

United States Senate

WASHINGTON, DC 20510

May 26, 2026

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

Dear Secretary McMahon:

We write to urge you to take immediate action to correct the Trump administration's disastrous track record in protecting students facing discrimination. Further, we request a detailed accounting on the status of nearly 12,000 pending civil rights cases left without enforceable protection by the Department of Education's Office for Civil Rights (OCR).¹

On April 28, 2026, Senator Bernie Sanders, Ranking Member of the Senate Health, Education, Labor, and Pensions Committee released a report finding that OCR reached only 112 resolution agreements in 2025—78 percent fewer resolutions than the 507 agreements in 2024, despite the same \$140 million budget in both fiscal years.² OCR reached zero resolution agreements in 2025 in cases involving sexual harassment, sexual violence, racial harassment, discriminatory school discipline, and the seclusion and restraint of students with disabilities. Additionally, OCR reached zero resolution agreements in 15 states and Puerto Rico in 2025, leaving millions of students unprotected. The Trump administration failed to spend \$14 million in OCR's FY2025 budget instead of using those funds to protect students from discrimination based on their disability, sex, race, and other protected characteristics.³

Make no mistake: OCR's disastrous recent track record in providing enforceable relief for students is a direct consequence of choices made by the Trump administration—political decisions not informed by any documented analysis of associated costs and benefits of its actions. In March 2025, you issued layoff notices to over half of OCR's staff, ordered the closure of 7 of 12 OCR regional offices, and immediately placed affected staff on paid administrative leave—prohibiting them from working while urgent cases went unresolved and taxpayers paid up to \$38 million in salaries for investigators who were not allowed to investigate. When courts intervened to block the layoffs, the Trump administration fought the injunctions rather than put those investigators back to work. In October 2025, you announced a second round of layoffs that

¹ U.S. Department of Education, Office for Civil Rights, *Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools*, data last updated Jan. 14, 2025, <https://ocrcas.ed.gov/open-investigations>.

² U.S. Senate Committee on Health, Education, Labor and Pensions, Ranking Member Bernie Sanders, *Justice Denied: How Trump's Office for Civil Rights Reached a 12-Year Low in Protecting Students from Discrimination*, April 28, 2026, https://www.sanders.senate.gov/wp-content/uploads/04.24.26-Justice-Denied-How-Trumps-Office-for-Civil-Rights-Reached-a-12-Year-Low-in-Protecting-Students-from-Discrimination_FINAL.pdf.

³ U.S. Department of Education, Office for Civil Rights, *Fiscal Year 2027 Budget Request*, <https://www.ed.gov/media/document/fy-2027-congressional-justification-office-civil-rights-113545.pdf>.

would have reduced OCR’s workforce to only 60 staff—a nearly 90 percent cut from fiscal year 2024 levels—before Congress acted to halt those actions.⁴

The Department formally rescinded those layoffs in January 2026, but only after nine months of paid inaction, sustained court orders, and congressional pressure.⁵ The students and families with pending cases cannot get that time back. Thousands of students who reached out to OCR for protection were denied any enforceable relief and that is unacceptable.

At a minimum, we urge you to take the following immediate actions:

1. **Reinstate closed OCR regional offices:** The closure of the Philadelphia, Cleveland, Dallas, New York City, Boston, Chicago, and San Francisco OCR regional offices has left millions of students without access to civil rights investigators with expertise in their communities. Disastrously, only 0.5 percent of pending cases in the 25 states and Puerto Rico whose regional offices were closed were resolved through a resolution agreement in 2025.⁶ You must immediately take steps to reopen those offices and increase civil rights enforcement in impacted states.

2. **Hire more OCR investigators to provide timely protection to students:** The consequences of this administration's mass layoffs are being borne by students and families waiting for civil rights protection. A media report indicated at least one remaining OCR attorney saw their personal caseload jump from 60 to 380 cases, which the attorney described as “impossible.”⁷ Without sufficient staff, students and parents who reached out to the federal government in desperate need of help are more likely to be ignored, dismissed, or forced to wait for months for help while a student’s learning environment deteriorates. We request a staffing plan and timeline that increases OCR investigative staffing levels to levels sufficient to properly resolve cases within the 180-day standard, including quarterly reporting on the number of OCR investigative staff and a plan for equitably distributing investigative staff across regional offices.

