

United States Senate

WASHINGTON, DC 20510

March 20, 2026

The Honorable Linda McMahon
Secretary
U.S. Department of Education
400 Maryland Avenue Southwest
Washington, D.C. 20202

The Honorable Kimberly Richey
Assistant Secretary for Civil Rights
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue Southwest
Washington, D.C. 20202

Dear Secretary McMahon and Assistant Secretary Richey:

We write to express our serious concerns about the current crisis at the Department of Education's Office for Civil Rights (OCR). OCR's mission is to provide remedy to students who are denied their right to an education free from discrimination. Unfortunately, the Department of Education (the Department) has severely undermined OCR's capacity to carry out this mission through unprecedented personnel cuts and the injection of political considerations into OCR's investigatory work. These choices are gutting protections for students in our nation's public K-12 schools and institutions of higher education. We urge the Department to reverse OCR's partisan turn and to ensure that it can carry out its intended mission, as required by statute, to protect the civil rights of all students.

In March 2025, the Department issued Reduction in Force (RIF) orders to 299 OCR employees—about half of its staff—and closed seven of its twelve regional offices.¹ These employees were placed on administrative leave and prohibited from working, costing taxpayers a reported \$38 million through the end of 2025.² During the government shutdown in October, the Department issued RIFs to an additional 137 OCR employees.³ Had the Department not been enjoined by federal courts and the November government funding agreement,⁴ it would have fired 436 OCR employees overall, 90 percent of its workforce, completely decimating the office.

Before these RIFs, OCR was already understaffed. Even with insufficient staffing, OCR impressively resolved more complaints from 2021 to 2024 than it had the previous four years.⁵ Despite its recent track record of success, these RIFs left its remaining employees with doubled caseloads⁶ and a backlog of 24,000 complaints.⁷ That is an unacceptable outcome. When caseloads balloon, investigators are forced to spend less time gathering evidence

¹ U.S. GOV'T ACCOUNTABILITY OFF., GAO-26-108320, DEPARTMENT OF EDUCATION: FULL COSTS AND SAVINGS ESTIMATE NEEDED FOR REDUCTION-IN-FORCE AND RESTRUCTURING OF THE OFFICE FOR CIVIL RIGHTS 4 (2026).

² *Id.* at 8.

³ *Id.* at 5.

⁴ *Id.* at 5.

⁵ Complaint for Declaratory and Injunctive Relief at 17, *Victim Rights Law Center v. United States Department of Education* (D. Mass. 2025) (No. 25-11042-MJJ).

⁶ Memorandum and Order on Plaintiffs' Motion for Preliminary Injunction at 11, *Victim Rights Law Center v. United States Department of Education*, 788 F.Supp.3d 70 (D. Mass. 2025) (No. 25-11042-MJJ).

or ensuring schools provide legally required remedies. Higher caseloads mean more delays, more dismissals, and more students falling through the cracks of a system that is supposed to safeguard their civil rights.

Indeed, the RIFs and closures of seven of OCR's regional offices left millions of students without dedicated regional investigators to conduct field visits, gather facts in person, resolve investigations, and enforce agreements. In many cases, the Department provided no communication or updates whatsoever to students, families, or schools as investigations stalled and complaints piled up.⁸ These breakdowns in communication and access to OCR employees created uncertainty and frustration for students, their families, and schools, as they waited for updates on their complaints and investigations.

Publicly available data, court documents, and a recent Government Accountability Office (GAO) report reveal OCR's diminished output due to RIFs and field office closures.⁹ In 2025, OCR reached 174 formal resolution agreements with school districts and colleges, a steep decline from the 518 OCR reached in 2024.¹⁰ OCR reached 57 of these agreements in January 2025, before the current Administration assumed office. From March 11 to June 27, 2025, OCR resolved 290 cases through voluntary agreements, mediation, or technical assistance and resolved through dismissal an additional 96 complaints due to insufficient evidence.¹¹ OCR roughly kept this pace between June 27 and September 23, 2025, resolving an additional 333 complaints.¹² By contrast, OCR resolved 595 cases through mediation or voluntary resolutions and 119 due to insufficient evidence during the final three months of the previous Administration.¹³ And from March 11, 2025, to September 23, 2025, OCR dismissed 90 percent of the over 7,000 complaints it received,¹⁴ a rate far outpacing that of the previous Administration.¹⁵ These patterns show OCR under the current Administration is not adequately processing and evaluating complaints, a total abdication of its Congressionally-mandated duty to investigate and resolve alleged civil rights violations in our nation's schools.

