



# Strengthening Civil Rights Enforcement in California Schools

*A Call for Sacramento to Fill the Gap  
Created by Washington, D.C.*

May 2026

Alliance for Children's Rights

Disability Rights California

East Bay Community Law Center

Loyola Law School - Youth Justice Education Clinic

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Youth and Education Law Project

National Center for Youth Law

Public Counsel

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**These organizations all work for students with  
educational civil rights claims in California.  
May 2026**

## **Strengthening Civil Rights Enforcement in California Schools: A Call for Sacramento to Fill the Gap Created by Washington D.C.**

### **Executive Summary**

California students and their families have lost critical tools for seeking redress when civil rights violations and unlawful discrimination occur in schools. Following major staffing reductions in 2025 under the Trump Administration, the U.S. Department of Education’s Office for Civil Rights (“OCR”) has undergone regional office closures, mounting backlogs, and a sharp decline in meaningful enforcement. The closure of the San Francisco regional office particularly affects California, where hundreds of pending complaints have disappeared into a system unable to respond.

As California considers a broader restructuring of its education governance system, legislators face a unique opportunity to embed strong civil rights enforcement mechanisms into the state’s new institutional model. Aligning an investment in the state’s enforcement infrastructure with structural reform could allow Sacramento to modernize oversight and directly address the civil rights vacuum left by Washington, D.C.

Strengthening California’s primary educational complaint mechanism, the Uniform Complaint Procedures (“UCP”), managed by the California Department of Education (“CDE”), could help address California’s civil rights enforcement gap. However, the CDE acknowledges that staffing and funding constraints substantially impede their responses. Reliance on local self-reporting, lack of published decisions, and insufficient legal staffing further reduce confidence in the process.

To meet this moment, we recommend four immediate reforms.

**First**, invest in the CDE to increase the UCP’s enforcement capacity. The Legislature should provide targeted funding for staff and legal training to ensure complaints are resolved efficiently.

**Second**, expand the authority of direct state intervention through regulatory reform. Students alleging discrimination or serious civil rights harms should have the option to file a complaint directly with the state.

**Third**, improve transparency by reporting public data. California should publish user-friendly civil rights reports that show disparities in discipline, graduation, access to advanced coursework, school policing, and complaint outcomes across districts and student groups.

**Fourth**, formalize interagency coordination. The CDE, the California Department of Justice Bureau for Children’s Justice, and the California Civil Rights Department should establish referral pathways so that complaints revealing systemic misconduct can trigger broader investigations and stronger enforcement actions.

## **I. Introduction**

### **a. Background**

After President Donald Trump took office in 2025, Executive Order 14242 called for the complete closure of the Department of Education (“DOE”), including the Office for Civil Rights (“OCR”).<sup>1</sup> Historically, OCR complaints functioned as a significant tool available to students and families affected by unlawful discrimination in schools.<sup>2</sup>

Alongside Executive Order 14242, the Trump Administration terminated 52% of the OCR’s staff, closing seven out of the Office’s twelve regional offices.<sup>3</sup> This closure included the OCR’s San Francisco office, which was critical to investigating educational civil rights violations in California. Now, the only OCR office on the West Coast is in Seattle. This office receives all educational civil rights cases for the region, including over 700 that were pending in California as of March 2025.<sup>4</sup>

Today, the OCR is so critically understaffed that most complaints are left in limbo without a clear timeline for resolution.<sup>5</sup> When resolution is found, it is rarely favorable: according to a 2026 report by the Governmental Accountability Office, “[f]rom March 11, 2025, to September 23, 2025, OCR received more than 9,000 complaints of alleged discrimination and resolved more than 7,000. About 90 percent of these were resolved by [the DOE] dismissing the complaints.”<sup>6</sup> This report only had access to publicly available data.

Crucial to the OCR’s investigatory capacity was the Office’s affirmative data collection practice through the Civil Rights Data Collection (“CRDC”).<sup>7</sup> While it appears that the DOE still maintains CRDC, it has been slow to inform school districts of CRDC reporting plans and has not updated the public CRDC website with data more recent than 2021.<sup>8</sup>

There have also been significant policy changes related to gender and discipline. These changes include removing a nonbinary gender category for students and ending the tracking of state-level data to identify school districts that disproportionately

target students from certain racial groups or students with disabilities with disciplinary action.<sup>9</sup> Alumni of OCR criticize this as an irrational, ideological attack on valuable data: “Collecting broader data regardless of ideological belief helps to identify barriers to educational success and prevention of a hostile educational environment for all students.”<sup>10</sup> This data collection relies on decades of institutional knowledge and attentive staff, so the severe staffing cuts compromise the CRDC’s purpose.<sup>11</sup> Given these shifts, the DOE has become less reliable as a source of information on affirmative data collection and management.

