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Maya Wiley

August 12, 2025

**Protect Students, Fund the Department of Education's Office for Civil Rights**

Dear Member of Congress,

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 68 undersigned organizations, we urge you to protect students from discrimination in education by adequately funding the Department of Education's Office for Civil Rights (OCR) and ensuring that it is fully staffed to fulfill its congressional mandate and enforcing civil rights laws consistent with their letter and intent. Although much has changed since January 20, 2025, what students need and deserve to thrive and what our laws require has not.

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<sup>1</sup>), 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 — as evidenced by the ongoing increase in annual OCR complaints. While several executive actions have sought to undermine, narrow, and interfere with these protections, the law is unchanged.

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

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<sup>1</sup> Title VI's prohibitions on discrimination based on shared ancestry includes students who are or are perceived to be Buddhist, Christian, Hindu, Jewish, Muslim, Sikh, or of another religious group. See: <https://www.ed.gov/media/document/ocr-factsheet-shared-ancestry-2023-33851.pdf>.

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institutions of higher education.<sup>2</sup> Today, there are 50 million students in public schools<sup>3</sup> and 19 million students enrolled in higher education,<sup>4</sup> 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 almost eight times as many complaints in 2024 as the office received in 1981, the number of staff was cut almost in half over that same time period.<sup>5</sup> OCR's overall staffing has steadily declined since FY1981, falling from nearly 1,100 full-time staff to just 571 in FY2024.<sup>6</sup> Furthermore, we have seen a 356 percent increase in the number of complaints that OCR received between 2009 and 2024.<sup>7</sup> That trend has continued, and OCR saw its greatest number of complaints filed in 2024 — more than 22,000.

However, while OCR was underfunded and understaffed in FY2024, the actions of the Trump administration have already subjected the office (and the students who depend on its protections) to devastating cuts in the first half of FY2025. In March 2025, Secretary of Education Linda McMahon cut at least 240 staff from the office and closed regional offices in New York, Cleveland, San Francisco, Boston, Philadelphia, Dallas, and Chicago — undermining civil rights protections for 46 million students across the United States.<sup>8</sup> These cuts also mean that students will receive less support when they experience discrimination, schools will receive less support in preventing discrimination in the first place, and everyone will have less information about whether students have access to equal opportunity in education. 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.<sup>9</sup>

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<sup>2</sup> See: [https://nces.ed.gov/programs/digest/d10/tables/dt10\\_002.asp](https://nces.ed.gov/programs/digest/d10/tables/dt10_002.asp).

<sup>3</sup> See: [https://nces.ed.gov/programs/digest/d24/tables/dt24\\_203.20.asp](https://nces.ed.gov/programs/digest/d24/tables/dt24_203.20.asp).

<sup>4</sup> See: [https://nces.ed.gov/ipeds/search?query=&query2=&resultType=table&page=1&sortBy=date\\_desc&surveyComponents=Academic%20Libraries%20\(AL\)&surveyComponents=Fall%20Enrollment%20\(EF\)&surveyComponents=Finance%20\(F\)&surveyComponents=Human%20Resources%20\(HR\)&dataYears=2023-24&sources=Tables%20Library&sources=Trend%20Generator&sources=Digest%20of%20Education&overlayTableId=36437](https://nces.ed.gov/ipeds/search?query=&query2=&resultType=table&page=1&sortBy=date_desc&surveyComponents=Academic%20Libraries%20(AL)&surveyComponents=Fall%20Enrollment%20(EF)&surveyComponents=Finance%20(F)&surveyComponents=Human%20Resources%20(HR)&dataYears=2023-24&sources=Tables%20Library&sources=Trend%20Generator&sources=Digest%20of%20Education&overlayTableId=36437).

<sup>5</sup> See: <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2016.pdf> and <https://www.ed.gov/media/document/protecting-civil-rights-109409.pdf>.

<sup>6</sup> See: <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2016.pdf> and <https://www.ed.gov/media/document/protecting-civil-rights-109409.pdf>.

<sup>7</sup> See: <https://www.ed.gov/media/document/protecting-civil-rights-109409.pdf>.

<sup>8</sup> See: <https://www.npr.org/2025/04/16/nx-s1-5338830/trump-federal-cuts-civil-rights-education-investigations>; <https://www.npr.org/2025/03/12/nx-s1-5325854/trump-education-department-layoffs-civil-rights-student-loans>; <https://www.propublica.org/article/education-department-civil-rights-division-eroded-by-massive-layoffs>; <https://www.k12dive.com/news/half-of-ocr-fired-after-trump-education-department-layoffs/742374/>; <https://www.the74million.org/article/departments-of-ed-firings/>; <https://www.k12dive.com/news/education-department-cuts-final-mission-mcmahon-layoffs-charts/743526/>; <https://www.insidehighered.com/news/students/safety/2025/04/15/students-and-institutions-limbo-after-mass-layoffs-ocr>; and <https://www.sanders.senate.gov/wp-content/uploads/03.27.25-OCR-Report-Draft-v9.pdf>.

