1) Notice of the proposed identification, evaluation determination, or educational placement decision;
 - (2) An opportunity for the parent of the student to examine relevant records;

- (3) A “stay-put” provision, such that the last agreed-to aids, benefits, or services for the student remain in place pending a hearing for an evaluation or placement, unless the parent of the student and the local education provider otherwise agree;
- (4) An impartial hearing with an impartial hearing officer who is not selected by the local education provider, with opportunity for participation by such student’s parent and representation by counsel;
- (5) Payment by the local education provider for the impartial hearing officer and associated costs;
- (6) A written decision by the impartial hearing officer and a written record of the hearing;
- (7) An opportunity to appeal an impartial hearing outcome; and
- (8) A review procedure, which may include, but is not limited to, compliance with the procedural safeguards of the IDEA.

Section 12. Harassment

- (a) A local education provider shall ensure that a qualified student with a disability is free from harassment[, as defined in Section 3(f) of the Students’ Civil Rights Act].
- (b) When a local education provider knows or reasonably should know of possible disability-based harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred.
- (c) If the investigation required by subsection (b) of this Section reveals that disability-based harassment is sufficiently serious to create a hostile environment, the local education provider must take prompt and effective steps reasonably calculated to end the disability-based harassment, eliminate the hostile environment, prevent harassment and a hostile environment from recurring, and, as appropriate, remedy the hostile environment’s effects.
- (d) Harassment on any basis may also impact a qualified student with a disability’s receipt of a free appropriate public education, in which case the effects of the harassment, even if not based on disability, must be addressed by the student’s Section 504 team and/or IEP team.

Section 13. Retaliation

- (a) A local education provider shall not coerce, intimidate, threaten, discriminate against, or otherwise retaliate[, as defined in Section 3(k) of the Students' Civil Rights Act] against any individual:
- (1) For the purpose of interfering with any right or privilege secured by [THIS ACT], [the Students' Civil Rights Act], the IDEA, Section 504, the ADA, or [OTHER RELEVANT STATE LAWS];
 - (2) Because an individual makes or has made, or because a local education provider believes an individual has made or will make, a complaint under [THIS ACT], [the Students' Civil Rights Act], the IDEA, Section 504, the ADA, or [OTHER RELEVANT STATE LAWS]; or
 - (3) Because an individual testifies, assists, or participates in any manner in an investigation or proceeding regarding an allegation or complaint pursuant to [THIS ACT], [the Students' Civil Rights Act], the IDEA, Section 504, the ADA, or [OTHER RELEVANT STATE LAWS].
- (b) Allegations of coercion, intimidation, threats, discrimination, or other retaliation as described in this Section against any individual may be filed with the [STATE CIVIL RIGHTS AGENCY], and [STATE CIVIL RIGHTS AGENCY] shall process and evaluate such allegations pursuant to [THIS ACT].

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When you see the “*” symbol while reviewing this template, check out the **Part 3: Strengthening Disability Rights & Protections in Public Schools** toolkit document to learn more.