United States Senate

WASHINGTON, DC 20510

November 12, 2026

The Honorable Jesus A. Osete
Acting Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington DC, 20530

Dear Acting Assistant Attorney General Osete:

School desegregation orders should end when discrimination has been remedied, not when the Department of Justice (DOJ) loses interest in monitoring and enforcing them. Yet DOJ is retreating from more than fifty longstanding desegregation cases without adequately explaining why federal oversight is no longer necessary. I am demanding answers about the evidence DOJ reviewed, the legal standards it applied, and whether the students, families, and communities most affected had a meaningful opportunity to be heard.

DOJ's recent moves to dismiss more than fifty federal school desegregation orders are troubling, raise questions about the Department's motivation, and require more transparency.[1] In several recent cases, courts have continued to find intentional discrimination and segregated school environments.[2] In some instances, reporting shows that racial segregation has worsened over time in school districts where DOJ has abandoned its watchdog role.[3] And in other cases, DOJ has appeared to water down the evidentiary standards and scrutiny it applies in evaluating cases for dismissal.[4] Taken together, these developments raise the concern that DOJ is moving to end federal oversight not because school districts have achieved unitary status—"the point at which a formerly racially segregated school system is deemed to have dismantled *de jure* segregation and, therefore, may be released from federal court supervision"[5]—but because the Department no longer wishes to enforce the orders. I am also concerned that DOJ may be failing to assess all available evidence with the necessary rigor and is instead seeking to end its involvement with little notice for the students, families, and communities most affected.

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[1] Press Release, U.S. Department of Justice, Justice Department Ends Over 50 Half-Century-Old Desegregation Cases Throughout the United States (Sept. 24, 2026), https://www.justice.gov/opa/pr/justice-department-ends-over-50-half-century-old-desegregation-cases-throughout-united.

[2] Press Release, NAACP Legal Defense Fund, LDF Decries U.S. Department of Justice Dismissal of Over Fifty Federal School Desegregation Cases (Sept. 25, 2026), https://www.naacpldf.org/press-release/ldf-decries-u-s-department-of-justice-dismissal-of-over-fifty-federal-school-desegregation-cases/.

[3] Naaz Modan and Julia Himmel, *DOJ lands desegregation order dismissals even where segregation remains*, K-12 Dive (Oct. 12, 2026), https://www.k12dive.com/news/doj-lands-desegregation-order-dismissals-even-where-segregation-remains/832772/.

[4] John Borkowski et al., *Some Recent Motions for Unitary Status Seem to Be Facing Less Careful Scrutiny*, Husch Blackwell (Mar. 4, 2026), https://www.k-12legalinsights.com/2026/03/some-recent-motions-for-unitary-status-seem-to-be-facing-less-careful-scrutiny/.

[5] *Id*.

Federal school desegregation cases are highly complex. Courts assessing whether a school has achieved unitary status analyze several factors, including student assignment, faculty, staff, transportation, facilities, and extracurricular activities (the "*Green* factors")[6] in addition to quality of education and student discipline.[7] School systems often achieve partial desegregation, satisfying some *Green* factors, but still require federal and court oversight with respect to others. Regardless of the extensiveness of its desegregation, a district must continue to demonstrate its affirmative commitment to good faith compliance with the entirety of the desegregation plan.[8]

The complicated and nuanced nature of removing the vestiges of segregation means that DOJ often actively monitors these cases for years. Indeed, some school systems take decades to satisfy all the *Green* factors and achieve full unitary status.[9] These processes often involve private plaintiffs and community members who closely monitor school districts for continuing racial discrimination and alert federal attorneys to violations of desegregation orders.[10] And because racial discrimination can manifest across many aspects of school operations, DOJ has historically required school districts to produce data and other evidence demonstrating their compliance with desegregation orders and their efforts to eliminate the vestiges of past discrimination to the extent practicable. This oversight has sometimes continued for decades, until a court determines that the district has satisfied its desegregation obligations.[11] Time in and of itself is not a remedy.

DOJ's recent actions in desegregation cases lead us to question whether it is departing from longstanding policy, practice, and procedure. A September 24 DOJ press release stated: "In this administration, we are ending prolonged federal oversight of these school districts because the effort does not reflect the reality of those classrooms today. In some cases, school districts have been under federal control for more than 60 years."[12] That statement appears to put the cart before the horse, starting with the assumption that school desegregation cases are outdated and not with evidence that a school system is fully unitary. The reality is that today's classrooms still require thorough federal oversight; communities are still alleging significant racial discrimination.[13]

In the context of the Trump administration's wider attacks on school civil rights enforcement and oversight, I find it especially difficult to believe that DOJ's move to dismiss these cases is based

