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May 8, 2025

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

Dear Secretary McMahon:

I write with grave concerns about the state of federal civil rights enforcement at the Department of Education. The recent reduction in force (RIF) that you implemented cut the investigative staff in the Office for Civil Rights (OCR) nearly in half and closed seven of the twelve regional offices OCR maintained around the country. When this action occurred, I was concerned that OCR, an office already plagued with a large backlog of open cases, would be further stretched to live up to their statutory mandates to enforce education civil rights law. Democrats on the House Education and Workforce Committee attempted to use congressional oversight tools to compel the production of documents that would show any analysis the Department conducted to ensure that after a RIF it could live up to its statutory obligations regarding the enforcement of civil rights laws.¹ This attempt at oversight was unsuccessful.²

Recent statements from the Administration have only increased my concerns. In the release of the Administration's proposed discretionary funding levels for fiscal year (FY) 2026, a proposed \$49 million cut to OCR was justified in part because the Department had "clear[ed] through a massive backlog in 2025."³ This was the first time Committee Democrats were made aware of such a clearance. The OCR website that lists the Office's open investigations, which states it is "updated every Tuesday" has not been updated since January 14, 2025.⁴

¹ H. Res. 237, 119th Cong., 2025.

² *Markup Hearing of H. Res. 237 Before the H. Comm. On Educ. & the Workforce*, 119th Cong. (Roll Call Vote No. 3, Motion to Adversely Report Bill, as amended), <https://docs.house.gov/meetings/ED/ED00/20250409/118136/CRPT-119-ED00-Vote003-20250409.pdf>.

³ Letter from Russel Vought, Dir., Off. Of Mgmt. & Budget, Exec. Off. of the President, to Sen. Susan Collins, Chair. S. Comm. on Appropriations (May 2, 2025) 9, <https://www.whitehouse.gov/wp-content/uploads/2025/05/Fiscal-Year-2026-Discretionary-Budget-Request.pdf>.

⁴ U.S. Dep't of Educ., Off for Civ. Rts., Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools, <https://ocrcas.ed.gov/open-investigations>. As of its January 14th update, the site currently lists 12,079 open cases, including 5,823 cases involving disability discrimination, 3,821 cases involving racial

In addition to the alleged clearance of the backlog, there have been multiple news reports that students and families pursuing open cases with OCR have lost contact with the office entirely. In fact, you are currently being sued by a group of students who claim in part that “Defendants knowingly decimated OCR’s staffing to a point where the caseload exceeds any approximation of reasonableness. The gutting of OCR’s Case staff means that no complainant has a fair shot at accessing an OCR investigation. Anyone who files any claim is unlikely to secure relief from OCR.”⁵

Based on the reports from the FY 2026 budget proposal, please provide responses to the following questions no later than May 29, 2025.

- 1) What is the number of pending cases currently under investigation at the Office for Civil Rights as of May 6, 2025?
 - a. Please provide data showing the number of pending cases currently under investigation per week for the period between January 21, 2025 and May 6, 2025.
 - b. Please provide data disaggregated at a minimum by the categories provided on the Pending Cases Currently Under Investigation page as it existed on Jan. 14, 2025: State, Basis of Discrimination, Type of Discrimination, and Institution Type.
- 2) Does the Office intend to refresh the website “Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools”? If not, why not?
- 3) What specific steps were taken to clear the “massive backlog” described in the Administration’s proposed discretionary funding levels for fiscal year (FY) 2026? And what is the rationale for each step taken to “clear” the OCR docket?
- 4) What combination of career and political employees were involved in the clearance of the massive backlog?
- 5) Were cases closed one at a time, or via some act that allowed multiple cases to be resolved at once?
- 6) What notification was given to complainants that their cases had been closed?
- 7) Are there provisions of OCR’s Case Processing Manual that governed how this backlog was cleared?
- 8) Were any artificial intelligence tools used to facilitate the clearing of the massive backlog?
- 9) What is the status of cases that were under investigation by OCR employees that have left the Department since January 20, 2025?

discrimination, and 2,852 cases involving sex discrimination. 144 of the racial discrimination cases are related to national origin involving religion, based on the the longstanding interpretation of the *Civil Rights Act of 1964* that title VI protections against discrimination may apply to certain instances of antisemitism, Islamophobia, and anti-Sikhism. *Id.*

⁵ Complaint at 17, *Carter v. Department of Education*, Case No. 1:25-cv-744, Mar. 14, 2025, <https://youthlaw.org/sites/default/files/attachments/2025-03/Carter%20v.%20USDOE.pdf>.

The Honorable Linda McMahon

May 8, 2025

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I expect a prompt, thorough, and accurate response to this request and future inquiries. Should you have any questions about this request, please contact the Democratic staff of the House Committee on Education and Workforce.

Sincerely,



ROBERT C. "BOBBY" SCOTT

Ranking Member