

STUDENTS' CIVIL RIGHTS ENFORCEMENT INITIATIVE

The Students' Civil Rights Act

ADVOCATE'S TOOLKIT

HOW TO USE THE MODEL
LEGISLATION AND THIS TOOLKIT

How to Use the Model Legislation and this Toolkit

This toolkit was created to support advocates using the model legislation for the Students' Civil Rights Act, published by the National Center for Youth Law. This project is a collection of templates that students, families, teachers, and other advocates can use to make it easier for their state lawmakers to adopt state laws that better protect students' civil rights.

WHAT IS MODEL LEGISLATION?

Think of model legislation as a first draft of a law. It gives you a starting place to write laws that address issues that are important to you and your community, especially if you don't already have experience with legislative text. Model legislation is meant to be changed and edited to address the needs of the place where the law will, hopefully, be passed. If you're not a lawmaker yourself, the next step after editing the text is to meet with lawmakers who might agree to formally "introduce" the legislation to the rest of your state's lawmaking body.

The Students' Civil Rights Act model legislation helps advocates meet two main goals in their states:

1. Pass a state law that creates a new state agency or strengthens the authority of an existing state agency to receive education discrimination claims and enforce students' civil rights.
2. Adopt federal civil rights protections and other civil rights principles for students into state law.

WHAT IS A BILL?

A bill is a draft of a law that a lawmaker has proposed (or "introduced") to the lawmaking body to consider making it into law. Lawmakers usually need to take a vote on a bill before it can become law. This toolkit will refer to the sections of model legislation text as "bills" at times, even though the sections have not yet been introduced by lawmakers.

The model legislation package is made up of several parts that include:

- A "core" bill with language outlining the state agency's power to receive and investigate complaints about discrimination in education and to help students get relief for the harms they have faced.
- A bill section on how teachers and all school employees across the state should be trained to prevent, identify, and address discrimination in schools.
- A bill section on how the state's Attorney General can help the state agency protect students' civil rights.
- A bill section describing how the state agency and other educational institutions in the state should collect and report data on discrimination in schools.
- A bill section to increase protections in state law for students with disabilities.
- A bill section to increase protections in state law for immigrant students and families.
- A bill section to increase protections in state law for English Learners and Limited-English Proficient parents.
- A bill section to increase protections in state law against censorship of instructional materials and school curricula.

If you are hoping to pass this law in your state, work with others in your community to review these templates and make edits to them based on what your state needs. This may require some legal research into what protections your state already offers students, so you know what parts of the model will be necessary to fill any gaps in protections. The model is meant to provide strong protections across the board, **but you and your community are the experts on what your state really needs**. Throughout the model, you'll see that there are placeholders and optional text marked. These are meant for you to fill in, based on what is relevant or needed in your state.

“Fill in” the Gaps

All bill sections of the model use bracketed words in all-caps that are placeholders meant to be filled in with the names of agencies, offices, and other entities that your state actually has.

For example, in one paragraph, you may see fill-ins like [STATE CIVIL RIGHTS AGENCY] and [SEA]. “SEA” stands for “state educational agency.” If you live in Maryland and want to get the bill introduced in Maryland, you will need to look up what the state civil rights agency and the SEA are in Maryland.

The state civil rights agency in Maryland is called the Maryland Commission on Civil Rights. The SEA in Maryland is called the Maryland State Department of Education.

SO, LET'S TEST THAT OUT:

The Model: [STATE CIVIL RIGHTS AGENCY] shall make an annual report to the [SEA].



Your Draft: **The Maryland Commission on Civil Rights** shall make an annual report to the **Maryland State Department of Education**.

When fill-ins don't exactly align with what entities are in your state, feel free to change phrases and wording to make it work with whatever names and other information is relevant to your state.

Some fill-ins will say [THIS ACT], mostly to refer to the Students' Civil Rights Act (assuming you are planning to get it introduced). If you are only planning to use individual bill sections that are not the core bill introduced, you will want to change the [THIS ACT] fill to reference the individual bill. The bill sections on students with disabilities and censorship are longer texts with several sections within them. In those two bill sections, [THIS ACT] may refer to those individual sections. Read carefully when editing to understand in what context [THIS ACT] is being used.

Other fill-ins are bracketed phrases that are not in all caps and appear in blue font. These provide optional language for you to decide whether or not to include.

You Have Options!

Throughout the model, you may see this symbol: *

That symbol indicates that the language is provided purely as an option for you to use based on your state's needs. When you see the symbol, check out the toolkit document that matches the name of the bill section you are reviewing. There, you will find strategy tips on how best to use that particular provision.

Cross-Referencing with the Core Civil Rights Model

If you decide to add any of the other bill sections to the core bill, consider cross-referencing provisions that are already included in the core bill instead of repeating them throughout the added-on sections. The model has several examples of cross-referencing with the core bill throughout each bill section. The model also cross-references subsections and paragraphs within specific bill sections.

If your state's drafting conventions allow, consider cross-referencing:

- Definitions, including how discrimination is drafted in Section 4, subsection (b);
- Enforcement provisions and complaint procedures; and
- Available remedies from a state court.

Cross-references can help reduce duplication in the text and keep the legislation consistent.

Example: Discrimination includes the following actions on the basis of a person's protected class, as enumerated in subsection (i) of Section 3 of the Students' Civil Rights Act.

If you go to Section 3 of the core bill, you will find the definition of "protected class" under subsection (i).

Using the Toolkit

Most bill sections of the model legislation have a "partner" section in the toolkit with the same name that will give you tips and other points to consider as you make edits to the model template that will better address the needs in your state. As you read through each bill section of the model legislation, check out its partner section in the toolkit to see these tips. This toolkit also gives strategy recommendations for how to bring your draft to your lawmakers' attention and for how to deal with arguments opposing the state education civil rights law. Use these tips and tools while working with others in your community to give this law the best chance at being passed by your state legislature.