



September 30, 2026

The Honorable Robert Aderholt
Chair
Labor, Health and Human Services, Education,
and Related Agencies Subcommittee
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
Labor, Health and Human Services, Education,
and Related Agencies Subcommittee
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Shelley Moore Capito
Chair
Labor, Health and Human Services, Education,
and Related Agencies Subcommittee
Committee on Appropriations
U.S. Senate
Washington, DC 20510

The Honorable Tammy Baldwin
Ranking Member
Labor, Health and Human Services, Education,
and Related Agencies Subcommittee
Committee on Appropriations
U.S. Senate
Washington, DC 20510

Dear Chair Aderholt, Ranking Member DeLauro, Chair Capito, and Ranking Member Baldwin:

On behalf of the undersigned 139 civil rights and education organizations, we urge you to prevent the illegal and wrong-headed effort by the Trump Administration to move the enforcement functions of the Office for Civil Rights (OCR) at the U.S. Department of Education (ED) through an interagency agreement (IAA).¹ **OCR provides critical support to students and families who have experienced discrimination, and any effort to move, reassign, or otherwise diminish the vital work of this office would leave students and families with less access to educational opportunities, less justice, and less assistance than they deserve.**

OCR has a unique responsibility to enforce core nondiscrimination statutes in schools.² These statutes, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, prohibit discrimination in education on the basis of race, color, national origin (including language status and shared ancestry), sex (including sexual orientation, gender identity, pregnancy and related conditions, parental status, and sex characteristics), disability, and age.³ Congress passed these laws in response to the widespread denial of equal protection and equal opportunity by

¹ Interagency Agreement Between the U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division (June 15, 2026), <https://www.ed.gov/media/document/ed-and-doj-interagency-agreement-civil-rights-partnership-june-15-2026-114243.pdf>.

² U.S. Department of Education, Office for Civil Rights, *Office for Civil Rights (OCR)* (last updated June 16, 2026), <https://www.ed.gov/about/ed-offices/ocr> ("OCR's mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools.").

³ Department of Education, Office for Civil Rights, *OCR: Discrimination Complaint Form* (last updated Jan. 20, 2026), <https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/ocr-discrimination-complaint-form>.

states, districts, and schools. Although considerable progress has been made in the decades since these laws were passed, they continue to serve a vital function in the face of ongoing discrimination.

OCR's enforcement, policy, technical assistance, and data responsibilities have considerable impact on whether students' right to access equal educational opportunities is meaningful and whether the rights of marginalized students to receive the supports and opportunities they deserve to achieve their dreams are actualized. These responsibilities are central to the work of the Department of Education.

The latest attack on students' and families' right to be free from discrimination in schools has come in the form of interagency agreements. The Trump Administration has declared its intention to take the enforcement responsibilities assigned to ED by Congress and delegate them to the Civil Rights Division (CRT) within the Department of Justice (DOJ). This is a continuation of a series of attacks on ED and the students it serves. The administration has fired more than half of the staff at OCR, leaving only a small number to investigate tens of thousands of complaints;⁴ closed more than half of OCR regional offices, pushing help further from the communities where students and families live;⁵ and rescinded longstanding regulatory protections for students, sanctioning unlawful discrimination.⁶

It is clear that this attempt to "move" enforcement is just another effort to eliminate protections and deprive students of urgently needed support. Unlike CRT, OCR must open every complaint the office receives. This requirement, which the administration seeks to upend, is designed to give each student who files a complaint of discrimination confidence that their complaint will be investigated—no matter which politician is in charge. In stark contrast, CRT pursues only a handful of cases each year through litigation, focusing on systemic discrimination with large-scale impacts. But discrimination that may be devastating to an individual student should not need to rise to the level of systemic litigation in order to receive attention. Combining ED OCR with DOJ CRT would foreclose a critically important path—and, for some, the only path—to support for tens of thousands of students and their families.⁷

