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Meet the Authors

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IMPACT: Educate, Engage, Empower - for Equity

(Click words to navigate to sections)

" We will never have a true civilization until we have learned to recognize the rights of others."

~ Will Rogers, 1924

Educate

Unrealized Civil Rights in Schools

In the Post-Civil Rights era, struggles remain in realizing democratic principles within public education. The Civil Rights Movement of the 1960's sought to end discrimination and segregation, and is often remembered as a powerful, political time of resistance defined by boycotts, nonviolent demonstrations, sit-ins, marches, and iconic speeches. However, the Movement also spurred sweeping legislative safeties to make civil rights explicit and legally protected. For example, the *Voting Rights Act of 1965* restored and

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protected voting rights, the Immigration and *Nationality Services Act of 1965* dramatically opened entry to U.S. immigrants, and the *Fair Housing Act of 1968*, barred discrimination in the sale or rental of housing.

In addition, the *Civil Rights Act of 1964* banned discrimination based on "race, color, religion, or national origin" (Civil Rights Act, n.d.) in employment practices and public accommodations, including public schooling. In response, the U.S. federal government created Desegregation Assistance Centers (DACs), now called regional Equity Assistance Centers (EACs) of which the [Great Lakes Equity Center](#) is one.

The Civil Rights Act also foregrounded federal amendments such as Title IX of the Education Amendments of 1972 prohibiting discrimination in schools based on sex, Section 504 of the *Rehabilitation Act of 1973*, and Title II of the *Americans with Disabilities Act of 1990* and the *Individuals with Disabilities Act of 1975* banning discrimination based on dis/ability, mandating "free appropriate public education" (IDEA, n.d.) for students with mental, physical, or cognitive dis/abilities (Your Rights, n.d.). In 1965, the Elementary and Secondary Education Act (ESEA, n.d.) was signed into law by "President Lyndon Johnson to ensure "full educational opportunit[ies]" for all. (Elementary, n.d.).

In 2002, Congress reauthorized ESEA and President George W. Bush signed the law, now referred to as No Child Left Behind (NCLB). This reauthorization continued the commitment that all students in the U.S. should be afforded a quality education by focusing further on accountability. By more directly linking federal funding to standardized testing, NCLB sought more explicit oversight and support toward high achievement outcomes. However, disparities remain in and among economically, racially, ethnically, and linguistically diverse communities. The effort toward connecting "civil rights to education, enshrining [the United States of] America's core value that every child deserves a quality education, no matter her race, dis[/]ability, neighborhood, or first language" (U.S. Department, n.d.) is yet to be realized.

Legislation Unrealized

Despite legislative mandates and subsequent state and federal Supreme Court rulings (Brown, 1954; Click & Henshaw, 2014; Carpenter, 2014; Lindseth & Hanushek, 2009; School Desegregation, n.d.), resistance and/or failure to serve all students abounds, particularly in serving poor, racially, ethnically, and linguistically diverse communities, (Tyack, 1974; Bell, 1992; Feagin, 2000; Carter, Welner, & Ladson-Billings, 2013).

Although federal legislation such as Title I and Title III of the ESEA for students in under resourced communities, Title II for emergent multi-lingual learners, and IDEA for students



Candace Moore, J.D., is a staff attorney with the Educational Equity Project of the Chicago Lawyers' Committee. Ms. Moore was instrumental in the Chicago Lawyers' Committee re-launch of the project in 2011 and continues to grow its direct representation program, which serves students facing expulsions and push-out, and build community partnerships that support positive system reform. Ms. Moore is a 2014 cohort member of Shriver's Racial Justice Training Institute, which supports legal advocates in explicitly addressing racial inequity through the law. She received her law degree from Loyola University Chicago May 2013 and received her Bachelor of Arts in political science and Bachelor of Science in human services cum laude in May 2009.

with dis/abilities have structured laws to focus financial assistance to support underserved students, gaps in outcomes are still present. These gaps can be seen in disproportional representations of students of color and with dis/abilities in school disciplinary practices (Skiba, Michael, Nardo, & Peterson, 2002; Wallace, Goodkind, Wallace, & Bachman, 2008; Duncan, 2014; Noltemeyer & Mcloughlin, 2010; Hinojosa, 2008) and in students' special education placement (Waitoller, Artiles, & Cheney, 2010; Donovan & Cross, 2002; Thorius & Stephenson, 2012).

