

Two Offices, Two Roles, 73 Million Students

Why We Need BOTH the Department of Education's Office for Civil Rights AND the Department of Justice's Civil Rights Division

Decades ago, two different laws created the Civil Rights Division (CRT) of the U.S. Department of Justice (DOJ) and the Office for Civil Rights (OCR) of the U.S. Department of Education (ED), separately charging both with preventing and responding to discrimination in PK-12 schools and higher education. Although these offices enforce many of the same laws, they do so in fundamentally different ways and provide different types of support to students and families. Both offices are critically important to ensuring that students are protected from discrimination—together they form the federal infrastructure that enforces civil rights laws for school communities. Recent Trump Administration efforts to take enforcement functions away from ED, by delegating them to DOJ, would be both unlawful and a disaster for students, eviscerating necessary infrastructure that ensures rights are realized by students and foreclosing critically important paths to remedy discrimination.

WHAT IS HAPPENING NOW?

Despite Congressional guarantees that students will be protected from discrimination by OCR and CRT, the Trump Administration has been working for many months to undermine the protections students receive from OCR. There have been mass firings of OCR staff;¹ weaponization of civil rights laws to harm rather than help;² closure of regional offices that provide support closer to the classroom;³ failure to meaningfully respond to almost any complaints of discrimination;⁴ and, most recently, an effort to “transfer” OCR’s enforcement responsibilities to CRT through an Inter Agency Agreement (IAA).⁵ Eliminating the unique and critical role OCR plays would mean far fewer students would receive support, and any support that did arrive would likely take far longer. Neither office can replace the role of the other: students deserve access to both avenues to remedy discrimination.

DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION

The Civil Rights Division (CRT) of the Department of Justice (DOJ) was created by the Civil Rights Act of 1957⁶ to address rampant anti-Black violence, denial of Constitutional rights, and widespread refusal to comply with the Supreme Court’s decision in *Brown v. Board of Education*⁷ and subsequent federal civil rights laws. Led by the Assistant Attorney General for Civil Rights, CRT includes multiple issue-specific

sections, including the Educational Opportunities Section (EOS),⁸ which protects students from discrimination based on race, color, national origin, sex, religion, and disability.⁹ This office is specifically charged with enforcing Title IV¹⁰ of the Civil Rights Act of 1964,¹¹ the Equal Educational Opportunities Act of 1974,¹² and Titles II¹³ and III¹⁴ of the Americans with Disabilities Act of 1990 (ADA). The office also enforces Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments Act of 1972 (Title IX),¹⁵ and Section 504 of the Rehabilitation Act of 1973 (Section 504)¹⁶ with respect to schools that receive financial assistance from DOJ. The office receives complaints of discrimination from students, families, and others; conducts investigations in response to complaints and based on other indications that discrimination may be occurring; and, *at its discretion*, litigates cases, including more than 120 court-enforced desegregation orders.¹⁷ CRT is a litigating component of DOJ, focused most often on using courts to enforce laws where major systemic violations of rights are occurring.

Due to its capacity and the distinct role of CRT, CRT has historically referred the vast majority of complaints of discrimination regarding schools that it receives to the Office for Civil Rights at the Department of Education.

OFFICE FOR CIVIL RIGHTS

In the Department of Education Organization Act of 1979, Congress created the U.S. Department of Education (ED) and established the Office for Civil Rights (OCR) within it, in order to ensure every student and family has access to support when their rights are violated, and to provide proactive support to schools to prevent rights violations in the first place.¹⁸ Led by the Assistant Secretary for Civil Rights, OCR protects students and school communities more broadly from discrimination based on race, color, national origin, sex, disability, and age.¹⁹ OCR enforces Title VI, Title IX, Section 504, Title II of the ADA, and the Age Discrimination Act of 1975 with respect to schools that receive financial assistance from ED. OCR investigates and resolves complaints of discrimination received by school communities.

