

**Congress of the United States**  
**Washington, DC 20515**

March 6, 2025

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

Dear Secretary McMahon:

We write to raise the strongest of objections to the chaotic series of actions taken by the Department of Education (“the Department”) over the past five weeks. The Department has illegally fired an unknown number of staff<sup>1 2</sup> and placed dozens of other staff on paid administrative leave, unable to carry out their job responsibilities for the American people.<sup>3</sup> Furthermore, the Department will presumably be following recent orders from the Administration to prepare for significant reductions in the agency’s workforce and to submit “Agency RIF and Reorganization Plans” in phases through mid-April.<sup>4</sup> This will undermine the ability of the Department to effectively administer and oversee federal education programs and funds, exposing them to increased risk for waste, fraud, and abuse.<sup>5</sup> Combined with other actions of this Administration, this raises grave concern about what appears to be a series of steps intended to illegally eliminate the Department.

If the Administration’s goal is to root out waste, fraud, and abuse of federal funding and promote the most effective use of federal funds under the law to address challenges students and families face, we could work together to address those shared goals. However, the sledgehammer approach of mass firings and illegal termination of grants and contracts intended to support evidence-based approaches to improving education for all students at all levels of education<sup>6</sup> appear to primarily serve the interest of congressional Republicans and President Trump in claiming savings in the federal budget that they intend to use to pay for their tax breaks for billionaires and large corporations.<sup>7</sup> Yet these savings have been wildly exaggerated even though the consequences on students, educators, schools, and families are real.<sup>8 9 10</sup>

<sup>1</sup> <https://www.politico.com/news/2025/02/12/education-department-fire-civil-servants-00203980>

<sup>2</sup> <https://osc.gov/News/Pages/25-22-Stay-Request-Probationary-Employees.aspx>

<sup>3</sup> <https://abcnews.go.com/Politics/some-department-education-staff-put-on-leave-after-trump-dei-order/story?id=118398190>

<sup>4</sup> <https://www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf>

<sup>5</sup> [https://oig.ed.gov/sites/default/files/reports/2025-02/FY25%2520Management%2520Challenges%2520Facing%2520the%2520U.%2520S.%2520Department%2520of%2520Education%2520%252811.18.24%2529v100\\_508\\_SECURED.pdf](https://oig.ed.gov/sites/default/files/reports/2025-02/FY25%2520Management%2520Challenges%2520Facing%2520the%2520U.%2520S.%2520Department%2520of%2520Education%2520%252811.18.24%2529v100_508_SECURED.pdf)

<sup>6</sup> <https://www.propublica.org/article/departement-of-education-institute-education-science-contracts-doge>

<sup>7</sup> <https://americansfortaxfairness.org/atf-coalition-letter-opposing-extension-trump-tax-scam/>

<sup>8</sup> <https://why.org/articles/doge-overstates-savings-federal-contracts/>

<sup>9</sup> <https://www.washingtonpost.com/business/2025/02/22/doge-savings-found-list-analysis/>

<sup>10</sup> [https://www.washingtonpost.com/politics/2025/02/11/ies-musk-doge-education-cuts/1d3f4bae-e898-11ef-969b-cfbefac1eb3\\_story.html](https://www.washingtonpost.com/politics/2025/02/11/ies-musk-doge-education-cuts/1d3f4bae-e898-11ef-969b-cfbefac1eb3_story.html)

We are deeply concerned about the impacts of the Administration’s personnel decisions. While the Department has not responded to numerous requests from congressional staff for information about the decisions to fire Department employees or place them on paid administrative leave, reporting on the personnel actions of the Administration indicates such actions have brought routine Department activities to a halt.<sup>11</sup> These include the critical work of the Offices for Civil Rights and Federal Student Aid.<sup>12</sup> Put simply, federal workers who have taken an oath to serve the American people are being terminated without cause and placed on leave in violation of the law at a direct cost to taxpayers and our nation’s students.

