



February 14, 2024

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President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Double the Funding for the Department of Education's Office for Civil Rights

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Dear President Biden,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 91 undersigned organizations, we urge you to double the funding for the U.S. Department of Education's ("the department") Office for Civil Rights (OCR) to \$280 million in your FY2025 request to Congress. The Leadership Conference appreciated the \$178 million requested for FY2024; however, this vital office, central to the function of the department as a whole, has been sorely underfunded for far too long.

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, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, prohibit discrimination in schools on the basis of race, color, national origin (including language status and shared ancestry), sex (including sexual orientation, gender identity, pregnancy and related conditions, parenting status, and sex characteristics), 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.

OCR's enforcement, policy, technical assistance, and data responsibilities have considerable impact on whether or not students' access to equal educational opportunities are 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. When the department was established in 1980, there were only 41 million students in public schools and only 12 million students enrolled in institutions of higher education. Today, there are 51 million K12 students and 20 million students enrolled in higher education, representing a significant increase in the number of students the department must serve. OCR has been woefully underfunded for many years,

especially when comparing the number of staff to the number of complaints. Although OCR received more than six times as many complaints in 2022 as the office received in 1981, the number of staff was cut in half over that same time period.¹ OCR's overall staffing has steadily declined since FY1981, falling from nearly 1,100 full-time staff to just 546 in FY2022.² Furthermore, we have seen a 187 percent increase in the number of complaints that OCR received between 2008 and 2019.³ That trend has continued, and OCR saw its greatest number of complaints filed in 2023 — almost 19,000. We expect the number of complaints to surpass that number in OCR's next report.

In addition to the new complaints filed every year, OCR also has more than 13,000 pending investigations dating back nearly two decades. While we commend OCR for resolving 16,515 cases in 2022, the second highest number of complaints in the office's history, the office is still faced with a civil rights crisis in which generations of students are at risk of experiencing discrimination without adequate protection from federal civil rights laws.⁴ With the proliferation of racist, sexist, ableist, and anti-LGBTQI+ policies at the school district, state, and federal levels attacking the rights of students to be who they are, censoring their access to inclusive, accurate curricula, and promoting increased surveillance of their bodies, students now more than ever need vigorous enforcement of civil rights laws by OCR.

Federal antidiscrimination laws are critical tools, especially in today's climate, and OCR must urgently be provided the necessary resources to meet the moment. Students, families, communities, and Congress will not receive vigorous enforcement of civil rights laws as long as the office is denied the resources needed to fulfill its congressional mandate.⁵ The proposed budget must provide robust funding for OCR to ensure that the office, as well as the Department of Education, can carry out its most essential duties, including through:

Accurate, Timely, and Accessible Data from the Civil Rights Data Collection (CRDC)

OCR is responsible for collecting and reporting the data needed to identify where students do — and do not — have equal opportunity in education. The CRDC plays an important role in helping OCR satisfy its civil rights responsibilities and provides schools with a vital tool to address disparities. Disaggregated data reported in the CRDC by race, ethnicity, native language, socioeconomic status, English learner status, disability status, disability type, and sex (including sexual orientation and gender identity) provide critical information about students' experiences in schools and whether all students have equal access to education.⁶

¹ See: <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2013-14.pdf> and <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2016.pdf>.

² See: <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2022.pdf>

³ See: <https://www2.ed.gov/about/overview/budget/budget19/justifications/z-ocr.pdf>.

⁴ See: <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2022.pdf>

⁵ 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. See: <https://www2.ed.gov/about/offices/list/ocr/index.html>

⁶ The civil and human rights community has long pressed for additional data to be collected and disaggregated to ensure the department, lawmakers, and stakeholders have the clearest and most accurate picture of our education system to direct resources and effect policy change as needed. For example, the civil rights community has advocated for school discipline data to be disaggregated to include the reasons for disciplinary action and has urged the collection of data on informal removals, incidents of school-based law enforcement use of force against students, and uses of school surveillance and other artificial intelligence tools.

Effective data collection and dissemination are necessary for evaluation and review of all other programs and activities. OCR must be sufficiently funded to conduct universal annual data collection and to ensure the security and accuracy of that data. Insufficient funding for OCR has limited the scope, frequency, and public accessibility of the CRDC, hampering the ability of the department to fulfill its legal obligations and undermining our shared interest in providing the best education for every child.⁷ The department must work to minimize the delay between the collection and reporting of data. CRDC data for the 2015-2016 school year was released in April 2018, data for the 2017-2018 school year was released in October 2022, and data for the 2020-2021 school year, when schools faced significant challenges from the COVID-19 pandemic, was released in November 2023 — all nearly two years after the conclusion of the school year for which the data was collected. Current and timely data are needed to identify and address disparities as soon as possible to limit the negative impact on students.

