

Congress of the United States

Washington, DC 20515

April 23, 2025

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

Craig Trainor
Acting Assistant Secretary for Civil Rights
U.S. Department of Education Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary McMahon and Acting Assistant Secretary Trainor:

We write in strong opposition to the letter¹ sent by the Department of Education to State Education Agencies on April 3rd. This letter doubles down on the Department's threats to revoke critical federal funding from elementary and secondary schools, including Title I funding, if State and Local Education Agencies do not certify their compliance² with the Department's demand to eliminate programs and activities related to equity, diversity, inclusion, and accessibility. We urge the Department of Education to rescind this letter immediately.

This letter is yet another attempt by this Administration to dismantle educational opportunities for the most marginalized students and divest from public education as a pillar of democracy. It is unthinkable that the Department of Education is dedicating its drastically reduced resources and capacity—as the agency is being dismantled without Congressional approval—to weaponize civil rights enforcement.

The Department of Education's April 3rd letter follows the February 14th Dear Colleague letter³ and March 1st FAQ's⁴ unprecedented misinterpretation of Title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the U.S. Constitution. On February 27th, members of Congress sent a letter⁵ to the Department of Education urging the Office for Civil Rights to rescind the Dear Colleague Letter. As members of Congress stated, the Department of Education's interpretation of *Students for Fair Admissions v. Harvard*⁶ is inconsistent with legal precedent that held that policies enhancing equity, diversity, inclusion, and accessibility are not inherently discriminatory.^{7,8} The Department cannot rewrite federal statutes or the U.S. Constitution. Members of Congress' February 27th letter also stressed that the Department does not have the authority to revoke federal funding from states, districts, or schools without due process.⁹

Furthermore, there are ongoing lawsuits from the American Federation of Teachers and American Sociological Association¹⁰ as well as the National Education Association¹¹ highlighting additional constitutional infirmities of the Department of Education's guidance in the February 14th Dear Colleague letter.

¹ <https://www.ed.gov/about/news/press-release/ed-requires-k-12-school-districts-certify-compliance-title-vi-and-students-v-harvard-condition-of-receiving-federal-financial-assistance>

² <https://www.ed.gov/media/document/reminder-of-legal-obligations-undertaken-exchange-receiving-federal-financial-assistance-and-request-certification-under-title-vi-and-sffa-v-harvard-april-3>

³ <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>

⁴ <https://www.ed.gov/media/document/frequently-asked-questions-about-racial-preferences-and-stereotypes-under-title-vi-of-civil-rights-act-109530.pdf>

⁵ <https://drive.google.com/file/d/1o1Xy-PpFyKoUd1HJ5THGleuidOE0LMh3/view>

⁶ https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf

⁷ <https://law.justia.com/cases/federal/appellate-courts/ca1/21-1303/21-1303-2023-12-19.html>

⁸ <https://law.justia.com/cases/federal/appellate-courts/ca4/22-1280/22-1280-2023-05-23.html>

⁹ <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf>

¹⁰ <https://www.aft.org/press-release/educators-sue-challenge-trump-administrations-efforts-weaponize-civil-rights-laws>

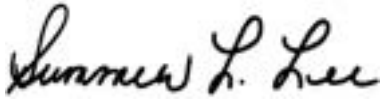
¹¹ <https://www.nea.org/nea-today/all-news-articles/nea-aclu-lawsuit-challenges-trumps-anti-dei-dear-colleague-letter>

Given these concerns, we stand in full support of State and Local Education Agencies that refuse to sign this new certification of compliance.¹² As State Education Agencies like those in Pennsylvania,¹³ Oregon,¹⁴ and New York¹⁵ have explained, states and districts are already required to comply with the law—including Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin—and have already certified their intention to comply with civil rights laws in their approved Every Student Succeeds Act plans. The guidance with which the Department of Education is requesting states and districts to certify their compliance is inconsistent with civil rights laws and would disproportionately harm children of color, LGBTQ+ children, children with disabilities, immigrant children, and children from low-income backgrounds.¹⁶

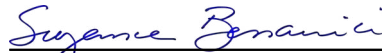
We urge the Department of Education to consider the arguments laid out in the February 27th letter from members of Congress; multiple lawsuits from education and civil rights organizations; and responses from State Education Agencies. The Department must rescind the guidance in its February 14th Dear Colleague Letter and March 1st FAQ, as well as the April 3rd letter demanding State and Local Education Agencies to certify compliance with this guidance.

We appreciate your prompt attention to this matter.

