



June 27, 2018

The Honorable Ken Marcus
Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Assistant Secretary Marcus,

On behalf of The Leadership Conference on Civil and Human Rights and the 23 undersigned organizations, we write to urge you to enforce the law on behalf of marginalized communities; to preserve (and reinstate recently rescinded) policy and enforcement guidance; and to maintain the scope, frequency and public accessibility of the Civil Rights Data Collection. The Office for Civil Rights (OCR) has a unique responsibility to enforce core nondiscrimination statutes in schools. 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, the Age Discrimination Act of 1975, and Title II of the Americans with Disabilities Act of 1990, prohibit discrimination in schools on the bases of race, color, national origin, sex, disability and age. Congress passed these laws in response to the widespread denial of equal protection and equal opportunity by 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.

Given troubling statements during your confirmation process,ⁱ concerning past writings,ⁱⁱ and the actions of the Office for Civil Rights since Secretary DeVos was confirmed,ⁱⁱⁱ the communities with and for whom we work are rightfully skeptical that the Department of Education will adequately enforce the laws that protect them from discrimination. Specifically, actions by DeVos to rescind guidance explaining schools' responsibilities under Title IX regarding transgender students,^{iv} rescind guidance explaining schools' obligations to protect survivors of sexual violence under Title IX,^v scale back systemic investigations of discrimination,^{vi} revise the Case Processing Manual to limit families' access to justice,^{vii} and reopen settled resolution agreements,^{viii} should be immediately reversed. These actions have constituted attacks on children's civil rights in schools. These children and families deserve both words and actions by this department that respond to their concerns, protect their rights, and follow the law.

OCR's enforcement, policy, and data responsibilities have considerable impact on whether or not students' constitutional and statutory rights to equal protection under the law are meaningful and whether marginalized students receive the supports and opportunities they deserve to achieve their dreams. These responsibilities are central to the work of the Department of Education.

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In your new role, you have the opportunity to demonstrate a commitment to core American values of equal opportunity, nondiscrimination, and diversity, as well as a respect for the rule of law. You also have the opportunity to endorse and facilitate an agenda of discrimination, disrespect, and bias. We hope that you will make a decision guided by a commitment to justice, the requirements of our laws, and the interests of our children. If you have any questions, please contact Liz King, Leadership Conference director of education policy, at king@civilrights.org or (202) 466-0087.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Association of University Women (AAUW)
American Federation of Teachers
American-Arab Anti-Discrimination Committee
Autistic Self Advocacy Network
Disability Rights Education & Defense Fund
Feminist Majority Foundation
Human Rights Campaign
Judge David L. Bazelon Center for Mental Health Law
Lambda Legal
Muslim Public Affairs Council
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Alliance for Partnerships in Equiry (NAPE)
National Bar Association
National Center for Transgender Equality
National Council of Jewish Women
National Education Association
National Urban League
National Women's Law Center
Sargent Shriver National Center on Poverty Law
Southern Poverty Law Center
UnidosUS
YWCA USA

ⁱ See: <http://civilrightsdocs.info/pdf/policy/letters/2018/Oppose-Ken-Marcus.pdf>

ⁱⁱ See: http://sblog.s3.amazonaws.com/wp-content/uploads/2012/05/12-05-29_Gura_Final_Fisher_Brief.pdf; https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1462431; and <https://www.jpost.com/Opinion/Op-Ed-Contributors/Standing-up-for-Jewish-students-325648>

ⁱⁱⁱ See: <https://www.chronicle.com/article/Candice-Jackson-on-Campus-Sex/241574>

^{iv} See: https://www.washingtonpost.com/local/education/trump-administration-rolls-back-protections-for-transgender-students/2017/02/22/550a83b4-f913-11e6-bf01-d47f8cf9b643_story.html?utm_term=.3fb9285a8b5f

^v See: <https://www.nytimes.com/2017/09/22/us/devos-colleges-sex-assault.html>

^{vi} See: <https://www.propublica.org/article/trump-administration-rolls-back-civil-rights-efforts-federal-government>

^{vii} See: <https://www.edweek.org/ew/articles/2018/03/22/new-rule-lets-civil-rights-office-ignore.html>

^{viii} See: <https://www.disabilitycoop.com/2018/06/07/ed-reconsidering-complaints/25163/>