



March 11, 2025

Dear state leaders,

The National Center for Youth Law (NCYL) and the undersigned 24 members of the Education Civil Rights Alliance write to express the urgent need for state leaders to maintain and strengthen civil rights protections for all students. Across the nation, targeted state and federal actions with aims of weakening and, in some cases, dismantling public education have led to attacks on the civil and human rights of students and educators. The Trump administration has escalated our concerns with rhetoric that is antithetical to civil rights and its exploring whether to [eliminate or severely limit](#) the Department of Education through federal education legislation, as well as more immediate administrative actions that have resulted in budget and staffing cuts and frozen resources and data. Protecting the civil rights of our nation's students is urgent, as the dismantling of federal civil rights oversight and enforcement leaves the most underserved children at highest risk.

The [Education Civil Rights Alliance](#) (ECRA), convened by NCYL, is dedicated to protecting the civil rights of historically and presently marginalized students by providing resources to students, parents, educators, school districts, and advocates on creating safe, inclusive, equitable, and affirming schools. The ECRA was formed in 2017 to protect against the erosion of civil rights protections, with a focus on issues most impacted at the state and local levels. Central to the ECRA's mission is raising public awareness of inequities in the opportunity to learn, their root causes, and effective remedies to the unjust challenges students face. ECRA members strive to foster supportive and inclusive environments and deter discriminatory school policies and practices.

We, ECRA members, are deeply disturbed by the rapid erosion and dismissal of education civil rights enforcement to achieve divisive and often discriminatory ends. Efforts to reduce or eliminate federal civil rights oversight of recipients of federal funding has begun and will exacerbate already deeply rooted systemic discrimination in education. Now is the time for states to act.

This letter outlines our urgent recommendations to **enforce and strengthen students' civil rights protections** and to **require consistent data collection and public reporting on public school resources and outcomes**. It addresses these issues broadly and, thus, may include recommendations that your state has already implemented. We hope this letter will guide your offices in taking further action, where possible.

ECRA is developing additional state-specific policy briefs and recommendations for state education leaders in the areas of school climate, mental health supports, and the equitable distribution of school funding. We encourage those interested in exploring the full range of our state-specific recommendations to review [these additional resources](#).

Enforce and Strengthen Students' Civil Rights Protections

As state leaders prepare to respond to a presidential administration that has exhibited a hostility for federal civil rights, it is imperative to act now to strengthen students' protections and grow state capacity to enforce these protections. Schools should provide safe and supportive conditions for learning. Effective civil rights enforcement is necessary to ensure that no student will be denied education on the basis of who they are, where they come from, what they look like, or what beliefs they hold.

Proposals to abolish or reassign and, therefore, destabilize the role of the U.S. Department of Education (ED) will result in less protection from discrimination, decreased financial support, and fewer overall resources for millions of students—these harms will be most felt by Black and Brown students, students with disabilities, English learning students, LGBTQIA+ students, and low-income families. In Fiscal Year (FY) 2024, ED's Office for Civil Rights (OCR) received a record-breaking [22,687 complaints](#). This number represents an 18% increase over the previous record high of [19,201 complaints](#) in FY 2023, and it underscores the urgent need for civil rights enforcement and oversight in schools. One example includes a [complaint](#) filed against the Southwick-Tolland Granville School District in Massachusetts, where Black students were repeatedly called a racial epithet and were subjected to a racially hostile school environment, particularly when white students held a "slave auction" where they could bid on the school's Black students. The Trump administration's proposals will deny justice for communities like the one in Massachusetts.

In its FY 2024 Annual Report, OCR confirms that the majority of complaints it has received over the years typically raises allegations regarding disability but that, in FY 2024, complaints alleging sex discrimination surpassed the usual trend.¹ This increase in sex discrimination complaints tracks with the targeted attempts to alienate and dehumanize LGBTQI+ students that we have witnessed in the last several years. In the 2024 legislative session alone, the American Civil Liberties Union (ACLU) tracked [533 anti-LGBTQ+ bills](#). As of January 31, 2025, the ACLU has already identified [290](#) of such bills. The Trump administration's promises to dramatically roll back protections for LGBTQI+ students has caused them to [flood crisis hotlines](#) in fear not only for their access to education, but also for their physical and psychological safety. Already

¹ OCR reports that complaints containing allegations of disability discrimination comprised 37% (8,457) of all complaints received; complaints containing allegations of race, color, or national origin discrimination comprised 19% (4,307); complaints containing allegations of sex discrimination comprised 52% (11,815, of which 6,749 were filed by a single complainant). U.S. Dep't of Educ., Office for Civil Rights, *2024 Fiscal Year Annual Report* 8 (2024), <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024>.