Sincerely,



Summer L. Lee
Member of Congress



Suzanne Bonamici
Member of Congress



Yvette D. Clarke
Member of Congress



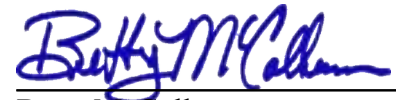
Rashida Tlaib
Member of Congress



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



Dwight Evans
Member of Congress



Betty McCollum
Member of Congress

¹² <https://www.edweek.org/policy-politics/see-which-states-are-telling-trump-their-schools-dont-use-illegal-dei/2025/04>

¹³ <https://www.chalkbeat.org/philadelphia/2025/04/09/pennsylvania-not-ordering-schools-to-eliminate-dei-per-trump-order/>

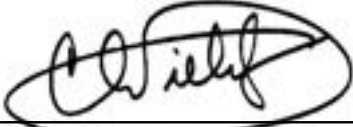
¹⁴ <https://www.oregonlive.com/education/2025/04/oregon-says-it-will-refuse-to-comply-with-trumps-dei-order-on-public-schools.html>

¹⁵ <https://www.chalkbeat.org/newyork/2025/04/04/new-york-state-education-department-wont-certify-trump-administration-anti-dei-policy/>

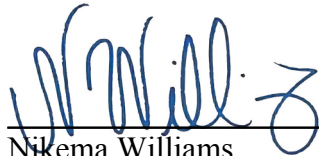
¹⁶ <https://www.aclu.org/trump-on-dei-and-anti-discrimination-law>



Eleanor Holmes Norton
Member of Congress



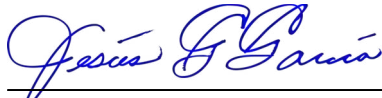
Cleo Fields
Member of Congress



Nikema Williams
Member of Congress



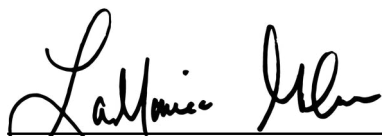
Shontel M. Brown
Member of Congress



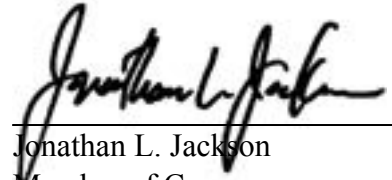
Jesús G. "Chuy" García
Member of Congress



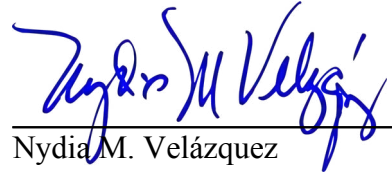
Andrea Salinas
Member of Congress



LaMonica McIver
Member of Congress



Jonathan L. Jackson
Member of Congress



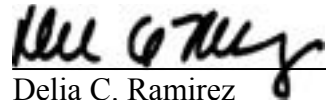
Nydia M. Velázquez
Member of Congress



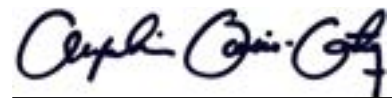
Pramila Jayapal
Member of Congress



Ayanna Pressley
Member of Congress



Delia C. Ramirez
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



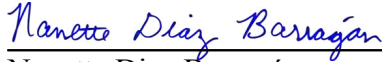
Mike Quigley
Member of Congress



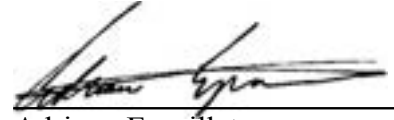
Ilhan Omar
Member of Congress



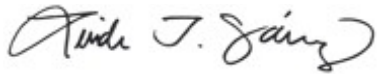
Mark DeSaulnier
Member of Congress



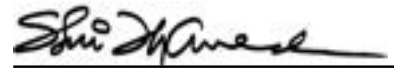
Nanette Diaz Barragán
Member of Congress



Adriano Espaillat
Member of Congress



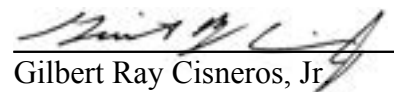
Linda T. Sánchez
Member of Congress



Shri Thanedar
Member of Congress



Joyce Beatty
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



Frederica S. Wilson
Member of Congress



Danny K. Davis
Member of Congress



Greg Casar
Member of Congress



Jared Huffman
Member of Congress



Steve Cohen
Member of Congress



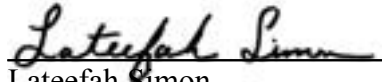
Marc A. Veasey
Member of Congress



Robin L. Kelly
Member of Congress



Diana DeGette
Member of Congress



Lateefah Simon
Member of Congress



John B. Larson
Member of Congress



MARK TAKANO
Member of Congress



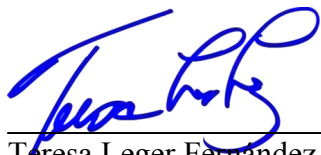
Bonnie Watson Coleman
Member of Congress



Doris Matsui
Member of Congress



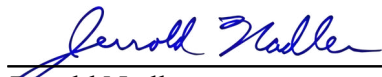
Jan Schakowsky
Member of Congress




Teresa Leger Fernandez
Member of Congress



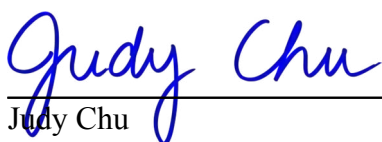
Lloyd Doggett
Member of Congress



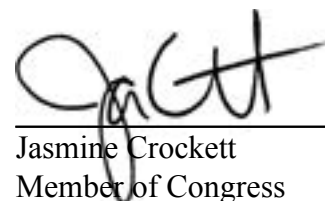
Jerrold Nadler
Member of Congress



Becca Balint
Member of Congress



Judy Chu
Member of Congress



Jasmine Crockett
Member of Congress