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Maya Wiley

August 12, 2025

Protect Civil Rights in Education, Oppose Kim Richey

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 240 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, and the 46 undersigned organizations, we are writing to urge opposition to the confirmation of Kimberly Richey to serve as assistant secretary for civil rights at the U.S. Department of Education. Ms. Richey has not demonstrated a willingness and ability to enforce civil rights law and protect all students in our country from discrimination, and she is therefore unsuited to lead the Department of Education's Office for Civil Rights.

The Office for Civil Rights (OCR) has a unique responsibility to enforce core nondiscrimination laws in schools to protect educational opportunities for all students. These laws were passed by Congress 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.

The assistant secretary for civil rights serves as the agency's chief legal advisor on civil rights matters and is responsible for leading the Department of Education's work to:

- ensure justice for students who report discrimination on the bases of race, color, national origin (including language status and immigration status), sex (including sexual orientation and gender identity¹), disability, and age through the department's complaint process;
- investigate systemic discrimination;
- issue clarifying policy guidance and provide other technical assistance to assist schools, districts, and states in meeting their obligations under federal law; and
- collect and report the data needed to identify where students do — and do not — have equal opportunity in education.

These enforcement, policy, and data responsibilities have considerable impact on whether or not students' constitutional and statutory rights to equal protection under the law are

¹ Nondiscrimination based on sex also includes protections based on sex characteristics and pregnancy, termination of pregnancy, and related medical conditions.

August 12, 2025
Page 2 of 4

meaningful and whether marginalized students receive the supports and attention they deserve to achieve their dreams. These are core to the work of the Department of Education.

Ms. Richey's own record of anti-civil rights positions and her failure to articulate clear support for robust civil rights enforcement during her confirmation hearing are all the more troubling given Secretary McMahon's and President Trump's agenda to gut civil rights protections and weaponize laws to require discrimination against vulnerable students. Students and families deserve an assistant secretary who will represent their interests, enforce the law, and stand up to the Trump-McMahon discriminatory agenda.

Richey has wrongly asserted that Title IX allows students to be excluded from gender-separated facilities and activities on the basis of their gender identity,² and she incorrectly described critical race theory, a legal framework for examining the persistence of systemic racism in the American legal system, as "race-based Marxism."³ As senior fellow for education at the Oklahoma Council of Public Affairs, Richey sought to chill efforts in private schools to provide instruction on racial equity, social justice, and social and emotional learning, and she also discouraged trauma-informed instruction and training on diversity, equity, and inclusion.⁴

During her confirmation hearing, Richey struggled to affirm that she would uphold the constitutional rights of students and, consistent with President Trump's and Secretary McMahon's discriminatory agenda, implied support for weaponizing civil rights enforcement against transgender, intersex, and nonbinary students who seek to use the restroom, change for gym class, and play sports in the same ways that their cisgender peers do.⁵

The Senate HELP Committee has a unique responsibility to ensure that the Department of Education faithfully and effectively implements and enforces federal laws, protects the interests of the nation's students, and ensures that individuals nominated to serve in the department are qualified, prepared to fulfill their duties, and committed to upholding federal law and the Constitution. The person responsible for leading the Office for Civil Rights must be absolutely committed to respecting, valuing, and protecting every single student in this country — without regard to LGBTQI+ status, race, home language, gender, religion, disability, or immigration status. Our nation's laws, economy, future, and children deserve no less.

Sincerely,

The Leadership Conference on Civil and Human Rights
Advancement Project
Alliance to Reclaim Our Schools

² <https://fedsoc.org/events/a-discussion-on-the-biden-administration-s-new-title-ix-regulations>.

³ <https://ocpathink.org/post/analysis/crt-in-private-schools-heres-some-guidance-for-parents>.

⁴ <https://ocpathink.org/post/analysis/crt-in-private-schools-heres-some-guidance-for-parents>.

⁵ <https://www.help.senate.gov/hearings/nominations-of-penny-schwinn-to-be-deputy-secretary-of-education-department-of-education-kimberly-richey-to-be-assistant-secretary-for-civil-rights-department-of-education-daniel-arowitz-to-be-assistant-secretary-of-labor-for-the-employee-benefits-security-administration-department-of-labor-and-david-keeling-to-be-assistant-secretary-of-labor-for-the-occupational-safety-and-health-administration>.

August 12, 2025
Page 3 of 4

American Association of University Women (AAUW)
American Atheists
American Humanist Association
Americans United for Separation of Church and State
Asian Americans Advancing Justice | AAJC
Autistic Self Advocacy Network
CAMP Rehoboth
Clearinghouse on Women's Issues
Collective for Liberatory Lawyering (C4LL)
Disability Rights California
Down Syndrome Association of Connecticut
Education Law Center
Equal Justice Society
Equal Rights Advocates
Equality California
FL National Organization for Women (FL NOW)
Greater Orlando National Organization for Women (NOW)
Human Rights Campaign
IDRA (Intercultural Development Research Association)
Illinois Accountability Initiative
Indianapolis Urban League, Inc.
Japanese American Citizens League
Just Solutions
Lawyers' Committee for Civil Rights Under Law
Legal Defense Fund (LDF)
Michigan Alliance for Special Education
NAACP
Nathaniel R. Jones Foundation
National Center for Youth Law
National Education Association
National Hispanic Media Coalition
National Urban League
National Women's Law Center
Nonprofits Counsel
Out Accountability Project
PAVE
PFLAG Sacramento
Public Advocacy for Kids (PAK)
Public Justice
Support FHPS
The Advocacy Institute
Towards an Anti-Racist North Kingstown (TANK)
Women Employed

August 12, 2025
Page 4 of 4

Women's Law Project