Unlike CRT, OCR is obligated to review every single complaint it receives.²⁰

OCR also monitors compliance with civil rights resolutions; conducts mediation between schools and complainants; conducts compliance reviews; issues regulations and guidance to explain the law; provides critical technical assistance to schools;²¹ and collects and reports data about equal opportunity in schools through the Civil Rights Data Collection (CRDC).²² Unlike CRT, OCR has had regional enforcement offices throughout the country, giving it geographical presence within the local communities where complaints are received, investigated, and resolved and where technical assistance is needed. *While CRT is focused on large, systemic cases and on using courts to enforce laws, OCR seeks to work with schools through a nonadversarial administrative process to enter into voluntary resolution agreements.* If a school district or institution of higher education is found to have violated federal civil rights law, refuses to remedy its violation, and refuses to enter into a resolution agreement, ED can refer it to the DOJ where they can decide whether to move forward with a lawsuit.

For decades, OCR has been a free, easy, and comparatively quick option for parents, students, teachers, and others in school communities to raise an issue, get information, or begin the process of filing a formal complaint.²³ OCR attorneys and investigators have been responsible for answering questions and assessing individual complaints - without charge - for families across the country. With regional offices, members of the school community have had support closer to where they live, although recent actions by the Trump Administration to close more than half of all regional offices has drastically reduced this support.²⁴

JUDICIAL ENFORCEMENT VS. ADMINISTRATIVE ENFORCEMENT

One of the fundamental differences between enforcement by CRT and by OCR is the use of *judicial* enforcement tools versus *administrative* enforcement tools.²⁵ Consent decrees (where a school district or institution of higher education agrees to make changes in order to end a lawsuit) and court orders (where a judge imposes a decision on the district or institution of higher education) are both judicial enforcement tools used by CRT through the courts. Resolution agreements (where a district or institution voluntarily agrees to make changes in the absence of litigation), however, are administratively enforced and monitored by OCR. Consent decrees/court orders and resolution agreements are both plans for how a district or institution of higher education will remedy past discrimination and protect students moving forward.

Because the stakes are much higher for schools²⁶ in a consent decree or court order (violation of either allows the court to hold the school in contempt of court), these agreements often take much longer and far more resources to reach. There are far fewer consent decrees, and this course of action is reserved for limited situations of egregious harm.²⁷ Resolution agreements are specifically designed to avoid the time and resource costs of litigation so that students are more likely to see change more quickly and more often. OCR resolution agreements frequently can be entered into within weeks or months from when a complaint is filed, instead of the years litigation often takes. Any student experiencing any discrimination can expect their complaint to be reviewed and addressed by OCR without needing to raise the complaint to the level of a lawsuit and obtaining legal counsel. However, judicial enforcement always remains an option when schools refuse to remedy discrimination.

	CRT	OCR
Law Creating the Office	Civil Rights Act of 1957	Department of Education Organization Act of 1979
Laws the Office Enforces	- Title IV and Title VI of the Civil Rights Act of 1964 - Title IX of the Educational Amendment Act of 1972 - Equal Educational Opportunities Act of 1974 - Section 504 of the Rehabilitation Act of 1973 - Titles II and III of the Americans with Disabilities Act of 1990	- Title IV and Title VI of the Civil Rights Act of 1964 - Title IX of the Educational Amendment Act of 1972 - Section 504 of the Rehabilitation Act of 1973 - Title II of the Americans with Disabilities Act of 1990 - Age Discrimination Act of 1975
Enforcement Mechanism	Judicial/Litigation	Administrative
Focus of Enforcement	Systemic litigation	Resolving individual complaints

NOTE

This document focuses on the roles of CRT and OCR. However, there are multiple other offices in each agency responsible for ensuring equal opportunity. The Office for Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, which administers the Individuals with Disabilities Education Act (IDEA), is critically important for ensuring students with disabilities receive the supports and services to which they are entitled. In addition to efforts to transfer OCR from ED into DOJ, the Trump Administration is also currently trying to move OSERS to the Department of Health and Human Services (through an IAA). This unlawful and wrongful effort would separate the critical functions of OCR and OSERS in jointly protecting disabled students, undermines the educational emphasis of special education, and would create greater barriers to families and educators as they serve children with disabilities.²⁸

