

February 4, 2026

The Honorable Linda McMahon
Secretary
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

The Honorable Kimberly Richey
Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary McMahon and Assistant Secretary Richey:

We write to express deep concern about the backlog of cases at the Department of Education's ("Department") Office for Civil Rights (OCR) and to request additional information in connection with our Congressional oversight responsibilities.

In October of 2025, the Department terminated – without cause – the employment of more than 250 OCR employees.¹ The Department implemented these layoffs even though OCR is facing an unprecedented caseload. It is our understanding that OCR received 22,687 complaints in Fiscal Year (FY) 2024.² The number of complaints during the past 15 years has nearly tripled, yet staffing has decreased.³

In December of 2025, the Department reportedly ordered terminated workers to temporarily return to work to address the backlog of cases. At least one source claims that the backlog includes approximately 25,000 complaints and about 7,000 open investigations.⁴ It is also our understanding that the administration's decision to provide paid leave to these terminated employees during this time resulted in an estimated \$40 million or more in taxpayer funds paid out to people who were prohibited from doing their jobs.⁵

The Department announced its plans to bring some of the formerly fired employees back, but there is no public information about how many of these former staffers have accepted the Department's offer. Because the Department has made clear that there are no plans to re-hire these staff permanently, it is reasonable to expect that not all of the employees have returned to work. This inefficient and chaotic situation calls into question the Department's commitment to its civil rights mandate.

The Department's decision to fire almost half of OCR's employees for several months is deeply concerning and has already proven harmful to students, parents, and educators across the country. One of OCR's open cases that has reportedly been stalled is an investigation into allegations that Black students were subject to racial slurs, monkey sounds, and audio recordings of cracking whips at their Texas middle school.⁶ The Department closed the OCR Dallas regional

¹ <https://www.edweek.org/policy-politics/ed-dept-tells-more-than-250-civil-rights-staff-theyve-been-laid-off/2025/10>

² <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf>

³ Ibid.

⁴ <https://www.npr.org/2025/12/10/nx-s1-5637464/education-department-layoffs-civil-rights>

⁵ Ibid.

⁶ <https://www.idra.org/resource-center/idra-lubbock-naacp-join-slaton-and-lubbock-families-in-demanding-end-to-school-based-racial-discrimination/>

office in March of 2025, and the filers of this complaint have received no information about the status of their case.⁷ Another case that has been disrupted multiple times concerns a young teenager with Down syndrome who was repeatedly secluded in a closet-sized room and denied access to a free and appropriate public education.⁸ As of January 2025, disability cases accounted for 48 percent of pending cases currently under investigation by OCR, suggesting that any delay in closing cases could disproportionately affect students with disabilities.⁹

The prevailing standard for determining whether behavior constitutes harassment under Title VI is whether the behavior experienced by the student is sufficiently “severe, pervasive, and objectively offensive” to deprive the student of equal educational opportunities.¹⁰ “A school may be held liable for its deliberate indifference to student-on-student harassment under Title VI if its response is ‘clearly unreasonable in light of the known circumstances.’”¹¹ These examples of racial harassment arguably meet these standards; however, OCR has failed to resolve these cases and hold the involved schools accountable.

Furthermore, OCR has reportedly failed to resolve a single racial harassment or discrimination investigation since the Trump administration took office.¹² ProPublica reported that more than 1,000 racial harassment investigations initiated under previous administrations – most involving the harassment of Black students – remain open and unresolved.¹³ Additionally, OCR has ceased monitoring many districts that were previously found to have violated students’ civil rights¹⁴ -- likely a direct result of the Department’s decision to close seven of the 12 regional OCR offices.

Instead of addressing the real and pressing issues students and school communities face, OCR has dedicated its efforts to investigating and punishing schools for changing their mascots,¹⁵ as well as villainizing transgender students.¹⁶ This is an unacceptable misallocation of the scarce resources with which OCR has to operate. OCR exists to protect students and their right to learn, not further a hateful political agenda.

We are deeply troubled by these reports, and so is the public. The mission of OCR is to vigorously enforce civil rights in schools to guarantee that all students receive equal access to education. Without sufficient staff and resources, the fulfillment of this mission is simply not possible.

⁷ <https://www.propublica.org/article/trump-education-department-civil-rights-racial-harassment>

⁸ <https://www.npr.org/2025/12/03/nx-s1-5591152/trump-special-education-disabilities-schools>

⁹ <https://ocrcas.ed.gov/open-investigations>; <https://www.npr.org/2025/04/16/nx-s1-5338830/trump-federal-cuts-civil-rights-education-investigations>.

