

April 30, 2026

Sent via email

RE: Guidance Update: Equity Requirements and Legal Obligations to California Students in the Face of Unlawful Federal Overreach

Dear Superintendent:

For decades our organizations have worked to uphold equal educational opportunities for all students. We provide this guidance to urge you as school administrators to stand firm in your legal obligations and protect students against brazen federal attacks on public education. As leaders in safeguarding educational equity in California, we have issued [periodic guidance](#) since 2014 on the proper implementation of LCFF’s equity requirements, including requirements to increase and improve services for high need students and [LCAP Required Actions and Equity Multiplier](#) focus goals. In recent years, our letters have expanded to other areas of student and educational rights, and we write now to provide guidance on: (1) Local Educational Agencies’ obligations to provide resources and close opportunity gaps for our highest need students; (2) the ability—and at times requirement—for LEAs and other government actors to continue considering race in programmatic decisions for students; (3) ways LEAs can support immigrant students and families; (4) students’ First Amendment and other legal protections rights to expression in schools; and (5) the need for LEAs to protect LGBTQ+ students.

As you work to develop your proposed LCAP and budget, we reiterate the importance of these equity requirements under LCFF and student rights and protections more generally. This is especially important in light of overreaching federal attacks on diversity, equity, inclusion, and accessibility in our schools that seek to intimidate school leaders and ultimately harm students.

LEAs must continue to follow LCFF equity requirements to close opportunity and outcome gaps for our highest need students. See Assemb. B. 114, 2023-2024 Reg. Sess., § 62 (Cal. 2023). As stated in our [previous guidance letters](#), state legislators designed LCAP Required Actions and Equity Multiplier focus goals to direct attention and resources toward closing equity gaps for students. Where specific student groups are severely underperforming, the LCAP template *requires* LEAs to develop programs that offer targeted support to that student group—including racial/ethnic subgroups. As a result, race conscious LCAP programs and actions may be necessary to ensure improved outcomes for racial subgroups who are underperforming on a metric as shown by a red California Dashboard indicator. [24-25 LCAP Template Instructions](#) at 17-18.¹

While the federal government persists in its attacks on public education, the courts have been holding the line against federal overreach. In a major victory for students and schools, a federal district court invalidated the Administration’s February 2025 “Dear Colleague Letter,” which attempted to eliminate diversity, equity and inclusion, and dismantle 60 years of civil rights law.² The

¹For examples of how to lawfully create race conscious programming please refer to our [previous guidance letters](#).

²See *Democracy Forward*, [Major Victory for Public Education Comes as Trump-Vance Administration Abandons Appeal on “Dear Colleague Letter.”](#)

federal government has abandoned its appeal in that case. Today, the administration is facing hundreds of lawsuits, and it is losing left and right.³

Last year, California repeatedly [issued guidance](#) clarifying that federal threats and non-binding pronouncements should not mislead LEAs into taking hasty and potentially unlawful action to remove critical programs for students.⁴ Indeed, **to abandon a remedial action or otherwise fail to act to redress the underperformance of a racial subgroup because of that subgroup's racial status, constitutes the very essence of prohibited discrimination based on race.** Vague, non-binding Executive Orders and other threatening actions from the federal government that are contrary to established state and federal law do not interfere with continued viability of classroom instruction or course offerings that address topics such as race, gender, sexual orientation, gender identity, disability, and religion. This includes race conscious LCAP programs and actions that seek to improve outcomes for student subgroups identified as having a lowest-performing/red California Dashboard indicator.

Our laws and California leaders remain clear that LEAs are obligated to provide equal education opportunities to all students. However, despite such guidance, we have seen some districts back away from their legal obligations in response to these threats, taking harmful and potentially *unlawful* action by removing critical programs for students. California LEAs [must continue to protect](#) students against discrimination and foster safe learning environments that support immigrant students, LGBTQ+ students, Black students, and any other groups targeted by the federal government.

In the past year, aggressive ICE enforcement has been traumatizing California youth, many of whom are living in constant fear that they or their family members will be detained or deported while they are at school.⁵ While California cannot control federal immigration enforcement, all students have a constitutional right to an education regardless of immigration status. *Plyler v. Doe*, 457 U.S. 202, 210-13 (1982). Since 2018, [AB 699](#) has prohibited discrimination based on immigration status and instructed schools to protect and support immigrant students.⁶ In December 2025, the Attorney General [issued updated guidance](#) and model policies to support school officials to develop plans to protect the rights of students and ensure a safe and secure school environment for all, including the approximately 133,000 undocumented children attending California's K-12 public schools. See Cal. Const. art. I, § 28, subs. (a)(7), (f)(1). The harmful impact of ICE enforcement on student attendance and well-being has been well documented.⁷ We urge LEAs to support immigrant students and their families by crafting responsive actions in their school plans and LCAPs, including creating protocols and training staff to respond appropriately if immigration enforcement occurs on or near schools, providing know-your-rights trainings to families, and connecting families to legal and other relevant resources.⁸