⁷ Jennifer Smith Richards et al., *Monkey Sounds, "White Power" and the N-Word: Racial Harassment Against Black Students Ignored Under Trump*, PROPUBLICA (Dec. 19, 2025), <https://www.propublica.org/article/trump-education-department-civil-rights-racial-harassment>.

⁸ *Id.*

⁹ U.S. GOV'T ACCOUNTABILITY OFF. *supra* note 1, at 9.

¹⁰ *Office for Civil Rights Recent Resolution Search: Sexual Harassment*, U.S. DEP'T OF EDUC., https://ocrcas.ed.gov/ocr-search?f%5B0%5D=ocr_issues%3A559&f%5B1%5D=resolved%3A2025 (last visited Mar. 9, 2026).

¹¹ Declaration of Rachel Oglesby at 3, *State of New York v. McMahon*, 1:25-cv-10601 (D. Mass. 2025) (No. 25-10601-MJJ), 2026 WL 622484.

¹² U.S. GOV'T ACCOUNTABILITY OFF. *supra* note 1, at 9.

¹³ Bianca Quilantan, *Education Department dismisses thousands of civil rights complaints at an 'unheard of' pace*, POLITICO (July 8, 2025), <https://www.politico.com/news/2025/07/08/education-departments-civil-rights-complaint-dismissals-prompt-concern-from-trump-opponents-00439118>.

¹⁴ U.S. GOV'T ACCOUNTABILITY OFF. *supra* note 1, at 9.

¹⁵ Katherine Knott, *Court Filing Sheds Light on Civil Rights Complaints Under Trump*, INSIDE HIGHER ED (July 8, 2025), <https://www.insidehighered.com/news/government/politics-elections/2025/07/08/trump-admin-dismisses-34k-civil-rights-complaints-3>.

Beyond its diminished output, the types of cases OCR is choosing to investigate, or not investigate, are concerning, and OCR has failed to provide transparency into its work. The Department has neither updated its public database listing OCR's open investigations since January 2025¹⁶ nor released its annual report for the 2025 fiscal year, as required by law.¹⁷ In 2025, OCR reached zero sexual harassment resolution agreements after January 20.¹⁸ By contrast, OCR reached 27 agreements of sexual harassment cases in 2024 and 8 agreements between January 1, 2025 and January 20, 2025.¹⁹ That means hundreds of open, urgent cases—including 483 assigned to investigators subject to the RIFs—involving sexual harassment in our nation's public schools, colleges, and universities were left languishing for over a year.²⁰ Since the March 2025 RIFs, OCR has reportedly opened fewer than 10 sexual violence investigations.²¹ Resolution agreements in cases involving disability discrimination, historically the bulk of OCR's caseload, also decreased sharply, from 390 in 2024 to 104 in 2025.²²

OCR is also reportedly neglecting to investigate and resolve cases involving racial harassment.²³ Internal data allegedly shows that over 1,000 racial harassment investigations initiated by OCR during previous administrations—most of them involving discrimination against Black students—are still open.²⁴ After January 2025, OCR has reportedly opened only 14 racial harassment investigations²⁵ and reached two resolution agreements,²⁶ a sharp decline from the previous year's total of 26 resolution agreements.²⁷ Additionally, OCR has not reached a single resolution agreement in a case alleging antisemitism—amid the unprecedented surge of hate targeting Jewish communities nationwide—or any other shared ancestry discrimination since January 2025.²⁸

¹⁶ *Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools*, U.S. DEP'T OF EDUC., <https://ocrcas.ed.gov/open-investigations> (last visited Mar. 20, 2026).

¹⁷ *Office for Civil Rights Annual Reports*, U.S. DEP'T OF EDUC., <https://www.ed.gov/about/ed-offices/office-civil-rights/office-civil-rights-annual-reports> (last visited Mar. 9, 2026).

¹⁸ U.S. DEP'T OF EDUC., *supra* note 10.

¹⁹ *Id.*

²⁰ BERNIE SANDERS, PRESIDENT TRUMP'S DECISION TO GUT THE OFFICE FOR CIVIL RIGHTS HAS LEFT OVER 46 MILLION STUDENTS WITHOUT PROTECTION FROM DISCRIMINATION 3 (2026).

²¹ Collin Binkley, *The Education Department is opening fewer sexual violence investigations as Trump dismantles it*, THE ASSOCIATED PRESS (Jan. 16, 2026), <https://apnews.com/article/trump-education-department-sex-assault-investigations-c01ffc379de6ca543043c1a17955bb47>.

