

STUDENTS' CIVIL RIGHTS ENFORCEMENT INITIATIVE

The Students' Civil Rights Act

ADVOCATE'S TOOLKIT

**PART 8: PRACTICAL TIPS FOR
PASSING THE STUDENTS' CIVIL
RIGHTS ACT**

Part 8: Practical Tips for Passing the Students' Civil Rights Act

Understanding the Potential Support for and Obstacles to Getting the Bill Passed

Even laws proposed with the best intentions are likely to face pushback. This is because different people will have different opinions on how to address an important policy issue. This toolkit section will give you practical tips for building support for the Students' Civil Rights Act in your state, getting ahead of opposing arguments, and, ultimately, getting your bill passed.

After an initial review of education civil rights bills introduced during the 2025–26 state legislative sessions, we identified several factors that contributed to greater support for these bills, as well as several obstacles to their passage.

Support for Bill Passage (what led to more support for the bill)
Text that codified federal civil rights protections that already exist (vs. creating brand new rights)
Bills that built on existing enforcement agencies & complaint systems in the state
Clear investigative authority for a state agency & corrective actions
Narrow, implementation-focused proposals
Bipartisan compromise through targeted amendments
A focus on administrative enforcement (vs. new avenues for litigation)
Obstacles to Bill Passage (what led to more opposition to the bill)
Agency overlap & duplicative jurisdiction
New private rights of action
Fiscal & staffing concerns
Lack of religious liberty exemptions
Arguments relating to so-called "parental rights"
Pending federal litigation

You might notice that the Students' Civil Rights Act model legislation includes many of the potential obstacles that led to pushback in some states. Just because they may cause pushback doesn't mean that some provisions in the model aren't worth fighting for. It is good to be aware of what elements of the bill might lead to opposition in your state, so you can craft your proactive advocacy to address it head-on.

FOCUS ON ENFORCING RIGHTS STUDENTS ALREADY HAVE

Students already have civil rights, and our state should make sure these rights can be enforced.

Consider the following strategic messages:

- "Students already have civil rights that the state should have made sure to enforce, even with functioning federal civil rights enforcement."
- "Students deserve reliable civil rights protections, even when federal enforcement changes."
- "Every student deserves a meaningful way to seek help when their rights are violated."
- "The question is not whether students have these rights. The question is whether our state has a workable system for protecting them."

BUILD ON SYSTEMS THAT ALREADY EXIST

Before proposing a new agency, find out what agency your state may already have to investigate discrimination complaints or oversee schools. It may be easier to get support for legislation that builds on the work of an existing agency than for legislation that creates a brand new one. Legislation may strengthen existing systems by giving an agency direct authority over education discrimination claims, clearer responsibilities, and stronger enforcement tools.

A strong enforcement system will:

- receive and investigate discrimination complaints;
- require schools to correct civil rights violations;
- track whether schools implement corrective actions;
- publish information about complaints, investigations, and enforcement processes;
- provide clear rules concerning the scope of the agency's power;
- explain how the (new, if applicable) system works with other state and federal processes;
- provide guidance and technical assistance to schools; and
- help students and families understand the complaint process.

UNDERSTAND HOW STUDENTS CAN ENFORCE THEIR RIGHTS

States can provide different ways to enforce civil rights. It is important to understand how supporters and opponents might respond to different enforcement models and to be able to articulate why certain models are worth having available for students.

The model legislation encourages states to allow students at least the following two avenues for relief from discrimination:

Administrative Enforcement: A student or family can file a complaint with a state agency. A state agency investigates complaints and can require schools to fix violations. This may help students get relief without going to court.

Pros	Cons
• Free for students • State agency should have expertise in education • State agency may have a relationship with schools and districts	• State agency has limited remedies it can offer • State agency has limited legal authority

Private Right of Action: A student or family can bring a lawsuit to state court to enforce the law. The court can require schools to fix violations with additional legal authority.