Endnotes

- 1 Bender, Michael C. and Dana Goldstein. "Education Department Fires 1,300 Workers, Gutting its Staff". *The New York Times*. March 11, 2025. https://www.nytimes.com/2025/03/11/us/politics/trump-education-department-firings.html?eafs_enabled=false
- 2 See, for example, "Critical Points on Title VI and Response to the Department of Education, Office of Civil Rights February 14, 2025 Dear Colleague letter and February 28, 2025 'Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act'. Lawyers' Committee for Civil Rights Under Law. March 24, 2025. <https://www.lawyerscommittee.org/wp-content/uploads/2025/03/Response-to-Feb.-14-ED-Guidance-and-FAQs-FINAL.pdf> and "Title IX Turns 54 Amid Barrage of Attacks on Vulnerable Students". National Women's Law Center. June 23, 2026. <https://nwl.org/press-release/title-ix-turns-54-amid-barrage-of-attacks-on-vulnerable-students/>
- 3 Modan, Naaz. "Half of OCR eliminated after Trump Education Department layoffs". *K-12 Dive*. March 12, 2025. <https://www.k12dive.com/news/half-of-ocr-fired-after-trump-education-department-layoffs/742374/>
- 4 "Justice Denied: How Trump's Office for Civil Rights Reached a 12-Year Low in Protecting Students from Discrimination". Health, Education, Labor, and Pensions Committee Minority Staff Report. April 28, 2026. https://www.sanders.senate.gov/wp-content/uploads/04.24.26-Justice-Denied-How-Trumps-Office-for-Civil-Rights-Reached-a-12-Year-Low-in-Protecting-Students-from-Discrimination_FINAL.pdf
- 5 Blake, Jessica. "ED Shifts Some Civil Rights Enforcement to Justice Department". *Inside Higher Ed*. June 16, 2026. <https://www.insidehighered.com/news/government/2026/06/16/ed-shifts-some-civil-rights-enforcement-justice-department>
- 6 Civil Rights Act of 1957. (28 U.S.C. §§ 506 and 510). See also: "Historical Highlights: The Civil Rights Act of 1957". *United States House of Representatives*. <https://history.house.gov/Historical-Highlights/1951-2000/The-Civil-Rights-Act-of-1957/>
- 7 For additional historical context, see: "The Civil Rights Act of 1964: A Long Struggle for Freedom". Library of Congress. <https://www.loc.gov/exhibits/civil-rights-act/civil-rights-era.html>. *Brown v. Board of Education*, 347 U.S. 483 (1954).
- 8 Civil Rights Division organizational chart available: <https://www.justice.gov/media/1422991/dl>
- 9 "Educational Opportunities Section". Civil Rights Division, U.S. Department of Justice. <https://www.justice.gov/crt/educational-opportunities-section> In addition to EOS, the Disability Rights Section (DRS) of CRT also receives complaints of discrimination in schools. DRS coordinates implementation and enforcement of the ADA and Section 504.
- 10 Title IV of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000c et seq.) authorizes the Attorney General to file enforcement actions that materially further desegregation and also directs the Department of Education to provide technical assistance to facilitate public school desegregation. It originally prohibited segregation based on race, color, religion, and national origin, and added sex in 1972.
- 11 Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) prohibits discrimination based on race, color, or national origin by any entity receiving federal funding.
- 12 The Equal Educational Opportunities Act of 1974 (EEOA) (20 U.S.C. §§ 1701-1758) prohibits discrimination against students based on sex, race, color, or national origin. The law also codifies the Supreme Court's decision in *Lau v. Nichols* (414 U.S. 563 (1974)) providing protections and support for English learner students.
- 13 Title II of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §§ 12131-12165) prohibits state and local governments from discrimination against people with disabilities and guarantees equal access to public education and other public services and programs.
- 14 Title III of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. §§ 12181-12189) prohibits discrimination on the basis of disability in public accommodations.
- 15 Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-1688) prohibits discrimination based on sex in education programs and activities receiving federal funding.
- 16 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) prohibits discrimination based on disability by any entity receiving federal funding.
- 17 The Trump Administration has recently sought to end this longstanding work of the DOJ. See, for example, Wall, Patrick. "Judge Ends School Desegregation Order at Trump Administration's Request". *Education Week*. January 7, 2026. <https://www.edweek.org/policy-politics/judge-ends-school-desegregation-order-at-trump-administrations-request/2026/01>
- 18 Department of Education Organization Act (1979) (20 U.S.C. §§ 3401 et seq.) Following the enactment of the Civil Rights Act of 1964, and in furtherance of enforcing the law, in 1965, the Office for Civil Rights (OCR) was established within