¹⁰ [Title VI and Peer-to-Peer Racial Harassment at School: Federal Appellate Decisions | Congress.gov | Library of Congress](https://www.congress.gov/libraries/congressional-research-service/reports/2025/01/21/Title-VI-and-Peer-to-Peer-Racial-Harassment-at-School-Federal-Appellate-Decisions)

¹¹ [Notice of Violation: Harvard University \(OCR Trans. No. DO-25-607541-RV-CRR-Rac\)](https://www.propublica.org/article/trump-education-department-civil-rights-racial-harassment)

¹² <https://www.propublica.org/article/trump-education-department-civil-rights-racial-harassment>

¹³ Ibid.

¹⁴ Ibid.

¹⁵ <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-initiates-18-title-ix-investigations>.

¹⁶ <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-initiates-18-title-ix-investigations>.

Accordingly, we request an answer to the following questions within 30 days:

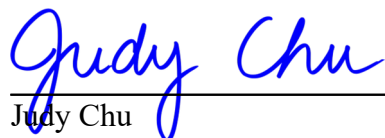
1. What is the current number of pending cases in the Office for Civil Rights? What is the current number of open investigations? Please disaggregate both of these numbers by the basis of discrimination alleged (i.e., Age Discrimination, Disability Discrimination, Race and National Origin Discrimination, Sex Discrimination). For instances of sex-based discrimination, please further disaggregate by both sexual orientation and gender identity.
2. What standard is the Department and OCR applying to complaints of racial harassment or discrimination to determine whether they are a violation of students' Title VI rights?
3. How many full-time workers does OCR currently employ, and how many of these employees are working on a temporary basis? How many OCR employees remain on paid administrative leave?
4. How many complaints has OCR received since January 21st, 2025? In how many of these complaints has OCR opened investigations? What is the status of these investigations? Please disaggregate both of these numbers by the basis of discrimination alleged.
5. Has OCR resolved any cases related to racial harassment or discrimination of students or staff since January 21st, 2025? If so, please provide information on the case(s) resolved and any resolution agreement connected with each case.
6. What specific actions is OCR taking to protect students from race-based and ability-based harassment and discrimination at school?

We urge you to make investigating and resolving the backlog of complaints and open cases a top priority as soon as possible. OCR's work is essential to providing all students with equal access to education and opportunities to succeed, now and in the future. We look forward to your prompt response.