Not only must the Trump Administration be prevented from moving core OCR functions to DOJ, but Congress must also prevent the Administration from proceeding with any of its 14 planned IAAs, which would transfer at least 148 ED programs to other agencies.⁸ For example, the IAA to move core functions of the Office for Special Education and Rehabilitative Services (OSERS), which enforces the Individuals with Disabilities Education Act (IDEA), from ED to the Department of Health and Human Services (HHS)

⁴ United States Senate Health, Education, Labor & Pensions Committee, Minority Staff Report, *Justice Denied: How Trump's Office for Civil Rights Reached a 12-Year Low in Protecting Students from Discrimination* (Apr. 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; Naaz Modan, *Half of OCR eliminated after Trump Education Department layoffs*, K-12 Dive (Mar. 12, 2025), <https://www.k12dive.com/news/half-of-ocr-fired-after-trump-education-department-layoffs/742374>.

⁵ Emma Gallegos & Betty Márquez Rosales, *Feds shutter California civil rights office: 'The students are going to suffer'*, EdSource (Mar. 13, 2025), <https://edsources.org/2025/feds-shutter-california-civil-rights-office-the-students-are-going-to-suffer/728278>.

⁶ On July 24, 2026, the Department of Education published a final rule rescinding the disparate impact provisions of the regulation implementing Title VI of the Civil Rights Act. *Civil Rights Groups Condemn Department of Education Final Rule Weakening Civil Rights Protections for Students*, Legal Defense Fund (July 23, 2026), <https://www.naacpldf.org/press-release/civil-rights-groups-condemn-department-of-education-final-rule-weakening-civil-rights-protections-for-students>. For more information about Title VI disparate impact context see, see also Leadership Conference, *Discrimination in All Its Forms: Different Treatment and Disparate Impact* (May 2025), <https://civilrights.org/edfund/wp-content/uploads/sites/2/2025/05/Disparate-Impact-Fact-Sheet.pdf>.

⁷ National Women's Law Center, Lawyers' Committee for Civil Rights Under Law, & National Center for Youth Law, *Two Offices, Two Roles, 73 Million Students* (July 2026), <https://nwlc.org/wp-content/uploads/2026/07/OCRCRT-Fact-Sheet-July-2026.pdf>.

⁸ Mark Lieberman, *See Which Ed. Dept. Programs Are Moving to New Agencies: A Tracker*, EdWeek (updated June 16, 2026), <https://www.edweek.org/policy-politics/see-which-ed-dept-programs-are-moving-to-new-agencies-a-tracker/2026/04>.

would close doors for students with disabilities.⁹ OSERS ensures that the supports and opportunities guaranteed under the IDEA are a reality and not just a promise.

The Department of Education is a civil rights agency and every office within the Department is responsible for protecting students from discrimination and advancing equal opportunity. Carving up the Department and passing around the pieces is inefficient and provides no benefit to parents or students. Instead, parsing out ED's critical functions to agencies that are ill-equipped to provide the breadth of services contained at the Department not only creates confusion for school, districts, and states but also undermines the purpose and intent of these programs, ultimately denying the benefits Congress intended to students. Just as Congress created the Department of Education in 1979,¹⁰ Congress has since assigned many, many responsibilities directly to that office. The Executive Branch does not possess the legal authority to dismantle the Department through press release or office space agreements.¹¹

While we appreciate the progress that was made in FY 2026 appropriations,¹² it is clear that the Trump Administration is unwilling to heed that directive or the message sent in the bipartisan support for S.5046,¹³ to prohibit the transfer of certain offices and functions of the Department of Education to other Federal agencies, and for other purposes. Dismantling the Department of Education is wildly unpopular with the American public, no matter the mechanism used.¹⁴ FY 2027 appropriations must leave no room for confusion or opportunity for evasion. The Office for Civil Rights must remain where it belongs and do the job Congress created it to do. If you have any questions or would like additional information, please contact Elizabeth Tang, senior counsel for education and workplace justice, National Women's Law Center at etang@nwlc.org.