making good on its promises, the administration released executive orders within its first two weeks making it official U.S. policy to recognize [only two genders](#) and criminalizing [gender-affirming healthcare](#) provided to anyone under 19 years old. Another executive order [prohibits trans girls](#) and women from competing on women's teams in their school athletics. The administration has also begun [directly targeting districts](#) that aim to create safe and healthy environments for all students, investigating a school district for converting a girl's restroom to an all-gender facility.²

The [executive orders](#) signed within the first hours and days of this presidency pose significant civil rights and safety risks to immigrant students and families. Perhaps the most immediate danger comes from the Trump administration's rescission of the 2021 "[Protected Areas Memorandum](#)," which generally limited Immigration and Customs Enforcement (ICE) officers from conducting enforcement actions at certain locations, such as schools, hospitals, and places of worship. The simple act of rescinding the policy has already deterred immigrant children and families from accessing important programs and services, including school. [Coordinated ICE raids](#) are already tearing families apart and striking fear in immigrant communities. [Research](#) shows that community fears related to immigration enforcement can create toxic stress for entire families, limit access to critical services, and lead to increased isolation for children.

The Trump administration has also spent its early days [rolling back guidance](#) on diversity, equity, and inclusion, [halting all investigations](#) relating to book bans and related censorship policies, and [chilling schools](#) from providing students with an honest and equitable education. Similarly, the Trump administration declared that it will reexamine existing Department of Justice (DOJ) settlement agreements and consent decrees. Moreover, the administration's [unprecedented freezing](#) of civil rights enforcement by the DOJ, including the work of divisions covering education issues, signals a dramatic reduction in civil rights protections. Most recently, ED published a "[Dear Colleague](#)" Letter which [grossly misstated](#) the law and threatened to cut funding for public schools, colleges, and universities that are actually providing the programs and investments needed to create equitable and safe schools for all students. These and other actions curtailing OCR investigations leave all students without critical protections against potential hostile learning environments and other discrimination. They also send a message that schools and districts no longer need to foster school communities where each and every child feels welcome and safe.

As the federal government abdicates its duties to faithfully enforce civil rights, states must step up as students' primary safeguard from discrimination in schools. The members of the ECRA recommend the following actions be taken by state executive leaders as well as state legislators:

² Several of these executive orders have been [legally challenged](#), some by ECRA [members themselves](#).

EXECUTIVE

State governors, chief state school officers, state attorneys general, and state boards of education should:

- Create and/or strengthen current administrative complaint processes and guidance to the public to increase their awareness of students' rights and available remedies.
- Include an increase in funding in the state budget request to expand the civil rights enforcement capacity of the state attorney general's office.
- Ensure state civil rights agencies are independent, well-funded, and empowered to enforce state education civil rights claims against school districts, ensuring protections for students at highest risk of discrimination and denial of access to education.
- Issue guidance accessible to students and families that provides notice of their rights as well as clear instruction on how to file state civil rights complaints for education-related claims with state agencies.
- Provide guidance, training, and technical assistance to districts on required state protections for students with disabilities and students covered by Title IX of the Education Amendments of 1972 and Title VI of the Civil Rights Act of 1964.
- Encourage schools to deny immigration officers, including any state, local, or federal law enforcement officer seeking to enforce immigration law, from accessing school facilities and student data without a valid judicial warrant.
- Ensure school districts are not collecting information on the immigration status of students or their family members, whether for enrollment or any other purpose.
- Issue guidance for school districts on preventing the discriminatory administration of school discipline, addressing how to identify disparate impact on protected classes of students, discrimination caused by school police, and discrimination experienced by students with intersecting identities.
 - Use strong models, such as the August 2023 [New Jersey Guidance on Discrimination in School Discipline](#), as a reference.
- At minimum, adopt full implementation of the 2024 Title IX federal regulations into state regulations.
- Issue guidance for school districts on preventing a hostile educational environment, including addressing how book banning and curriculum censorship may contribute to a hostile environment and violate civil rights.
- Use the executive's public platform to highlight the advantages and educational achievement from these efforts and to resist extremist policies and rhetoric.