Sincerely,



Suzanne Bonamici
Member of Congress



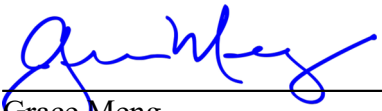
Judy Chu
Member of Congress



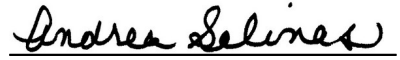
Jamie Raskin
Member of Congress



Eleanor Holmes Norton
Member of Congress



Grace Meng
Member of Congress



Andrea Salinas
Member of Congress



Frederica S. Wilson
Member of Congress



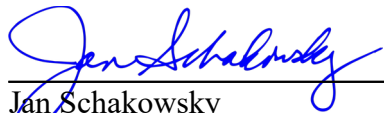
Rashida Tlaib
Member of Congress



Chellie Pingree
Member of Congress



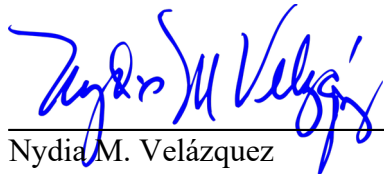
Mark Takano
Member of Congress



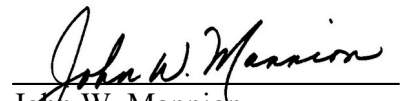
Jan Schakowsky
Member of Congress



Raja Krishnamoorthi
Member of Congress



Nydia M. Velázquez
Member of Congress



John W. Mannion
Member of Congress



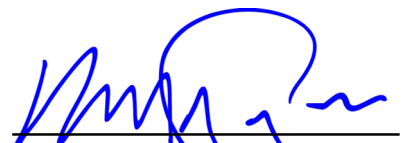
Lloyd Doggett
Member of Congress



Summer L. Lee
Member of Congress



Chrissy Houlahan
Member of Congress



Mark Pocan
Member of Congress



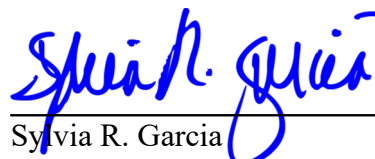
Jahana Hayes
Member of Congress



Steve Cohen
Member of Congress



Shontel M. Brown
Member of Congress



Sylvia R. Garcia
Member of Congress



Rick Larsen
Member of Congress



Andre Carson
Member of Congress



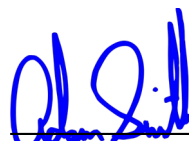
Delia C. Ramirez
Member of Congress



Dina Titus
Member of Congress



Maxine Dexter
Member of Congress



Adam Smith
Member of Congress



Suzan K. DelBene
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



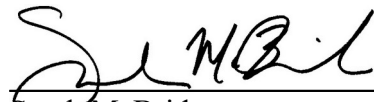
Mark DeSaulnier
Member of Congress



Dwight Evans
Member of Congress



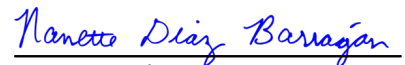
Lucy McBath
Member of Congress



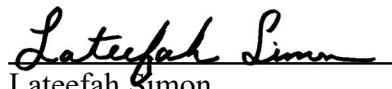
Sarah McBride
Member of Congress



Mike Thompson
Member of Congress



Nanette Diaz Barragan
Member of Congress



Lateefah Simon
Member of Congress



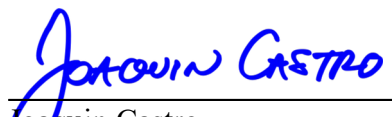
Angie Craig
Member of Congress



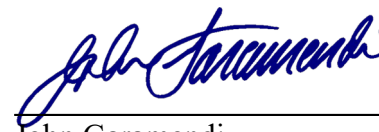
Jerrold Nadler
Member of Congress



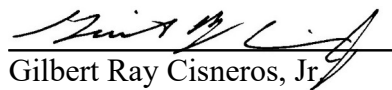
Ted W. Lieu
Member of Congress



Joaquin Castro
Member of Congress



John Garamendi
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



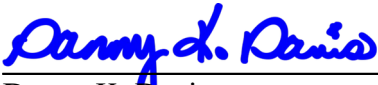
Pramila Jayapal
Member of Congress



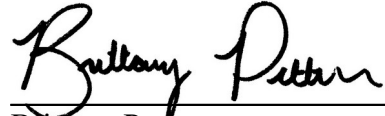
Lois Frankel
Member of Congress



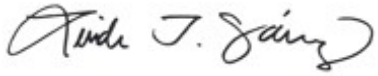
Laura Friedman
Member of Congress



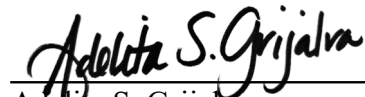
Danny K. Davis
Member of Congress



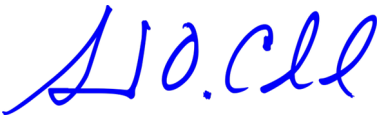
Brittany Pettersen
Member of Congress



Linda T. Sánchez
Member of Congress



Adelita S. Grijalva
Member of Congress



Salud Carbajal
Member of Congress



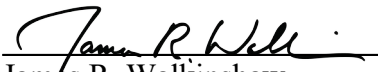
Haley M. Stevens
Member of Congress



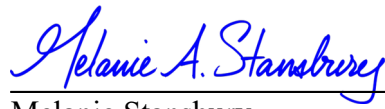
Mike Quigley
Member of Congress



Marilyn Strickland
Member of Congress



James R. Walkinshaw
Member of Congress



Melanie Stansbury
Member of Congress



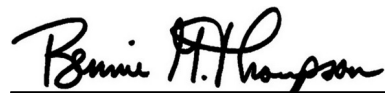
Teresa Leger Fernandez
Member of Congress



John B. Larson
Member of Congress



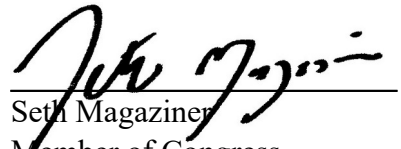
Janelle S. Bynum
Member of Congress



Bennie G. Thompson
Member of Congress



Dan Goldman
Member of Congress



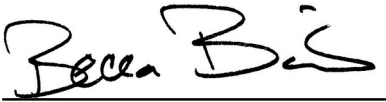
Seth Magaziner
Member of Congress



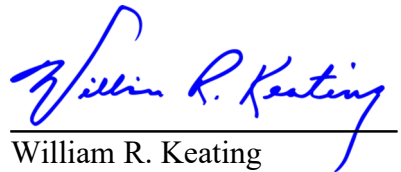
Terri A. Sewell
Member of Congress



Yassamin Ansari
Member of Congress



Becca Balint
Member of Congress



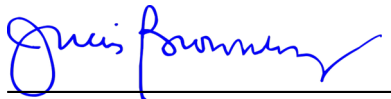
William R. Keating
Member of Congress



Zoe Lofgren
Member of Congress



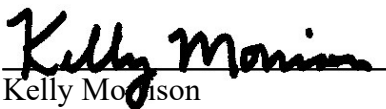
JM Tokuda
Member of Congress



Julia Brownley
Member of Congress



Val Hoyle
Member of Congress



Kelly Morrison
Member of Congress