Pros	Cons
• Stronger legal authority to make schools take action • Additional remedies that the state agency may not be able to offer • Opportunities to change or better interpret state law through legal precedent	• Costly to the family and to schools • May take longer than the state agency's process

Strategic Considerations for Policymakers and Advocates

BUILD A STRONG COALITION

Civil rights enforcement affects many communities. Advocates should bring those communities into the campaign early. **A coalition should include:**

- Students
- Parents and caregivers
- Disability rights groups
- Civil rights organizations

- Legal services providers
- Education advocacy groups
- Educators
- Faith-based organizations
- Other community groups

Start outreach to each of these communities early. Early feedback can strengthen the bill and help address concerns before they become opposition. Ask your community:

- What problems do you see with the current system?
- Would this proposal address those problems?
- What should be changed?
- Would you support the proposal or provide testimony?

PREPARE FOR COMMON CONCERNS

Advocates should prepare for questions and opposition before a bill is introduced. Common concerns may include:

- **Cost:** How much will the proposal cost, and will the agency need new staff and resources?
- **Duplication:** Does another state or federal agency already do this work?
- **Lawsuits:**
 - Will the bill increase lawsuits against schools?
 - If yes, can the bill include language to offset the impact of more litigation?
- **Responsibilities:**
 - Will schools and state agencies understand what they are required to do?
 - Will this new law add too much to already overburdened systems?
- **Expertise:**
 - Will schools and state agencies know how to investigate complaints and enforce students' civil rights?
 - If not, who will teach them?
- **Religious liberty:** How will the proposal protect civil rights while respecting religious exercise?
- **Free speech:** Could the proposal affect protected speech or classroom discussion?
- **Parental rights:**
 - How will the proposal interact with existing rights of parents and caregivers?
 - Which rights of parents can't afford to come at the cost of keeping all students safe and welcome?

TAILOR THE MODEL LEGISLATION TO YOUR STATE

Before advocating for a bill, learn how civil rights enforcement currently works in your state by trying to answer these questions:

- Where can a student report discrimination now?
- Which state agency investigates complaints?
- What happens after a complaint is filed?
- Can the agency require a school to fix a violation?
- Does the agency have enough staff and resources?
- What happens if the school does not comply?
- Which students or types of discrimination may not be fully covered under current school district policies or state law?

How Can Advocates Build Support for the Students' Civil Rights Act

TELL A CLEAR STORY ABOUT WHY THE BILL IS NEEDED

When talking to lawmakers, community members, or organizations, **focus on three things:**

- **The Problem:** What prevents students from getting relief from discrimination now?
- **The Solution:** What would the legislation change?
- **The Impact:** How would that change help students and families?

Support your message with:

- Complaint data
- Agency reports
- Community experiences
- Testimony from students and families, when available

MAKE ADVOCACY ACCESSIBLE

You do not need to be a lawyer or policy expert to advocate for legislation!

Students, families, educators, and community members can:

- Contact their state representatives and senators
- Meet with legislative staff
- Submit written comments or testimony
- Testify at legislative committee hearings
- Ask organizations to support the bill
- Share information about the proposal with their communities
- Explain how the current system affects students

KNOW WHO MAKES THE DECISIONS

Once a bill is introduced in your state legislature, follow where it goes:

Bill introduced → Committee hearings → Other chamber → Votes → Governor

Find out:

- Who will sponsor the bill
- Who will sponsor a companion bill, if the state has a bicameral legislature
- Who is likely to give bipartisan support
- Which committees and lawmakers will consider the bill
- When committee hearings are scheduled
- Where advocates can provide testimony
- How federal policy or litigation may affect the bill
- Where lawmakers may propose important amendments
- When votes will take place

AREAS FOR FUTURE RESEARCH AND CONSIDERATION

Advocacy does not end when a bill becomes law. If your bill gets passed, you will want to evaluate how the new law is working and ask:

- Can students and families easily find and use the complaint process?
- Can people use the system without hiring a lawyer?
- Are complaints investigated on time?
- Are schools fixing violations?
- Does the state civil rights agency have enough staff and resources?
- Is the system working for communities facing additional barriers?