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[6] *Green v. County School Board of New Kent County*, 391 U.S. 430 (1968).
[7] U.S. Department of Justice Civil Rights Division Case Summaries, https://www.justice.gov/crt/case-summaries (last accessed Oct. 14, 2026).
[8] *Freeman v. Pitts*, 503 U.S. 467 (1992).
[9] *See supra* note 4.
[10] *E.g.*, Consent Order at 1-3, *Barnhardt v. Meridian Municipal Separate School District*, No. 4:65-cv-01300-HTW-LRA (S.D. Miss. Mar. 22, 2013), ECF No. 32-1, *available at* https://www.justice.gov/sites/default/files/crt/legacy/2013/04/21/meridianpropdecree.pdf.
[11] U.S. Gov't Accountability Off., K–12 Education: Better Use of Information Could Help Agencies Identify Disparities and Address Racial Discrimination, GAO-16-345, at 6-7, 40 (2016), https://www.gao.gov/assets/gao-16-345.pdf.
[12] *Supra* note 1.
[13] *See*, *e.g.*, Grace Marion and Torsheta Jackson, *Rankin County Families Grapple With End of School Desegregation Order*, Mississippi Free Press (Sept. 21, 2026), https://www.mississippifreepress.org/rankin-county-families-grapple-with-end-of-school-desegregation-order/; Christopher Keating, *Trump administration ends CT school desegregation case. CT lawmaker objects, citing 'risks of resegregation'*, Hartford Courant (Oct. 2, 2026), https://www.courant.com/2026/10/02/trump-administration-ends-ct-school-desegregation-case-hayes-objects/.

on evidence of unitary school systems. In June 2026, the Department of Education proposed gutting the Equity Assistance Centers (originally called Desegregation Assistance Centers), the nation's leading and oldest school civil rights technical assistance program, authorized under the Civil Rights Act,[14] contrary to decades of congressional appropriations and intent.[15] The Administration has also sought to weaken federal civil rights enforcement across the board, not just in school desegregation. The President's budgets for both Fiscal Years 2026 and 2027 called for a $49 million (35%) cut to the Department of Education's Office for Civil Rights (OCR) and reduced funding for the DOJ's Civil Rights Division (CRT).[16] Since January 20, 2025, the administration has pushed out hundreds of CRT staff—upwards of 300 career employees, including 75% of career attorneys.[17] And despite receiving a record number of complaints in 2025, Department of Education data show that OCR has failed to settle a single racial harassment complaint that was filed after the beginning of this administration.[18]

It appears that the Trump administration is seeking to curtail federal civil rights enforcement in education rather than using available tools to create fairer learning environments for children. In a period of rising school segregation,[19] we should be conducting more oversight and enforcement of civil rights, not less. For purposes of these questions, "covered cases" means all school desegregation cases in which DOJ has, since January 20, 2025, sought, supported, or agreed to termination of a desegregation order, dismissal of a case, or an end to DOJ's participation. I request detailed responses no later than December 1, 2026.

1. In how many school desegregation cases has DOJ sought or supported dismissal, termination of a desegregation order, or withdrawal of DOJ's participation since January 20, 2025?

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[14] 42 U.S.C. §§ 2000c-2000c-2, 2000c-5 (1964).
[15] Naaz Modan, *Trump administration moves to slash education civil rights efforts*, K-12 Dive (May 29, 2025), https://www.k12dive.com/news/trump-administration-mcmahon-equity-assistance-centers-naacp-desegregation/749203/; Press Release, U.S. Senator Ed Markey, Senator Markey, Colleagues Demand Education Department Withdraw Proposed Rule Gutting Equity Assistance Centers (Aug. 11, 2026), https://www.markey.senate.gov/news/press-releases/senator-markey-colleagues-demand-education-department-withdraw-proposed-rule-gutting-equity-assistance-centers.
[16] Off. of Mgmt. & Budget, Exec. Off. of the President, Fiscal Year 2026 Discretionary Budget Request (May 2, 2025), https://www.whitehouse.gov/wp-content/uploads/2025/05/Fiscal-Year-2026-Discretionary-BudgetRequest.pdf; Off. of Mgmt. & Budget, Exec. Off. of the President, Fiscal Year 2027 Budget of the U.S. Government (Apr. 2026), https://www.whitehouse.gov/wp-content/uploads/2026/04/budget_fy2027.pdf.
[17] Sam Levine, *Over 200 ex-staffers decry destruction of DoJ civil rights arm: 'America deserves better'*, The Guardian (Dec. 9, 2025), https://www.theguardian.com/us-news/2025/dec/09/justice-department-civil-rights-division-decry-trump; Glenn Thrush, *Justice Dept. Turns to Partisans and Conspiracists to Fill Depleted Ranks*, NY Times (Oct. 6, 2026), https://www.nytimes.com/2026/10/06/us/politics/justice-department-civil-rights-division.html.
[18] Press Release, Senate Committee on Health, Education, Labor, and Pensions Ranking Member Bernard Sanders, Sanders Releases New Report Detailing How Trump's Education Layoffs Abandoned Students Facing Violence, Harassment and Discrimination (Apr. 28, 2026), https://www.help.senate.gov/dem/newsroom/press/news-sanders-releases-new-report-detailing-how-trumps-education-layoffs-abandoned-students-facing-violence-harassment-and-discrimination; Human Rights Watch, *Remedies Abandoned: US Civil Rights Enforcement Under the Trump Administration*, Human Rights Watch (Aug. 13, 2026), https://www.hrw.org/report/2026/08/13/remedies-abandoned/us-civil-rights-enforcement-under-the-trump-administration.
[19] U.S. Gov't Accountability Off., K-12 Education: Student Population Has Significantly Diversified, but Many Schools Remain Divided Along Racial, Ethnic, and Economic Lines, GAO-22-104737 (July 14, 2022), https://www.gao.gov/products/gao-22-104737.