²² *Office for Civil Rights Recent Resolution Search: Disability Discrimination*, U.S. DEP'T OF EDUC., https://ocrcas.ed.gov/ocr-search?f%5B0%5D=ocr_statutes%3A528 (last visited Mar. 9, 2026).

²³ Smith Richards *supra* note 7.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Office for Civil Rights Recent Resolution Search: Racial Harassment*, U.S. DEP'T OF EDUC., https://ocrcas.ed.gov/ocr-search?f%5B0%5D=ocr_issues%3A554&sort_order=DESC&sort_by=field_resolved (last visited Mar. 9, 2026).

²⁷ *Id.*

²⁸ *Office for Civil Rights Recent Resolution Search: Shared Ancestry*, U.S. DEP'T OF EDUC., https://ocrcas.ed.gov/ocr-search?f%5B0%5D=ocr_issues%3A767&f%5B1%5D=ocr_statutes%3A526&sort_order=DESC&sort_by=field_resolved (last visited Mar. 9, 2026).

Rather than responding to and initiating investigations into the 24,000 pending cases in its backlog, the Department appears to have elevated investigations pursuing this Administration's partisan priorities, including by initiating at least 27 directed investigations without the presence of a complaint.²⁹ These investigations are not in the best interest of students and are not enforcing the civil rights protections they are entitled to under law but are instead focused on penalizing schools, colleges, and districts for failing to comply with the president's partisan, political agenda. In some cases, OCR is putting schools in the impossible position of either acceding to its harmful demands or violating state and local laws³⁰ or binding federal court rulings³¹ which protect transgender student rights and promote on-campus equity.

OCR is abusing its power to withhold federal funding from schools by ignoring its investigatory procedures and due process protections, as outlined in its case-processing manual.³² For instance, in August 2025, OCR threatened Denver Public Schools' federal funding after its directed investigation found the presence of multi-stall, all-gender bathrooms and district policies supporting transgender students in violation of Title IX.³³ Denver Public Schools' Board of Education claims that OCR did not conduct any field investigations, interview any witnesses, or respond to the district's requests for clarification and mediation.³⁴ With its September 2025 decision to revoke Magnet School Assistance Program (MSAP) grant funding from Chicago Public Schools (CPS), OCR attempted to withhold federal funding before it concluded its open investigations into the district's transgender student policies and its Black Students Success Plan.³⁵ OCR also sought to withhold MSAP grant funding from New York City Public Schools (NYCPS) after alleging that its transgender student policies violated Title IX. This occurred even though OCR had not opened a formal investigation into NYCPS or given the district any notice, hearing, or opportunity to respond to a complaint.³⁶

These politicized investigations fundamentally subvert OCR's role as an enforcer of civil rights laws in service of protecting students and instead turn it into a weaponized arm of the

²⁹ Declaration of Rachel Oglesby at 3, *State of New York v. McMahon*, 1:25-cv-10601 (D. Mass. 2025) (No. 25-10601-MJJ), 2026 WL 622484.

³⁰ Letter from Elizabeth Barton, Acting Gen. Counsel for the Bd. of Educ. of the City of Chicago Law Dep't, to Acting Assistant Sec'y for C.R. Craig Trainor (Sep. 19, 2025) (on file with Chalkbeat) [hereinafter Letter from Elizabeth Barton].

³¹ Karina Elwood, *Education Dept. says gender policies in 5 Virginia districts violate law*, THE WASHINGTON POST (July 25, 2025), <https://www.washingtonpost.com/education/2025/07/25/northern-virginia-schools-gender-title-iv-education-department/>.

³² See generally U.S. DEP'T OF EDUC. OFFICE FOR C.R., CASE PROCESSING MANUAL (2025).

³³ *U.S. Department of Education's Office for Civil Rights Finds Denver Public Schools Violated Title IX*, U.S. DEP'T OF EDUC. (Aug. 29, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-finds-denver-public-schools-violated-title-ix>.

³⁴ *Statement from DPS Superintendent Dr. Alex Marrero about the recent findings from the Office of Civil Rights*, DENVER PUBLIC SCHOOLS (Aug. 29, 2025), <https://denverpsco.edurooms.com/engage/news-release/newsletters/release-statement-from-dps-superintendent-concerning-the-ocr-findings>.

³⁵ Letter from Elizabeth Barton, *supra* note 30.

³⁶ Complaint for Declaratory and Injunctive Relief at 2-3, *The Board of Education of The City School District of The City of New York v. United States Department of Education* (S.D.N.Y. 2025) (No. 1:25-cv-08547).