The Office for Civil Rights (“OCR”) is responsible for protecting the civil rights of the nation’s students. OCR’s work is particularly important for students with disabilities where complaints alleging disability discrimination are typically the most frequent complaints received.<sup>13</sup> While OCR received the highest number of complaints in its history last year—and nearly three times the level in 2009—its staffing declined from 629 to 588 during this period.<sup>14</sup> It is unclear if OCR has responded to any new cases filed since January 20, 2025, or resolved any cases during the past five weeks.<sup>15</sup> Reporting also indicates that changed priorities of OCR since January 20, 2025, have stalled work on investigations of disability complaints, preventing timely consideration of such complaints and appropriate remedies.<sup>16</sup> Moreover, on February 21, 2025, merely hours after the Governor of Maine stood up to President Trump and defended her state’s civil rights law, OCR initiated an infrequently utilized directed investigation into Maine’s Department of Education and a local school district.<sup>17</sup>

The Office of Federal Student Aid (“FSA”) administers over \$120 billion in federal loans and grants to help students around the country afford their postsecondary education every year.<sup>18</sup> Included in that work is FSA’s responsibility to launch and administer the Free Application for Federal Student Aid (“FAFSA”) every year, including processing over 17 million FAFSA forms a year.<sup>19</sup> Our nation has seen over the past several years how understaffing at FSA helped contribute to the disastrous launch of the new FAFSA form for award year 2023-2024, which significantly delayed, and in some cases put on hold, the ability of students across the country to apply for needed financial aid.<sup>20</sup> FSA is also currently working to ensure millions of student borrowers can be placed into repayment plans that allow them to repay their student loans without undue hardship. It is deeply alarming that days after the Eighth Circuit Court of Appeals ruled against the SAVE plan, the Department appears to have taken down the online application process for income-driven repayment programs, calling into question how borrowers who originally enrolled in SAVE can find a suitable income-driven repayment alternative going forward.<sup>21</sup> FSA has many critical

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<sup>11</sup> <https://www.politico.com/newsletters/weekly-education/2025/02/18/fired-education-department-workers-speak-out-00204617>

<sup>12</sup> <https://apnews.com/article/education-department-paid-leave-dei-ad8ab48fabba227316e394dc5ad32770>

<sup>13</sup> <https://www.ed.gov/sites/ed/files/about/overview/budget/budget25/justifications/dd-ocr.pdf>

<sup>14</sup> <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf>

<sup>15</sup> <https://ocrcas.ed.gov/ocr-search?f%5B0%5D=resolved%3A2025>

<sup>16</sup> <https://apnews.com/article/education-department-iep-disability-civil-rights-trump-85a6687d9ef1f5236f2637924d66a560>

<sup>17</sup> <https://mainemorningstar.com/2025/02/21/trump-administration-launches-investigation-into-maine-schools-over-transgender-policy/>

<sup>18</sup> <https://studentaid.gov/about>

<sup>19</sup> <https://studentaid.gov/about>

<sup>20</sup> <https://www.insidehighered.com/news/government/student-aid-policy/2025/01/30/how-fafsa-fiasco-may-transform-education-department>

<sup>21</sup> <https://www.forbes.com/sites/adamminsky/2025/02/24/department-of-education-takes-down-key-student-loan-forgiveness-and-repayment-applications/>

tasks ahead to make sure students can receive their financial aid smoothly and to ensure that student borrowers can repay their loans and receive the support they need while in repayment. Initial reports indicate that staffing levels in FSA are down by at least ten percent and that those reductions in staffing are taking place in several mission critical FSA offices, including offices that work on borrower defense, information technology services (critical to the FAFSA), and the ombudsman's office, which seeks to help student borrowers and their families address problems with their student loans.<sup>22</sup> With so many FSA responsibilities happening simultaneously, cutting FSA's workforce at this critical time could lead to disastrous results for students and their families.

The Administration's decisions to focus its attention on laying off staff rather than administering and monitoring federal education programs accomplishes nothing to improve student outcomes or deliver for working people. Over the past five weeks, the Administration has not published a single notice inviting applications, even for the Department's longstanding discretionary grant programs,<sup>23</sup> and it is unclear if the Department has carried out any of its monitoring responsibilities, which are crucial to identifying areas for program improvement and any instances of waste, fraud, and abuse.