Sincerely,
National Women's Law Center Action Fund

⁹ *Broad Coalition of Disability, Civil Rights, and Education Organizations Denounces ED's Latest Transfers of Core Functions*, The Arc (June 18, 2026), https://thearc.org/wp-content/uploads/2026/06/Joint-Statement-on-ED-OSERS_OCR-IAs-June2026.pdf.

¹⁰ Department of Education Organization Act, Pub. L. 96-88, 93 Stat. 669 (1979), <https://www.govinfo.gov/content/pkg/COMPS-726/pdf/COMPS-726.pdf>.

¹¹ The FY 2026 appropriations law prohibits ED from transferring its funds to another agency unless it is permitted under an appropriation act, and the transferred amount does not exceed 1% of ED's discretionary funds. Consolidated Appropriations Act, 2026, Div. B, tit. III, §§ 302, 512, Pub. L. 119-75, 140 Stat. 173, 304, 318 (Feb. 3, 2026), <https://www.congress.gov/119/plaws/publ75/PLAW-119publ75.pdf>. However, none of the authorities cited by the IAs are appropriation acts, and they collectively transfer over 40% of ED's discretionary funds to other agencies. EdCounsel & Sligo Law Group, *Beyond "The Maximum Extent Permitted By Law": Legal Analysis of the U.S. Department of Education's Transfers of Programs to Other Federal Agencies*, 2, 5 (Dec. 4, 2025; updated Dec. 10, 2025), <https://www.nelsonmullins.com/storage/cyKxZIW1KH7IjtgoTFwb85X5ySvaM9P1bbGNUMJL.pdf>. See also Joint Explanatory Statement, Consolidated Appropriations Act, 2026, Public Law 119-75, at 83 (2026), <https://docs.house.gov/billssthisweek/20260119/DEF%20LHHS%20HS%20THUD%20-%20JES%20-%20Division%20B%20-%20LHHS%20-%2019-2026%20-%20Reduced%20File%20Size.pdf> ("The agreement further notes that no authorities exist for the Department of Education to transfer its fundamental responsibilities under numerous authorizing and appropriations laws, including through procuring services from other Federal agencies, of carrying out those programs, projects, and activities to other Federal agencies.").

¹² *Id.*

¹³ On July 30, 2026, S.5046, "To prohibit the transfer of certain offices and functions of the Department of Education to other Federal agencies, and for other purposes," was reported favorably by the Senate Committee on Health, Education, Labor and Pensions. <https://www.help.senate.gov/hearings/the-following-agenda-to-be-considered-07-29-2026>. Notably, on July 15, 2026, the House Education and Workforce Committee did not consider any legislation to support the transfer of responsibilities from the OCR or OSERS, despite considering legislation that would have supported the transfer of responsibilities for several other ED offices. <https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=413504>.

¹⁴ Linda Jacobson, *Exclusive Poll: As Support for Schools Plummets, Americans Resist Closing Education Department*, 74 Million (Aug. 14, 2025) (PDK poll finds that two-thirds of U.S. adults oppose eliminating the Department of Education); Matt Barnum *et al.*, *Trump Advisers Weigh Plan to Dismantle Education Department*, Wall Street Journal (Feb. 3, 2025), https://www.wsj.com/politics/policy/education-department-trump-executive-order-eeaf1cb6?eafs_enabled=false (WSJ poll finds that 61% of registered voters oppose eliminating the Department of Education).