3. **Notify all complainants of their case status:** According to the Department of Education, 72.5 percent of complaints in 2025 have been pending for over 180 days, which is a significant jump from 61 percent in 2024.⁸ Thousands of students who filed complaints with the federal government have gone months or years without substantive contact. We request

⁴ U.S. Government Accountability Office, GAO-26-108320, *Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office for Civil Rights*, Jan. 29, 2026, <https://www.gao.gov/assets/gao-26-108320.pdf>.

⁵ U.S. Government Accountability Office, GAO-26-108320, *Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office for Civil Rights*, Jan. 29, 2026, <https://www.gao.gov/assets/gao-26-108320.pdf>.

⁶ States impacted: CA, CT, DE, IA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, ND, NH, NJ, NY, OH, PA, PR, RI, TX, VT, WI, WV. Source: U.S. Senate Committee on Health, Education, Labor and Pensions, Ranking Member Bernie Sanders, *Justice Denied: How Trump’s Office for Civil Rights Reached a 12-Year Low in Protecting Students from Discrimination*, April 28, 2026, https://www.sanders.senate.gov/wp-content/uploads/04.24.26-Justice-Denied-How-Trumps-Office-for-Civil-Rights-Reached-a-12-Year-Low-in-Protecting-Students-from-Discrimination_FINAL.pdf.

⁷ ProPublica, *A Gutted Education Department’s New Agenda: Roll Back Civil Rights Cases, Target Transgender Students*, May 2, 2025, <https://www.propublica.org/article/education-department-civil-rights-donald-trump-discrimination>.

you send written notification to each complainant informing them of the current status of their case, assigned OCR investigator, and expected timeline for resolution.

4. **Begin reaching resolution agreements, where appropriate, in the discrimination categories where OCR has reached zero resolution agreements:** In 2025, under your leadership, OCR failed to reach a single resolution agreement protecting students from sexual harassment, sexual violence, racial harassment, discriminatory school discipline, and seclusion and restraint. We request a written enforcement plan and timeline for effectively resolving, reaching and monitoring resolution agreements, where appropriate, in cases and new complaints in each category.

5. **Cease the mass dismissal of complaints and reinstate improperly dismissed cases:** The Government Accountability Office found that 90 percent of the more than 7,000 complaints OCR resolved between March and September 2025 were dismissed without substantive investigation.⁹ OCR's mass dismissal of civil rights complaints without substantive review is inconsistent with OCR's statutory and regulatory obligations.¹⁰ We demand that OCR immediately suspend this practice, distribute written guidance to all OCR staff on their professional obligations to conduct substantive review of each complaint, and conduct a case-by-case review of complaints dismissed since January 20, 2025, to identify complaints closed in a manner inconsistent with OCR's Case Processing Manual's evaluation standards.¹¹ For each such complaint, OCR must provide the complainant an opportunity to provide additional information OCR needs to evaluate the claim, and written notice of the dismissal, the basis for it, and a process to request reinstatement of their case for substantive review. At a minimum, it is our expectation that every submitted complaint in OCR's jurisdiction is individually evaluated in accordance with OCR's evaluation standards before cases are dismissed.

6. **Cease efforts to rescind existing resolution agreements:** This administration has spent taxpayer resources and limited investigative capacity amending or rescinding existing resolution agreements—including replacing agreements that protected students from anti-Palestinian and anti-Arab discrimination¹² and LGBTQ+ students¹³—rather than reaching new enforceable relief for students harmed presently. We request a full list of all resolution

⁸ U.S. Department of Education, Office for Civil Rights, *Fiscal Year 2027 Budget Request*, <https://www.ed.gov/media/document/fy-2027-congressional-justification-office-civil-rights-113545.pdf>.

⁹ U.S. Government Accountability Office, GAO-26-108320, *Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office for Civil Rights*, Jan. 29, 2026, <https://www.gao.gov/assets/gao-26-108320.pdf>.

¹⁰ U.S. Department of Education, Office for Civil Rights, *Regulations Enforced by the Office for Civil Rights*, last updated Jan. 29, 2025, <https://www.ed.gov/about/ed-offices/ocr/regulations-enforced-by-the-office-for-civil-rights>.

¹¹ U.S. Department of Education, Office for Civil Rights, *Case Processing Manual*, Feb. 19, 2025, <https://www.ed.gov/media/document/ocr-case-processing-manual-us-department-of-education-office-civil-rights-33891.pdf>.