This difference also manifests as educators with the least experience working in schools serving historically marginalized communities (Olson, 2003; Sunderman & Kim, 2005; Peske & Haycock, 2006). In addition, facility allocations in these same schools denote disinvestment in such communities (Spatig-Amerikaner, 2012), which play out as continued disparities among student groups.

Legal Literacy

Educators, families, and students must become knowledgeable on federal legislation to abide by the letter of the law, but to also ensure all students have access to and can advocate for non-discriminatory, safe, and inclusive learning environments. Literacy on students' civil rights allows all stakeholders to more meaningfully understand relationships between policies and practices which may undermine legal protections of students and are incongruent to positive student outcomes. For example, if a male, ninth grade student feels unsafe due to sexual remarks being made in his school, by having knowledge of his civil rights, he and his parent/caregiver are better able to effectively and appropriately advocate for themselves under Title IX. Title IX, although widely understood in the realm of gender equality in athletics, also protects students from being discriminated against or bullied and harassed.

Literacy on Civil Rights in Schools

Given the persistence of disparities in student outcomes among and between student groups. (Elementary; Carter & Welner, 2013) it is critical for parents/caregivers, educators, and students to learn about their rights and the rights of students in protected classes. In supporting parents to learn about their child(ren)'s rights, the U.S. Department of Education has established three national and six regional [Parent Technical Assistance Centers \(PTACs\)](#). Some states have federally funded Parent Training and Information Centers (PTI) that offer families information and resources regarding early intervention for students with dis/abilities and many states also have Community Parent Resource Centers (CPRC), which offer further information for parents/caregivers of children with dis/abilities.

Ten regional [Equity Assistance Centers \(EACs\)](#) funded by the U.S. Department of Education, under Title IV of the



Jessica Schneider, J.D., is the lead staff attorney in the Educational Equity Project. She also works in the Fair Housing Project. Ms. Schneider coordinates a pro bono project representing students in expulsion hearings and other educational civil rights issues and also represents students in school discipline matters. She is also a cohort member of the in 2014 inaugural cohort of the Racial Justice Training Institute, which supports legal advocates in explicitly addressing racial inequity through the law. Ms. Schneider is a native Chicagoan and joined the Chicago Lawyers' Committee in 2011 as a Civil Rights Fellow. She received her bachelor's degree in Political Science and Spanish from Washington University in St. Louis and her law degree cum laude from DePaul University with a Certificate in Public Interest. She is a

1964 Civil Rights Act, have been established to support public schools in race, gender, and national origin equity. EACs "provide training and technical assistance for state or local education agencies, but requests may originate from teachers, principals, parents, community leaders, and state and district administrators. Any such person may initiate contact that leads to services through the Equity Assistance Centers" (EAC, n.d.). The [Great Lakes Equity Center](#) is one such organization serving region V which is comprised of Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin. Lastly, it is important to note that protections exist for parents/caregivers and educators to communicate their concerns should they feel students have been discriminated against including exclusion from participation in, or denied the benefits of any program or activity receiving federal funds.

[Complaints](#) can be filed with the U.S. Department of Education's Office of Civil Rights (OCR) which serves "as a guardian of civil rights in educational institutions nationwide" (U.S. Department, n.d.). OCR's purpose is to foster educational excellence and ensure equal access by enforcing federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, dis/ability, and age in all programs or activities that receive federal financial assistance (U.S. Department, n.d.).

Upon submission, complaints are [evaluated](#). Pending OCR's evaluation, complaints can evolve into investigations which may result in signing a resolution agreement to take specific actions to address area(s) of noncompliance. Parents/caregivers and educators also have [the right to file a separate court action](#) in response to violations or suspected violations of a student's civil rights to the U.S. Department of Justice, Civil Rights Division. Upon submission, complaints are reviewed and may lead to a mediation, settlement agreement or consent decree between the individual(s) and school district before or during the filing of a lawsuit (U.S. Department, n.d.). Mediation is an informal and confidential way to resolve disputes with the help of a neutral mediator. Settlement agreements or consent decrees are settlements to resolve a dispute between two parties without admission of fault or guilt.

Toward Legal Literacy in Your School

How might school and district educators support educators and families in developing legal literacy? In short, they can do so in a myriad of ways. Schools and district staff can consistently communicate the resources presented above to their communities, connect partnerships utilizing these resources for their school communities, more meaningfully incorporate legal literacy development in professional development strategies, and provide parents/caregivers and students opportunities to work authentically with

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Leadership Council.