National Organizations (79)

Advancement Project
Advocates for Trans Equality (A4TE)
Advocates for Youth
AFT: Education, Healthcare, Public Services
Alliance for a Just Society
Alliance for Education Justice
Alliance to Reclaim Our Schools
American Association of University Women (AAUW)
American Atheists
American Civil Liberties Union
American Humanist Association
Americans United for Separation of Church and State
Asian Americans Advancing Justice | AAJC
Black Parent Network
Clearinghouse on Women's Issues
Coalition on Human Needs
Council for Exceptional Children
Council of Parent Attorneys and Advocates (COPAA)
Dignity In Schools Campaign
Disability Rights Education & Defense Fund
ED-OCR Alumni Collective
EdTrust
Education Law Center
Equal Rights Advocates
Federal School Discipline and Climate Coalition (FedSDC)
Feminist Majority
Glisten (formerly GLSEN)
Healthy Teen Network
Human Rights Campaign
IDRA (Intercultural Development Research Association)
Jeremiah Program
Jewish Council for Public Affairs
Just Solutions
Justice + Joy National Collaborative
Know Your IX
Ladder Consulting
LaQuetta's LAfTA, L.L.C.®
Lawyers' Committee for Civil Rights Under Law
Legal Defense Fund
The Leadership Conference on Civil and Human Rights
Learning Disabilities Association of America
Legal Momentum, The Women's Legal Defense and Education Fund
Multicultural Dimensions
NAACP
National Alliance for Partnerships in Equity
National Alliance to End Sexual Violence
National Association for Multicultural Education

National Center for Learning Disabilities
National Center for Youth Law
National Council of Asian Pacific Americans (NCAPA)
National Education Association
National Organization For Women
National PLACE
National Women's Political Caucus
Network for Public Education
New America Education and Work Program
OCR Alumni Collective
PFLAG National
Pregnant Scholar at WorkLife Law
Public Advocacy for Kids (PAK)
Public Advocates
Public Counsel
Public Justice
Public School Strong
Race Forward Action
Respect Together
SafeBAE (Before Anyone Else)
Secular Student Alliance
Sexual Violence Prevention Association (SVPA)
Southern Education Foundation
Stop Sexual Assault in Schools
The Advocacy Institute
The Center for Learner Equity
The Every Voice Coalition
UltraViolet Action
ValorUS
Victim Rights Law Center
VOICEINSPORT Foundation
Youth Law Center

State/Local (57)

Action for Honest Education
Alliance for Children's Rights
Alliance for Quality Education
Center for Racial and Economic Justice
Chicago Lawyers' Committee for Civil Rights
Colorado Children's Campaign
Colorado Coalition Against Sexual Assault
Columbus Education Justice Coalition
Communities for Our Colleges
Education Law Center-PA
Families for Strong Public Schools
Great Education Colorado
Honesty for Ohio Education
Houston Community Voices for Public Education

I Have The Right To Org.
Illinois Coalition Against Sexual Assault
Illinois Families for Public Schools
Labor/Community Strategy Center
Legal Council for Health Justice
LGBTQ+ Justice and Opportunity Network (CT)
Maine Coalition Against Sexual Assault
Maine Women's Lobby
Maryland Coalition Against Sexual Assault
Michigan Organization on Adolescent Sexual Health (MOASH)
Mississippi Workers Center for Human Rights
New Jersey Coalition Against Sexual Assault
Ohio Alliance to End Sexual Violence
Ohio Equal Rights
Oregon Coalition Against Domestic and Sexual Violence
Oregon Education Association
Our Schools San Antonio
Out Accountability Project
Parents United for Public Schools
Paterson Education Fund
Pennsylvania Policy Center
Pennsylvanians Together in Action
PPMD
Reclaim Our Schools Los Angeles
Right to Read Ohio
Rocky Mountain Victim Law Center
San Francisco Education Alliance
Save Our Schools Arizona
SEIU Local 500
Step Up Louisiana
Students Deserve
Students Engaged in Advancing Texas (SEAT)
Texas Appleseed
Triangle Community Center
Village Restore
Washington State Coalition Against Domestic Violence & Sexual Assault
Wisconsin Alliance for Excellent Schools
Wisconsin Coalition Against Sexual Assault
Wisconsin Public Education Network
Women Employed
Women's Law Project
Youth Justice Education Clinic at Loyola Law School
YWCA of the Sauk Valley

Tribal/International (2)

Survivor Action for Accountability
Tulalip Office of Civil Legal Aid