



January 22, 2026

Dear Member of Congress,

On behalf of the American Association of University Women (AAUW) and our members nationwide, we write to urge Congress to exercise immediate oversight and to use the FY26 Labor–HHS–Education appropriations process to block the Administration’s unlawful transfer of Department of Education (ED) roles, responsibilities, and funds to other federal agencies through interagency agreements.

This is not a debate about whether education is primarily state and local. It is. This is about accountability, lawful administration, and Congress’s constitutional power of the purse. ED was created by statute to administer specific programs Congress enacted. Only Congress can eliminate, dissolve, or restructure ED’s core functions. The executive branch cannot accomplish that result indirectly by scattering statutory responsibilities across agencies that Congress did not designate to run them.

Fragmenting ED creates more red tape — and less accountability

The Administration has sought to scatter over 80 education programs — representing over \$33 billion — across multiple non-education agencies through interagency agreements. These moves run contrary to bipartisan federal laws that require these programs to be housed and administered within ED.

Fragmentation does not make government “leaner.” It creates:

- Confusion and delay for states, districts, and institutions forced to navigate multiple agencies’ systems, contacts, and reporting requirements for programs that previously had one clear home and one set of technical experts.
- Duplicative bureaucracy and higher administrative burden, as programs are split across agencies with different processes and priorities.
- Weaker safeguards for students and families, including inconsistent guidance and uneven enforcement of protections affecting students with disabilities and other vulnerable groups — especially when responsibilities that require education-specific expertise are shifted to agencies that were not built to support schools.
- Less transparency for taxpayers and Congress, because responsibility is dispersed and accountability becomes harder to trace when funds are delayed, guidance conflicts, or outcomes deteriorate.



Equity and civil rights consequences

AAUW is especially concerned about what these transfers mean for gender, racial, and disability equity. ED is the federal agency charged with ensuring students can learn free from discrimination under Title IX, Title VI, IDEA, Section 504, and other civil rights laws — and weakening ED's capacity to enforce those protections will disproportionately harm women and girls, students of color, students with disabilities, LGBTQ+ students, Native students, immigrant students, and student parents. Finally, we reject any narrow framing of education as merely a "talent pipeline." Education is a civil right and a public good — how students build economic security, contribute to democracy, and pursue discovery and innovation that benefits the nation.

Congress must ensure appropriated funds are used as intended

These transfers raise a basic question: Will taxpayer dollars Congress appropriates for education be administered by the agency Congress designated, and used for the purposes Congress authorized? When programs and funds are routed through interagency arrangements, it becomes easier to blur program intent, slow delivery, and weaken oversight—exactly the opposite of what families, schools, and states need.

AAUW urges Congress to take the following steps immediately:

1. Conduct robust oversight. Hold hearings and require briefings and documentation on the scope, legal basis, and operational impacts of interagency agreements transferring ED functions and funds. Direct GAO and appropriate Inspectors General to review legality, compliance with appropriations restrictions, and risks to program integrity and student protections.
2. Include appropriations guardrails that block and unwind these transfers. In the FY 2026 Labor–HHS–Education appropriations bill, include clear language that:
 - a. Prohibits the use of funds to implement, continue, or expand interagency agreements that transfer ED programs, responsibilities, or funds to other federal agencies; and
 - b. Requires education programs historically operated by ED to be fully housed and administered within ED so funding is delivered efficiently and on time, duplication and burden are avoided, civil rights protections are enforced, and technical assistance is readily available.
 - c. Congress should also require timely notification and public reporting of any proposed changes to program administration.
3. Protect congressional intent by tightening how funds are allocated and tracked. To ensure appropriated dollars are used for their intended purpose and do not drift into unauthorized activities, Congress should write clear direction into the bill and report language



regarding program administration, allocation, and permissible uses — paired with reporting requirements sufficient to track implementation and prevent backdoor transfers.

States and schools need clarity, stability, and a single accountable federal partner for the education programs Congress has enacted. Students and families need consistent enforcement of protections and reliable delivery of services. Taxpayers deserve lawful administration and transparent oversight. Congress has both the authority and the responsibility to stop any executive action that effectively dismantles ED without legislation.

AAUW stands ready to work with you to defend students' civil rights, protect equal educational opportunity, and ensure that federal education programs are administered lawfully and effectively. Cosponsorship or votes associated with legislation regarding the U.S. Department of Education may be scored in the AAUW Action Fund Congressional Voting Record for the 119th Congress. Thank you for your prompt attention to this urgent matter.

Sincerely,

A handwritten signature in blue ink that reads "Meghan Kissell". The signature is fluid and cursive, with "Meghan" on the top line and "Kissell" on the bottom line.

Meghan Kissell
Senior Director, Policy & Member Advocacy