Administration’s political agenda. The Department is ignoring and abandoning students who are the victims of discrimination—whether due to their race, color, national origin, sex (including sexual orientation and gender identity), age, or disability—while simultaneously opening investigations which make our nation’s schools less safe and accessible. Students whose civil rights have been violated should never serve as political pawns. They deserve justice and an equal opportunity to pursue an education. The federal government is obliged to protect students from all forms of discrimination, and OCR must therefore investigate and resolve complaints without bias or a harmful ideological agenda.

On December 15, 2025, the Department issued a return-to-duty notice to 85 OCR employees subject to the March 2025 RIFs to work through OCR’s overwhelming caseload.³⁷ The Department officially rescinded the RIF notices for those employees and reinstated them on January 8, 2026.³⁸ Despite the apparent return of some of the fired employees, we are concerned about OCR’s commitment to and capacity to investigate and resolve the vast majority of the complaints it receives. The Department is now expected to rely upon hundreds of employees it attempted to fire to work through this self-inflicted caseload backlog. The Department has also not revealed any plans to reopen the shuttered field offices, which means that employees in closed offices are reportedly working remotely.³⁹ Additionally, the Department’s recent rhetoric, including its proclamation that it is “aggressively pursuing” cases involving transgender youth competing in sports based on their gender identity,⁴⁰ has shown that the Department is continuing to use OCR as an ideological arm of the Trump Administration rather than an enforcer of civil rights law.

Given the lack of publicly available data on OCR’s investigatory work and its increasingly ideological agenda, we request answers to the following by April 10, 2026:

1. What assessments on OCR’s current capacity and case backlog did the Department make before deciding to reinstate the employees subject to the March 2025 RIFs?
2. How many full-time employees (FTE) are currently employed at OCR as of March 20, 2026, and how many FTE serve in investigator positions?
3. What is the average current caseload per OCR investigator (not including managers) as of March 20, 2026?
4. What is the average number of cases each OCR investigator is responsible for monitoring as of March 20, 2026?
5. What was the average caseload per OCR investigator on March 11, 2025? What was the average caseload per OCR investigator on January 8, 2026?

³⁷ U.S. GOV’T ACCOUNTABILITY OFF. *supra* note 1, at 5.

³⁸ Juan Perez Jr., et al., *Education Department reinstates civil rights workers*, POLITICO PRO (Jan. 8, 2026), <https://subscriber.politicopro.com/article/2026/01/education-department-reinstates-civil-rights-workers-amid-ongoing-court-scuffles-00717110?site=pro&prod=alert&prodname=alertmail&linktype=headline&source=email>.

³⁹ *Id.*

⁴⁰ U.S. Department of Education’s Office for Civil Rights Initiates 18 Title IX Investigations, U.S. DEP’T OF EDUC. (Jan. 14, 2026), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-initiates-18-title-ix-investigations>.

6. Have all reinstated investigators been assigned active cases and comparable caseloads? If not, please explain why.
7. Does the Department intend to reopen the regional offices it closed in March 2025?
8. When and how will OCR restore transparency and provide current updates with publicly available information on pending cases under investigation?
9. When will OCR submit to Congress the statutorily required Annual Report for FY2025?
10. How many complaints has OCR received since January 20, 2025?
 - a. How many of these complaints have been dismissed since then, and for what reasons?
 - b. Please provide these figures by month and by type of discrimination alleged.
11. Since January 20, 2025, how many OCR investigations have been resolved through voluntary resolution agreements? How many cases have been resolved through mediation? Please provide these figures by month.
12. How many investigations has OCR opened since January 20, 2025? Please provide a list that includes the name of the institutions, institution type, type of discrimination alleged, and date. Please specify if each investigation was initiated by a complaint or through OCR's own direction.
13. Has OCR received any guidance from the White House or the Department of Justice on which types of cases it should prioritize? Please provide any such communication.

It is time that the Department shift its priorities to allow OCR to carry out its Congressionally directed mission and ensure recourse to discrimination and harassment for students of all backgrounds in our country. We look forward to your response.

Sincerely,



Adam B. Schiff
United States Senator



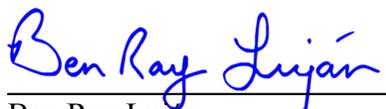
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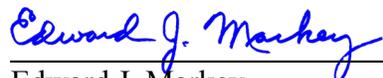
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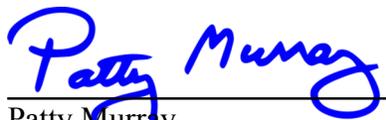
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