The OCR has also undergone a significant shift in internal priorities. Since the start of President Trump’s second administration, the OCR has not resolved a single case of racial harassment against Black or Latino students.<sup>12</sup> Today, the OCR appears to operate on a very narrow mandate, including issues related to transgender student policies and reverse racial discrimination.<sup>13</sup> More broadly, the DOE appears to have shifted its focus to several issues outlined in a slew of executive orders issued by the Trump Administration. This includes the promotion of Artificial Intelligence education in schools, the reinstatement of discarded “common sense” school discipline policies, and a push for transparency regarding foreign influence at U.S. universities.<sup>14</sup>

### **b. State Potential for Civil Rights Enforcement**

According to the former head of OCR, Catherine Lhamon, “[states] never should have counted so much on the federal government...to serve as the backstop for civil rights protections.”<sup>15</sup> Now, the best way for states to insulate themselves from this political turbulence is to create their own robust civil rights enforcement infrastructure that reflects the needs and values of their residents. In other words, states *need* to step into the breach created by a dismantled OCR.<sup>16</sup>

Within California, this redress comes most often through the Uniform Complaint Procedures (“UCP”), described as the “primary tool that

parents, students, teachers, and community members have to complain about and correct a school district's violations of education laws."<sup>17</sup> The California Department of Education acknowledged in 2026 that "[p]ublic interest in seeking redress from CDE under the UCP has been on an upward trajectory in recent years, particularly as to complaints raising claims of discrimination based on protected status (i.e., disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, and sexual orientation)."<sup>18</sup> As the primary mechanism for individual complaints, the CDE's UCP operates alongside the Bureau of Children's Justice ("BCJ") and the California Civil Rights Department ("CRD"), agencies that focus on other civil rights issues, as well as the California Office of Civil Rights, which will provide prevention and training support.<sup>19</sup>

However, "disinvestment and workarounds to circumvent the CDE," compounded by California's unique educational governance structure, have left the Department unable to optimally respond to the fall of OCR.<sup>20</sup> Some tension stems from the complex relationship between the CDE, an administrative agency led by an elected State Superintendent of Instruction ("SPI"), and a myriad of educational policy-making institutions such as the State Board of Education, the Governor's Office, and the California State Legislature.<sup>21</sup> This multi-headed structure results in a patchwork of agencies that may be misaligned on their educational goals, struggle with coordination, and lack a clear line of accountability.<sup>22</sup>

There is, however, increasing support for a proposed restructuring of this system. Under this proposal, the CDE would instead be managed by an appointed commissioner, shifting the accountability for California's educational performance directly to the Governor.<sup>23</sup> This clarification may incentivize greater responsiveness to civil rights complaints and increased investment in CDE. Ultimately, this moment is not only an opportunity to reevaluate the CDE's role in civil rights investigation and enforcement, but also to

analyze how its current infrastructure must be upgraded to fill the gap left by OCR.

### **c. Why now?**

Parents, students, and teachers need somewhere else to go now that the OCR is effectively shuttered.<sup>24</sup> As long as families still expect the OCR to investigate their experiences with discrimination, they are continuously sending their complaints into a "black hole."<sup>25</sup>

For example, take a student like K.D., who filed with OCR after facing relentless racial harassment from her peers at school. Johnathan Smith, the Oakland-based attorney who represented her, observed frankly that K.D. turned to OCR because she had nowhere else to go. Instead, she has faced an endless wait. K.D. is likely one of thousands of students who have seen this administration "literally pull out the rug from under [them]...at their lowest point of need."<sup>26</sup>

California has an obligation to provide its residents with viable avenues for recourse, and doing so while a remodeling of its education system has momentum could allow for transformational strides in state practice on civil rights enforcement.