Clear Guidance, Regulation, and Technical Assistance to Facilitate Compliance

Regulation and guidance are critical tools that help to prevent unlawful discrimination from occurring in the first place — the primary goal of the department, education system, advocates, and families. The department is charged with issuing clarifying civil rights policy guidance and regulations to implement the laws under its jurisdiction and to provide other technical assistance to support schools, districts, and states in meeting their obligations to students and families. This policy work must be informed by extensive engagement and collaboration with stakeholders, especially marginalized students, families, and those who advocate with and for them, as well as research and evidence-based practices. OCR must have the necessary resources to provide substantial training and technical assistance to ensure that laws are implemented effectively and students are served equitably. Robust technical assistance from OCR must be available to empower all students, parents, and educators to prevent and challenge discrimination, including while investigations are pending. Children and families deserve both words and actions by the department that respond to their concerns, protect their rights, and follow the law.

Thorough and Expedient Responses to Complaints of Discrimination and Compliance Reviews

OCR has an obligation to ensure justice, thoroughly and expeditiously, for students who report discrimination on the basis of race, color, national origin (including language and shared ancestry), sex (including sexual orientation, gender identity, sex characteristics, pregnancy and related conditions, or parenting status), disability, and age through the department’s complaint process.

Similarly, OCR must also pursue proactive compliance reviews to ensure federally funded programs are not discriminating even in instances where complaints have not yet been filed. The communities with and for whom we work deserve to have OCR firmly uphold the laws that protect them from discrimination, and all taxpayers deserve the reassurance that federal funds are not being used to discriminate. For years, insufficient funding has been presented to justify either protracted or shallow responses to complaints.

⁷ Assistant Secretary for OCR, Catherine Lhamon, noted in an interview that her staff operates under a “crushing workload” with “untenable caseload[s]” of up to 48 cases per person. Naaz Modan, *OCR changes approach to complaints amid record high volume*, K-12 DIVE (April 14, 2023), *OCR changes approach to complaints amid record high volume* | K-12 Dive (k12dive.com).

OCR needs robust funding and sufficient staff to ensure that students and their families are supported by a department that will not tolerate discrimination and that will work to ensure access to justice for students and their families. Incomplete justice or justice delayed are both justice denied.

We urge you to double the funding for the Office for Civil Rights to ensure that the Department of Education is able to fulfill its responsibility to protect the civil rights of all students. Please let us know if we can answer any questions or provide any additional information by contacting Liz King, education equity senior program director, at king@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
ADL (Anti-Defamation League)
Advocates for Children of New York
Advocates for Justice and Education, Inc.
Agency for Humanity
American Assoc of University Women Camarillo Branch
American Association of Colleges for Teacher Education (AACTE)
American Association of University Women
American Atheists
American Civil Liberties Union
American Humanist Association
APIA Scholars
Asian Americans Advancing Justice | AAJC
ASPIRA of the Mid-Atlantic
Association for Higher Education and Disability (AHEAD)
Association for Special Children and Families
Autism Alliance of Michigan
Autism Life Care Center
Awace Life Care Center 501 (c) 3
Bazelon Center for Mental Health Law
BCDI-Colorado
CASEL
Center for Learner Equity
CenterLink: The Community of LGBTQ Centers
Clearinghouse on Women's Issues
Council of Parent Attorneys and Advocates
Disability Rights Oregon
Education Law Center
Education Law Center-PA
Empowering Pacific Islander Communities
Family Connection of SC
Family Voices CO

Family Voices NJ
Family Voices of Tennessee
Federation for Children with Special Needs
Federation of Families of Central Florida Inc.
Florida National Organization for Women (FL NOW)
GLSEN
Greater Orlando National Organization for Women (Greater Orlando NOW)
Human Rights Campaign
Human Rights First
HUNE
IDRA (Intercultural Development Research Association)
Impact Fund
INCLUDEnyc
Japanese American Citizens League (JACL)
Jewish Council for Public Affairs
Lawyers' Committee for Civil Rights Under Law
Long Island Advocacy Center, Inc.
Loud Voices Together Educ Adv Group, Inc.
Maine Parent Federation
MANA, A National Latina Organization
Matthew Shepard Foundation
Michigan Alliance for Special Education
Montgomery County Federation of Families for Children's Mental Health, Inc.
Movement Advancement Project
NAACP Legal Defense and Educational Fund, Inc.
National Association of Councils on Developmental Disabilities
National Association of Social Workers
National Center for Learning Disabilities
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Transgender Equality
National Center for Youth Law
National Council of Jewish Women
National Disability Rights Network (NDRN)
National Education Association
National Hispanic Media Coalition
National Network for Arab American Communities (NNAAC)
National Urban League
National Women's Law Center
North Carolina Justice Center
Ohio Hispanic Coalition
Oklahoma Appleseed Center for Law and Justice
Other Parents Like Me, INC (OPLM)
Parents Reaching Out



PAVE
PFLAG National
Public Justice
Semillas del Pueblo Anawakalmekak
Southeast Asia Resource Action Center
Southern Poverty Law Center Action Fund
SPAN Parent Advocacy Network
Teach For America
The Advocacy Institute
The Andrew Goodman Foundation
The Arc of the United States
The Education Trust
The Parents' Place of MD
The Workers Circle
True Colors United
UnidosUS
Washington State League of United Latin American Citizens