LEGISLATIVE

State legislators should:

- Pass legislation codifying students' right to a high-quality education, at minimum.
- Pass legislation codifying the disparate impact regulations of federal civil rights statutes into state education law.
- Include or expand state civil rights protections to enable a private right of action in state court for sex-, race-, and disability-based discrimination in schools, including discrimination caused by disparate impact.
- Create state civil rights and/or human rights enforcement agencies or expand the jurisdiction of extant agencies to include the authority to prosecute discrimination cases that impact children attending public schools.
- Increase the executive capacity to oversee and enforce civil rights protections for students, including through increasing staffing and funding of the state attorney general's office and other state enforcement agencies,
- Pass legislation increasing the enforcement authority of the state attorney general's office to include investigations of systemic discrimination against students, including the ability to compel evidence from school districts in these matters.
- Pass legislation requiring schools and childcare centers to deny immigration officers, including any state, local, or federal law enforcement officer seeking to enforce immigration law, entry to school facilities or childcare centers unless they present a valid judicial warrant.
- Codify the holding of *Plyler v. Doe* in state law, ensuring the equal right to education access for all children, regardless of documentation status.
- Pass legislation that prohibits book-banning, using existing state laws in [Illinois](#), [New Jersey](#), [California](#), or [others](#) as models for reference.

Require Consistent Data Collection and Public Reporting on Public School Resources and Outcomes

Consistent, accurate data collection and reporting are essential to ensuring schools are safe, inclusive environments for all students. Eliminating ED puts the data collection and public reporting function at severe risk of being curtailed or eliminated altogether.

For decades, the Civil Rights Data Collection (CRDC) conducted by the Department of Education's Office for Civil Rights (OCR) has provided critical information on school resources, per-pupil expenditures, climate, course offerings, student support staffing, and counts of school-based police and related incidents. The CRDC is the only publicly reported data on the enrollment and outcomes of students with disabilities eligible only under Section 504 of the Rehabilitation Act ("Section 504"). Moreover, the CRDC is the only uniformly collected source of information on referrals to law enforcement and school-based arrests. Likewise, the CRDC is the only source of data on bullying that

collects information from every school in the nation, including the more recent collection of data on the bullying of non-binary students from districts that identify such students. Further, the CRDC data is one of the few consistent sources for cross-sectional demographic information, such as race with gender and disability status.

For example, the 2020-2021 CRDC [showed](#) that Black students were almost twice as likely to be suspended or expelled compared to their white peers. There is no evidence which suggests that students of color misbehave more than their white peers, yet they are persistently over-represented in school suspensions, expulsions, corporal punishment, and other forms of school discipline.

The reporting of these and other data elements increases the awareness of parents, policymakers, community members, educators, and advocates about the experiences of students of color, English learners, and students with disabilities, down to the school level. This information can be vital to local school board elections and decisions on school policy. These data also help inform families' decisions about school enrollment. Researchers and civil rights advocates regularly use the CRDC data to increase our understanding of policies and practices and to distinguish those that foster an equitable opportunity to learn from those that result in unjustifiable harm. For example, NCYL recently used CRDC data to document the problem of [within-district resource inequity](#), highlighting how schools with more students of color and students with disabilities often receive less money.

Recently, the Trump administration has taken actions to undermine reliable education data collection, such as withdrawing a proposal to continue the 2026 and 2028 CRDC, which were nearly final. Meanwhile, amid the administration's funding cuts making headlines, the National Center for Education Statistics (NCES) has become a target.

These cuts jeopardize the annual IDEA-required collection and public reporting of state-level racially disaggregated data on students with disabilities. In a [joint statement](#) by the American Educational Research Association and the Council of Professional Associations on Federal Statistics, they lament the administration's decision to "terminate 169 contracts within the Institute of Education Sciences, including those that NCES holds for the collection and reporting of education statistics." They sharply note that "robust collection and analysis of data are essential for ensuring quality education."

Essential to bolstering civil rights is the collection and public reporting of data that are disaggregated to cover the protected classes of students as well as those that intersect. Further, to ensure that the collected data can be used for civil rights monitoring, states must take measures to ensure school districts are providing accurate and complete data, along with measures that ensure accountability if districts do not comply. States should also ensure school districts are making all data publicly accessible and that they are released in a timely manner (ideally, each school year).

Some of the key CRDC data indicators relevant to school climate must be included in the annual state and local report cards that are required by the Every Student Succeeds

Act (ESSA). Yet, the CRDC and ESSA set merely a federally required floor. State leaders should feel empowered to go beyond federal standards and create their own systems of data collection and reporting that are accessible to the public. We urge states to collect detailed school discipline and policing data, including data on informal removals, making sure to publicly report the counts of disciplinary incidents as well as the days of lost instruction due to specific disciplinary actions.

