

Protecting Students While Public Education is Under Attack

Threat: Students' Civil Rights Protections

Since the U.S. Department of Education was created, one of the federal government's core roles has been to expand **equitable access** to educational opportunity. ED delivers targeted funding for students from low-income backgrounds, multilingual learners, students with disabilities, and students experiencing homelessness, and federal civil rights laws protect students — especially students of color, students with disabilities, and LGBTQ+ students — from discrimination and policies with disparate harms. The Department's Office for Civil Rights (OCR) enforces these protections by investigating complaints, collecting and sharing civil rights data, issuing guidance, and securing remedies. Since taking office, the Trump administration has used staffing reductions, executive orders, and guidance to weaken civil rights enforcement and pressure states and districts to roll back policies designed to support protected student groups.

Risk: Delayed Justice

Students' educational rights require active enforcement. With major reductions in OCR staffing and new administration directives, Black and Latino students, students with disabilities, LGBTQ+ students, and immigrant populations face [a heightened risk](#) of delayed investigations and weakened protections. There were more than 20,000 pending cases at the beginning of the Trump administration; layoffs affecting more than half of the office have already resulted in the dismissal of tens of thousands of cases while threatening to slow enforcement for years and double caseloads.

Consequences for Students

- **Students with disabilities:** Before IDEA, millions of students with disabilities were excluded from schools or denied adequate services. Without strong federal oversight, essential protections and access to services are at risk of being rolled back.
- **Students of color and other underserved groups:** Recent guidance signals a shift away from OCR's historic focus on protecting underserved students and toward prioritizing claims framed around the rights of white and Asian students.
- **Equity-focused programs and inclusive curriculum:** Threats of federal funding cuts tied to certain "DEI" efforts could pressure districts to pull back initiatives that expand opportunity and could lead to book bans that limit access to inclusive materials.
- **LGBTQ+ students:** The administration has narrowed Title IX interpretations to exclude protections based on sexual orientation and gender identity and has targeted transgender students, including restricting participation in sports and discouraging gender-affirming supports in schools.

- **Immigrant students:** Federal actions have increased immigration enforcement activity in and around schools, fueling fear and absenteeism. Additional efforts to restrict access to education-related supports (including early childhood programs) and proposals like Project 2025’s call to overturn *Plyler v. Doe* raise the risk that states could attempt to charge tuition or deny enrollment to undocumented students.

How State Advocates Can Drive Change

- **Urge lawmakers to pass state laws that preserve and strengthen federal civil rights protections, especially where federal enforcement is weakening.** This includes codifying core protections aligned to Title VI, Title IX, and IDEA to prevent discrimination based on race, gender, disability, and socioeconomic status—while explicitly protecting students based on sexual orientation and gender identity. States with existing civil rights laws should review and update them to ensure they are inclusive and enforceable.
- **Urge state leaders to pass laws that protect immigrant students’ right to learn safely and attend public school, regardless of immigration status.** This includes prohibiting schools from requiring proof of citizenship, codifying *Plyler v. Doe* into state law, and adopting guardrails that prevent immigrant students from being targeted due to real or perceived status. Guardrails may include limits on information-sharing with immigration enforcement and requirements that districts develop clear protocols for responding to enforcement on or near campus.
 - *Example: Illinois’ [2025 Safe Schools for All Act](#) protects students’ right to a free public education regardless of real or perceived immigration status. (Resource: National Immigration Law Center [guide](#) to developing state legislation.)*
- **Protect access to inclusive learning by prohibiting book bans and restrictions on representation in curriculum and instructional materials.** Advocate for “Right to Read” legislation to protect librarians and teachers from civil and criminal liability for following professional development standards. These laws can prohibit removing books based on partisan, ideological, or religious disapproval, protect librarians and teachers from retaliation or discipline for complying with intellectual freedom principles, require formal policies governing library collection development and challenge procedures, and mandate that challenged books remain accessible during review processes. Many states require adoption of policies aligned with the American Library Association’s [Library Bill of Rights](#) or similar intellectual freedom principles.
 - *Example: Rhode Island’s [2025 Freedom to Read Act](#) requires school and public libraries to develop and follow clear policies about how challenges to books work and the process by which books are reviewed. The bill provides protections for librarians and reaffirms the legal standard that materials are only obscene if they have no literary, political, scientific, artistic, or educational merit.*
- **Advocate for strengthening state civil rights statutes.** Work with state leaders to allow legal recourse for practices with disparate impacts — where a neutral policy disproportionately harms students in protected groups. Push governors and state education agencies to build state capacity to replace what federal enforcement and transparency may no longer provide. Governors can convene a task force to review civil rights protections, strengthen data infrastructure, and issue recommendations for school boards and lawmakers.

- *Example: New Jersey's [Interagency Task Force to Combat Youth Bias](#) produced recommendations to address discrimination and discipline disparities.*

Ensure data collection. SEAs should collect and publicly report key civil rights data historically supported through federal systems—including CRDC-aligned indicators and required IDEA reporting — and publish a biennial report at the school and district level alongside a resource hub on how to analyze data and address disparities. (Refer to “Disappearing Data” brief.)

- *Example: [Tennessee's annual report card](#) publishes discipline data disaggregated by race, gender, and disability.*