<sup>9</sup> 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>.

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Despite the clear obligations of OCR, and many decades of established precedent, the Trump administration is actively working to undermine the rights and wellbeing of students through misrepresentations of the law and weaponization of OCR. Executive orders have been published, announcements have been made, letters have been sent, and threats have been issued in ways that presume that the constitutional authority vested solely in Congress to create laws was optional.<sup>10</sup> In addition to providing sufficient resources to enable OCR to fulfil its obligations, Congress must immediately intervene to stop this abuse of power, undermining of our laws, and real harm to the nation's students.

FY2026 appropriations 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.<sup>11</sup>

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

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<sup>10</sup> See, for example: Executive Orders published January 20, 2025: "[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)," and "[Ending Radical and Wasteful Government DEI Programs and Preferencing](#)," January 21, 2025: "[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)," January 29, 2025: "[Expanding Educational Freedom and Opportunities for Families](#)," "[Ending Racial Indoctrination in K12 Schooling](#)," March 7, 2025: "[Restoring Public Service Loan Forgiveness](#)," April 23, 2025: "[Reforming Accreditation to Strengthen Higher Education](#)," "[Restoring Equality of Opportunity and Meritocracy](#)," and "[Reinstating Common Sense School Discipline Policies](#)." See also, for example: [Dear Colleague Letter: Title VI of the Civil Rights Act in Light of \*Students for Fair Admissions v. Harvard\*](#) (Feb. 14, 2025), Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act (first issued on Feb. 28, 2025), End DEI Portal, and Reminder of Legal Obligations Undertaken in Exchange for Receiving Federal Financial Assistance and Request for Certification Under Title VI and SFFA v. Harvard (April 3, 2025). See also, for example: March 14, 2025 [letter to Columbia University](#) (published in *The New York Times*) and May 5, 2025 [letter to Harvard University](#) (published in *Inside Higher Ed*).

<sup>11</sup> 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.

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and undermining our shared interest in providing the best education for every child.<sup>12</sup> The department must work to minimize the delay between the collection and reporting of data. CRDC data for the 2015-2016 school year were released in April 2018, data for the 2017-2018 school year were released in October 2022, and data for the 2020-2021 school year, when schools faced significant challenges from the COVID-19 pandemic, were released in November 2023 — all nearly two years after the conclusion of the school year for which the data were 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. 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 from the FY2024 enacted level to \$280 million** to ensure that the Department of Education is able to fulfill its responsibility to protect the

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<sup>12</sup> 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).

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civil rights of all students, while also intervening to halt the egregious undermining of civil rights enforcement that has taken place since January of this year. 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](mailto:king@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
The Advocacy Institute  
American Association of People with Disabilities  
AFL-CIO  
African Communities Together  
AFT  
AHEAD - Association on Higher Education And Disability  
American Association of University Women (AAUW)  
American Atheists  
American Civil Liberties Union  
American Humanist Association  
APIA Scholars  
Asian American Advocacy Fund  
Asian Americans Advancing Justice | AAJC  
ASPIRA of the Mid-Atlantic  
Autism Alliance of Michigan  
Autism Life Care Center  
Autistic Self Advocacy Network  
Autistic Women & Nonbinary Network  
Bazelon Center for Mental Health Law  
The Center for Learner Equity  
Clearinghouse on Women's Issues  
Coalition on Human Needs  
Council of Parent Attorneys and Advocates  
Disability Rights Education and Defense Fund  
Down Syndrome Association of Connecticut  
EdTrust  
Empowering Pacific Islander Communities (EPIC)  
Equitas Health  
Family Voices NJ  
Feminist Majority Foundation  
FL National Organization for Women (FL NOW)  
Georgia Coalition for the Peoples Agenda  
Hispanic Federation  
Human Rights Campaign

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Illinois Migrant Council  
Japanese American Citizens League  
Jewish Council for Public Affairs (JCPA)  
Labor Council for Latin American Advancement  
Labor Federation  
Lawyers' Committee for Civil Rights Under Law  
Legal Defense Fund  
LULAC-IL Council #5296  
Matthew Shepard Foundation  
National Association of Councils on Developmental Disabilities  
National Association of Social Workers  
National Center for Learning Disabilities  
National Council of Jewish Women  
National Education Association  
National PLACE  
National Urban League  
National Women's Law Center  
NBJC  
PAVE  
Peaceful Schools  
PEAK Parent Center  
PFLAG Sacramento  
Public Justice  
Rabbi Joseph H. Gumbiner Community Action Project  
REACH  
Reproductive Justice Action Collective  
Resource for the Disability Population  
The Sikh Coalition  
Southeast Asia Resource Action Center (SEARAC)  
SPAN Parent Advocacy Network  
Support FHPS Action  
Syracuse Onondaga County NAACP  
Towards an Anti-Racist North Kingstown (TANK)  
Wytheville Training School Cultural Center, Inc.