

## Dismantling the U.S. Department of Education Endangers All Pennsylvania Students. Speak Out!

April 2025

The unlawful dismantling of the U.S. Department of Education is [well underway](#). If not reversed, it will be catastrophic for schoolchildren across Pennsylvania. No president can unilaterally eliminate the Department of Education, nor erase our students' legal rights. But gutting the department would certainly mean far fewer federal resources for our most underfunded schools and fewer supports for underserved students.

The administration's executive orders, mass layoffs, and funding cuts will likely continue to be challenged in court, but action by Congress is needed now. ELC urges parents, educators, and community members to contact their federal representatives in the House and Senate and demand that they protect our students and schools by stopping the dismantling of the department. Make your voice heard now to ensure that our federal government continues to play a vital role in [expanding equity in public education](#) through continued federal funding, guidance and oversight regarding federal laws, and enforcement of civil rights protections for schoolchildren across Pennsylvania.

### OVERVIEW

Eliminating the department will mean fewer federal resources for our most underfunded schools, a lack of critical oversight, and the absence of federal civil rights enforcement. It will result in greater inequities for our students, increased discrimination, and the elimination of essential protections for diverse learners.

Federal education funding supports the most marginalized students, including [26 million students](#) nationally who are impacted by poverty and [7.5 million students with disabilities](#), as well as students in rural schools, multilingual learners, students experiencing homelessness, and those in the foster care and juvenile justice systems. Here in Pennsylvania, we must defend not just the Department of Education funding but the [\\$4.67 billion in critical public education funding](#) overall provided to our state's schools by the federal government.

In addition to vital funding, the department has helped advance educational equity in other ways: researching promising practices; ensuring effective implementation of

federal education laws through oversight, monitoring, and guidance for states and school districts; compiling a federal data collection to address inequities; expanding student access to higher education through federal funding; and protecting students from discrimination through civil rights enforcement.

One of the department's essential functions has been addressing inequities impacting Black and Brown students, students with disabilities, LGBTQ+ youth, and multilingual learners. The administration has now made clear that these commitments have been [abandoned](#). The U.S. Department of Education is instead [making false claims](#) that diversity, equity, and inclusion (DEI) practices are discriminatory, illegal, and rendered unconstitutional by the U.S. Supreme Court – advancing legally erroneous, offensive, and racist mischaracterizations of efforts to ensure equal access to education for diverse student populations.

Without a functioning U.S. Department of Education, we are certain to see:

- Fewer qualified teachers in classrooms and the elimination of tutoring programs and remedial services for students in Title I schools, which are found in urban, suburban, and rural communities;
- Reductions in special education funding and elimination of oversight and enforcement of special education laws, leaving more students with disabilities struggling to learn and more families struggling to ensure compliance with their children's IEPs;
- Lack of school stability, school supplies, and uniforms for children who are experiencing homelessness;
- Lack of effective English language instruction for immigrant students;
- Reduced funding to support academic success for children in foster care and the juvenile justice system;
- No redress for civil rights complaints, erasing key protections against discrimination based on race, color, national origin, language, sex, religion, and disability.

We need Congress and the courts to reject these unlawful efforts to eliminate the department. We demand a strong federal commitment to educational equity.

## ACTIONS BY THE ADMINISTRATION

The department released a [statement](#) on March 11, 2025, announcing a reduction in force, eliminating more than 1,300 positions. The department's workforce has been cut in half. Seven field offices for the Office of Civil Rights (OCR) that respond to discrimination complaints have been closed, including the [Philadelphia office](#), which was responsible for discrimination complaints submitted from Pennsylvania and four other states.

On March 20, 2025, the administration issued an [executive order](#) directing the closure of the U.S. Department of Education, while falsely claiming that investments in public schools do not improve academic outcomes and that federal dollars targeted to students impacted by poverty, children with disabilities, multilingual learners, etc. are a waste of taxpayer money.

The department issued a [letter](#) to all school districts and states on April 3, 2025, asking them to certify in writing that they're not using "diversity, equity, and inclusion" (DEI) practices, establishing this as a condition to continue receiving federal education funds.

## LEGAL CHALLENGES

Actions to dismantle the department are being [challenged](#) in court. For example, New Jersey's attorney general and others filed a [lawsuit](#) on March 13 against the Trump administration over its termination of more than 1,300 Education Department staffers, charging that the layoffs are an illegal dismantling of the department. Other challenges to mass agency firings are also working their way through the courts. Two judges on March 13 [ordered mass reinstatement](#) of fired federal probationary employees, affecting 18 major agencies.

Another [lawsuit](#) was filed March 14 on behalf of students and families with pending civil rights complaints with OCR. On March 24, a coalition of advocacy organizations representing educators, civil rights advocates, and students filed a [lawsuit](#) challenging the administration's attempted shutdown of the department. If you have filed an OCR complaint and would like to discuss its status and your options, please contact [ELC's Helpline](#).

The department's declaration that it will cut off federal funding to states and districts that maintain undefined "illegal" DEI practices is also subject to legal challenge. The executive branch lacks legal authority to determine federal funding; this is the responsibility of Congress. Moreover, the threat to cut funding is premised on the same faulty legal analysis as the Feb. 14 Dear Colleague letter that is facing [legal challenge](#).<sup>1</sup> As explained in ELC's [joint letter with the ACLU](#), DEI policies and practices are not prohibited by federal law nor by the U.S. Supreme Court's narrow ruling on admissions in the [Students for Fair Admissions Inc.](#) case. Rather, DEI policies advance the goals of Title VI by remedying racial discrimination, promoting culturally

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<sup>1</sup> The Supreme Court recently overturned a lower court's order that had temporarily reinstated teacher training grants alleged to support "illegal" DEI programs. Importantly, that decision did not address the legality of DEI practices at all. Rather, the court ruled that state recipients of federal funding had failed to show irreparable harm and the district court lacked jurisdiction to order the payment of money under the Administrative Procedures Act's immunity provisions.

responsible curriculum (which must be determined at the local and state level), and ensuring educational equity for all students.

The administration's actions to dismantle the department are rightfully being challenged in court. The U.S. Department of Education was created by an act of Congress, and it cannot be closed without an act of Congress. Until then, the administration is legally obligated to carry out its functions as mandated by federal law. The administration has no authority to move the department's duties to another agency or impound congressionally budgeted funds on its own. The executive orders violate existing federal law, as well as the constitutional authority vested in Congress and the executive branch.

### WHAT YOU CAN DO: ADVOCACY RECOMMENDATIONS

**Urge Congress** to stop the illegal abuse of executive authority. Members must reject efforts to dismantle the U.S. Department of Education and cut funding, instead restoring the federal commitment to educational equity. [Contact](#) your representative and senators today. You can also meet with legislative staff during recess sessions. Use this [advocacy toolkit](#) to learn more.

**Engage your school board**, and [encourage them to speak out](#). You can also consider reaching out to schools in your community or the school district that you or your children attended. Here is a [sample outreach letter](#).

**Post stories and videos** explaining why you oppose dismantling the Department of Education, using the hashtag [#SpeakUpForED](#).

To understand what the elimination of the U.S. Department of Education will mean for Pennsylvania's students, please see [ELC's "Analysis"](#) highlighting how this action will impact specific student populations across the state.

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The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC's Helpline for information and advice – visit [www.elc-pa.org/contact](http://www.elc-pa.org/contact) or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.