³ The Administration is losing 70 - 80% of the hundreds of cases filed challenging its harmful policies. See [Democracy Forward. How Pro-Democracy Litigation Against the Lawlessness of the Trump-Vance Administration is Working.](#)

⁴ See [CDE's Response to Federal Actions & Oversight.](#)

⁵ See, [Recent immigration raids increased student absences.](#)

⁶ [AB 49](#), signed into law in 2025, strengthens protections for immigrant students by prohibiting school officials from allowing ICE into schools without a valid warrant or court order.

⁷ See, [Public Policy Institute of California. Chronic Absenteeism in California.](#)

⁸ For impact and suggestions on actions a school district might take, see [How Fear of Deportation & Family Separation Impacts California Students: What Can Schools Do?](#) from *California Youth & Families Speak*, California Partnership for the Future of Learning.

As youth continue to be civically engaged on issues that are impacting their families and communities, we also remind LEA and school leaders of the importance of upholding students' First Amendment rights. Recently we have witnessed some California districts take or threaten to take disciplinary action against students who participate in protests against ICE, often in violation of their constitutional rights. Instead of resorting to discipline, we encourage LEAs and schools to recognize the valuable opportunity for students to be active participants in our democracy and to learn firsthand about civic engagement. Indeed, California law now provides secondary students with one excused absence per year to engage "in a civic or political event . . . provided that the [student] notifies the school ahead of the absence." See Cal. Educ. Code § 48205(a)(12). LEAs should advise schools and families of this right and encourage them to use it. Further, student expression is protected by the U.S. and California constitutions and California Education Code in schools. See, e.g., *Tinker v. Des Moines Community School Dist.*, 393 U.S. 503, 506 (1968); Cal. Educ. Code § 48907. School districts are forbidden from punishing student protesters with harsher penalties than any other unexcused absence. See, e.g., *Simon & Schuster, Inc. v. Members of the N.Y. State Crime Victims Bd.*, 502 U.S. 105, 116 (1991). LEAs must not suspend or expel students for walking out of school, and administrators have broad discretion to excuse such absences based on a student's circumstances, thereby preventing them from being counted toward truancy. See Cal. Educ. Code §§ 48260, 48900. Our schools should be sanctuaries for learning and growth. **We encourage LEAs to cultivate spaces where all students feel safe to raise their voices and advocate for the causes that are important to them.**

LGBTQ+ young people are also experiencing relentless attacks on their rights across the country.⁹ Yet strong protections for California's LGBTQ+ students remain intact, and LEAs must continue to ensure robust implementation of California's laws and policies that are inclusive and supportive of LGBTQ+ students, including inclusive curriculum laws, anti-discrimination laws, and anti-bullying and harassment protections. See, e.g., Cal. Educ. Code §§ 200 et seq.; *id.* §§ 51930-51939 ([California Healthy Youth Act](#)); *id.* §§ 51204.5, 51501 ([FAIR Education Act](#)); *id.* §§ 234-234.3, 234.5 (Seth's Law). Now, more than ever, LEAs can and must continue to support LGBTQ+ students, their families, and allies by creating a welcoming and inclusive learning environment where students can be their authentic selves.

We urge you to remain steadfast in California's commitment to inclusion, safety, and due process. History has shown us that most of the power of authoritarianism is freely given through anticipatory obedience. Public education is an institution that cannot protect itself; it requires leaders who will defend it against those who seek to dismantle it. This is not the time to obey in advance by preemptively scaling back protections or chilling student speech. **Now is the time to stand firm and strengthen support for our highest need students you are legally required to serve.**

We will be monitoring how the state's equity requirements are implemented at the local level and are happy to serve as a resource. We all share the same goal of closing equity gaps for students that have been historically marginalized and ensuring that educators have the support they need to thrive and provide the best education and environment for all learners.

⁹ See, e.g., ACLU SoCal's recent, related Know Your Rights Materials: [Mirabelli v. Bonta FAQ](#); [LGBTQ+ Rights in Response to Federal Attacks](#); and [Mahmoud v. Taylor FAQ](#).

If you have questions or concerns about the contents of this letter, please contact [Karissa Provenza](#) at Public Advocates or [Victor Leung](#) at ACLU Southern California.

Sincerely,

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