

# 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 letter<sup>1</sup> sent by the Department of Education to State Education Agencies on April 3<sup>rd</sup>. 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 compliance<sup>2</sup> 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 3<sup>rd</sup> letter follows the February 14<sup>th</sup> Dear Colleague letter<sup>3</sup> and March 1<sup>st</sup> FAQ's<sup>4</sup> unprecedented misinterpretation of Title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the U.S. Constitution. On February 27<sup>th</sup>, members of Congress sent a letter<sup>5</sup> 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*<sup>6</sup> is inconsistent with legal precedent that held that policies enhancing equity, diversity, inclusion, and accessibility are not inherently discriminatory.<sup>7,8</sup> The Department cannot rewrite federal statutes or the U.S. Constitution. Members of Congress' February 27<sup>th</sup> letter also stressed that the Department does not have the authority to revoke federal funding from states, districts, or schools without due process.<sup>9</sup>

Furthermore, there are ongoing lawsuits from the American Federation of Teachers and American Sociological Association<sup>10</sup> as well as the National Education Association<sup>11</sup> highlighting additional constitutional infirmities of the Department of Education's guidance in the February 14<sup>th</sup> Dear Colleague letter.

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<sup>1</sup> <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>

<sup>2</sup> <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>

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

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

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

<sup>6</sup> [https://www.supremecourt.gov/opinions/22pdf/20-1199\\_hgdj.pdf](https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf)

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

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

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

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

<sup>11</sup> <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.<sup>12</sup> As State Education Agencies like those in Pennsylvania,<sup>13</sup> Oregon,<sup>14</sup> and New York<sup>15</sup> 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.<sup>16</sup>

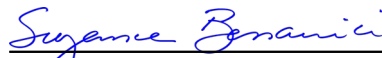
We urge the Department of Education to consider the arguments laid out in the February 27<sup>th</sup> letter from members of Congress; multiple lawsuits from education and civil rights organizations; and responses from State Education Agencies. The Department must rescind the guidance in its February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

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

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

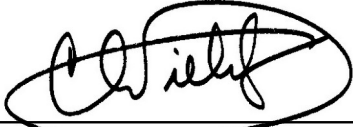
<sup>14</sup> <https://www.oregonlive.com/education/2025/04/oregon-says-it-will-refuse-to-comply-with-trumps-dei-order-on-public-schools.html>

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

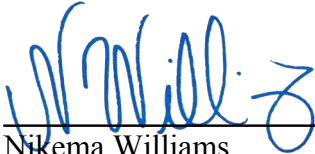
<sup>16</sup> <https://www.aclu.org/trump-on-dei-and-anti-discrimination-law>



Eleanor Holmes Norton  
Member of Congress



Cleo Fields  
Member of Congress



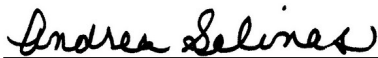
Nikema Williams  
Member of Congress



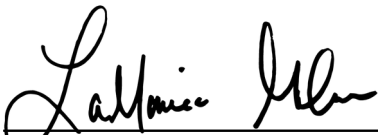
Shontel M. Brown  
Member of Congress



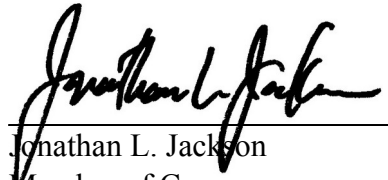
Jesús G. "Chuy" García  
Member of Congress



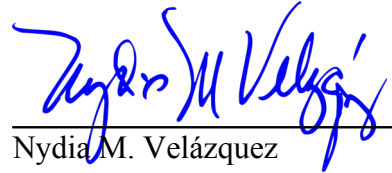
Andrea Salinas  
Member of Congress



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



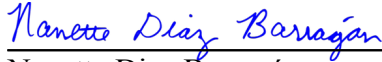
Mike Quigley  
Member of Congress



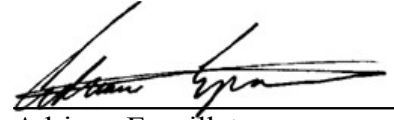
Ilhan Omar  
Member of Congress



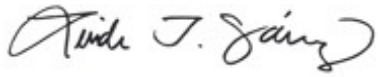
Mark DeSaulnier  
Member of Congress



Nanette Diaz Barragán  
Member of Congress



Adriano Espaillat  
Member of Congress



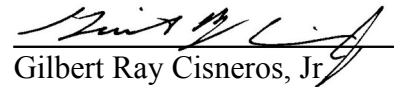
Linda T. Sánchez  
Member of Congress



Shri Thanedar  
Member of Congress



Joyce Beatty  
Member of Congress



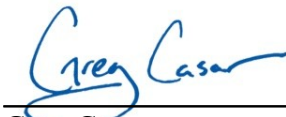
Gilbert Ray Cisneros, Jr.  
Member of Congress



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



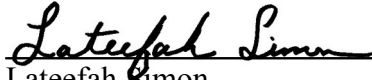
Marc A. Veasey  
Member of Congress



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



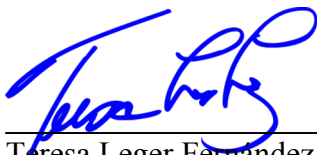
Bonnie Watson Coleman  
Member of Congress



Doris Matsui  
Member of Congress



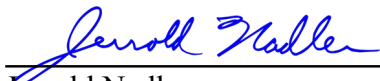
Jan Schakowsky  
Member of Congress



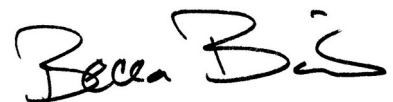
Teresa Leger Fernandez  
Member of Congress



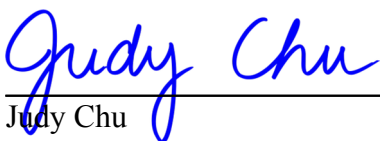
Lloyd Doggett  
Member of Congress



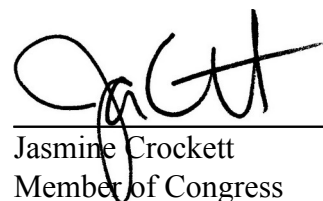
Jerrold Nadler  
Member of Congress



Becca Balint  
Member of Congress



Judy Chu  
Member of Congress



Jasmine Crockett  
Member of Congress