Although this problem is currently at a fever pitch, investments in state enforcement infrastructure will remain a sound decision across presidential administrations. The OCR has been "perennially understaffed" for years, with a case backlog dating back to the last Bush administration.<sup>27</sup> Likewise, the CDE and other departments have been "starved for years and years" without the resources necessary to improve their performance.<sup>28</sup> Many voices in the educational civil rights space are calling for states to step into the breach. On this subject, Catherine Lhamon recently proclaimed that "[b]uilding state civil rights infrastructure isn't starting from scratch; it's about strengthening what already exists."<sup>29</sup>

### **Other State Approaches**

The National Center for Youth Law maintains an interactive map on the state of civil rights for students and schools.<sup>30</sup>

Massachusetts's Department of Elementary and Secondary Education ("DESE") houses the Problem Resolution System ("PRS"), which collects education-related complaints.<sup>31</sup> The PRS is a central system for general and special education complaints. While DESE encourages families to seek local resolutions first, parties have discretion to directly file their complaints with the state. Despite a recent increase in complaints in Massachusetts,<sup>32</sup> DESE reported that as of January 2026 only 4% of pending PRS complaints exceeded the 60-day response window.<sup>33</sup> A family can also file an education discrimination claim with the state's Attorney General's office.<sup>34</sup> In the wake of OCR's decline, advocates are calling for reinforcements to the PRS that improve its responsiveness in civil rights enforcement.<sup>35</sup>

Meanwhile, other states are responding to OCR's decline by considering how to build their own educational civil rights enforcement infrastructure. Legislators in Pennsylvania are considering new investments in the state's department of education, specifically to create an office to "investigate and enforce federal civil rights violations."<sup>36</sup>

## **II. Current Landscape of Civil Rights Enforcement in California Education**

### **a. California Department of Education**

The CDE is the primary state body responsible for monitoring district compliance with education laws. The UCP is instrumental in this monitoring. A UCP complaint will outline certain violations of state or federal law, which, for the purposes of civil rights investigation, may include allegations of "unlawful discrimination, harassment, intimidation, or bullying on the basis of a protected identity."<sup>37</sup> The UCP allows for complaints based

on disability discrimination, but complaints that allege noncompliance with the federal Individuals with Disabilities Education Act ("IDEA") are filed through the CDE's special education complaint process. Those special education complaints are handled by the Complaints Resolution Unit ("CRU"), which responds to a high volume of complaints annually.<sup>38</sup> Civil rights complaints may be made anonymously and on behalf of students. Most families will file directly with their Local Education Agency ("LEA"), but in certain narrow cases, complaints may be made directly to the state.<sup>39</sup> However, only 5 out of 251 reported requests made in 2025 were direct state intervention requests.<sup>40</sup>

UCP complaints are often addressed by LEAs.<sup>41</sup> LEAs include county offices of education, district offices, and charter school offices.<sup>42</sup> The UCP requires LEAs to establish local complaint procedures to resolve complaints; it is each LEA's "primary responsibility" to ensure civil rights compliance.<sup>43</sup> If needed, determinations made at the LEA level may be appealed.<sup>44</sup> However, when it comes to implementation and monitoring, it appears that the CDE lacks the capacity to independently verify that LEAs follow through on corrective actions.<sup>45</sup> Instead, the department relies "on educational institutions to police themselves" through the self-reporting of compliance.<sup>46</sup> The CDE itself has shared its concerns with its own responsiveness, citing its low capacity as a cause:

"The capacity of CDE to respond to the very high volume of requests, both informal inquiries and formal complaints, has been greatly strained as the availability of resources for the work has lagged well behind the need required to address the high volume of communications, requests for direct intervention, and appeals of LEA decisions. In recent years and increasingly, the disparity between available resources and the demand for CDE's support has resulted in a practical inability to resolve submissions in a reasonably timely manner."<sup>47</sup>

According to the CDE’s website, the UCP utilizes no legal professionals outside of its four-person Legal Team, composed of general and chief counsel.<sup>48</sup> If UCP complaints are processed largely by non-legal professionals with a lack of legal expertise, this may lead to the rejection of complex claims that merit serious inquiry.<sup>49</sup> The CDE does not currently publish its decisions, so families and their advocates cannot track systemic failures to address issues or otherwise ensure consistent applications of the law. A review by the California State Auditor concluded that the CDE provides inadequate oversight, resulting in a lack of uniformity and compliance in the processing of complaints.<sup>50</sup> This has also exposed the CDE to legal liability, particularly claims that the Department has engaged in patterns and practices which misapply the appropriate review standards, deferring instead to LEA investigations.<sup>51</sup> While the CDE does have robust data collection practices, setting it apart from other state education players, it does not currently publicly present its comprehensive civil rights compliance data in a user-friendly way.<sup>52</sup>

Currently, the UCP’s limited resources restrict its ability to pursue cases in a timely manner. According to the 2026 UCP Update, 173 out of 251 complaint responses exceeded the required 60-day response window.<sup>53</sup> Recently, AB 715 has amended Education Code section 262.3, granting “parties a statutory right to appeal to the CDE based on the governing board’s failure to issue an investigation report within a certain timeline.”<sup>54</sup> This change is useful, but it is not enough to close the gap between the volume of UCP complaints and the CDE’s capacity to respond.