the U.S. Department of Health, Education, and Welfare (HEW). Within HEW, the predecessor to the U.S. Department of Education (ED), 9 regional HEW offices were assigned OCR staff (186 regional staff members in total by 1970). For more on the history of OCR within HEW see, for example, “An Historical Guide to HEW”. Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services. June 30, 1972. <https://aspe.hhs.gov/reports/common-thread-ser-vice> and “HEW and Title VI: A Report on the Development of the Organization, Policies, and Compliance Procedures of the Department of Health, Education, and Welfare Under Title VI of the Civil Rights Act of 1964”. U.S. Commission on Civil Rights Clearinghouse. Publication No. 22. 1970. <https://www.usccr.gov/files/historical/1970/70-004-U.pdf>

19 Office for Civil Rights. U.S. Department of Education. <https://www.ed.gov/about/ed-offices/ocr>

20 34 CFR 100 - Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Education Effectuation of Title VI of the Civil Rights Act of 1964. <https://www.govinfo.gov/content/pkg/CFR-2019-title34-vol1/pdf/CFR-2019-title34-vol1-part100.pdf>

21 Including, for example, Civil Rights Tutorials and Technical Assistance. U.S. Department of Education. <https://www.ed.gov/laws-and-policy/civil-rights-laws/reading-room/civil-rights-tutorials-and-technical-assistance>. OCR may also contract with Equity Assistance Centers (EACs) to advise recipients as part of resolution agreements. See: Training and Advisory Services - Equity Assistance Centers. U.S. Department of Education. <https://www.ed.gov/grants-and-programs/grants-birth-grade-12/school-and-community-improvement-grants/training-and-advisory-services-equity-assistance-centers>

22 Data on Equal Access to Education. U.S. Department of Education. <https://civilrightsdata.ed.gov/>

23 Due in large part to insufficient funding compared with the volume of complaints, too often those filing complaints have had to wait too long for a remedy to the discrimination they have experienced. OCR must be adequately funded to provide the level and support promised.

24 Find the remaining regional offices here: <https://ocrcas.ed.gov/contact-ocr>

25 Because Title IV and EEOA both require attempts at voluntary resolution, and are enforced exclusively by DOJ, many EOS matters are also resolved with out-of-court settlements. In general, the distinction between CRT’s judicial enforcement and OCR’s administrative enforcement holds.

26 For students and communities, discrimination always has high stakes. Diminished educational opportunity can come at tremendous immediate and long-term costs to an individual and to an entire group.

27 Any time a student experiences discrimination it causes harm, can derail their dreams, and denies them the education they deserve. Sometimes discrimination is so widespread and systemic that many students are denied an education, the harm has persisted despite efforts to intervene, and the system leaders have enabled or even endorsed the misconduct. Every instance of discrimination deserves a remedy, even if some examples are particularly shocking and flagrant and with greater impact.

28 In addition to OCR and OSERS, the Trump Administration has also entered into more than a dozen IAAs to move other functions to other agencies in the name of dismantling the Department of Education. All of these actions are unlawful and irresponsible and would harm students.