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May 16, 2018

The Honorable Virginia Foxx
Chairwoman
Committee on Education and
the Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Robert C. "Bobby" Scott
Ranking Member
Committee on Education and
the Workforce
U.S. House of Representatives
2101 Rayburn House Office Building
Washington DC 20515

Dear Chairwoman Foxx and Ranking Member Scott,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, I write to express my profound disappointment. Today, on the 64th anniversary of the landmark Supreme Court decision *Brown v. Board of Education*, this committee is foregoing the opportunity to investigate the anti-civil rights actions of the U.S. Department of Education and the continued threat that agency poses to the civil and human rights of children and their families in our nation's schools and on our campuses. Some of the Administration's attacks on children's civil rights include:

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On February 22, the Justice Department's Civil Rights Division and the Department of Education's Office for Civil Rights jointly rescinded Title IX guidance clarifying protections under the law for transgender students.

On March 27, President Trump signed a resolution of disapproval under the Congressional Review Act, which repealed a U.S. Department of Education accountability rule finalized last year that would clarify states' obligations under the Every Student Succeeds Act.

On June 6, the Department of Education's Office for Civil Rights (OCR) issued unclear new instructions on transgender student discrimination.

On June 8, OCR's acting head sent a memo to OCR staff discouraging systemic investigations in favor of individual investigations of discrimination.

On June 14, Secretary DeVos decided to delay implementation of and to renegotiate the Borrower Defense to Repayment and Gainful Employment regulations.

On August 1, *The New York Times* reported that the "Trump administration is preparing to redirect resources of the Justice Department's civil rights division toward investigating and suing universities over affirmative action admissions policies deemed to discriminate against white applicants." In a move without recent precedent, this investigation and enforcement

effort was planned to be run out of the Civil Rights Division's front office by political appointees, instead of by experienced career staff in the division's educational opportunities section.

On September 22, DeVos announced that the Department of Education was rescinding guidance related to Title IX and schools' obligations regarding sexual violence and educational opportunity.

On October 2, DeVos rescinded 72 guidance documents outlining the rights of students with disabilities, though it wasn't until October 21 until the public learned of the rescissions.

On October 27, the Department of Education announced it was withdrawing nearly 600 policy documents regarding K-12 and higher education.

2018

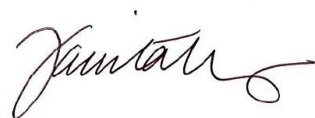
On February 12, *BuzzFeed News* reported that the U.S. Department of Education would no longer investigate complaints filed by transgender students who have been banned from using the restrooms that correspond with their gender identity. On the same day, the department released a statement saying Trump's budget "protects vulnerable students" – a dubious claim.

On February 26, the U.S. Department of Education proposed to delay implementation of a rule that enforces the Individuals with Disabilities Education Act (IDEA). The rule implements the IDEA's provisions regarding significant disproportionality in the identification, placement, and discipline of students with disabilities with regard to race and ethnicity.

On March 5, the Office for Civil Rights releases a new Case Processing Manual (CPM) that creates greater hurdles for people filing complaints and allows dismissal of civil rights complaints based on the number of times an individual has filed.

The House Education and the Workforce Committee, given its mandate, has a unique responsibility to oversee the U.S. Department of Education and ensure the faithful enforcement of our laws and protection of the nation's children and families. As we look to the past watershed moments that opened doors for children of color, children with disabilities, immigrants, religious minorities, English learners, girls, Native Americans, and LGBTQ youth, we urge you to ensure those doors remain open and that the anti-civil rights agenda of this Administration is stopped. Please do not hesitate to contact me or Liz King, director of education policy, at (202) 466-3311 or king@civilrights.org.

Sincerely,



Vanita Gupta
President & CEO