a. For each case, provide the case name, relevant court, docket number, school district, date of DOJ's action, type of action DOJ took (e.g., motion to dismiss, stipulated dismissal, withdrawal of the Department's participation, etc.), names of additional parties and their counsel in the case, and current status.

b. Provide copies of all motions, stipulations, agreements, and court orders relating to the termination of the case, desegregation order, or DOJ's participation.

2. Has DOJ changed its policies, practices, procedures, or the legal standards it applies for determining whether a school district has satisfied its desegregation obligations since January 20, 2025?

   a. If so, what changed, when, why, and who authorized the changes?

   b. Provide all written policies, guidance, instruction, directives, memoranda, and other documents reflecting these changes.

3. For each covered case, what evidence did DOJ review before deciding to seek or support dismissal or termination of federal oversight?

   a. What data and other evidence did DOJ review concerning each of the six *Green* factors, student discipline, quality of education, and any other areas covered by the desegregation order? How did DOJ obtain this data?

   b. What findings did DOJ make concerning the school district's compliance with its desegregation obligations, and what evidence supported those findings?

   c. Provide the data, reports, assessments, and other documents on which DOJ relied.

4. Since January 20, 2025, what steps did DOJ take to independently verify each school district's compliance with its desegregation obligations before seeking or supporting dismissal?

   a. Did DOJ conduct site visits, interview school officials, students, or parents, retain experts, or independently analyze district data? For each activity, when did it occur, who participated, and what were the findings?

   b. If DOJ did not undertake any of these steps, why not?

5. In any covered case, did DOJ identify evidence of continuing segregation, racial disparities, or noncompliance with a desegregation order?

   a. If so, what evidence did DOJ identify, and how did it evaluate and address that evidence before deciding to seek or support dismissal?

   b. Were any findings of noncompliance or concerns about continuing discrimination left unresolved? If so, what were they, and why did DOJ nevertheless support dismissal?

c. How, if at all, did DOJ consider racial disparities in academic achievement, including state assessments and college and career indicators, to support a district's removal from a desegregation order?

6. What notice and opportunity for input did DOJ provide to private plaintiffs, students, parents, and affected communities before seeking or supporting dismissal in each case?

   a. Whom did DOJ notify or consult, when, and through what means?

   b. What concerns or objections did DOJ receive, and how did it address them?

   c. In cases where DOJ did not notify or consult affected parties or community members, why not?

7. Who participated in reviewing and approving DOJ's decision to seek or support dismissal in each covered case?

   a. Identify the career attorneys, supervisors, and political appointees involved in reviewing or approving each decision, including their respective roles.

   b. Did any officials outside DOJ's Civil Rights Division, including White House officials or state attorneys general offices, participate in or communicate with DOJ about these decisions? If so, who, when, and concerning which cases?

   c. Provide all nonprivileged memoranda, recommendations, communications, and other documents concerning the decisions to seek or support dismissal.

8. How have staffing reductions or changes in enforcement priorities within DOJ's Civil Rights Division affected its review and monitoring of school desegregation cases since January 20, 2025?

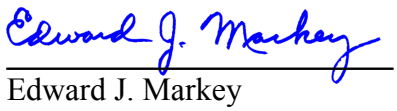
   a. How many attorneys and other employees were assigned to school desegregation enforcement on January 20, 2025, and how many are assigned today?

   b. Have staffing levels, resource constraints, or enforcement priorities affected the scope or duration of DOJ's investigations or its decisions to seek or support dismissal? If so, how?

As we reflect on the 250th anniversary of our nation's founding, we must strive to fulfill America's promise that all are created equal. Since the landmark Supreme Court decision in *Brown v. Board of Education*[20] and the enactment of Title IV of the Civil Rights Act of 1964,[21] the United States has made progress towards that goal. I urge the Department of Justice to ensure we remain on the path to fully achieving it, so that all our nation's students can learn free from discrimination and in environments that allow them to achieve their full potential.

[20] 347 U.S. 483 (1954).
[21] 42 U.S.C. § 2000c—2000c-9 (1964).

Sincerely,



Edward J. Markey
United States Senator