¹² AP News, *Department of Education and Brown University Reach Agreement on Antidiscrimination Efforts*, July 8, 2024, <https://apnews.com/article/brown-university-discrimination-harassment-agreement-c795628a9f53df2a91b4d4086cc0629d>; Brown University, *Resolution Agreement*, July 30, 2025, https://www.brown.edu/sites/default/files/brown-and-united-states-resolution-agreement_July-30-2025.pdf.

¹³ U.S. Department of Education, *U.S. Department of Education Rescinds Illegal Title IX Resolution Agreements*, Apr. 6, 2026, <https://www.ed.gov/about/news/press-release/us-department-of-education-rescinds-illegal-title-ix-resolution-agreements>.

agreements amended or rescinded by the Trump administration since January 20, 2025, and a redline of any amended agreements.

7. **Restore OCR's public transparency:** Prior to this administration, OCR regularly updated a public list of every school and college under civil rights investigation, including during President Trump's first term. That data has not been updated since January 14, 2025. We request that OCR immediately resume regular public updates to OCR's open investigation database.¹⁴
8. **Release the overdue Civil Rights Data Collection:** Since 1968, OCR has conducted the Civil Rights Data Collection (CRDC), the only national source of universal data on how students are faring across race, gender, disability, and other key factors in every public school and district in the country. OCR collected 2023-24 CRDC data from school districts between December 2024 and April 2025 and wrote in March 2025 that "... OCR intends to make the 2023-24 CRDC data available to the public by the end of December 2025."¹⁵ It is now May 2026, and that data has not been released. OCR must release the complete 2023-24 CRDC data immediately, with no further delay.
9. **Release OCR's fiscal year 2025 annual report:** We demand OCR meet its statutory obligations by submitting to Congress and making public OCR's annual report required under 20 U.S.C. § 3413 for fiscal year 2025.

In addition to the actions above, we request a thorough written response to the following questions no later than 14 days after May 26, 2026:

For cases resolved between January 20, 2025, and May 26, 2026, provide the following breakdown by discrimination type:

1. How many cases were dismissed, and on what grounds—disaggregated by each basis for dismissal under Section 108 of OCR's Case Processing Manual?¹⁶
2. How many cases involved mediation? Of those, how many resulted in a signed agreement or resolution statement, and how many were unsuccessful?
3. How many cases involved the Rapid Resolution Process that resulted in a signed resolution agreement?
4. For cases that proceeded to an investigation, how many involved:
 - a. a voluntary resolution agreement reached during the investigation pursuant to Section 302 of OCR's Case Processing Manual;

¹⁴ U.S. Department of Education, Office for Civil Rights, *Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools*, data last updated Jan. 14, 2025, <https://ocrcas.ed.gov/open-investigations>.

¹⁵ U.S. Department of Education, Office for Civil Rights, *Civil Rights Data*, last updated March 6, 2025, <https://www.ed.gov/laws-and-policy/civil-rights-laws/civil-rights-data-collection-crdc/civil-rights-data>.

¹⁶ U.S. Department of Education, Office for Civil Rights, *Case Processing Manual*, February 19, 2025, <https://www.ed.gov/media/document/ocr-case-processing-manual-us-department-of-education-office-civil-rights-33891.pdf>.

- b. an insufficient evidence finding;
 - c. a non-compliance or mixed determination finding?
5. For cases where OCR made a non-compliance or mixed determination finding, how many involved:
- a. a signed resolution agreement following the finding;
 - b. referral to the Department of Justice;
 - c. initiation of administrative enforcement proceedings under Article VI of OCR's Case Processing Manual?

For pending cases, broken down by discrimination type:

- 6. How many complaints are currently under evaluation, and what is the average length of time they have been pending?
- 7. How many complaints are currently in active investigation, mediation, or the Rapid Resolution Process, and what is the average length of time cases have been pending under each track?
- 8. How many cases are currently under monitoring by OCR, and how many of those monitoring obligations are past their agreed compliance deadlines?