Given the President's disregard for the law and the need for stability and productivity in government, it is critical for the Department to provide accurate, timely responses on its use of taxpayer resources provided by the laws passed by Congress. We request you provide written answers to the following questions as soon as possible, but not later than March 14, 2025:

1. For each program office,<sup>24</sup> please provide the number of staff placed on paid administrative leave since January 20<sup>th</sup> as of the pay period including January 23, 2025 and the most recent pay period. How many of those employees participated in a training for the Department's "Diversity Change Agent Program" or a similar training?
2. For each program office, please provide the total salaries and benefits costs of staff placed on paid administrative leave since January 20<sup>th</sup> as of the pay period including January 23, 2025 and the most recent pay period. For the Department in total, please provide the estimated total salaries and benefits costs incurred for employees placed on administrative leave since January 20<sup>th</sup>.
3. For the Office for Civil Rights, please provide the number of investigators placed on paid administrative leave since January 20<sup>th</sup> as of the pay period including January 23, 2025 and the most recent pay period, and their average caseload.
4. On January 28, 2025, the U.S. Office of Personnel Management (OPM) sent a so-called "Fork in the Road" email to more than two million federal employees offering the opportunity to take "deferred resignation" by February 6, 2025. For each program office, please provide:
  - a. The number of employees that offered to resign as part of the deferred resignation program.

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<sup>22</sup> <https://www.usatoday.com/story/news/education/2025/02/20/federal-buyouts-student-loans-musk/79326914007/>

<sup>23</sup> <https://www.federalregister.gov/documents/search?conditions%5B%5B%5D=education-department>

<sup>24</sup> <https://www.ed.gov/about/ed-offices>

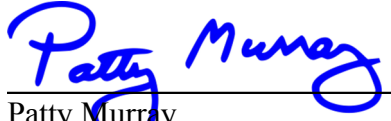
- b. The number of employees whose resignations were accepted as part of the deferred resignation program.
  - c. The number and types of duties re-assigned from employees whose resignations were accepted as part of the deferred resignation program.
  - d. The number and types of duties eliminated from employees whose resignations were accepted as part of the deferred resignation program.
  - e. The roles and number of personnel who tried to accept but were excluded from the deferred resignation program.
  - f. For the Department in total, the estimated total salaries and benefits costs in fiscal year 2025 for employees whose resignations were accepted as part of the deferred resignation program.
5. The Department has fired an unknown number of probationary employees. For each program office, please provide:
  - a. The number of probationary employees fired.
  - b. The number of fired probationary employees with unacceptable performance ratings reflected on official documentation prior to January 20, 2025.
  - c. For the Department in total, the estimated total salaries and benefits costs in fiscal year 2025 for fired probationary employees.
  - d. The number of probationary employees fired who were veterans.
  - e. The number of probationary employees under Schedule A with disabilities fired.
6. The Executive Order entitled, “Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce” seeks to create a new Schedule Policy/Career in the excepted service for policy-influencing positions. For each program office:
  - a. Please provide the number of positions reviewed for inclusion in the new Schedule Policy/Career.
  - b. Please provide the number of positions to be recommended for inclusion in the new Schedule Policy/Career.
  - c. Please identify the number of positions in which employees would disregard the law at the request of the President to implement administration policies.
7. The President and his team have directed all agencies to develop Agency Reorganization Plans in phases through mid-April.<sup>25</sup> Please provide us with a briefing of such plans no later than seven days after the Department submits such plan to the Office of Management and Budget and the Office of Personnel Management.

Thank you for your attention to this urgent matter. We look forward to your prompt response.

Sincerely,

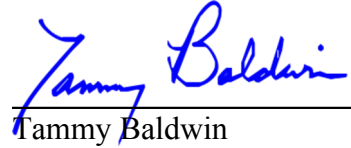
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<sup>25</sup> <https://www.opm.gov/policy-data-oversight/latest-memos/guidance-on-agency-rif-and-reorganization-plans-requested-by-implementing-the-president-s-department-of-government-efficiency-workforce-optimization-initiative.pdf>



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Patty Murray  
Vice Chair  
Committee on Appropriations



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Tammy Baldwin  
Ranking Member  
Appropriations Subcommittee  
on Labor, Health and Human  
Services, Education, and  
Related Agencies



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Bernard Sanders  
United States Senator  
Ranking Member, Committee  
on Health, Education, Labor,  
and Pensions



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Rosa L. DeLauro  
Member of Congress  
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Robert C. "Bobby" Scott  
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