Similarly, states should collect detailed restraint and seclusion data. Such discipline, policing, and restraint and seclusion data should be disaggregated and cross-tabulated by, at minimum, race/ethnicity, sex, and disability to ensure data users can compare the experiences of students with different intersectional identities (taking precautions not to disclose students' personally identifiable information). When collecting data on sex, state data surveys should include, at minimum, a "non-binary" option for schools to report on students who are gender non-binary or non-conforming.

States should also improve data collection on students with disabilities. In many data categories, the CRDC collects more detailed data on students receiving services under the IDEA, disaggregated by both race/ethnicity and sex. The data for students served under Section 504 often reports sex only and not for all categories. State data collections should ensure data is collected fully on students served under Section 504-only, including disaggregation by both race/ethnicity and sex. We recommend the following actions be taken by state executive leaders as well as state legislators:

EXECUTIVE

State governors, chief state school officers, and state boards of education should:

- Instruct the state department of education to improve ESSA oversight practices, including shortening the turnaround time for data reporting in state and district report cards, as well as for the reporting of annual Office of Special Education Programs data to the public at the district and state levels.
- Provide technical assistance to school districts to ensure their reporting of civil rights relevant data is timely and accurate.
- Analyze the civil rights data for evidence of large disparities along the lines of race, disability, sex, and English learner status.
- Provide guidance and a list of available resources to school districts on analyzing the outcomes of policies and practices that may have an unjustifiable disparate impact on groups of students protected by civil rights law and the state's constitution.
- States that have historically provided links to federal websites to meet federal reporting requirements should now publish those data on their own state websites.
- States should require districts to send all of their 2024 CRDC data to their own department of education at the same time that they send it to ED.

- These data are due this spring. This will add no additional burden to school districts and will ensure that the CRDC data are available to the public, even if CRDC reporting is frozen by the federal government.
- Moreover, gathering these data now will ensure that the district-level discipline data from the 2023-2024 school year, which are required for the ESSA state and district report cards, can be published in a timely manner. Many states have already published state- and district-level discipline data disaggregated by race, gender, and disability status, such as Tennessee, North Carolina, California, and Massachusetts.

LEGISLATIVE

State legislators should:

- Codify the CRDC collection and reporting requirements into state law.
 - Begin by codifying the ESSA report card requirements into state law, including the CRDC discipline and school policing data. These are currently explicitly required to be included in by the annual state and local report card provisions of ESSA.
 - Collect and report the data on days of lost instruction due to out-of-school suspension, in addition to the count of suspensions. The duration of disciplinary removals is currently required reporting for students with disabilities pursuant to the IDEA (see 20 U.S.C. § 1418(a)).
 - Include the data counts of school staffing, including school resource officers and other law enforcement, counts of support staff, counts of novice teachers, and data on school level expenditures.
- Codify in state law all the data collection and reporting requirements of the IDEA and ESSA.
- Add technical assistance as well as accountability requirements so that districts that fail to report their data in a timely manner not only receive the technical support they need to comply, but also face possible withholding of some portion of their state funds if their failure or refusal to comply persists.

We are at a crossroads for the future of public education, where the promise of an equitable education for every child in our nation is openly challenged. State leaders must act now to protect all students and their right to learn free from discrimination.

The members of the ECRA are ready to support state leaders in this crucial endeavor. The ECRA is equipped with over 115 community groups, experienced educators, legal organizations, national associations, civil rights organizations, researchers, and individuals committed to ensuring that schools serve, educate, empower, and are safe for all students. During this time, we encourage you to contact us for support with implementing these recommendations, including support with policy analysis, model legislation, legal research, litigation, community engagement, and public education. We

also encourage you to review this additional [resource page](#) that includes our urgent recommendations for school climate, student mental health supports, and the equitable distribution of school funding.

For any questions or requests for support, you may send inquiries to ECRAinfo@youthlaw.org.

In solidarity,

Advocating 4 Kids Inc
Center for Law and Education
Civitas ChildLaw Center at Loyola University Chicago School of Law
EdTrust
Education Deans for Justice and Equity
Education Law Center-PA
Empowering Pacific Islander Communities (EPIC)
FedSDC
GLSEN
IDRA (Intercultural Development Research Association)
Illinois Families for Public Schools
Judge David L. Bazelon Center for Mental Health Law
Kareem Neal
Lives in the Balance
Massachusetts Advocates for Children
NAACP Legal Defense Fund
National Center for Youth Law
Public Advocacy for Kids (PAK)
Public Advocates Inc.
Public Counsel
Public Justice
Student Advocacy Center of Michigan
The Advocacy Institute
Tom Rademacher
Youth Justice Education Clinic at Loyola Law School