#### **b. Office of the Attorney General and Bureau of Children’s Justice**

The Office of the Attorney General (“AG”) has the authority to address a broad range of issues, including education rights and equal access to higher education. Within the AG’s office, the Bureau of Children’s Justice (“BCJ”) focuses on systemic civil rights violations, including discriminatory discipline practices, discrimination

in school closures, and unlawful segregation.<sup>55</sup> The BCJ is designed to address broad patterns and practices. Although it does accept complaints, the BCJ does not investigate individual claims of legal violations, nor does it focus on providing remedies.<sup>56</sup> While the BCJ does not investigate isolated legal violations, the BCJ’s efforts could harmonize meaningfully with an upscaled UCP process. This type of partnership could strengthen California’s comprehensive coverage for civil rights investigations and enforcement in education. California could model this dynamic off the old relationship between the federal Department of Justice, which prosecuted systemic issues, and the OCR, which focused on individual complaints.

#### **c. California’s OCR, AB 715, SB 48**

The signing of AB 715 and SB 48 in October 2025 amended the California Education Code to create a statewide Office of Civil Rights (“California OCR”) staffed with discrimination prevention coordinators.<sup>57</sup> The California OCR will not operate a complaint process but instead work “directly with local educational agencies to prevent and address discrimination and bias.”<sup>58</sup> Neither AB 715 nor SB 48’s statutory language indicates that the California OCR will have a distinct enforcement capacity. Instead, it seems the Office will focus on prevention and technical assistance. The UCP remains the operative procedure for handling discrimination claims.<sup>59</sup> Furthermore, the California OCR’s staff is likely too small to fill the gap left by the federal OCR.

#### **d. California Civil Rights Department<sup>60</sup>**

The California Civil Rights Department (“CRD”) is charged with enforcing the state’s civil rights laws, specifically targeting “unlawful discrimination in employment, housing, businesses, and state-funded programs, and from bias-motivated violence and human trafficking.”<sup>61</sup> The CRD has robust enforcement practices. Every year, the CRD investigates thousands of complaints and mediates conflicts, negotiates settlements, and litigates civil rights matters.<sup>62</sup> Despite its significant involvement in civil rights enforcement, the CRD is

statutorily barred from investigating “educational equity” claims. California Government Code Section 12930(f)(4) delegates these matters to the CDE’s UCP process.<sup>63</sup>

While this exception limits the CRD’s ability to participate in educational civil rights investigation and enforcement, it does not preclude the CRD’s involvement in *all* cases related to education.<sup>64</sup> Through a Director’s Complaint, the director may use their discretion to “file a complaint on behalf and as representative of a group or class of persons adversely affected, in a similar manner, by a practice made unlawful by a law the department enforces.”<sup>65</sup>

The regulatory language for Director’s Complaints also provides that “an individual complaint alleging a pattern of discrimination, or a *request or referral from a source outside the department*, including but not limited to other state or federal agencies, may result in the filing of a director’s complaint.”<sup>66</sup> This discretion could allow the CDE to refer particularly complex concerns to the CRD for investigation and enforcement.<sup>67</sup> The CRD does not typically handle individual educational cases, but a director’s complaint may allow the CRD to pursue certain individual complaints that allege educational harms.

### **III. A Moment for Reform**

The CDE is aware of the rising public interest in vindicating civil rights claims at the state level, despite their current lack of capacity.<sup>68</sup> In 2025, roughly 4 out of 5 UCP requests were categorized as “educational equity” matters, defined within the UCP as “Discrimination, Harassment, Intimidation, and/or Bullying based on a protected characteristic.”<sup>69</sup> However, every educational equity case listed in the UCP 2025 Annual Statistical Summary was an appeal, evincing a lack of satisfactory resolutions for civil rights discrimination complaints at the LEA level.<sup>70</sup>

As California finalizes its annual budget, the legislature has an opportunity to address funding shortfalls that prevent the CDE from expanding the UCP into a robust civil rights enforcement entity

for California’s families and schools. Should California restructure its multi-headed educational bureaucracy, the impact of an investment in the CDE and UCP may be amplified.