Additional questions:

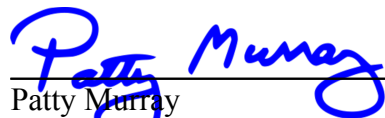
- 9. Provide a list of every case OCR referred to the Department of Justice since January 20, 2025, the current status of each referral, and the legal basis and factual basis for each referral.
- 10. Provide OCR's current "Case of Interest" (COI) list and OCR's current criteria to designate a case for such list. If the format, criteria, or scope of this list has changed since January 20, 2025, explain those changes.
- 11. Provide a list of all monitoring activities conducted between January 20, 2025, and May 26, 2026.
- 12. As of May 26, 2026, how many OCR full-time equivalent (FTE) staff are employed by OCR, and how many investigative FTE? How many of these staff were reinstated following the rescission of the March 2025 RIF? Provide this data broken down by regional office and headquarters.
- 13. As of May 26, 2026, what is the average number of cases in evaluation and investigation assigned to each investigative FTE? What is the average number of monitoring cases assigned to each investigative FTE?
- 14. Are investigative FTEs assigned to complaints by type of discrimination or statute? If so, how many FTEs are assigned to each discrimination type or statute?
- 15. What written guidance, memoranda, directives, or instructions have political appointees or senior leadership provided to OCR staff since January 20, 2025, regarding case prioritization, investigation standards, closure criteria, or allocation of investigative resources? Provide copies of all such documents.

We expect your full cooperation and complete written responses to each of the actions and questions above no later than 14 days from May 26, 2026.

Sincerely,



Bernard Sanders
United States Senator
Ranking Member, Committee
on Health, Education, Labor,
and Pensions



Patty Murray
Vice Chair
Senate Committee on
Appropriations



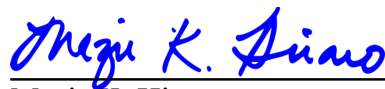
Tammy Baldwin
Ranking Member
Appropriations Subcommittee
on Labor, Health and Human
Services, Education, and
Related Agencies



Christopher S. Murphy
United States Senator



Richard J. Durbin
United States Senator



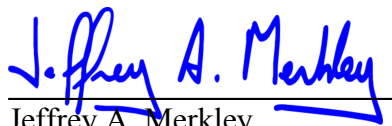
Mazie K. Hirono
United States Senator



Lisa Blunt Rochester
United States Senator



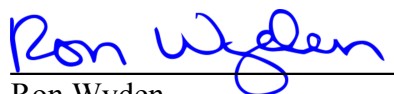
Jack Reed
United States Senator



Jeffrey A. Merkley
United States Senator



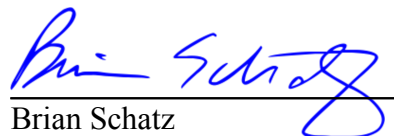
Tim Kaine
United States Senator



Ron Wyden
United States Senator



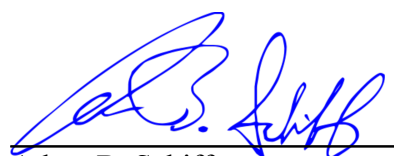
Kirsten Gillibrand
United States Senator



Brian Schatz
United States Senator



Tina Smith
United States Senator



Adam B. Schiff
United States Senator



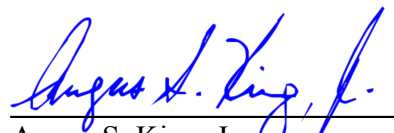
Angela D. Alsobrooks
United States Senator



Tammy Duckworth
United States Senator



Martin Heinrich
United States Senator



Angus S. King, Jr.
United States Senator



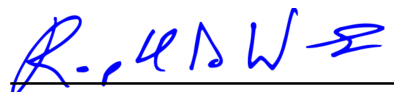
Cory A. Booker
United States Senator



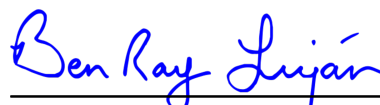
John Hickenlooper
United States Senator



Charles E. Schumer
United States Senator



Raphael Warnock
United States Senator



Ben Ray Lujan
United States Senator



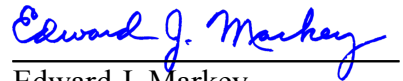
Chris Van Hollen
United States Senator




Elizabeth Warren
United States Senator



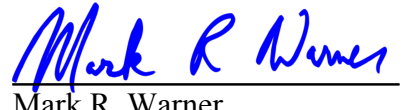
Alex Padilla
United States Senator



Edward J. Markey
United States Senator



Jacky Rosen
United States Senator



Mark R. Warner
United States Senator



Michael F. Bennet
United States Senator



Andy Kim
United States Senator



Ruben Gallego
United States Senator



Christopher A. Coons
United States Senator



Elissa Slotkin
United States Senator