Upcoming Events

*(click event name for more
information)*

Illinois

June 11-12, 2015

Illinois Principals Association
Education Leaders Summer
Conference
Lisle, IL

Indiana

June 11, 2015

Martha McCarthy Education
Law & Policy Summer
Institute
Bloomington, IN

Michigan

June 22-24, 2015

EdCon 2015 - The
Secondary Education
Conference
Acme, MI

Minnesota

June 16, 2015

21st Century Teaching and
Learning Conference
Duluth, MN

Ohio

June 10-12, 2015

Ohio Association of
Elementary School
Administrators Professional
Conference
Columbus, OH

educators to build shared understanding. It is important that all members of the school community--educators, students, parents/caregivers, community members--are proactive in supporting new ways to build new knowledge on students' rights, and to collectively move toward legally literate school communities and redress policies and practices that result in inequitable outcomes.

[Back to Top](#)

Engage



CHICAGO LAWYERS' COMMITTEE
FOR CIVIL RIGHTS UNDER LAW, INC.

[Chicago Lawyers' Committee for Civil Rights Under Law: Educational Equity Project](#)

Since 2011, the Chicago Lawyers' Committee for Civil Rights Under Law Educational Equity Project (EEP) has been working to protect equitable access to education by addressing systemic barriers that disproportionately impact historically underserved communities. Currently, the EEP works toward equitable access and meaningful participation by providing free legal services to students and families facing exclusionary discipline (e.g., expulsion), while also advocating for systematic reform of exclusionary school practices and policies. EEP attorneys Candace Moore and Jessica Schneider also partner with other organizations to promote legal literacy. "We've done work directly in communities to help them understand their rights," said Ms. Moore, "parents just don't know the rights they have."

When asked what practitioners should know in terms of their own legal literacy, Ms. Moore and Ms. Schneider stressed that preventative training could be provided to educators and families. Schools should inform families of their rights, resources, and options well before administrator interventions are ever needed. Moore and Schneider also stressed that families, administrators, and school boards should be more aware of due process procedures and ways in which exclusionary practices can quickly feed a student into the criminal justice system.

As the Educational Equity Project grows, it is increasing its

Wisconsin

June 10-11, 2015

2015 Summer Institute for

Innovative Elementary

Schools

Wisconsin Rapids, WI

visibility and advocacy beyond just Chicago. Sharing its success stories with policymakers and community partners in Illinois, they put a name and face on the outcomes of exclusionary, inequitable policies. Ms. Schneider explained, "We bring real life stories" when advocating for inclusivity and greater legal literacy.

[Back to Top](#)

Empower



Something to Read!

Addressing Discrimination in Schools Matters

This brief addresses the various forms of discrimination found in schools and how individuals can work with schools to ensure that all students have access to educational opportunities. This brief also includes steps that individuals can take when they feel they are not being heard by school administration or when they feel their concern is not being adequately addressed.

Something to Watch!

Sheff Movement



This video discusses *Brown v. Board of Education* and the continual battle to integrate public schools. The video features the *Sheff v. O'Neil* case, a landmark civil rights case that addressed the segregated and unequal conditions in Connecticut's urban schools.

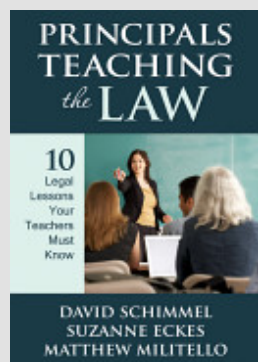


Something to Use!

Great Lakes Equity Center Virtual Equity Library

The Equity Library contains nearly 500 free and downloadable equity resources and tools. Resources for legal rights include research-based policy briefs, as well as US Department of Education: Office of Civil Rights (OCR) "Dear Colleague" guidance letters. With these resources, practitioners and parents can learn about students' legal rights and become more familiar with how policy-makers

frame conversations about rights.



Something to Use!

Principals Teaching the Law

Using ten ready-made lessons, this book equips school leaders with a professional development curriculum to train teachers in areas of educational law that affect their everyday work. This book helps principals provide their staff with the legal knowledge needed to avoid unnecessary lawsuits, understand teacher and student rights, and work within the boundaries of the law.

Back to Top

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