The ongoing conversation surrounding restructuring signals institutional and public interest in creating a more responsive and accountable CDE. With some investment, the CDE can dedicate more attention to civil rights enforcement while prioritizing responsiveness and accountability. As noted in PACE’s “TK-12 Education Governance in California” Report, “[u]nder its current funding and staffing structure, the CDE lacks the necessary capacity” to assume significantly expanded roles.<sup>71</sup> However, reinvestment in the UCP through expertise and personnel could reinvigorate its role in civil rights investigation and enforcement.

## **IV. Recommendations**

There are several paths the California State Legislature, Governor’s Office, Attorney General’s Office, and CDE can take to begin strengthening California’s civil rights investigation and enforcement practices in schools.<sup>72</sup> These recommendations may help to guide the relevant agencies through this period of institutional transition and develop more robust protections for students and families in California.

### **1. Investing in UCP staff, resources, and training.**

Through the UCP, the CDE can fill the significant gaps in California’s civil rights investigation and enforcement practices. We recommend investing in the UCP’s capacity to better meet California’s demand for vindicating civil rights in education. This includes increasing funding for the CDE to hire more designated attorneys to manage the UCP process, given the high volume of pending individual complaints.

Increasing staff will also enable more proactive investigation of requests. Additionally, it will be important to ensure that UCP’s staff receive the appropriate training to develop expertise as they

navigate diverse, legally complex civil rights claims. Ideally, this training would help the CDE model the practices of other bodies with robust civil rights enforcement infrastructure, such as the former OCR or the CRD.

## **2. Revise the UCP to expand the scope of direct intervention.**

Currently, the UCP permits narrow exceptions that allow families to file complaints directly with the state. Families are most often required to file their initial complaints with their LEAs. While some complaints against LEA personnel are thoroughly and neutrally investigated, others may be subject to bias and delays, despite the 60-day response window safeguard. When a family's relationship with their LEA becomes adversarial, the CDE's neutrality is often vital to their case. Their complaints should not be effectively "paused" through the prolonged consideration period required before an appeal to the CDE becomes available. While LEAs are the appropriate place to resolve certain complaints, many families dealing with educational equity or discrimination-related matters would benefit from the option to direct file such complaints with the CDE. This requires a regulatory revision to the UCP. Paired with an investment in the CDE, this change could significantly increase California's capacity to respond to individual complaints.

## **3. Promote transparency by publishing data.**

As the CDE transitions into a position of greater responsibility and accountability for California's students, it should consider the benefits of publishing data reports more frequently. The CDE's current data collection system tracks useful demographic data (e.g., race, sex, disability, etc.) and should consider how this data might be analyzed and presented under a civil rights framework. We recommend producing a new, user-friendly report.

While the CDE already generates an annual summary report of its data collection on the groups

identified in complaints, actions taken by the Department in response to these claims, and the timeline for these actions, and the disposition of the complaint,<sup>73</sup> the public may benefit from a supplementary report that compiles and analyzes data through a civil rights framework. This second report could organize data that the CDE already collects to address several issue areas (e.g., discipline, graduation rates, school policing, GATE, and AP participation) by summarizing disparities within each category. A publicly accessible report that disaggregates these data by district (and, if possible, by school) would highlight these problems, allowing users to see and compare civil rights data by district. Ideally, the report could show users general trends as well as "snapshots" from the most up-to-date year, allowing them to compare California with other state averages. This would enable accountability and celebrations of growth as California makes these institutional transitions.

## **4. Coordination considerations with CRD and BCJ**

As noted in the examination of California's current civil rights enforcement landscape, there is significant potential for collaboration between the systemic efforts of the BCJ, the evolved enforcement infrastructure of the CRD, and the CDE's individual educational complaints practice. The CRD has a robust enforcement practice in civil rights arenas outside of education and could provide technical assistance to the CDE as it expands. When the CDE identifies systemic or highly complex civil rights violations within its individual educational UCP complaints, referring those cases to the BCJ and/or the CRD could proactively enable comprehensive responsiveness to endemic concerns. Similar partnerships at the federal level, exemplified by the traditional coordination efforts of the federal OCR and DOJ, are a powerful way to unify a state's voice across all levels of enforcement.

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64. Cal. Code Regs. Tit. 5, § 4611 (The CDE already has some interagency referrals, including with CRD, mandated by its statute; this statute also mentions that discretion can be exercised through “separate interagency agreements.”)
65. Cal. Code Regs. Tit. 2, § 10012.

66. Cal. Code Regs. Tit. 2, § 10012.

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